MISSION STATEMENT

Mission Statement

To provide professional, progressive, and proactive service while maintaining the public trust.

Major Goals

- To apprehend and assist in the prosecution of criminals, the recovery of property, and to aggressively enforce laws.
- To engage in behavior that is beyond ethical reproach and reflects the integrity of law enforcement professionals.
- To provide a safe environment for the public, staff, and inmates during all phases of the judicial process.
- To provide positive activities for inmates while in custody and encourage positive life changes.
- Commitment to a diverse, well-educated, and fit work force. To promote innovation and compassion within the work place.
- Commitment to personal growth through education, training, and mentorship.

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Table of Contents

MISSION STATEMENT. 1

Chapter 1 - Law Enforcement Role and Authority. 7

100 - Law Enforcement Authority. 8
102 - Chief Law Enforcement Officer. 10
104 - Oath of Office. 11
106 - Policy Manual. 12

Chapter 2 - Organization and Administration. 17

200 - Organizational Structure and Responsibility. 18
204 - Departmental Directives and Special Orders. 20
206 - Emergency Operations Plan. 21
212 - Electronic Mail and Communications. 23
214 - Administrative Communications. 24
216 - Supervision Staffing Levels. 25
218 - Permit to Carry a Pistol. 26
222 - Handgun Purchase and Transfer Permit. 30

Chapter 3 - General Operations. 32

300 - Use of Force. 33
302 - Use of Force Review. 41
308 - Control Devices. 42
309 - Conducted Energy Device. 47
310 - Electronic Restraints. 54
311 - Officer-Involved Shootings and Deaths. 57
313 - Firearms. 66
315 - Vehicle Pursuits. 76
317 - Deputy Response to Calls. 89
319 - Canines. 92
321 - Domestic Abuse. 101
323 - Search and Seizure. 110
325 - Temporary Custody of Juveniles. 112
327 - Adult Abuse. 120
329 - Discriminatory Harassment. 125
331 - Child Abuse. 126
333 - Missing Persons. 134
335 - Public Alerts. 145
337 - Victim and Witness Assistance. 149
339 - Hate or Prejudice Crimes. 152
341 - Standards of Conduct. 155
343 - Information Technology Use. 162
345 - Report Preparation. 166
347 - Media Relations. 169
349 - Court Appearance and Subpoenas. 172

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351 - Part-Time Deputies. 176
353 - Outside Agency Assistance. 177
357 - Registered Predatory Offender. 179
359 - Major Incident Notification. 185
361 - Death Investigation. 187
363 - Identity Theft. 190
365 - Private Persons Arrests. 192
369 - Limited English Proficiency Services. 194
373 - Pupil Arrest Reporting. 201
374 - Biological Samples. 202
376 - Chaplains. 204
380 - Child and Dependent Adult Safety. 206
382 - Service Animals. 209
384 - Volunteer Program. 212
386 - Native American Graves Protection and Repatriation. 218
387 - FBI and BCA System Security. 220
388 - Off-Duty Law Enforcement Actions. 222
389 - Discipline Policy for Misuse of CJDN. 224
391 - CJIS/NCIC Hit Confirmation. 226
392 - Second Party Check Requirements - Hot Files. 228
393 - Supporting Documentation for Property Hot File Records. 229
395 - Hot File Validation. 231
396 - Wanted Persons. 233
397 - Protection Orders and Domestic Abuse No Contact Orders. 235
398 - Extreme Risk Protection Orders. 236
399 - Generative Artificial Intelligence Use. 239

Chapter 4 - Patrol Operations. 242

400 - Patrol Function. 243
402 - Bias-Based Policing. 245
403 - Handcuffing and Restraints. 247
407 - Crime and Disaster Scene Integrity. 252
409 - SOUTH METRO SWAT. 254
411 - Ride-Along Policy. 257
413 - Hazardous Material Response. 260
415 - Hostage and Barricade Incidents. 262
417 - Response to Bomb Calls. 266
419 - Civil Commitments. 271
421 - Citation Releases. 274
423 - Foreign Diplomatic and Consular Representatives. 276
425 - Rapid Response and Deployment. 280
429 - Immigration Violations. 282
432 - Rifles. 285
434 - Aircraft Accidents. 287
436 - Field Training Officer Program. 291
440 - Contacts and Temporary Detentions. 294
442 - Criminal Organizations. 298

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445 - Mobile Fleet Camera System. 302
447 - Mobile Data Computer Use. 308
449 - Portable Audio/Video Recorders. 310
450 - Body Worn Camera Recorders (Deputies, Park Rangers, and Building Security Officers). 315
453 - Bicycle Patrol Unit. 325
459 - Automated License Plate Readers (ALPR). 327
466 - Criminal Conduct on School Buses. 331
467 - Public Recording of Law Enforcement Activity. 332
468 - Medical Aid and Response. 334
469 - Suspicious Activity Reporting. 338
470 - Civil Disputes. 340
471 - Medical Cannabis. 342
472 - First Amendment Assemblies. 345
473 - Crisis Intervention Incidents. 352
474 - School Resource Officers. 358

Chapter 5 - Traffic Operations. 363
500 - Traffic Function and Responsibility. 364
502 - Traffic Collisions. 368
510 - Vehicle Towing. 372
514 - Impaired Driving. 375
516 - Traffic Citations. 381
524 - Abandoned Vehicle Violations. 383

Chapter 6 - Investigation Operations. 385
600 - Investigation and Prosecution. 386
602 - Sexual Assault Investigations. 390
606 - Asset Forfeiture. 391
608 - Informants. 397
610 - Eyewitness Identification. 399
612 - Brady Material Disclosure. 403
613 - Unmanned Aerial System (UAS) Operations. 406
614 - Scrap Metal Theft Investigation. 410

Chapter 7 - Equipment. 412
700 - Office-Owned and Personal Property. 413
702 - Personal Communication Devices. 415
704 - Vehicle Maintenance. 416
706 - Vehicle Use. 418
708 - Assigned Vehicle Policy. 420
710 - Cash Handling, Security and Management. 424
711 - Personal Floatation Device. 426

Chapter 8 - Support Services. 427
800 - Property Room. 428
802 - Records. 439

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806 - Records Maintenance and Release. 440
808 - Protected Information. 446
810 - Computers and Digital Evidence. 450
818 - Jeanne Clery Campus Safety Act. 453
819 - Animal Control. 458

Chapter 9 - Custody. 461
900 - Custodial Searches. 462
901 - Transportation of Inmates Outside of a Secure Facility. 464
902 - Prison Rape Elimination. 466
904 - Temporary Custody of Adults. 483

Chapter 10 - Personnel. 488
1000 - Recruitment and Selection. 489
1003 - Payroll. 493
1008 - Anti-Retaliation. 494
1010 - Reporting of Employee Convictions and Court Orders. 497
1012 - Drug- and Alcohol-Free Workplace. 499
1016 - Bloodborne Pathogen Exposure Control Plan. 503
1018 - Smoking and Tobacco Use. 514
1020 - Personnel Complaints. 515
1022 - Seat Belts. 525
1024 - Body Armor. 527
1026 - Personnel Files. 529
1030 - Commendations and Awards. 536
1032 - Fitness for Duty. 540
1040 - Outside Employment. 543
1041 - Occupational Disease, Personal Injury and Death Reporting. 547
1043 - Personal Appearance Standards. 548
1045 - Uniform Regulations. 551
1047 - Sheriff's Explorers Program. 563
1049 - Nepotism and Conflicting Relationships. 564
1051 - Office Badges. 567
1053 - Temporary Modified-Duty Assignments. 569
1057 - Employee Speech, Expression and Social Networking. 572
1059 - POST Licensing. 576
1060 - Workplace Accident and Injury Reduction. 578
1061 - Line-of-Duty Deaths. 579

Attachments. 590
ABA Carrier.png. 591
PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY.pdf. . . . 592
Model Sexual Assault Investigation Policy 2019.pdf. 593
Confidential Informants Model Policy .pdf. 594
Eyewitness Identification Procedures Model Policy.pdf. 595
Adopted by Minnesota POST Board January 24.pdf. 596
Model Sexual Assault Investigation Policy 03-03-21.pdf. 597

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Model Sexual Assault Investigation Policy 02.16.21.pdf. 598
Model Sexual Assault Investigation Policy.pdf. 599
MN POST Professional Conduct of Peace Officers Model Policy.pdf. 600
Blauer 4660.JPG. 601
PSA Sweater.JPG. 602
Blauer 9820.JPG. 603
Command Class A.JPG. 604
PSA Class A.JPG. 605
PSA Daily.JPG. 606
Elbeco Carrier.JPG. 607
ABA Carrier.JPG. 608
MN Public Assembly-First Amendment Rights Model Policy .pdf. 609

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Dakota County Sheriff's Office to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Licensed deputies of this office are peace officers pursuant to Minn. Stat. § 626.84 Subd. 1.

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE DAKOTA COUNTY SHERIFF'S OFFICE

Arrest authority of a full-time deputy or part-time deputy extends to any place within the jurisdiction of the officewhen (Minn. Stat. § 629.34, Subd. 1 and Minn. Stat. § 629.40):

(a) Made pursuant to a warrant.

(b) The person is being arrested for a felony.

(c) The person is being arrested for a non-felony crime that was attempted or committed in the deputy's presence.

(d) The person is being arrested for a non-felony crime that was not attempted or committed in the deputy's presence but an arrest is permitted by statute (e.g., domestic abuse, restraining order, and no contact order violations).

(e) The person is a juvenile committed to the custody of the commissioner of corrections and committed a felony after he/she escaped from custody (Minn. Stat. § 609.485).

(f) There is reasonable cause to believe that the person to be arrested has committed or attempted to commit theft from a merchant (Minn. Stat. § 629.366).

The arrest authority of a part-time peace officer is applicable only while on-duty (Minn. Stat. § 629.34, Subd. 1(b)).

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE DAKOTA COUNTY SHERIFF'S OFFICE

Full- and part-time, on-duty deputies may make an arrest outside the jurisdiction of the Dakota County Sheriff's Office (Minn. Stat. § 629.40):

(a) Anytime the deputy may by law make an arrest for a criminal offense committed within the jurisdiction of the Dakota County Sheriff's Office, and the person to be arrested escapes from custody or flees out of the deputy's jurisdiction.

(b) Whenever the deputy is authorized by a court order.

(c) Under the same conditions as if the deputy was in the jurisdiction of the office, whenever the deputy is acting in the course and scope of employment.

A full-time deputy's warrantless arrest authority when off-duty and outside the jurisdiction of the office is limited to circumstances that would permit the deputy to use deadly force under Minn. Stat. § 609.066 (see the Use of Force Policy) (Minn. Stat. § 629.40, Subd. 4). Under any other

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circumstances, the full-time off-duty deputy is limited to the same power as are members of the general public.

A deputy making an arrest should, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made.

100.2.3 GRANTING AUTHORITY TO OTHERS
A deputy may summon the aid of private persons when making an arrest pursuant to a warrant (Minn. Stat. § 629.30).

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states:

(a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.

(b) When a deputy enters Iowa or Wisconsin in fresh pursuit of a felony subject (Iowa Code § 806.1; Wis. Stat. § 976.04).

(c) When a deputy enters North Dakota or South Dakota in pursuit of a subject who committed any offense (N.D.C.C. § 29-06-05; SDCL 23A-3-9; SDCL 23A-3-10).

Whenever a deputy makes an arrest in another state, the deputy shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Iowa Code § 806.2; N.D.C.C. § 29-06-06; SDCL 23A-3-12; Wis. Stat. § 976.04).

100.4 POLICY

It is the policy of the Dakota County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

While this office recognizes the power of peace officers to make arrests and take other enforcement action, deputies are encouraged to use sound discretion in the enforcement of the law. This office does not tolerate abuse of law enforcement authority.

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Minnesota Constitutions.

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Chief Law Enforcement Officer

102.1 PURPOSE AND SCOPE

The Minnesota Legislature acting through the Minnesota Board of Peace Officer Standards and Training (POST Board) has mandated that all peace officers employed within the State of Minnesota shall hold a POST Board license (Minn. Stat. § 626.846).

102.1.1 CHIEF LAW ENFORCEMENT OFFICER REQUIREMENTS

Any chief law enforcement officer of this office, as defined in Minn. R. 6700.0100, shall as a condition of employment hold a license as a peace officer with the POST Board (Minn. R. 6700.0800; Minn. R. 6700.0501). The peace officer license shall be renewed every three years as required by Minn. R. 6700.1000.

102.1.2 SHERIFF REQUIREMENTS

Any person who files as a candidate for sheriff must be licensed as a peace officer in this state. Any person who is appointed to the office of sheriff must be licensed as a peace officer in this state before entering upon the duties of the office (Minn. Stat. § 387.01).

Prior to performing duties, a sheriff shall give bond to the state as prescribed by Minnesota law.

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Oath of Office

104.1 POLICY

It is the policy of the Dakota County Sheriff's Office that, when appropriate, office members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Office and the dedication of its members to their duties (Minn. Stat. § 358.05).

104.2 PURPOSE AND SCOPE

Deputies of this office are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.3 OATH OF OFFICE

Upon employment, all employees shall be required to affirm, sign and date the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of the position, regardless of whether law mandates such an oath. The oath shall be as follows:

I, (employee name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Minnesota, and that I will faithfully discharge the duties of (applicable position or office) within and for the (name of political entity) and State.

104.4 MAINTENANCE OF RECORDS

Oaths mandated by law shall be filed as required by law (Minn. Stat. § 387.01; Minn. Stat. § 387.14). Other oaths shall be maintained consistent with other personnel employment records.

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Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Dakota County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this office. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

106.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably available at the time of any incident.

106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Dakota County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for office administrative action, training or discipline. The Dakota County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

106.2.2 STAFF

Staff shall consist of the following:

- Sheriff
- Chief Deputy
- The Commander from each division
- Any other employee designated or assigned by the Sheriff

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

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106.2.3 OTHER PERSONNEL

All Office employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commander who will consider the recommendation and forward it to staff.

106.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue Interim Directives, which shall modify those provisions of the manual to which they pertain. Interim Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Interim Directives may be abbreviated as “ID”
- Policy Manual sections may be abbreviated as “Section 106.X” or “§ 106.X”

106.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

CFR- Code of Federal Regulations.

Child- Any person under the age of 18 years.

County - The County of Dakota.

Non-sworn - Employees and volunteers who are not licensed peace officers.

Office/DCSO - The Dakota County Sheriff's Office.

DPS- The Minnesota Department of Public Safety.

DVS- The Minnesota Department of Driver and Vehicle Services.

Employee/personnel - Any person employed by the Office.

Manual - The Dakota County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Dakota County Sheriff's Office including:

- Full- and part-time employees
- Licensed peace officers
- Reserve, auxiliary deputies
- Non-sworn employees

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- Volunteers.

Deputy - Those employees, regardless of rank, who are licensed peace officer employees of the Dakota County Sheriff's Office.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace officer- An employee of the Office who is required to be certified by POST pursuant to Minn. Stat. § 626.84, Subd. 1 or otherwise holds a peace officer license. The term includes licensed full-time and part-time officers who perform the duties of a peace officer.

POST- The Minnesota Board of Peace Officer Standards and Training.

Rank - The title of the classification held by a deputy.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other office members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., deputy-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one office member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC- United States Code.

106.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the office network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

Each member shall acknowledge that they have been provided access to, and has had the opportunity to review the Policy Manual and Interim Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

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106.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that they have reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under their command are aware of any Policy Manual revision.

All office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

106.8 POLICY MANUAL FORMAT

The Policy Manual is formatted to the constraints set forth by Lexipol. Each policy shall contain, at a minimum, a sequential number, title, and applicable office content.

Policies and procedures should be organized into predetermined chapters and titled by subject topic. Chapters:

1. Law Enforcement Role and Authority
2. Organization and Administration
3. General Operations
4. Patrol Operations
5. Traffic Operations
6. Investigation Operations
7. Equipment
8. Support Services
9. Custody
10. Personnel

106.9 PROCEDURE TO IMPLEMENT POLICY

The Sheriff, or authorized designee, shall establish a procedure to implement office policies, Interim Directives or other operational temporary orders.

The Sheriff or authorized designee may disseminate the policies, written directives, or operational orders to command staff, training officers, or others who have expertise in the area for input before implementation. The Sheriff has final approval.

106.10 ARCHIVE AND STORAGE

All Interim Directives shall be archived and stored in accordance with the State of Minnesota and local ordinance retention requirements.

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Policy Manual

The Policy Manual is stored in Lexipol's policy management platform and automatically archives all office policies as new or updated policies are issued.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Dakota County Sheriff's Office is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

The Sheriff is responsible for administering and managing the Dakota County Sheriff's Office. There are three divisions in the Sheriff'sOffice as follows:

- Administration Division
- Operations Division
- Detention services Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Commander, whose primary responsibility is to provide general management, direction and control for the Administration Division, including management of the office budget. The Administration Division consists of Technical Services and Administrative Services.

Annually, the Administration Division Commander shall develop and submit to the Sheriff a budget and an inventory of capital property, equipment and assets. Property, equipment and assets with a beginning value of more than $5,000 and other items specifically identified for inclusion regardless of value, are capital property, equipment and assets.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by a Commander whose primary responsibility is to provide general management, direction and control for the division. The Operations Divisions consists of Uniformed Patrol, Investigations, Civil, School Resource Officers, and the Parks Lakes and Trails division.

200.2.3 DETENTION SERVICES DIVISION

The Detention Services Division is led by a Commander whose primary responsibility is to provide general management, direction and control of the division. The Detention Services Division consists of the Jail, Transport,Court Security and Building Security Divisions.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Office. During planned absences the Chief Deputy shall act with the authority of the Sheriff. For circumstances in which the Sheriff and Chief Deputy are absent, the Sheriff or Chief Deputy will designate a Division Commander to serve as the acting commander of the Sheriff's Office.

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Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

(a) Operations Division Commander

(b) Adminstrative Services Divison Commander

(c) Detention Services Division Commander

(d) Captains by Seniority

(e) Sergeants by Seniority

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, South Metro SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, office policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason therefore.

200.4 ORGANIZATIONAL CHART

The Sheriff or the authorized designee is responsible for developing and maintaining an organizational chart that graphically represents the organizational structure of the agency. The organizational chart should be updated as needed.

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Departmental Directives and Special Orders

204.1 PURPOSE AND SCOPE

Interim Directives and Special Orders establish an interdepartmental communication that may be used by the Sheriff to make immediate changes topolicy and procedure consistent with the current Memorandum of Understanding or other collective bargaining agreement. Interim Directives will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

Interim Directives will be incorporated into the manual upon approval of the Sheriff or designee. Interim Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual. Historical Departmental Directives will be maintained by the Senior Administrative Assistant.

204.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a division, to a unit or to an individual thereof and are temporary in nature. Special Orders become inoperative with the passing of the incident or situation that caused the order's issuance.

204.2 RESPONSIBILITIES

204.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by Interim Directive.

204.2.2 SHERIFF

The Sheriff or designee shall issue all Interim Directives and Special Orders.

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Emergency Operations Plan

206.1 PURPOSE AND SCOPE

The County has prepared, in compliance with the Minnesota Emergency Management Act of 1996 (Minn. Stat. § 12.09), an Emergency Patrol Plan. This plan is for the guidance and use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

206.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Sheriff's Office, the Sheriff, the highest ranking official on-duty or an on-scene responder may activate the Emergency Operations Plan in response to a major emergency.

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Dakota County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

206.3 LOCATION OF MANUALS

The plan is available in Administration, the Patrol Sergeant's office and in the Emergency Preparedness Coordinator's Office.

206.4 PLAN REVIEW

The Emergency Preparedness Coordinator shall annually review the Emergency Operation Plan and recommend updates when applicable. The annual review, update, and approval of the plan and supporting documents must be in accord with the guidance provided by the Department of Public Safety, Division of Emergency Management and should incorporate a full or partial exercise, tabletop or command staff discussion (Min. Stat. § 299J.10).

206.5 PLAN TRAINING

The Office shall provide training in the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles sheriff's personnel will play when the plan is implemented.

206.6 AFTER-ACTION REPORTS

If after-action reports (AARs) are used to analyze incidents, operations, or training events, the Sheriff or the authorized designee shall establish procedures governing their use. These procedures shall address the following:

(a) Criteria for identifying incidents, operations, or training exercises for which an AAR is required or appropriate.

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(b) Criteria for determining the type, scope, formality, and timing of each AAR based on the nature of the activity, community impact, objectives, and available resources.

(c) Identification and assignment of members with the ability to impartially conduct an AAR and clearly organize the findings into a useful learning product.

(d) Procedures for identifying, collecting, and reviewing relevant information sources (e.g., agency records, open-source media, similar incidents, community feedback, recognized standards).

(e) Necessary training for members involved in the implementation of the AAR system.

(f) Identification of key internal and external stakeholders to include in the AAR process.

(g) Development of appropriate analysis parameters, including the intended and actual outcome, the factors that led to the actual outcome, and findings and recommendations, implementation steps, and follow-up on recommendations.

(h) Criteria for determining whether an AAR will be retained for internal use, shared with partner or stakeholder agencies, or released publicly, and the authorized means of dissemination.

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Electronic Mail and Communications

212.1 E-MAIL RIGHT OF PRIVACY

Refer to Dakota County Policies 6001 to 6007

212.2 USE OF IMAGES

Certain electronic communications allow for the option of attaching an image or photograph (Microsoft Lync, etc.) Election to attach an image is voluntary and employees who do not wish to do so may leave this area blank. Employees who wish to attach an image, may attach a photograph to their profile. The photograph must be solely of the employee, professional and current. Icons or personal photos are not acceptable.

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Administrative Communications

214.1 MEMORANDUMS

Memorandums may be issued periodically by the Sheriff or designee, to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status. Such orders are personnel data under Minn. Stat. § 13.43 and shall be treated accordingly.

214.2 CORRESPONDENCE

In order to ensure that the letterhead and name of the Office are not misused, all official external correspondence shall be on Office letterhead. All Office letterhead shall bear the signature element of the Sheriff. Official correspondence and use of letterhead requires approval of a supervisor. Office letterhead may not be used for personal use or purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

214.3 OTHER COMMUNICATIONS

Interim Directives and other communications necessary to ensure the effective operation of the Office shall be promulgated by the Sheriff, his/her designee or Division Commanders.

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Supervision Staffing Levels

216.1 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least two regular supervisors on-duty whenever possible. Watch Commanders will ensure that at least one field supervisor is deployed during each shift, in addition to the Watch Commander.

The Sheriff or the authorized designee should ensure that members have access to supervisory personnel on a 24-hour basis regardless of scheduling and deployment circumstances.

216.1.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a deputy may be used as a field supervisor in place of a field sergeant.

With prior authorization from the PatrolDivision Commander, a deputy may act as the Watch Commander for a limited period of time, consistent with the terms of applicable collective bargaining agreements.

216.2 POLICY

The Dakota County Sheriff's Office will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Office. The needs of its members should be balanced with the needs of the Office for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Office.

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Permit to Carry a Pistol

218.1 PURPOSE AND SCOPE

The Sheriff is given the statutory authority to issue a permit to carry a pistol to residents within the county and persons who do not reside in Minnesota. This policy will provide a written process for the application and issuance of such permits.

218.2 QUALIFIED APPLICANTS

To apply for a permit to carry a firearm, the applicant must meet the following requirements (Minn. Stat. § 624.714 Subd. 2):

(a) Be a citizen or a permanent resident of the United States.

(b) Must be a Minnesota resident of the county in which the permit is requested. Non-Minnesota residents may apply to any Minnesota county sheriff.

(c) Be at least 18 years of age.

(d) Submit a fully completed permit application form.

(e) Must not be prohibited from possessing a firearm under Minn. Stat. § 518B.01 Subd. 14, Minn. Stat. § 609.224 Subd. 3, Minn. Stat. § 609.2242 Subd. 3, Minn. Stat. § 609.749 Subd. 8, Minn. Stat. § 624.713, Minn. Stat. § 624.719 Minn. Stat. § 629.715, Subd. 2; or Minn. Stat. § 629.72 Subd. 2.

(f) Present a photocopy of a driver's license, state identification card, or the photo page of a passport.

(g) Provide a certificate of completed authorized firearms training, conducted by a certified instructor, within one year of the original or renewal application.

(h) Be free from any federal law prohibiting the applicant from possessing or owning a firearm.

(i) Not be listed in the criminal gang investigative data system.

(j) Pay the required processing fee.

218.3 APPLICATION PROCESS

Application forms shall be furnished by the Office upon request or available on the Internet (Minn. Stat. § 624.714 Subd. 3). The application must be submitted in person. Upon receipt of an application for a permit and any required fee, the Office must provide a signed receipt indicating the date of submission.

An investigation of the applicant to determine if he/she is eligible shall be conducted (Minn. Stat. § 624.714 Subd. 4). The Sheriff shall notify the Chief of Police, if any, of the municipality where the applicant resides.

The applicant will be notified within 30 days of the application whether the permit is issued or denied (Minn. Stat. § 624.714 Subd. 6). Failure to notify the applicant of a denial within the 30 days shall constitute issuance of the permit to carry.

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The permit shall be issued to the applicant unless a substantial likelihood exists that he/she is a danger to themselves or the public, he/she is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit. Upon issuing a permit the Office shall provide a laminated permit card to the applicant by first class mail or personal delivery and submit the information to the Commissioner of Public Safety within five business days.

If the application is denied, the Office shall send the applicant written notification justifying the denial, which includes the source of the justification. The Office shall inform the applicant of his/her right to submit additional documentation in support of the application and the right to seek judicial review.

An applicant whose application for a permit is denied may seek judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.714 Subd. 12).

218.3.1 ADDITIONAL STATE REQUIREMENTS

An applicant should not be denied a permit based solely on the applicant's participation in the medical cannabis registry program or if the applicant is of legal age and uses adult-use cannabis or other legal cannabis-related products (Minn. Stat. § 624.7152).

218.4 EMERGENCY PERMIT

A Sheriff may issue an emergency permit valid for 30 days if a determination is made that the person is in an emergency situation that may constitute an immediate risk to the safety of the person or to someone residing in the person’s household (Minn. Stat. § 624.714 Subd. 11a).

218.5 SUSPENDING APPLICATION OR PERMIT

An application or permit to carry a pistol may be suspended by a district court as a condition of release following arrest for a crime against a person, and the issuing Sheriff will be notified (Minn. Stat. § 624.714 Subd. 12a).

218.6 VOIDING OR REVOKING PERMIT

The permit to carry becomes void if the holder becomes prohibited by law from possessing a firearm. If the Sheriff has knowledge that a permit is void, the Sheriff must give notice to the permit holder in writing (Minn. Stat. § 624.714 Subd. 8). When a permit holder is convicted of an offense that prohibits the person from possession of a firearm, the court must take possession of the permit if it is available and deliver it to the Sheriff.

The Sheriff may file a petition with the district court for an order to revoke the permit on the grounds that there is a substantial likelihood that the person is a danger to him/herself or to the public if he/she is authorized to carry a pistol under permit. The court shall issue an order revoking the permit if the Sheriff proves such danger by clear and convincing evidence.

A permit holder whose permit was revoked may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.714 Subd. 12).

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218.7 APPLICATION FOR RENEWAL

If a permittee wishes to renew the pistol permit, the permit may be renewed no earlier than 90 days prior to the expiration date in the same manner and under the same criteria the original permit was obtained (Minn. Stat. § 624.714 Subd. 7). The Sheriff shall issue a renewal if all statutory provisions are met.

The permittee must successfully retake an approved firearms course within one year of applying for the renewal permit (Minn. Stat. § 624.714 Subd. 2a).

218.8 CARRYING FIREARMS IN RESTRICTED AREAS

Firearm permittees, other than peace officers, are prohibited from carrying firearms within the following locations:

(a) Secure areas of a public airport.

(b) School property except as authorized by Minn. Stat. § 609.66, Subd. 1d.

(c) A child care center while children are present except as authorized by Minn. Stat. § 609.66, Subd. 1d.

(d) In a public place while under the influence of alcohol, or a controlled substance, or an intoxicating substance that the person has reason to know could cause impairment (Minn. Stat. § 624.7142, Subd. 1).

(e) Public colleges and universities following implementation of a policy restricting the carrying or possession of firearms on their premises by employees and students while on campus. However, under Minn. Stat. § 624.714, Subd. 18 such prohibitions apply only to faculty and students. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.

(f) Private establishments that have posted a sign banning firearms on their premises, provided the posting meets the requirements of Minn. Stat. § 624.714, Subd. 17.

(g) Private establishments whose personnel inform the permit holder that firearms are prohibited and demand compliance. This provision is violated only after the permit holder refuses to depart the premises.

(h) Places of employment, public or private, if the employer restricts the carrying or possession of firearms by employees. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.

(i) State correctional facilities or state hospitals and grounds (Minn. Stat. § 243.55).

(j) Any jail, lockup, or correctional facility (Minn. Stat. § 641.165).

(k) Offices and courtrooms of the Minnesota Supreme Court and Court of Appeals as established by order of the court. Violation of such a ban by a permit holder may be enforced as civil or criminal contempt of court but is not a violation of the carry permit law.

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(l) In a field while hunting big game by archery unless permitted by Department of Natural Resources regulations. (Minn. Stat. § 97B.211; Minn. Stat. § 97B.411).

(m) In federal court facilities or other federal facilities (18 USC § 930).

(n) In Dakota County court facilities as ordered by the Dakota County Chief Judge.

Pistol permittees are required to comply with notices requiring presentation of the permit upon demand of a peace officer when carrying a firearm.

218.9 RECOGNITION OF PERMITS FROM OTHER STATES

A person who possesses a firearms permit from another state that is on the annual list of states with firearm regulations similar to Minnesota, published by the Commissioner of Public Safety, and that has reciprocity to carry a firearm in Minnesota has lawful authority to carry a pistol in Minnesota. The permit issued from another state is not valid if the holder is or becomes prohibited by law from possessing a firearm. The Sheriff may file a petition with the appropriate court to suspend or revoke a license from another state when there is a substantial likelihood that the license holder is a danger to him/herself or the public (Minn. Stat. § 624.714, Subd. 16)

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Handgun Purchase and Transfer Permit

222.1 APPLICATION PROCESS

To apply for a permit to purchase or transfer a pistol, the applicant must complete and submit a signed and dated Minnesota Uniform Firearm Application/Receipt to the Office (Minn. Stat. § 624.7131, Subd. 1). These forms shall be freely available to members of the community at locations determined by the Sheriff. Applications are also available on the internet (Minn. Stat. § 624.7131, Subd. 3).

Incomplete applications are not suitable for processing and may not be accepted.

The Office shall provide the applicant a dated receipt upon the presentation of the application (Minn. Stat. § 624.7131, Subd. 1).

222.2 INVESTIGATION

The Office shall conduct an investigation of the applicant to determine if they are eligible for a permit (Minn. Stat. § 624.7131, Subd. 2). The investigation shall include no less than:

(a) A check of criminal histories, records, and warrants regarding the applicant through Minnesota crime information systems, the national criminal record repository, and the National Instant Criminal Background Check System.

(b) A reasonable effort to check other available state and local record-keeping systems.

(c) A check for any commitment history through the Direct Care and Treatment Executive Board of the applicant.

222.3 GROUNDS FOR DISQUALIFICATION

The Sheriff shall deny a permit to an applicant when the applicant is prohibited by state or federal law from possessing a pistol or semiautomatic military-style assault weapon, determined to be a danger to themself or the public when in possession of a firearm, or listed in the criminal gang investigative data system (Minn. Stat. § 624.7131, Subd. 4).

222.4 GRANTING OR DENIAL OF PERMIT

The Sheriff shall issue a transferee permit or deny the application within 30 days of application for the permit. The permits and their renewal shall be granted free of charge (Minn. Stat. § 624.7131, Subd. 5).

The Sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial (Minn. Stat. § 624.7131, Subd. 5).

When the refusal to grant a permit is due to a substantial likelihood that the applicant is a danger to themself or the public when in possession of a firearm, the written notification shall provide the specific factual basis justifying the denial, including the source, and inform the applicant that they may submit additional documentation within 20 business days (Minn. Stat. § 624.7131, Subd. 4).

Upon receipt of additional documentation, the Sheriff shall reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration. A notice of denial after

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reconsideration must be in the same form and substance as the original denial, specifically address any continued deficiencies, and inform the applicant of the right to judicial review of the denial (Minn. Stat. § 624.7131, Subd. 4).

A permit holder whose permit was denied may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.7131, Subd. 8).

222.5 VOIDING OR REVOKING PERMIT

The permit becomes void at the time that the holder becomes prohibited from possessing or receiving a pistol under Minn. Stat. § 624.713, in which event the holder is required to return the permit within five days to the Office.

The Sheriff shall revoke a permit once they become aware the permit holder is ineligible to possess firearms and shall provide the holder with written notice (Minn. Stat. § 624.7131, Subd. 7).

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Minn. Stat. § 626.8452).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Bodily Harm: Physical pain or injury

Great Bodily Harm: Bodily injury which creates a high probability of death, or causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Deadly Force: Force used by a deputy that the deputy knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, in addition, the use of a carotid control hold (choke hold), constitutes deadly force.

De-Escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Feasible: Reasonably capable of being done or carried out under circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Force: The application of physical techniques or tactics, control devices, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent: Ready to take place: impending. Note that imminent does not mean immediate or instantaneous.

Totality of the Circumstances: All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

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300.2 POLICY

It is the policy of this Office to ensure deputies respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. **Deputies shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the deputy.**

300.2.1 DUTY TO INTERCEDE AND REPORT

Regardless of tenure and rank, any deputy present and observing another law enforcement official using force that the deputy knows or reasonably should know is beyond that which is objectively reasonable under the circumstances shall immediately intercede when physically or verbally able to do so. Additionally, the deputy shall promptly report these observations to their immediate supervisor, or another supervisor if their immediate supervisor was involved. This notification will take place prior to the end of the deputy's current shift. Failure to intercede and report will result in disciplinary action.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Deputies should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, deputies shall use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.2 USE OF OTHER THAN DEADLY FORCE

A deputy may use reasonable force (Minn. Stat. § 609.06 and Minn. Stat. § 629.33):

(a) In effecting a lawful arrest.

(b) In the execution of a legal process.

(c) In enforcing an order of the court.

(d) In executing any other duty imposed by law.

(e) In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.

(f) In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.

(g) When used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person

(h) In self-defense or defense of another.

A deputy who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such deputy be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) Immediacy and severity of the threat to deputies or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.

(c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).

(d) The effects of suspected drug or alcohol use.

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(e) The individual’s mental state or capacity.

(f) The individual’s ability to understand and comply with deputy commands.

(g) Proximity of weapons or dangerous improvised devices.

The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(a) The availability of other reasonable and feasible options and their possible effectiveness (Minn. Stat. § 626.8452).

(b) Seriousness of the suspected offense or reason for contact with the individual.

(c) Training and experience of the deputy.

(d) Potential for injury to deputies, suspects, and others.

(e) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.

(f) The risk and reasonably foreseeable consequences of escape.

(g) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(h) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.

(i) Prior contacts with the individual or awareness of any propensity for violence.

(j) Lighting (ie: daylight / darkness)

(k) Any other exigent circumstances.

300.3.4 HARD EMPTY HAND TECHNIQUES

Protracted hand-to-hand combat may be harmful to the public safety, the safety of law enforcement personnel, and the safety of the person being arrested or captured. Accordingly, it shall be deemed reasonable for deputies to use that type and degree of reasonable force necessary to bring a subject whom the deputy intends to arrest or capture quickly under control.

Hard empty hand techniques are those that are designed to distract, displace the balance of, or temporarily incapacitate a subject. Hard empty hand techniques can be applied with empty hands by the use of take-downs (that have the potential t cause injury), punches, kicks, elbow or knee strikes, and pain compliance techniques. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. When hard empty hand techniques are used, there is the likelihood that the result will be a minimum of bodily harm where there is pain, injury, or impairment of physical condition. Hard empty hand techniques are generally used in response to levels of resistance which could cause harm to the deputy or another.

300.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have

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successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the individual can comply with the direction or orders of the deputy.

(c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.5 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify themself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified only if an objectively reasonable deputy would believe, based on the totality of the circumstances known to the deputy at the time and without the benefit of hindsight, that such force is necessary (Minn. Stat. § 609.066):

(a) To protect the deputy or another from death or great bodily harm.

(b) To effect the arrest or capture, or prevent the escape, of an individual whom the deputy knows or has reasonable grounds to believe has committed or attempted to commit a felony and the deputy reasonably believes that the person will cause death or great bodily harm to another person unless immediately apprehended.

In both scenarios, the use of deadly force is only authorized provided that the threat (Minn. Stat. § 609.066):

- Can be articulated with specificity.
- Is reasonably likely to occur absent action by the deputy.
- Must be addressed through the use of deadly force without unreasonable delay.

However, a deputy shall not use deadly force against a person whose actions are a threat solely to themself or property unless the person poses an imminent danger of death or serious physical injury to the deputy or others in close proximity (Minn. Stat. § 609.066).

300.6 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Dakota County Sheriff's Office for this specific purpose.

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300.7 MEDICAL CONSIDERATIONS

If a use of force is known or reasonably believed to have caused bodily harm to a person, the extent of any injuries shall be promptly assessed once it is reasonably safe to do so. Medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.8 REPORTING THE USE OF FORCE

Incident reports and the Supplemental Response to Resistance Form will be completed for the following:

• If there is observed, suspected or reported injury and the use of force did not rise above the level of soft empty hand, only an incident report will be completed.

Members of this office shall document promptly, completely and accurately in an appropriate report. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure or law.

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300.9 TRAINING

Deputies will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

Subject to available resources, deputies should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities, and de-escalation tactics, including alternatives to force. Training should include de-escalation simulation and scenario-based trainings.

300.10 STATE REPORTING REQUIREMENTS

The Sheriff or designee shall provide for:

(a) The filing of a report with the Bureau of Criminal Apprehension (BCA) on a monthly basis and in the form required by BCA (Minn. Stat. § 626.5534).

(b) The collection and submission of data as required by Minn. Stat. § 626.8457 and consistent with the use of force reporting requirements as determined by POST (Minn. Stat. § 626.8457).

300.11 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) Ensure that recorded statements from the suspect and witnesses are obtained. The fact that a recorded interview was conducted should be documented in a report and the recording should be retained until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Ensure that deputies identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.12 TRAINING

Deputies will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

300.13 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of force in any circumstances.

300.14 SHOOTING AT OR FROM MOVING VEHICLES

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

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Use of Force Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Dakota County Sheriff's Office to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

302.2 POLICY

The Dakota County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENTS

Generally, whenever an employee's actions or use of force in an official capacity, or while using office equipment, results in death or very serious injury to another, that employee may be placed in a temporary administrative assignment pending an administrative review. The Sheriff may exercise discretion and choose not to place an employee in an administrative assignment in any case.

302.4 USE OF FORCE REVIEW BOARD

The Use of Force Review Board will convene when the use of force, as defined in 300.1.1, is used by a member of this office. The board will consist of the Administrative Services Captain, who will serve as chairperson, as well as all active licensed and correctional Use of Force Instructors.

The Use of Force Review Board is empowered to conduct an administrative review of an incident. The board does not have the authority to recommend discipline. The review is conducted in an effort to ensure training and equipment needs are met and standard operating procedures and policies are in line with statutory requirements, case law and best practices.

Prior to submission to the Use of Force Review Board, the Administrative Services Captain as well as the Division Captain of the involved employee(s) will review the incident to determine if there are any potential criminal and/or policy violations. In those cases, the review may be delayed or not submitted to the Use of Force Review Board.

The board shall assess the following and make recommendations to the chairperson:

- Is there a need for additional training and/or coaching?
- Is there a need for additional equipment?
- Is there a need to modify standard operating procedures and/or policies?

The chairperson will submit the documented findings and/or recommendation to the Sheriff's Command Staff.

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Control Devices

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Dakota County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed office-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

308.4 RESPONSIBILITIES

308.4.1 INSTRUCTOR RESPONSIBILITIES

Use of Force Training Instructors shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the the designated instructor for a particular control device. The inspection shall be documented.

308.4.2 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the appropriate office instructor for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

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308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the deputy reasonably believes the use of deadly force is appropriate. See the Use of Force Policy for additional guidance.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

308.6 GUIDELINES FOR USE OF CHEMICAL AGENTS/CROWD CONTROL

In addition to the use of chemical agent as needed to control or defend against the actions of a subject, chemical agents may be used on a larger scale for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Incident Commander (including Sergeant, Captain, or Commander in command of the scene) may authorize the delivery and use of chemical agents in these specific instances, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical agents to control any fires and to assist in providing medical aid or gas evacuation if needed.

308.7 CHEMICAL AGENT (CS/OC AND OC) GUIDELINES

308.7.1 CS/OC AND/OR OC SPRAY

Uniformed personnel carrying CS/OC and/or OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry CS/OC and /or OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

308.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel deploying a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the use of deadly force is appropriate. See the Use of Force Policy for additional guidance.

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the

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appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

308.7.3 TREATMENT FOR CHEMICAL SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of a chemical agent should be provided with fresh air and/or clean water to cleanse the affected areas as soon as practical. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

308.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle, or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense.

All information regarding the method of notice and the individuals notified should be included in related reports.

308.8.1 DEPLOYMENT

Only office-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.

(c) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.8.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

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(e) The location of the subject.

(f) The subject's size and overall body composition.

(g) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head , neck, groin, upper torso (front) , and spine should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of great bodily harm or death to the deputy or others.

308.8.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies assigned these shotguns will inspect the shotgun periodically to ensure that it is in proper working order and loaded only with approved projectiles.

308.8.4 ADDITIONAL STATE REQUIREMENTS FOR POST-APPLICATION NOTICE

When the Office deploys a chemical irritant within a building (as defined in Minn. Stat. § 609.581), a deputy shall provide notice to the building owner and, if applicable, any occupant required to be notified under Minn. Stat. § 626.745. Notice may be provided by delivering the DPS notification form, by leaving the form in a conspicuous location where it is likely to be seen, or by providing the required information orally or in another authorized format.

Upon request, the Office shall disclose information regarding chemical irritants, smoke screens, or diversionary devices deployed within a building as provided in Minn. Stat. § 626.745.

308.9 KINETIC ENERGY PROJECTILE GUIDELINES

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

308.10 TRAINING FOR CONTROL DEVICES

The Use of Force Instructors shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are

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retrained or recertified as necessary. Deputies will receive training on the use of issued control devices and this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the deputy's training file.

(c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

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Conducted Energy Device

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER. Deputies and Building Security Officers will be referred to as "members" throughout this policy.

309.2 POLICY

The TASER is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to deputies and suspects.

309.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed office-approved training may be issued and may carry the CED.

The Administrative Sergeant should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office inventory.

Members shall only use the CED and cartridges/magazines that have been inspected and issued by the Office. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed members who have been issued the CED shall wear the device in an approved holster. Deputies shall carry the CED on the side opposite the duty weapon.

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) For single-shot devices, whenever practicable, deputies should carry an additional cartridge on their person when carrying the CED.

(c) Deputies should not hold a firearm and the CED at the same time.

Non-uniformed members may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

309.3.1 USER RESPONSIBILITIES

Members shall be responsible for ensuring that the issued TASER is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed weekly.

TASERs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Administrative Sergeant for disposition. Members shall submit documentation stating the reason for the return and how the TASER or cartridge/magazine was damaged or became inoperative, if known.

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309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER should precede its application, unless it would otherwise endanger the safety of members or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other deputies and individuals with a warning that the TASER may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with member's orders and it appears both reasonable and feasible under the circumstances, the members may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the TASER. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the members deploying the TASER in the related report.

309.5 DRIVE-STUN

Drive-stun mode is intended as a pain compliance technique and not as a primary incapacitation tool. Its use shall be limited to situations where lower levels of force have proven ineffective or are not feasible, and the subject is actively resisting or exhibiting behavior that justifies intermediate force.

Members may use drive-stun mode when:

• The subject is actively resisting or demonstrating assaultive behavior, and

• Lesser force options (e.g., verbal commands, control techniques) have been ineffective or are impractical, and

• The member reasonably believes the use of drive-stun will be effective and is necessary to gain compliance and safely control the subject.

Application Guidelines:

• Members should give verbal warnings, when feasible, prior to deployment.

• Use should be brief and limited to the minimum duration necessary to achieve compliance.

• Members should transition to control techniques as soon as compliance is achieved.

• Multiple or prolonged applications require increased justification.

Drive-stun mode shall not be used:

• As a punishment or for coercion after a subject is under control.

• On subjects who are passively resisting only (absent additional risk factors)

• On handcuffed or restrained individuals, unless they continue to resist or pose a threat to safety.

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• On sensitive areas (e.g., head, neck, groin, female breast) unless deadly force would otherwise be justified.

309.6 USE OF THE TASER

The TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely deploy the device within its operational range. Although the TASER may be effective in controlling most individuals, members should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, a deputy designated as lethal cover for any member deploying a TASER may be considered for officer safety.

309.6.1 APPLICATION OF THE TASER

The TASER may be used when the circumstances reasonably perceived by the member at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm members, themself, or others.

Mere flight from a pursuing deputy, without additional circumstances or factors, is not good cause for the use of the TASER to apprehend an individual.

The TASER shall not be used to psychologically torment, to elicit statements, or to punish any individual.

309.6.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the member, the subject, or others, and the member reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any TASER capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to

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complete the circuit, or as a distraction technique to gain separation between members and the subject, thereby giving members time and distance to consider other force options or actions.

309.6.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, members should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

309.6.4 MULTIPLE APPLICATIONS OF THE TASER

Once a member has successfully deployed two probes on the subject, the member should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors members may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

309.6.5 ACTIONS FOLLOWING DEPLOYMENTS

Members should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the TASER. As soon as practicable, members shall notify a supervisor any time the TASER has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.6.6 DANGEROUS ANIMALS

The TASER may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

309.6.7 OFF-DUTY CONSIDERATIONS

Members are not authorized to carry officeTASERs while off-duty.

Members shall ensure that TASERs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

309.7 DOCUMENTATION

Members shall document all TASER discharges in the related arrest/crime reports and the TASER report forms. Photographs should be taken of any obvious probe impact or drive-stun application

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sites and attached to the TASER report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Arcing the device, other than for testing purposes, will be documented on the incident report. Data downloads from the TASER after use on a subject should be done as soon as practicable using a office-approved process to preserve the data.

Subjects exposed to drive-stun shall be monitored for injury and provided medical attention if needed.

309.7.1 TASER REPORT FORM

As applicable based on the device type, items that shall be included in the TASER report form are:

(a) The brand, model, and serial number of the TASER and any cartridge/magazine.

(b) Date, time, and location of the incident.

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

(d) The number of probes deployed, TASER activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the TASER was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any members sustained any injuries.

The Administrative Captain should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Administrative Captain should also conduct audits of TASER device data downloaded to an approved location and reconcile TASER report forms with recorded activations. TASER information and statistics, with identifying information removed, should periodically be made available to the public.

309.7.2 REPORTS

The member should include the following in the incident report:

(a) Identification of all personnel firing TASERs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication, or other medical problems

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309.8 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or deputies trained in probe removal and handling should remove TASER probes from a person's body. Used TASER probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The TASER probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another Sherif's Office personnel and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting member shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER (see the Medical Aid and Response Policy).

309.9 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER may be used. A supervisor should respond to all incidents where the TASER was deployed.

A supervisor should review each incident where a person has been exposed to a TASER. The device's internal logs should be downloaded by a supervisor or qualified TASER instructor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

309.10 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried the CED as a

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part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Personnel who have been issued CEDs will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

A reassessment of member's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Administrative Captain. All training and proficiency for CEDs will be documented in the member's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

members who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with members who use the device.

The Administrative Captain is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Administrative Captain should include the following training:

(a) A review of this policy

(b) A review of the Use of Force Policy

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin

(e) Scenario-based training, including virtual reality training when available

(f) Handcuffing a subject during the application of the CED and transitioning to other force options

(g) De-escalation techniques

(h) Restraint techniques that do not impair respiration following the application of the CED

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety

(j) Proper tactics and techniques related to multiple applications of CEDs

Members who fail to demonstrate proficiency with the CED or knowledge of the Use of Force Policy will be provided with remedial training. If a member cannot demonstrate proficiency with the CED or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the CED and may be subject to discipline.

All qualifications, training, and proficiency assessments shall be monitored by a certified CED instructor.

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Electronic Restraints

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the application, supervisory oversight and restrictions on the use of electronic restraints on persons incarcerated in this facility, during transportation of inmates and during court appearances.

310.2 POLICY

The Dakota County Sheriff's Office allows the use of office-issued electronic restraints as provided in this policy.

310.3 DEPUTY RESPONSIBILITIES

Deputies shall successfully complete office-approved training prior to using any electronic restraint device. Only office-issued electronic restraint devices shall be used.

Deputies should perform a function test on the device prior to placing it on an inmate. The Supervisor shall ensure that all electronic restraint devices are properly maintained and in good working order.

When an electronic restraint device is used during a court appearance, the deputy should inform the court that an inmate with an electronic restraint device is present. The deputy should briefly explain the operation of the device to the judge.

310.4 VERBAL WARNING

A verbal warning of the intended use of the electronic restraint device should precede its application, unless it would otherwise endanger the safety of staff members or when it is not practicable due to the circumstances. The warning is intended to provide the inmate with an opportunity to comply. The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the member deploying the device.

310.5 APPLICATION

Prior to applying the electronic restraint device to an inmate, the deputy should describe its operation and caution the inmate about behaviors that may result in its activation.

Although the electronic restraint device is generally effective in controlling most inmates, deputies should be aware that it may not achieve the intended result, and that they should be prepared with other options.

The electronic restraint device may be used in the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to:

(a) Prevent self-injury, suicide, escape, injury to others or property damage.

(b) Control the behavior of a high-risk inmate who is being moved outside a cell or housing unit or transported outside the facility.

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310.5.1 MULTIPLE APPLICATIONS

Deputies should activate the electronic restraint device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of an electronic restraint device or for more time than is necessary to control the inmate are generally not recommended and should be avoided unless the deputy reasonably believes that the need to control the inmate outweighs the potentially increased risk posed by multiple applications.

If the first application of the electronic restraint device appears to be ineffective in gaining control of an inmate, the deputy should consider certain factors before additional applications, including whether the inmate has the ability to comply and has been given a reasonable opportunity to comply.

310.5.2 SPECIAL CONSIDERATIONS

The use of the electronic restraints on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, etc.).

Because the application of the electronic restraint device relies primarily on pain compliance, its use generally should be limited to a technique to gain separation between the deputy and the inmate, or to disrupt an inmate's violent or unruly behavior, thereby giving members time and/or distance to consider other force options or actions.

The electronic restraint device shall not be used to psychologically torment, elicit statements, retaliate against or punish any inmate.

310.6 DOCUMENTATION

Deputies shall document each incident where electronic restraints are placed on an inmate or are activated. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional activations will also be documented.

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310.7 MEDICAL TREATMENT

All inmates who have been subjected to the electric discharge of an electronic restraint device should have the contact site medically assessed before further incarceration.

Additionally, any inmate who falls under any of the following categories should, as soon as practicable, be examined by a qualified health care professional:

(a) The inmate is suspected of being under the influence of controlled substances and/or alcohol.

(b) The inmate may be pregnant.

(c) The inmate reasonably appears to be in need of medical attention.

(d) The inmate requests medical treatment.

If any inmate refuses medical attention, such a refusal should be witnessed by another staff member and/or medical personnel and shall be fully documented. If an audio recording is made of the contact or an interview with the inmate, any refusal should be included, if possible.

Deputies shall inform any person providing medical care or receiving custody that the inmate has been subjected to the activation of an electronic restraint device.

310.8 SUPERVISOR RESPONSIBILITIES

Supervisor approval is necessary before an electronic restraint device is placed on an inmate. A supervisor should respond to all incidents where an electronic restraint device was activated.

A supervisor should review each incident where an inmate has been exposed to an activation of an electronic restraint device. Any onboard memory should be downloaded by a supervisor and retained with the inmate's file.

Photographs of contact sites should be taken and witnesses interviewed.

310.9 TRAINING

Training should consist of recommendations made by the particular device manufacturer or any state requirements.

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Officer-Involved Shootings and Deaths

311.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of a deputy.

In other incidents not covered by this policy, the Sheriff may decide that the investigation will follow the process provided in this policy.

311.2 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

311.2.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Dakota County Sheriff's Office would control the investigation if the suspect's crime occurred in Dakota.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff, and with concurrence from the other agency.

311.2.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When a deputy from this office is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this office to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or the authorized designee for approval.

311.2.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

311.2.4 POST ADMINISTRATIVE INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based on a complaint alleging a violation of a statute or rule that the board is empowered to enforce. An officer-involved shooting may result in such an allegation. Any such complaint assigned to this office shall be

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completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10, Subd. 10).

311.2.5 COOPERATION WITH INDEPENDENT BUREAU OF CRIMINAL APPREHENSION INVESTIGATIONS

The Office will fully cooperate with and promptly respond to requests for information from the Bureau of Criminal Apprehension regarding an officer-involved death investigation (Minn. Stat. § 626.5534).

311.3 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

311.3.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved DCSO deputy will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved.

311.3.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved DCSO supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

    1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any DCSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties, and pursue suspects.

    1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses, and any other pertinent information.

    2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Watch Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional DCSO members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

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1. Each involved DCSOdeputy should be given an administrative order not to discuss the incident with other involved officers or DCSO members pending further direction from a supervisor.
2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that they are provided with a comparable replacement weapon or transported by other deputies.

311.3.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Investigation Division Commander
- Officer-Involved Shooting rollout team
- Outside agency investigators (if appropriate)
- Internal Investigations supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer’s agency representative (if requested)
- Public Information Officer

311.3.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) If an involved officer discharges their firearm, they should retain it until further directed by a supervisor to turn it over to the supervisor or an investigator. Unless necessary for officer safety, firearms should not be reloaded or unloaded without supervisor approval.

(b) Unless involved officers require medical care or their continued presence creates a safety issue, they should remain at the scene until the supervisor arrives.

(c) Any request for legal or union representation will be accommodated.

1. Involved DCSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-DCSOofficers should be referred to their employing agency.

(d) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

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(e) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.

(f) A licensed psychotherapist shall be provided by the Office to each involved DCSO deputy. A licensed psychotherapist may also be provided to any other affected DCSO members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(g) Communications between the involved deputy and a peer support member, peer support counselors, and critical incident stress management team members are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it. Involved officers should not be involved in gathering evidence or interviewing witnesses.

Each involved DCSO deputy shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.

311.3.5 INITIAL RESPONSE

Deputies should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Make a brief preliminary radio broadcast advising Dispatch and other deputies of the situation.

(c) Take reasonable steps to obtain emergency medical attention for injured individuals.

(d) Request additional resources from the Office or other agencies.

(e) Coordinate a perimeter or pursuit of suspects.

(f) Check for injured persons and evacuate as needed.

(g) Keep radio transmissions to a minimum.

(h) Brief the supervisor upon arrival.

(i) Refrain from discussing the incident with bystanders at the scene.

311.4 CRIMINAL INVESTIGATION

The County Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

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If available, investigative personnel from this office may be assigned to partner with investigators from outside agencies or the County Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) DCSO supervisors and Internal Investigations personnel should not participate directly in any voluntary interview of DCSO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

311.4.1 REPORTS BY INVOLVED DCSO DEPUTIES

In the event that suspects remain outstanding or subject to prosecution for related offenses, this office shall retain the authority to require involved DCSO deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved DCSO deputy may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved DCSO deputy of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

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311.4.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Office.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

311.4.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Office detectives will be assigned to work with investigators from the County Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Attorney's Office.

All related office reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

311.5 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this office will conduct an internal administrative investigation of involved DCSO deputies to determine conformance with office policy. This investigation will be conducted under the supervision of the Captain of Investigations and will be considered a confidential deputy personnel file.

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Interviews of members shall be subject to office policies and applicable laws (Personnel Complaints Policy; Minn. Stat. § 626.89).

(a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening in accordance with the drug and alcohol testing guidelines in the Drug- and Alcohol-Free Workplace Policy adopted under the authority of Minn. Stat. § 181.950 to Minn. Stat. § 181.957. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.

1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved deputy has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
2. The interview must be taken at the DCSO or at a place agreed to by the interviewer and the involved deputy.
3. The interview must be of reasonable duration and provide the involved deputy reasonable periods for rest and personal necessities. When practicable, the interview must be held during the involved deputy's regularly scheduled work shift. If not, the involved deputy must be compensated at his/her current pay rate.
4. If requested, the deputy shall have the opportunity to select an uninvolved representative or an attorney, or both, to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative collectively or in groups prior to being interviewed.
5. Administrative interviews shall be recorded electronically or otherwise by the investigator. The deputy may also record the interview. A complete copy or transcript of the interview must be provided to the involved deputy upon written request without charge or undue delay.
6. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed in writing or on the record that the interview will be for administrative purposes only and that the statement cannot be used criminally.

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7. The Internal Investigations shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

311.6 CIVIL LIABILITY RESPONSE

A member of this office may be assigned to work exclusively under the direction of the legal counsel for the Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

311.7 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/ Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Attorney's Office, as appropriate.

311.7.1 AUDIO AND VIDEO RECORDINGS OF USE OF FORCE INCIDENTS INVOLVING DEATHS OF INDIVIDUALS

When a person dies as a result of the use of force by a deputy, the Office shall comply with Minn. Stat. §§ 13.825 and 626.8473 regarding inspection, release, and any necessary redaction of portable recording system data. See the Body-Worn Cameras Policy for additional guidance.

311.8 DEBRIEFING

Following an officer-involved shooting or death, the Dakota County Sheriff's Office should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

311.8.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff or designee should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

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311.9 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Investigation Division Commander, and Public Information Officer in the event of inquiries from the media.

No involved DCSO deputy shall make any comment to the media unless they are authorized by the Sheriff or a Division Commander.

Office members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

311.10 REPORTING

If a deputy discharges a firearm in the course of duty, the Sheriff shall notify the Commissioner of Public Safety within 30 days of the reason for and the circumstances surrounding the discharge of the firearm (Minn. Stat. § 626.553).

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Firearms

313.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

313.1.1 AUTHORIZATION TO CARRY FIREARMS

All licensed personnel shall successfully complete office training regarding the use of force, deadly force, and the use of firearms before being issued a firearm or being authorized to carry a firearm in the course of their duties (Minn. Stat. § 626.8452, Subd. 3; Minn. Stat. § 626.8463).

313.2 POLICY

The Dakota County Sheriff's Office will equip its members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

313.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized office range.

All other weapons not provided by the Office, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the Sheriff or designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

313.3.1 HANDGUNS

The authorized office-issued handgun is the Glock. The following office-issued handguns are approved for on-duty and off-duty use with the addition of those approved under policies 313.3.4 and 313.3.5:

MAKE	MODEL	CALIBER
GLOCK	17	9mm
GLOCK	26	9mm
GLOCK	45	9mm

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313.3.2 SHOTGUNS

The authorized office-issued shotgun is the Benelli shotguns, unless issued an additional shotgun model by a specialty unit and approved by that unit (i.e. S.W.A.T.).

When not deployed, the shotgun shall be properly secured in a locking weapons rack or trunk of an office vehicle or approved locker in the office with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position. Possession or use of lethal 12 Ga ammunition is prohibited.

313.3.3 RIFLES

The authorized office-issued rifle is the Sig Sauer 516 5.56mm. The following additional rifles are approved for on-duty use:

Members may deploy the rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the rifle shall be properly secured in a locking weapons rack or trunk of an office vehicle or approved locker in the office.

313.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the office list of approved firearms.

(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

313.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry office or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and on the office list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

313.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

(a) Either an office issued, or a personally owned firearm may be used. If a personally owned firearm is used, it shall be carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.

(c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

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(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that the member is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, the member may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry office-authorized ammunition

(i) When armed, deputies shall carry their badges and Dakota County Sheriff's Office identification cards under circumstances requiring possession of such identification.

313.3.7 AMMUNITION

Deputies shall carry only office-authorized ammunition. Deputies shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Deputies carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

313.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

313.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Office or personally owned firearms that are approved for office use may be repaired or modified only by a person who is office-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

313.4.2 HOLSTERS

Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. Holsters worn while on-duty and visible must be Level II retention or greater. The only allowed exception would be personnel assigned in a specialty capacity, such as narcotic investigations.

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313.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by a Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

313.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by a Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

313.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to theOffice or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's

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primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

313.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition.

All Office-owned firearms shall be stored unloaded in the appropriate equipment storage room.

313.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Minn. Stat. § 609.666; Minn. Stat. § 609.378).

313.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member’s senses or judgment.

313.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training annually with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms (Minn. Stat. § 626.8452). Deputies will also receive training on this policy, including the learning objectives as provided by POST, at least once annually (Minn. Stat. § 626.8452, Subd. 3).

Members will qualify with off-duty and secondary firearms at least twice a year.

Training and qualifications must be on an approved range course and monitored by a certified firearms instructor.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

313.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, the lead firearms instructor shall notify in writing that deputy's immediate supervisor, as well as Sheriff's Office Administration, prior to the end of the required training or qualification period.

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Those who are in attendance and fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training while at the range and allowed additional attempts to meet minimum standards or qualify as the daily training schedule allows.

Any member who fails to meet minimum standards or qualify after these attempts shall be notified in writing by the lead firearms instructor that they are subject to the following requirements:

(a) Additional firearms training followed by an opportunity to meet minimum standards or qualify will be scheduled within 30 days. The training will focus on improving specific deficiencies to assist the member in demonstrating consistent firearm proficiency. The assigned firearms instructor will document all supplemental training.

(b) Members who fail to meet minimum standards or qualify within 30 days will be temporarily re-assigned to modified-duty status until they are able to meet minimum standards or qualify. The terms of the modified-duty status will be outlined in a letter from the Administrative Services Captain.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

313.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her supervisor or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, the member will notify the on-duty supervisor. A written report or a recorded statement shall be provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

313.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

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313.7.2 INJURED ANIMALS
With the approval of a supervisor, a member may euthanize a domestic animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Members do not need supervisory approval to euthanize a non-domesticated animal (ie. deer, raccoon) that is badly injured.

313.7.3 WARNING AND OTHER SHOTS
Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

313.7.4 REPORTING FIREARMS DISCHARGE
The Sheriff shall notify the Commissioner of Public Safety within 30 days of an on-duty firearm discharge, except when the discharge is in the course of training or destruction of animals (described in this policy). The notification shall contain information concerning the reason for and circumstances surrounding the discharge (Minn. Stat. § 626.553).

313.8 RANGEMASTER DUTIES
The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Administrative Captain after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to office members during hours established by the Office.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Rangemaster has the authority to deem any office-issued or privately owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Administrative Captain documentation of the courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Office, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Administrative Captain.

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313.8.1 RECORD OF APPROVED FIREARMS
The Rangemaster shall maintain a record of each firearm approved by the Office.

313.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to deputies who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.

(b) Deputies must carry their Dakota County Sheriff's Office badge and identification card bearing the deputy's name, a full-face photograph, identification number, the deputy's signature, and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

(c) The Dakota County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Dakota County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail the itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.

(f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of the deputy's assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on the deputy's person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Deputies should resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or other management representative of the air carrier.

(j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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313.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The deputy shall carry the deputy's Dakota County Sheriff's Office identification card whenever carrying such firearm.

(b) The deputy may not be the subject of any current disciplinary action.

(c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

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Vehicle Pursuits

315.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies (Minn. Stat. § 626.8458 Subd. 1).

315.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where Office policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit (Minn. Stat. § 626.8458 Subd. 1).

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An individual’s unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement pursuit (Minn. Stat. § 626.8458 Subd. 2 (2)).

315.2 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

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Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Spikes or tack strips, or piranha - A device that extends across the roadway or is placed in front or rear of a tire that is designed to puncture the tires of a pursued or stationary vehicle.

Vehicle pursuit - An event in which a peace officer attempts to apprehend a driver who ignores the signal to stop by increasing speed, extinguishing headlights or taillights, refusing to stop the vehicle, or using other means with intent to attempt to elude a peace officer (Minn. Stat. § 609.487).

315.3 DEPUTY RESPONSIBILITIES

It is the policy of this office that an active vehicle pursuit shall be conducted with at least one flashing red warning lamp visible from the front and a siren that is sounded to warn pedestrians or other drivers (Minn. Stat. § 169.17 and Minn. Stat. § 169.68).

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons, and does not protect the driver from the consequences of a reckless disregard for the safety of others.

315.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer.

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit (Minn. Stat. § 626.8458 Subd. 2(2)):

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists, and others

(c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety)

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors

(f) The pursuing deputy's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit

(g) Weather, traffic, and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape

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(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit

(i) Vehicle speeds

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages)

(k) Age of the suspect and occupants

(l) Availability of other resources, such as aircraft assistance

(m) The sheriff's unit is carrying passengers other than on-duty sheriff's deputies. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

315.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

If a pursuit is terminated, the involved deputy(s) must acknowledge over the air that they have terminated the pursuit. The Watch Commander (WC) will ensure all squads involved have acknowledged the directive. Deputy(s) must turn off their emergency equipment (lights/siren), observe traffic laws, and turn squad off the pursuit path when safe to do so.

The use of the Squad Camera and Body Worn Camera (BWC) should continue after the termination of the pursuit to demonstrate the appropriate actions were taken. The Squad Camera and BWC should not be deactivated until the deputy(s) has no further involvement in the incident in any capacity. The termination of a pursuit does not prohibit deputy(s) from devising an alternate plan for apprehension.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit (Minn. Stat. § 626.8458 Subd. 2 (2)):

(a) The distance between the pursuing deputies and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) The pursued vehicle's location is no longer definitely known.

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(c) The deputy's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.

(e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

(f) Hazards to uninvolved bystanders or motorists.

(g) If deputy(s) know the identity of the suspect or learn the suspect's identity during the pursuit, they will terminate the pursuit so that an apprehension can be made later. This includes persons with arrest warrants, detention holds, probation revocations, or other court orders. Watch Commander may authorize the continuation of a pursuit of a known person only if delayed apprehension would create a known or reasonably believed risk of great bodily injury or death to another. When a Watch Commander authorizes a pursuit of a known person under this criteria, Watch Commander and deputy(s) must evaluate whether the risk of death or great bodily harm is imminent and follow all other requirements of this policy.

(h) When directed to terminate the pursuit by a supervisor.

(i) When radio communications are broken or inadequate.

(j) When the danger that the continued pursuit poses to the public, the deputies, or the suspect is too great, balanced against the risk of allowing the suspect to remain at large.

315.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, deputies and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the deputy.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

315.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspects. All other deputies shall stay out of the pursuit but should remain alert to its

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progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

315.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. Deputies in such vehicles may provide support to pursuing units as long as their vehicle is operated in compliance with all traffic laws.

315.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing deputy will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to the deputy or other persons (Minn. Stat. § 626.8458 Subd. 2 (4)).

The primary unit should notify Dispatch, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of occupants.

(f) The identity or description of the known occupants.

(g) Weather, road, and traffic conditions.

(h) Identity of other agencies involved in the pursuit.

(i) Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards.

(j) Request for medical assistance for any person injured in the course of the pursuit (Minn. Stat. § 626.8458 Subd. 2 (6)).

Unless relieved by a supervisor or secondary unit, the deputy in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

315.4.3 SECONDARY UNIT RESPONSIBILITIES

The second deputy in the pursuit is responsible for the following:

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(a) Immediately notifying the dispatcher of entry into the pursuit

(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise

(d) Serve as backup to the primary unit once the subject has been stopped

315.4.4 PURSUIT DRIVING TACTICS

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (3)):

(a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Deputies may proceed past a red, or stop signal, or stop sign but only after slowing down and utilizing a flashing red lamp and siren as may be necessary for safe operation (Minn. Stat. § 169.03, Subd. 2).

(c) As a general rule, deputies should not pursue a vehicle driving the wrong way on a roadway, highway, or freeway (Minn. Stat. § 169.03). In the event the pursued vehicle does so, the following tactics should be considered:

1. Request assistance from an available air unit.
2. Maintain visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
3. Request other units to observe exits available to the suspects.

(d) Notify the Minnesota State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.

(e) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit, and a clear understanding of the maneuver process exists between the involved deputies.

315.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

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315.4.6 AIRCRAFT ASSISTANCE

When available, aircraft assistance shall be requested. When a fleeing vehicle comes under the surveillance of an air unit, or is being monitored by a tracking service using GPS (i.e., "On Star"), the primary and support units in the pursuit shall relinquish the pursuit and shift their focus to strategically apprehending the violator(s) once they stop and are provided with the stop location by air support and/or the GPS Service. The purpose of discontinuing the pursuit is to minimize the risk to the public, occupant(s) in the fleeing vehicle, and law enforcement personnel by delaying the apprehension of the driver through monitoring the vehicle's location until apprehension can be tactically accomplished with reduced risk.

The means of apprehension in these circumstances may include the use of stop sticks, Precision Immobilization Technique (PIT), Tactical Vehicle Intervention (TVI) and blocking. A supervisor may increase the level of involvement by ground units with air assistance when circumstances warrant such as continued driving by the fleeing suspect that is imminently threatening lives, the officer reasonably believes or knows a violent crime was committed by the driver and/or vehicle occupant(s), or a lack of effective communication with the air unit or GPS service provider and the ground units.deputies. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)).

315.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this office that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this office (Minn. Stat. § 626.8458 Subd. 2 (4); Minn. R. § 6700.2701).

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately notify involved deputies and Dispatch of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Office guidelines.

(b) Engage in the pursuit, when appropriate, to provide on-scene supervision. If a supervisor initiates the pursuit, he/she should remove themselves as the number one pursuing squad and allow a deputy or other assisting law enforcement officer to assume the lead position as soon as safe and practicable. The supervisor will drop back to a position that allows them to supervise the pursuit.

(c) Exercise management and control of the pursuit even if not engaged in it.

(d) Ensure that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Direct that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensure that aircraft assistance is requested if available.

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(g) Ensure that the proper radio channel is being used.

(h) Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Control and manage DCSO units when a pursuit enters another jurisdiction.

(j) Prepare a post-pursuit critique and analysis of the pursuit for training purposes.

(k) Determining if a request from another agency falls within our policy guidelines for a pursuit, if it doesn't meet our guidelines for a pursuit, we shall not provide assistance with the pursuit. The Watch Commander shall obtain all pertinent information from the requesting agency prior to our agency's engagement/involvement with the pursuit.

315.5.1 WATCH COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command (Minn. Stat. § 626.8458 Subd. 2 (4)..

The Watch Commander shall review all pertinent reports for content and forward them to the Patrol Captain.

315.6 COMMUNICATIONS

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this office or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

315.6.1 DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will be responsible for the following (Minn. Stat. § 626.8458 Subd. 2 (4)):

(a) Coordinate pursuit communications of the involved units and personnel.

(b) Notify and coordinate with other involved or affected agencies as practicable.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Assign an incident number and log all pursuit activities.

(e) Broadcast pursuit updates as well as other pertinent information as necessary.

(f) Notify the Watch Commander as soon as practicable.

315.6.2 LOSS OF PURSUED VEHICLE

If a situation arises where a pursuit was terminated and the pursued vehicle is later located and mobile, deputy(s) must first seek Watch Commander approval before re-engaging in pursuit.

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Watch Commander will consider re-engagement only if conditions or information have changed that would reasonably alter the previous decision to terminate.

315.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5)).

If a pursuit from another agency enters the office's jurisdiction, Dispatch should update the on-duty supervisor.

315.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Dakota County Sheriff's Office deputies should consider discontinuing the pursuit when another agency has assumed the pursuit unless continued assistance of the Dakota County Sheriff's Office is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of deputies at the termination of a pursuit initiated by this office shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibilities for the pursuit.

315.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this office should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this office may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this office to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

(a) Ability to maintain the pursuit.

(b) Circumstances serious enough to continue the pursuit.

(c) Adequate staffing to continue the pursuit.

(d) The public's safety within this jurisdiction.

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(e) Safety of the pursuing deputies.

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing outside agency by deputies of this office will terminate at the County limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this office may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall provide appropriate assistance to peace officers from the outside agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

315.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.

315.8.1 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, deputies/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies, and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision (Minn. Stat. § 626.8458 Subd. 2).

It is imperative that deputies act within legal bounds using good judgment and accepted practices.

315.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

315.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to Office policies guiding such use. Deputies who have not received Office-approved training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

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(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by deputies who have received training in such tactics and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those deputies trained in the use of the PIT will be authorized to use this procedure and should request approval from a supervisor upon consideration of the circumstances and conditions presented at the time including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.

(e) Spike strips should be deployed only when it is reasonably apparent that only the pursued vehicle, or stationary vehicle with a high likelihood of fleeing will be affected by their use. Prior to the deployment of spike strips, the deputy shall notify pursuing units and the supervisor of the intent and location. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle. Deputies should consider a tactical advantage of

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protecting themselves behind solid cover prior to deployment of stop stick devices. Examples of solid cover may include concrete structures, guard rails constructed of steel, or any other solid object that will sustain the impact of a vehicle traveling at a high rate of speed. It should be noted that a patrol vehicle is not considered solid cover. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

315.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary deputy should coordinate efforts to apprehend the suspect(s) following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans to contain and capture the suspect.

315.9 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate local and state regulations. The Patrol Captain or designee shall ensure the appropriate forms are filed with the Department of Public Safety within 30 days (Minn. Stat. § 626.5532):

(a) The primary deputy shall complete appropriate crime/arrest reports.

(b) The primary deputy shall complete the appropriate pursuit report.

315.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all licensed non-exempt employees will participate in periodic training on this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others.

The Emergency Vehicle Operations Training Supervisor shall ensure the frequency and content of emergency vehicle operations and vehicle pursuit training meets or exceeds that required by law (Minn. Stat. § 626.8458 Subd. 5.

315.9.2 YEARLY CERTIFICATION

This policy shall be reviewed and certified to the state annually that it complies with requirements of any new or revised model policy adopted by the state (Minn. Stat. § 626.8458 Subd. 3).

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315.9.3 PUBLIC DISCLOSURE
Copies of the current pursuit policy shall be made available to the public on request.

315.10 PURSUIT REVIEW BOARD

The Pursuit Review Board will convene when a pursuit occurs involving a member of this office. The board will consist of the Patrol Captain, who will serve as chairperson, and a select number of licensed deputies.

The Pursuit Review Board is empowered to conduct an administrative review of an incident. The board does not have the authority to recommend discipline. The review is conducted in an effort to ensure training and equipment needs are met and standard operating procedures and policies are in line with statutory requirements, case law and best practices.

Prior to submission to the Pursuit Review Board, the Division Captain of the involved employee(s) will review the incident to determine if there are any potential criminal and/or policy violations. In those cases, the review may be delayed or not submitted to the Pursuit Review Board.

The board shall assess the following and make recommendations to the chairperson:

- Is there a need for additional training and/or coaching?
- Is there a need for additional equipment?
- Is there a need to modify standard operating procedures and/or policies?

The chairperson will submit the documented findings and/or recommendation to the Sheriff's Command Staff.

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Deputy Response to Calls

317.1 PURPOSE AND SCOPE

The State of Minnesota finds that emergency vehicle operations are an integral part of law enforcement's commitment to public safety. This policy provides for the safe and appropriate response to all emergency and nonemergency situations (Minn. Stat. § 626.8458 Subd. 1).

317.2 RESPONSE TO CALLS

317.2.1 RESPONSE TO EMERGENCY CALLS

Deputies responding to an emergency call shall proceed immediately as appropriate. Deputies responding to an emergency call shall sound the siren and/or display at least one lighted red light to the front of the vehicle. Whenever practicable, during an emergency call response the deputy should continuously operate emergency lighting equipment and sound the siren (Minn. Stat. § 169.03 et seq.; Minn. Stat. § 169.17).

Responding with a red light, emergency lighting and/or siren does not relieve the operator of an authorized emergency vehicle or a law enforcement vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others. The use of any other warning equipment without emergency lights and siren does not provide an exemption under Minnesota law (Minn. Stat. § 169.17).

Deputies should only respond with a red light, emergency lights and/or siren when so dispatched or when circumstances reasonably indicate an emergency response is appropriate. Deputies not responding with a red light, emergency lights and/or siren shall observe all traffic laws.

317.2.2 LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES

A deputy may operate a vehicle without lights as otherwise required while performing law enforcement duties when the deputy reasonably believes that operating the vehicle without lights is necessary to investigate a criminal violation or suspected criminal violation of state laws, rules or orders, or local laws, ordinances or regulations. The operation of a vehicle without lights must be consistent with the standards adopted by Minnesota Peace officer Standards and Training Board (POST) (Minn. Stat. § 169.541).

317.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an imminent threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. Where a situation has stabilized and emergency response is not required, the requesting deputy shall promptly notify Dispatch.

If circumstances permit, the requesting deputy should give the following information:

- The unit number
- The location

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- The reason for the request and type of emergency
- The number of units required

317.3.1 NUMBER OF UNITS PARTICIPATING
Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

317.4 RESPONSIBILITIES OF RESPONDING DEPUTIES

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call deputies may (Minn. Stat. § 169.03; Minn. Stat. § 169.17):

(a) Proceed cautiously past a red or stop signal or stop sign but only after slowing down and utilizing a red light or siren as may be necessary for safe operation.

(b) Exceed any speed limits, provided this does not endanger life or property.

(c) Disregard regulations governing direction of movement or turning in specified directions as authorized by law.

(d) Disregard regulations governing parking or standing when using a warning lamp.

The decision to continue an emergency call response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of red lights and siren at the legal speed limit. A deputy shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency call response is appropriate, a deputy should immediately give the location from which he/she is responding.

When emergency vehicles are on the scene of an emergency and pose any hazard, or when the vehicle operators seek exemption to park, stop or stand contrary to any law or ordinance pursuant to Minn. Stat. § 169.541, adequate warning lights shall be operated whenever practicable.

317.5 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the

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supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency call response, the supervisor should consider the following:

- The type of call or crime involved.
- The necessity of a timely response.
- Traffic and roadway conditions.
- The location of the responding units.

317.6 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency call response and respond accordingly. The deputy shall notify the Watch Commander and the Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

317.7 TRAINING

The supervisor assigned to coordinate training in emergency vehicle operations shall ensure the frequency and content of emergency vehicle operations training meets or exceeds that required by law (Minn. Stat. § 626.8458).

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Canines

319.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community and the jail including, but not limited to locating individuals, contraband, controlled substances, explosives, and apprehending criminal offenders.

319.2 GUIDELINES FOR THE USE OF CANINES

A. A canine may be used in the investigation of a crime or possible crime, in the execution of a warrant, and to locate and/or apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following circumstances including:

1. There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any deputy or the handler.
2. The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
3. The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.
4. It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

B. Because of the high risk of danger to the public and deputies, when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be appropriate. When available, an explosive-detection canine team may be used in accordance with current law under certain circumstances, including:

1. Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
2. assisting with searches at government buildings including municipalities, county, and state facilities.
3. Conducting preventative searches at special events, VIP visits, official buildings, and other restricted areas.
4. Assisting in the search for hidden or discarded firearms and munition that are live or spent
5. Assisting in the search of scene where an explosion has occurred, and an explosive device or secondary explosive device is suspected.
6. Any other search approved by the Sheriff or designee.

C. A single-purpose canine assigned to the jail will be used in the search for controlled substances. Some of the uses for the canine include:

1. Unit shakedowns

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2. Cell inspections
3. Searching incoming detainee's property
4. Searching incoming mail
5. Searching inmate lockers
6. Area searches (e.g., laundry room, kitchen, intake, programs area)
7. Assisting law enforcement when requested

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing deputy shall not serve as good cause for the use of a canine to apprehend an individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practical.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

While in the jail or similar facility for single-purpose use, the canine shall remain on-leash whenever inmates are present.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

This policy should not preclude a canine team from utilizing the canine for search and/or rescue missions where a standard of objective reasonableness shall be used to review the decision to use a canine in the view of the totality of the circumstances.

319.2.1 USE OF BOMB/EXPLOSIVE DETECTION DOGS

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a trained explosive detection dog team may be warranted. When available, a trained explosive detection dog team may be used in accordance with current law and under the following circumstances:

(a) To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.

(b) To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a dog sniff may be considered

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a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(c) To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).

(d) To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

(e) At no time will a detection dog be used to render a suspected device safe or clear.

319.2.2 PREPARATIONS FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on-scene shall carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to, the following:

(a) The individual's perceived age

(b) The nature of the suspected offense

(c) Any potential danger to the public and/or other deputies

(d) The degree of resistance or threatened resistance, if any, the subject has shown

(e) The potential for escape or flight if the canine is not utilized

(f) The potential for the suspect to injure the deputies or the public if the canine is not utilized

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury. Unless otherwise directed by a supervisor, assisting members should take direction from the handler to minimize interference with the canine.

The canine handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

319.2.3 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth shall be made prior to releasing a canine. The canine handler, when practicable, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.

319.2.4 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances

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it will be necessary for the handler to evaluate the conditions and ability of the canine in order to determine the feasibility of such an application.

(a) Absent a change in circumstances that presents an imminent threat to deputies, the canine or the public, such applications shall be conducted on-leash or under such conditions that minimizes the likelihood that the canine will bite or otherwise injure the individual.

(b) Throughout the deployment of the canine in such circumstances, the handler should give periodic verbal assurances that the canine will not bite or hurt the person.

(c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.

319.2.5 REPORTING CANINE USE, BITES, AND INJURIES

Whenever the canine is deployed, a Dakota 911 CAD event shall be created by Dakota 911 and the handler shall add comments, and complete the necessary canine deployment records. This information may be reviewed by a supervisor.

Whenever a canine is deployed and intentionally bites or causes injury to a suspect, a supervisor shall be promptly notified and the Use of Force Report Form shall be completed and included with any related incident report. Canines controlled by peace officers are exempt from regulatory action relating to bites.

Any unintended bite or injury caused by the canine during deployments, operations, training, presentations, or under any other circumstances, either on or off-duty, shall be promptly reported to a supervisor on duty. Unintended bites or injuries caused by the canine should be documented in an incident report, not on a Use of Force Report Form.

Color photographs shall be taken of the bite or injury as soon as practicable after rendering the appropriate medical aid. Photographs shall be retained as evidence in accordance with current office evidence procedures. It shall be the responsibility of the Canine Unit Coordinator to ensure that such photographs are retained until the potential for their use in any related civil proceeding has expired.

The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody, a deputy should remain with the suspect until treatment has been rendered.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

The Canine Unit Coordinator will maintain liaison with the local animal control authority to ensure that information regarding canine bites is not retained by their office. Canines used by law enforcement agencies are exempt from impoundment and reporting requirements to the animal control authority (Minn. Stat. § 347.51 Subd. 4).

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319.2.6 REPORTING CANINE INJURIES
In the event that a canine is injured, the injury will be immediately reported to the Watch Commander.

Medical care for any injured canine shall follow the protocol established in this policy.

The injury will be documented in an incident report.

319.3 PROHIBITED USES
A dual-purpose canine trained in the detection of explosives and apprehension shall not be used for any direct search related to any individual, or group of people.

At no time will an explosive detection-trained canine be used to render a suspected device safe and clear.

A single-purpose canine trained in the detection of controlled substances shall not be used for any direct search or apprehension related to any individual, group of people or used in any show of force or use of force situation.

319.4 CANINE COORDINATOR
The canine coordinator shall be appointed by and directly responsible to the PatrolDivision Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

(i) Preparing an annual summary and analysis of canine deployments, including use of force. The report should be submitted to the Sheriff through the chain of command.

319.5 CANINE HANDLER RESPONSIBILITIES
The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

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(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all office equipment under his/her control in a clean and serviceable condition.

(c) When a handler is off-duty assigned vehicles are to be secured at the deputy's home, an approved County facility or other law enforcement agency., If the vehicle remains at the home of the deputy, the Office shall have access to the vehicle, including if garaged. If the deputy is unable or unwilling to provide access to the vehicle, it shall be parked at an approved County facility.

(d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(f) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.

(i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.

(j) Whenever a handler is off-duty and unable to provide care to the canine, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

319.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

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(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

319.5.2 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canines are trained.

(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended unit remains inhabitable for the canine.

319.5.3 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog consistent with the Fair Labor Standards Act. The compensation shall be prescribed in the employee's collective bargaining agreement.

319.6 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine’s suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation the following guidelines apply.

(a) Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

319.6.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard, the vendor's standards or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall receive training to a current nationally recognized standard or as defined in the current contract with the Office's canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the Canine Unit Coordinator.

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(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Office.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the Canine Unit Coordinator or Watch Commander.

319.6.2 TRAINING RECORDS
All canine training records will be maintained by the handler using the approved canine records system.

319.7 EXPLOSIVE TRAINING AIDS

Deputies may possess or use explosives or destructive devices while acting within the scope and course of employment (Minn. Statute 609.668, subd. 3(a)(1); Minn. Statute 609.668, subd. 4; 18 U.S.C 842; 27 C.F.R 55.41).

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using, or transporting explosives for canine training puroses shall comply with federal and state requirements. Alternatively, the Dakota County Sheriff's Office may work with outside trainers with the applicable license or permits.

Explosive training aids designed specifically for canine teams should be used whenever reasonably feasible. The use of explosives or destructive devices for training aids by canine teams is subjected to the following:

(a) Canine handlers are not allowed to utilize any personal or unapproved training aids.

(b) When not in use, all explosive training aids shall be properly stored in a secure facility that is appropriate for the type of materials in accordance with federal standards. Only members of the explosive canine team shall have access to the explosive training aids. An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored and made available upon request by the Sheriff or designee.

(c) All explosives shall be transported in a closed-body vehicle in an ATF-approved Type 3-day box(es) with approved locks.

(d) The Canine Coordinator shall be responsible to audit and verify the explosive training aids on hand against the inventory ledger once each calendar quarter. The Canine Coordinator will document this audit on the explosive list ledger.

(e) Transporting explosives in a motor vehicle shall be done in accordance with ATF ruling 2019-1

(f) Any lost or damaged explosive training aids shall be properly reported in writing to the Canine Coordinator who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and reported ina police report filed with the Dakota County Sheriff's Office.

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In the event that an explosive is considered unsafe or deteriorated, the Canine Coordinator will contact the appropriate bomb squad for the destruction of the material. The Canine Coordinator will write a detailed report and adjust the explosive device inventory accordingly.

319.8 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

The Sheriff or designee may request controlled substance training aids while providing substance abuse training or canine drug detection training from the Dakota County Drug Task Force.

319.8.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

(a) All necessary controlled substance training samples shall be acquired from the Dakota County Sheriff's Office's evidence personnel or from outside agencies authorized to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.

(b) The weight and test results shall be recorded and maintained by this office.

(c) Any person receiving controlled substance training samples pursuant to court order shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly by the canine coordinator or by the Patrol Captain in the event the canine coordinator possesses controlled substance training samples. The results of the annual testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the canine handler's assigned patrol unit or stored in a secured location. There are no exceptions to this procedure.

(f) The canine coordinator or designee, shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property Room or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

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Domestic Abuse

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent, and reduce domestic abuse through vigorous enforcement and to address domestic abuse as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic abuse.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic abuse, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic abuse - Commission of any of the following if committed against a family or household member by another family or household member (Minn. Stat. § 518B.01 Subd. 2):

(a) (a) Actual or fear of imminent physical harm, bodily injury, or assault

(b) Threats of violence (Minn. Stat. § 609.713)

(c) Criminal sexual conduct (Minn. Stat. § 609.342 to Minn. Stat. § 609.3451)

(d) Interference with an emergency call (Minn. Stat. § 609.78)

Domestic Abuse Program - Public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.

Child - Person under the age of 18.

Family or Household Member - Spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons involved in a significant romantic or sexual relationship. It also includes a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time. (Minn. Stat. § 518B.01, subd. 2(b)(1)-(7))

Domestic Call - Request for assistance to a law enforcement agency regarding domestic abuse or any other crime against a family of household member.

Qualified Domestic Violence-Related Offense (QDVRO) - Includes a violation of or an attempt to violate a domestic abuse order for protection; first or second degree murder; first through fifth degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth degree criminal sexual conduct; malicious punishment of a child; threats of violence; violation of harassment restraining order; stalking; interference with an emergency call; and violation of domestic abuse no contact order; and similar laws of other states, the United

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States, the District of Columbia, tribal lands, and United States territories. (Minn. Stat. § 609.02, subd. 16)

If a person arrested for a domestic crime has a prior QDVRO, the new offense may be chargeable as a higher-level crime.

Order for Protection (OFP) - An order issued under Minn. Stat. 518B.01 by a judge in civil court upon the request of the petitioner. Any family or household member of the abuser (called a respondent) may ask the court for an OFP. The relief granted to the petitioner may include an order for the respondent to stop domestic abuse, no direct or indirect contact with petitioner, temporary custody of minor children, temporary financial support, and/or counseling for the respondent. Other forms or relief are also available. Violating an OFP is a crime.

Domestic Abuse No Contact Order (DANCO) - An order issued under Minn. Stat. 629.75 by a judge in criminal court limiting contact between a defendant and a victim of domestic abuse. DANCOs may be issued as pretrial condition of release and/or as a probationary condition of sentence.

Harassment Restraining Order (HRO) - An order issued under Minn. Stat. 609.748 by a judge in civil court when a petitioner requests a court order preventing another person from having contact with him/her. These orders generally prohibit all contact of any kind (including, but not limited to, phone calls, letters, e-mail, social media and contact through a third party) and may limit the respondent‘s ability to come within a certain distance of the petitioner’s home, work or school. This type of order can be issued no matter what the relationship between the individuals involved. Violating an HRO is a crime.

Harassment - A single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target. (Minn. Stat. § 609.748, subd. 1(a))

Stalking - Engaging in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim. (Minn. Stat.§ 609.749, subd. 1)

321.2 POLICY

The Dakota County Sheriff's Office's response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

321.3 OFFICER SAFETY

The investigation of domestic abuse cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede

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the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

321.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic abuse cases:

(a) Calls of reported, threatened, imminent, or ongoing domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations in the event that the injuries later become visible.

(f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

(j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.

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4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

321.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, deputies should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail (Minn. Stat. § 629.72 Subd. 6).

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

321.4.2 IF NO ARREST IS MADE
If no arrest is made, the deputy should:

(a) Advise the parties of any options, including but not limited to:
    1. Voluntary separation of the parties.
    2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Remain at the scene of the disturbance until they believe that the likelihood of further imminent violence has been eliminated.

(c) Document the resolution in a report.

321.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, deputies should be aware that a victim's behavior and actions may be affected.

(a) Victims should be provided with the office's domestic abuse information handout, even if the incident may not rise to the level of a crime.

(b) Victims should be alerted to any available victim advocates, shelters, and community resources.

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(c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.

(d) If the victim has sustained injury or complains of pain, deputies should seek medical assistance as soon as practicable.

(e) Deputies should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.

(f) Deputies should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(g) If appropriate, deputies should seek or assist the victim in obtaining an emergency order.

321.6 DISPATCH ASSISTANCE

All calls of domestic abuse, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

321.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

321.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

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(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

321.9 LEGAL MANDATES AND RELEVANT LAWS

Minnesota law provides for the following:

321.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic abuse report should consider the following:

(a) A deputy has the authority to arrest a person without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 14 days, exclusive of the day probable cause was established, assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm any person covered by the "family or household member" definition, even if the assault did not rise to the level of a felony or did not take place in the presence of the peace officer (Minn. Stat. § 629.34; Minn. Stat. § 629.341).

(b) Deputies should generally not make dual arrests but may make an arrest of a primary aggressor. Where there are allegations that each party assaulted the other, the deputy shall determine whether there is sufficient evidence to conclude that one of the parties was the primary aggressor based on the following criteria and the deputy's judgment (Minn. Stat. § 629.342, Subd. 2):

1. Comparative extent of any injuries inflicted
2. Fear of physical injury because of past or present threats
3. Actions taken in self-defense or to protect oneself
4. History of domestic abuse perpetrated by one party against the other
5. Existence or previous existence of an order for protection

(c) A deputy shall not issue a citation in lieu of arrest and detention to an individual charged with any of the following offenses (Minn. Stat. § 629.72):

1. Stalking
2. Domestic abuse
3. Violation of an order for protection
4. Violation of a domestic abuse no contact order

(d) The Watch Commander will determine whether a person arrested on a charge of stalking any person, domestic abuse, violation of an order for protection, violation of a domestic abuse no contact order, or violation of a court-ordered transfer of firearms will be held in custody or be issued a citation in lieu of continued detention and released after booking. The person shall be held in custody whenever the Watch Commander determines that it reasonably appears the release of the person (Minn. Stat. § 629.72):

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1. Poses a threat to the alleged victim or another family or household member.
2. Poses a threat to public safety.
3. Involves a substantial likelihood that the arrested person will fail to appear at subsequent proceedings.

(e) Deputies shall arrest and take into custody, without a warrant, a person whom the peace officer has probable cause to believe has violated a court order issued pursuant to Minn. Stat. § 518B.01 or Minn. Stat. § 629.75. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the deputy can verify the existence of the order. If the person is not released on citation in lieu of continuing detention, the person shall be held in custody for these violations for at least 36 hours unless released by a court (Minn. Stat. § 518B.01; Minn. Stat. § 629.75).

(f) An arrest for a violation of an order of protection may be made regardless of whether the excluded party was invited back to the residence (Minn. Stat. § 518B.01, Subd. 18).

(g) Following an arrest, a deputy should contact the local domestic abuse program by phone as soon as possible and provide the name and address of the victim and a brief factual account of events associated with the action.

(h) A deputy shall arrest and take into custody a person whom the deputy has probable cause to believe has violated a harassment restraining order, pursuant to Minn. Stat. § 609.748, if the deputy can verify the existence of the order.

(i) Deputies are authorized to make an arrest without a warrant when there is probable cause to believe the person has violated the provisions of any other no contact or restraining order issued by a court, even if the offense did not rise to the level of a felony (Minn. Stat. § 629.34). While conducting a domestic abuse investigation deputies shall attempt to verify whether there has been a court order issued.

(j) Deputies should consider whether other offenses have been committed that may not qualify as a domestic abuse including, but not limited to, burglary, felony assault, other threats of violence, kidnapping, false imprisonment, witness tampering, trespassing, criminal damage to property, disorderly conduct, or assault.

321.9.2 REPORTS AND RECORDS

(a) Deputies should include information related to the following in a report, as applicable (Minn. Stat. § 629.341):

1. Names, addresses, and telephone numbers of all involved persons
2. Condition of clothing
3. Description of the scene, including any property damage
4. Evidence of physical injury, including strangulation
5. Presence of elderly victims or persons with disabilities
6. Facts related to any person who may have been a primary aggressor
7. Excited utterances of the victim and the suspect

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8. Demeanor of the victim and the suspect
9. Medical records, including the victim’s statements to paramedics, nurses, and doctors
10. Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
11. A detailed explanation of the reasons for the deputy’s decision not to arrest or seek an arrest warrant
12. Evidence of any prior domestic abuse or related convictions, including dates
13. Any existing orders for protection, harassment restraining order, or no contact orders
14. Identifying information of a specific court order violated, including county of origin, the file number, and the provision allegedly violated

(b) Domestic abuse reports should be forwarded to the appropriate prosecutor for review and consideration of criminal charges, even when no arrest is made or warrant requested.

(c) If a child was present at the scene of a domestic abuse incident or was the victim of domestic abuse, the deputy should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the mandatory reporting requirements of Minn. Stat. § 260E.06 et seq.

1. The deputy shall also attempt to verify whether there has been an order for protection issued under Minn. Stat. § 260C.201 and take appropriate action.

(d) Fees will not be charged for the release of reports related to domestic abuse, as directed in Minn. Stat. § 13.82.

321.9.3 SERVICE OF COURT ORDERS

Deputies, when reasonably safe and in a position to do so, shall serve copies or short forms of court orders as directed in Minn. Stat. § 518B.01 and Minn. Stat. § 609.748.

Reasonable efforts shall be made to provide notification to the petitioner of service upon request, as provided in Minn. Stat. § 609.748.

321.9.4 COURT-ORDERED FIREARM SURRENDERS

Although not required, this office generally will accept firearms surrendered by a court order from an abusing party or defendant. A decision to refuse a surrendered firearm should be approved by a supervisor.

Firearms will normally be surrendered at the Dakota County Sheriff's Office; however, when encountering someone in the field who wishes to surrender a firearm, deputies should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Property Room in accordance with the Property Room Policy.

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321.10 FACTORS NOT TO BE CONSIDERED IN MAKING THE ARREST

a. Ownership, tenancy rights of either party, or the fact the incident occurred in a private place.

b. Belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction.

c. Verbal assurances that the abuse will stop.

d. Disposition of previous police calls involving the same victim or suspect.

e. Denial by either party that the abuse occurred when there is evidence of domestic abuse.

f. Lack of a court order restraining or restricting the suspect.

g. Concern about reprisals against the victim.

h. Adverse financial consequences that might result from the arrest.

i. Chemical dependency or intoxication of the parties.

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Search and Seizure

323.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Dakota County Sheriff's Office personnel to consider when dealing with search and seizure issues.

323.2 POLICY

It is the policy of the Dakota County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this office will comply with relevant federal and state law governing the seizure of persons and property.

The Office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

323.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this office is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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323.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances reasonably permit:

(a) Members of this office will strive to conduct searches with dignity and courtesy.

(b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:

1. Another deputy or a supervisor should witness the search.
2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

323.5 DOCUMENTATION

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and office policy have been met.

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Temporary Custody of Juveniles

325.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Dakota County Sheriff's Office (34 USC § 11133; Minn. Stat. § 260B.176; Minn. Stat. § 260C.176).

This policy does not apply to secure detention facilities, shelter care facilities, or the juvenile portion of an adult facility authorized to hold juveniles, but rather applies to the temporary custody of a juvenile before a juvenile is released, delivered to a court, or delivered to any of these other facilities (Minn. Stat. § 260B.176, Subd. 3; Minn. Stat. § 260C.176, Subd. 3).

325.1.1 DEFINITIONS

Definitions related to this policy include:

Custodian or **Guardian** - A person who is under a legal obligation or who is in fact providing care and support for a minor (Minn. Stat. § 260B.007, Subd. 13; Minn. Stat. § 260C.007, Subd. 10).

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This includes those held as runaways (Minn. Stat. § 260C.175), truancy violators (Minn. Stat. § 260C.143), and juveniles 15 years old or younger in custody related to their engaging in prostitution or related activities (Minn. Stat. § 260B.007 Subd. 6(c)). This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes possession of a handgun in violation of Minn. Stat. § 624.713 (28 CFR 31.303). This does not include a juvenile petty offender under Minn. Stat. § 260B.007.

Non-secure custody - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring, and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include underage possession of tobacco or curfew violation. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. Juvenile petty offenders taken into custody should be considered a status offender for purposes of this policy (Minn. Stat. § 260B.007; Minn. Stat. § 260B.143).

325.2 POLICY

The Dakota County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Dakota County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

325.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Dakota County Sheriff's Office:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Dakota County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

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If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed.

325.3.1 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting deputy should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior that may indicate the juvenile may harm him/herself while in custody.

325.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Dakota County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Dakota County Sheriff's Office without authorization of the arresting deputy's supervisor or the Watch Commander.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Dakota County Sheriff's Office (34 USC § 11133).

325.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Dakota County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible (Minn. Stat. § 260B.175; Minn. Stat. § 260C.143; Minn. Stat. § 260C.176). Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

Juveniles detained for truancy violations may be released to a truancy service center, released to the superintendent or teacher at their school of enrollment, or released to a parent or legal guardian (Minn. Stat. § 260C.143; Minn. Stat. § 260A.04 Subd. 3).

325.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

325.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Dakota County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

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Generally juvenile offenders may be taken into custody under the authority of Minn. Stat. § 260B.175 when a court order authorizes the custody, when the juvenile has committed an offense that would warrant the arrest of an adult, or when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision.

A deputy who takes a juvenile offender of any age or gender into custody or could take the juvenile into custody under Minn. Stat. § 260B.175 is authorized to perform a protective pat-down search of the juvenile offender in order to protect the deputy's safety (Minn. Stat. § 260B.175, Subd. 4).

The parent, guardian, or custodian of the juvenile shall be notified as soon as possible when a juvenile offender is taken into custody. Juvenile offenders shall be released to the custody of a parent, guardian, custodian, or other suitable person unless there is reason to believe that the juvenile would (Minn. Stat. § 260B.176):

(a) Endanger themself or others.

(b) Not return for a court hearing.

(c) Run away from or otherwise not remain in the care or control of their parent, guardian, or custodian.

(d) Face immediate endangerment to the juvenile's health or welfare.

If a juvenile offender is not released to a parent, guardian, custodian, or other suitable person, the deputy taking the juvenile offender into custody shall communicate with or deliver the juvenile to a secure detention facility to determine whether the juvenile should be released or detained. The deputy shall also notify the court as soon as possible of the detention of the juvenile and the reasons for detention (Minn. Stat. § 260B.176).

325.4.4 SCHOOL NOTIFICATION

Minnesota law requires that the Sheriff or the authorized designee notify the superintendent or chief administrative officer of a juvenile’s school of an incident occurring within our jurisdiction if (Minn. Stat. § 260B.171, Subd. 5):

(a) There is probable cause to believe a juvenile has committed an offense that would be a crime if committed as an adult, where the victim is a student or staff member and the notice is reasonably necessary for the protection of the victim.

(b) There is probable cause to believe a juvenile has committed certain serious crimes regardless of whether the victim is a student or staff member.

(c) The juvenile is taken into protective custody and methamphetamine manufacture or storage is involved (see the Child Abuse Policy for guidelines) (see also, Minn. Stat. § 260C.171)

However, the office is not required to notify the school if it is determined that notice would jeopardize an ongoing investigation.

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325.5 ADVISEMENTS

When a juvenile is taken into custody on a warrant, the juvenile and his/her parent, guardian, or custodian, if present, shall immediately be informed of the existence of the warrant for immediate custody and, as soon as practicable, of the reasons why the juvenile is being taken into custody (Minnesota Rules of Juvenile Delinquency Procedure 4.03, Subd. 10).

If it is determined that a juvenile taken into custody is going to be placed into a secure detention facility or a shelter care facility, the deputy shall advise both the juvenile and the juvenile's parent, guardian, or custodian as soon as possible (Minn. Stat. § 260B.176, Subd. 3; Minn. Stat. § 260C.176, Subd. 3):

(a) Of the reasons for custody and the reasons for placement.

(b) Of the location of the facility unless there is reason to believe that disclosure would place the juvenile's health and welfare in immediate endangerment. If so, the disclosure shall not be made (Minn. Stat. § 260B.176, Subd. 5).

(c) That the juvenile's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the facility at any time. Subsequent visits may also be made on a reasonable basis.

(d) That the juvenile may telephone parents and an attorney or guardian ad litem immediately after being admitted to the facility and thereafter on a reasonable basis.

(e) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007, Subd. 6 for longer than 36 hours excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260B.178.

(f) That the juvenile may not be detained under Minn. Stat. § 260C.175, Subd. 1, clause (1) or (2), item (ii) longer than 72 hours at a shelter care facility excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260C.178.

(g) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007, Subd. 6 for longer than 24 hours in an adult jail or municipal lockup excluding weekends and holidays or longer than six hours if the adult jail or municipal lockup is a standard metropolitan statistical area, unless a petition has been filed pursuant to Minn. Stat. § 260B.178 and a motion made to refer the juvenile for adult prosecution.

(h) Of the date, time, and place of the detention hearing, if this information is available.

(i) That the juvenile and the juvenile's parent, guardian, or custodian have the right to be present and to be represented by counsel, at the detention hearing and that if they cannot afford counsel it will be appointed at public expense.

325.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile or status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Dakota County Sheriff's

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Office shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

325.7 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Dakota County Sheriff's Office shall ensure the following:

(a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Dakota County Sheriff's Office more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Dakota County Sheriff's Office more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care such as changing clothing or using the restroom without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices such as peep holes or mirrors of which the juvenile is not aware. Therefore an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

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(o) No discipline may be administered to any juvenile nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

325.7.1 CURFEW VIOLATIONS

Juveniles detained for curfew violations may be released in the field or brought to the station but shall only be released to their parent, legal guardian or responsible adult.

325.8 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the Dakota County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Dakota County Sheriff's Office.

325.9 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Minn. Stat. § 260B.181). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this office should not use secure custody for convenience when non-secure custody is or later becomes a reasonable option.

When reasonably practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

325.9.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

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(b) Juveniles shall have constant auditory access to office members.

(c) Initial placement into and removal from a locked enclosure shall be logged.

(d) Random personal visual checks of the juvenile by a staff member no less than every 15 minutes shall occur.

1. All checks shall be logged.
2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room.

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

325.10 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Dakota County Sheriff's Office. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Sheriff and Investigation Division Supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the County attorney.

(e) Evidence preservation.

325.11 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent and does consent to an interview or interrogation.

325.12 RESTRICTION ON PHOTOGRAPHING

Photographing of juveniles taken into custody will only occur with the consent of the juvenile court, except when the photograph is taken related to a violation of driving while impaired or is taken pursuant to the laws of arrest (Minn. Stat. § 260B.171, Subd. 5; Minn. Stat. § 260B.175; Minn. Stat. § 169A.20).

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Adult Abuse

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Dakota County Sheriff's Office members as required by law (Minn. Stat. § 626.557).

327.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 626.5572):

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

327.2 POLICY

The Dakota County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

327.3 MANDATORY NOTIFICATION

Members of the Dakota County Sheriff's Office shall notify the entity responsible for receiving such reports when they have reason to believe that a vulnerable adult is being or has been maltreated, or has sustained a physical injury which is not reasonably explained. Members shall also report suspected negligent care by a service or health care provider that resulted in injury or harm requiring the care of a physician (Minn. Stat. § 626.557).

For purposes of notification, a vulnerable adult is a person age 18 or older who has physical, mental or emotional disabilities that make it difficult for the person to care for or to protect him/herself from maltreatment. It also refers to adults who reside at a facility, or receive care at a facility or through home care (Minn. Stat. § 626.5572).

Maltreatment includes abuse, neglect and financial exploitation. Abuse can be physical, emotional or sexual. Financial exploitation may include any instance where vulnerable adults' money, assets or property are not used for their benefit or are stolen or kept from them (see Minn. Stat. § 626.5572 for full definitions).

327.3.1 NOTIFICATION PROCEDURE

Oral notification should be made as soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557; Minn. Stat. § 626.5572). To the extent possible, the following should be included in the notification:

(a) The identity the vulnerable adult and any caregiver

(b) The nature and extent of the suspected maltreatment

(c) Any evidence of previous maltreatment

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(d) The name and addresses of the person initiating the report or other witnesses

(e) The time, date, and location of the incident

(f) Any other information that might be helpful in investigating the suspected maltreatment

If notification of maltreatment is first made to the Dakota County Sheriff's Office, the member receiving the notification shall complete and forward the incident report to the entity responsible for receiving such reports.

327.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Minn. Stat. § 626.5571).

327.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. Investigations should be initiated a soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

Assigned members shall initiate an investigation of vulnerable adult abuse as soon as possible, but in all cases within 24 hours when there is reason to believe a crime has been committed (Minn. Stat. § 626.557).

327.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact an appropriate protective services agency. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to an appropriate protective services agency or medical facility.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

327.7 INTERVIEWS

327.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

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327.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

327.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

327.9 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

327.9.1 RECORDS RESPONSIBILITIES

The Records is responsible for:

(a) Providing a copy of the adult abuse report to the applicable entity in the county responsible for receiving such reports as required by law.

(b) Retaining the original adult abuse report with the initial case file.

327.9.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 626.557).

327.10 TRAINING

The Office should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

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(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

329.1 PURPOSE AND SCOPE

Refer to Dakota County Policy 3042.

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Child Abuse

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Dakota County Sheriff's Office members are required to notify the county social services agency of suspected child abuse.

331.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse (also known as maltreatment of minors) - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (Minn. Stat. § 260E.03; Minn. Stat. § 260E.06).

331.2 POLICY

The Dakota County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure the county social services agency is notified as required by law.

331.3 MANDATORY NOTIFICATION

Members of the Dakota County Sheriff's Office shall notify the county social services agency when they have reason to believe any of the following may have occurred or when someone reports any of the following (Minn. Stat. § 260E.06):

(a) A child is being neglected or has been neglected within the preceding three years.

(b) A child is being physically abused or has been physically abused within the preceding three years by a person responsible for the child's care.

(c) A child is being sexually abused, threatened with sexual abuse, or has been sexually abused within the preceding three years by a person responsible for the child's care, by a person who has a significant relationship to the child, or by a person in a position of authority.

(d) A woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including but not limited to tetrahydrocannabinol (marijuana), or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive (Minn. Stat. § 260E.03, subd. 15; Minn. Stat. § 260E.31).

Notification is mandatory for any acts of neglect, physical abuse, and sexual abuse that constitute a crime, whether or not the suspect had any relationship to or responsibility for the child (Minn. Stat. § 260E.12).

For purposes of notification, physical abuse includes injuries, mental injuries, or injuries that cannot be reasonably explained (e.g., punching, kicking, burning). Sexual abuse includes criminal

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sexual conduct and prostitution offenses. Neglect includes failure to supply a child with necessary clothing, shelter, or medical care. See Minn. Stat. § 260E.03 for full definitions of physical abuse, sexual abuse, and neglect.

331.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (Minn. Stat. § 260E.09):

(a) The member tasked with the investigation shall call the county social services agency and report the alleged abuse as soon as possible but always within 24 hours. The time of the call and the name of the person should be documented.

(b) Notification, when possible, should include:

1. The child's current location and whether the child is in immediate danger.
2. A description of when and where the incident occurred and what happened to the child.
3. A description of the injuries or present condition of the child.
4. The names and addresses of the child, parents, or caregivers.
5. Whether there were any witnesses to the incident and their names.
6. Any additional information about the child, family, or caregivers that may be helpful.
7. Whether the incident occurred in a licensed facility or a school and what actions the facility employees may have taken.
8. Whether there are immediate family, relative, or community resources that would offer protection or support to the child.

(c) Forms that may be required by the county social services agency or other written notification shall be completed and faxed or delivered to the county social services agency as soon as possible but always within 72 hours, exclusive of weekends and holidays.

(d) Approved investigation reports should be forwarded to the county social services agency as soon as practical.

(e) When the child abuse occurred at a facility or by a person from a facility that requires a state license or a profession that requires a state license (e.g., foster homes, group homes, day care, educator), notification shall also be made to the agency responsible for licensing the facility or person (Minn. Stat. § 260E.11).

331.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

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(d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

331.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

331.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact the county social services agency. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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Generally, members of this office should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to the county social services agency.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Minn. Stat. § 260C.175):

(a) When a court has issued an order for removal.

(b) When a child is found in surroundings or conditions that pose an imminent threat to the child's health or welfare or that a peace officer reasonably believes pose an imminent threat to the child's health or welfare.

(c) If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, taking the child into custody under this clause shall be consistent with the Indian Child Welfare Act (25 USC § 1922).

331.6.1 NOTICE TO PARENT OR CUSTODIAN AND CHILD

Whenever a deputy takes a child into protective custody, the deputy shall notify the parent or custodian and the child (age 10 years or older) that they may request that the child be placed with a relative instead of in a shelter care facility. The deputy also shall give the parent or custodian a list, published by the Minnesota Department of Human Services, of names, addresses, and telephone numbers of social services agencies that offer child welfare services. When placement with a relative is requested, the deputy will coordinate with the responsible social services agency to ensure the child's safety and well-being in compliance with Minn. Stat. § 260C.181 (Minn. Stat. § 260C.175).

If the parent or custodian was not present when the child was removed from the residence, the list shall be left with an adult who is on the premises or left in a conspicuous place on the premises if no adult is present. If the deputy has reason to believe the parent or custodian is not able to read and understand English, the deputy must provide a list that is written in the language of the parent or custodian (Minn. Stat. § 260C.175; Minn. Stat. § 260C.181).

331.6.2 SAFE PLACE FOR NEWBORNS

A person may leave an unharmed newborn less than seven days old with the staff of a hospital, urgent care facility or ambulance service without being subject to prosecution (Minn. Stat. § 609.3785). The responsible social service agency is charged with addressing these matters but

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may contact law enforcement if child abuse is suspected (Minn. Stat. § 145.902; Minn. Stat. § 609.3785).

331.7 INTERVIEWS

331.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

331.7.2 DETAINING ABUSE VICTIMS FOR INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

331.7.3 NOTIFICATION TO PARENTS

Generally, deputies should cooperate with parents and guardians and seek consent prior to conducting interviews of children. However, when reasonably necessary, state law grants deputies the authority to interview a child who is the alleged victim of abuse or neglect, and any other children who currently reside or have resided with the alleged victim, without parental consent (Minn. Stat. § 260E.22, Subd. 1).

The interview may take place at school or at any facility or other place where the alleged victim or other children might be found, or the child may be transported to, and the interview conducted at, a place that is appropriate for the interview and has been designated by the local welfare agency or law enforcement agency. When it is possible and substantial child endangerment or sexual abuse is alleged, the interview may take place outside the presence of the alleged offender and prior to any interviews of the alleged offender (Minn. Stat. § 260E.22).

The deputy shall notify the parent, legal custodian, or guardian that the interview occurred as soon as reasonably practicable after the interview, unless the juvenile court has determined that reasonable cause exists to withhold the information (Minn. Stat. § 260E.22).

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331.7.4 INTERVIEWS AT SCHOOL

If deputies assigned to investigate a report of maltreatment determine that an interview should take place on school property, written notification of the intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property (Minn. Stat. § 260E.22, Subd. 7).

The investigating deputy shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place, and manner of the interview (Minn. Stat. § 260E.22, Subd. 7).

331.7.5 DOCUMENTING AND RECORDING INTERVIEWS

Any statement made by an alleged child abuse victim during the course of a criminal investigation shall be documented. The documentation of the interview must contain, at a minimum (Minn. Stat. § 260E.23):

(a) The date, time, place, and duration of the interview.

(b) The identity of the persons present at the interview.

(c) A summary of the information obtained during the interview if it was not audio recorded.

Members should follow the written guidelines of the county attorney's office regarding recording interviews of a child abuse victim.

331.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child’s transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

331.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

331.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations supervisor should:

(a) Work with professionals from the appropriate agencies, including the county social services agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations

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where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Investigations supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

331.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations supervisor so an interagency response can begin.

331.9.3 SCHOOL NOTIFICATION

If a juvenile is taken into protective custody after being found in an area where methamphetamine was being manufactured or attempted to be manufactured, or where any chemical substances, paraphernalia or waste products related to methamphetamine are stored, the deputy who took the juvenile into custody shall notify the chief administrative officer of the juvenile's school (Minn. Stat. § 260C.171, Subd. 6).

331.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

331.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 260E.35).

331.10.2 MULTIDISCIPLINARY INVESTIGATIVE TEAMS

Child mortality review panels, local review teams, and the commissioner of children, youth, and families shall have access to not public data regarding the death or near death of a child. This office shall cooperate fully with any such team and investigation (Minn. Stat. § 260E.39, Subd. 5).

331.10.3 COORDINATION WITH SOCIAL SERVICES

In every case of child abuse that would require notification to a local county social services agency, the investigating deputy shall coordinate the planning and execution of the investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. The investigating deputy shall prepare a report separate from the social services agency (Minn. Stat. § 260E.12; Minn. Stat. § 260E.14, Subd. 5).

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Members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an investigation or a family assessment under Chapter 260E (Minn. Stat. § 243.166; Minn. Stat. § 260E.03).

331.10.4 NOTIFICATION PROCESS

The Patrol Supervisor is responsible for ensuring the mandatory notifications to the county social service agency are carried out. This should be achieved, in part, by establishing and reviewing related procedures and through ongoing training (Minn. Stat. § 260E.01 et seq.).

331.10.5 COURT-ORDERED FIREARM SURRENDERS

This office shall accept firearms surrendered by an abusing party or defendant pursuant to a court order as provided in state law (Minn. Stat. § 518B.03).

Firearms will normally be surrendered at the Dakota County Sheriff's Office; however, when encountering someone in the field who wishes to surrender a firearm, deputies should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Property Room in accordance with the Property Room Policy.

331.11 TRAINING

The Commander of Detention Services or Commander of Operations should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Persons

333.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

333.1.1 DEFINITIONS

Definitions related to this policy include:

Endangered - A person the Office has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

(a) The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.

(b) The person is missing under known dangerous circumstances.

(c) The person is missing for more than 30 days.

(d) The person is under the age of 21 and at least one other factor is applicable.

(e) There is evidence that the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.

(f) The person does not have a pattern of running away or disappearing.

(g) The person is mentally impaired.

(h) The person has been diagnosed with dementia, a traumatic brain injury, Alzheimer's disease, or other cognitive impairments.

(i) The person has been diagnosed with autism.

(j) There is evidence that a non-custodial parent may have abducted the person.

(k) The person has been the subject of past threats or acts of violence.

(l) There is evidence that the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate and effective investigation and search-and-rescue efforts are critical.

(m) Any other factor the Office deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the National Center for Missing and Exploited Children (NCMEC), the

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Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, and the Minnesota Crime Alert Network.

333.2 POLICY

The Dakota County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Dakota County Sheriff's Office gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

333.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations supervisor shall ensure the following forms and kits are developed and available:

- Missing Person Report Form
- Missing Person Investigation Checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing Person School Notification Form
- Medical Records Release Form
- Biological sample collection kits

333.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (Minn. Stat. § 299C.53, Subd.1(a)).

333.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

(a) Respond to a dispatched call as soon as practicable. Obtain a detailed description of the missing person, as well as a description of any related vehicle and/or abductor.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be endangered (Minn. Stat. § 299C.53, Subd. 1(b)). Interviews should be conducted separately, if practicable.

(c) Consult with the Bureau of Criminal Apprehension (BCA) if the person is determined to be an endangered missing person (Minn. Stat. § 299C.53, Subd. 1(b)).

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(d) Canvass the last known area where the missing person was seen, if known. A search of the location where the incident took place, if known, should also be conducted and a search warrant obtained if necessary.

(e) Determine when, where and by whom the missing person was last seen. Interview the person who last had contact with the missing person.

(f) Notify a supervisor immediately if there is evidence that a missing person is either endangered or may qualify for a public alert, or both (see the Public Alerts Policy).

(g) Broadcast an "Attempt to Locate" (ATL) or similar alert if the person is under 18 years of age or there is evidence that the missing person is endangered. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be endangered.

(h) Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.

(i) Ensure that entries are made into the appropriate missing person networks:

1. Immediately, when the missing person is endangered (Minn. Stat. § 299C.53, Subd. 1(b)).
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

(j) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.

(k) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available (Minn. Stat. § 299C.54, Subd. 2).
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phone numbers, cell phones, computers).

(l) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.

(m) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an endangered missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(n) Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:

1. The primary agency has limited resources.

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2. The investigation crosses jurisdictional lines.
3. Jurisdictions have pre-established task forces or investigative teams.

(o) Assign an investigator as a family liaison and primary point of contact for the family and create a communication plan for keeping the family updated.

(p) Provide general information to the family, reporting party, or designee about the investigation; only to the extent that disclosure would not adversely affect locating and protecting the missing person, apprehending a suspect, and future prosecution.

333.5.1 CRIME SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a command post or operation base located at a reasonable distance from the crime scene. Staff and assign the responsibilities for command post supervisor, media specialist, search coordinator, investigative coordinator, communication officer and support unit coordinator. Consider appointing two liaison deputies (one at the command post and one at the crime scene). The role of the liaison at the victim's residence will include facilitating support and advocacy for the family.

The investigation of the scene and the crime should consider various elements, including:

(a) Establishing the ability to "trap and trace" all incoming calls.

(b) Setting up a tip line (phone line, website, app, etc.) for developing and investigating leads.

(c) Attempting to determine the missing person's location through GPS-enabled devices and any social media accounts they may have.

(d) Establishing a geo-fence at any potential last known time and location points or crime scene to identify any devices that were in that geographic area during that time.

(e) Identifying, securing, and collecting all home, business, or public surveillance video from last known location and crime scene sites.

(f) Compiling a list of known sex offenders in the region.

(g) In cases of infant abduction, investigating claims of home births made in the area.

(h) In cases involving children, obtaining child protective agency records for reports of child abuse.

(i) Reviewing records for previous incidents related to the missing person and prior law enforcement activity in the area, including prowlers, indecent exposure, attempted abductions, etc.

(j) Obtaining the missing person's medical and dental records, fingerprints, and a biological sample when practicable or within 30 days.

(k) Creating a missing person profile with detailed information obtained from records and interviews with family and friends, describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.

(l) Interviewing delivery personnel, utility company employees, taxi drivers, post office personnel, sanitation workers, etc.

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(m) Determining if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:

1. Investigative resources (e.g., search and rescue).
2. Interpretive resources.
3. Telephone services, such as traps, traces, and triangulation.
4. Media assistance from local and national sources.

(n) Using secure electronic communication information, such as the missing person's cellular telephone number, email address, and information from social networking sites.

(o) Seeking assistance from the Missing and Murdered Black Women and Girls Office, Missing and Murdered Indigenous Relatives Office, or other state agencies, and culturally based community organizations, as applicable.

333.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

333.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

333.6.2 RECORDS RESPONSIBILITIES

The responsibilities of the Records receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person’s residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

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(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigations.

(e) Coordinating with the NCIC Terminal Contractor for Minnesota to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

333.7 INVESTIGATIONS FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(c) Shall review the case file to determine whether any additional information received on the missing person indicates that the person is endangered, and shall update applicable state or federal databases accordingly (Minn. Stat. § 299C.535(b); Minn. Stat. § 299C.535(c)).

(d) Shall attempt to obtain the following, if not previously obtained, if the person remains missing after 30 days (Minn. Stat. § 299C.535(a)):

1. Biological samples from family members and, if possible, from the missing person
2. Dental information and X-rays
3. Additional photographs and video that may aid the investigation or identification
4. Fingerprints
5. Any other specific identifying information

(e) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(f) Shall verify and update the MNJIS, the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(g) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

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(h) Should consider taking certain actions if a person is missing after a prolonged period, generally exceeding 45 days. Those actions include:

1. Developing a profile of the possible abductor.
2. Using a truth verification device for parents, spouse, and other key individuals.
3. Reviewing all reports and transcripts of interviews, revisiting the crime scene, reviewing all photographs and videotapes, reinterviewing key individuals and reexamining all physical evidence collected.
4. Reviewing all potential witness/suspect information obtained in the initial investigation and considering background checks on anyone of interest identified in the investigation.
5. Periodically checking pertinent sources of information about the missing person for any activity, such as telephone, bank, internet or credit card activity.
6. Developing a timeline and other visual exhibits.
7. Critiquing the results of the ongoing investigation with appropriate investigative resources.
8. Arranging for periodic media coverage.
9. Considering the use of rewards and crime-stoppers programs.
10. Maintaining contact with the family and/or the reporting party or designee, as appropriate.

(i) Shall maintain a close liaison with state and local child welfare systems and the NCMEC if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(j) Should make appropriate inquiry with the Medical Examiner.

(k) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(l) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCA (Minn. Stat. § 299C.54), and enter the photograph into applicable missing person networks (34 USC § 41308).

(m) In the case of an endangered missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

333.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

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The Program Administration Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to BCA.

(b) A missing child’s school is notified.

(c) Entries are made in the applicable missing person networks (Minn. Stat. § 299C.53, Subd. 2).

(d) When a child is endangered, the fact that the child has been found shall be reported within 24 hours to BCA.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

333.8.1 PERSONS FOUND ALIVE

Additional responsibilities related to missing persons who are found alive include:

(a) Verifying that the located person is the reported missing person.

(b) If appropriate, arranging for a comprehensive physical examination of the victim.

(c) Conducting a careful interview of the person, documenting the results of the interview, and involving all appropriate agencies.

(d) Notifying the family or reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family or reporting party may be given this information.

(e) Considering the need for reunification assistance, intervention, counseling or other services for either the missing person or family or reporting party.

(f) Performing a constructive post-case critique. Reassessing the procedures used and updating the office policy and procedures as appropriate.

333.8.2 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.

(c) Use available resources, such as those related to missing persons, to identify the person.

333.8.3 DECEASED PERSONS

If a deceased person has been identified as a missing person, the Investigations shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25, Subd. 2).

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Additional investigation responsibilities include the following:

(a) Secure the crime scene if this office has jurisdiction.

(b) Contact the coroner, medical examiner, or forensic anthropologist to arrange for body recovery and examination.

(c) Collect and preserve any evidence at the scene.

(d) Consider the need for intervention, counseling, or other services for the family or reporting party.

(e) Cancel alerts and remove the case from NCIC and other information systems; remove posters and other publications from circulation.

(f) Perform a constructive post-case critique. Reassess the procedures used and update the office policy and procedures as appropriate.

333.9 CASE CLOSURE

The Investigations supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Dakota or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

333.10 MISSING PERSONS REPORTING AND HOT FILE ENTRY

This following details how the Dakota County Sheriff's Office will handle Missing Person reports and hot file entry. The Dakota County Sheriff's Office has a Joint Powers Agreement with Dakota 911 to enter and modify all missing person hot files.

333.10.1 ENDANGERED MISSING PERSONS

Endangered missing persons are to be entered into the system immediately not to exceed two hours, upon receiving the minimum data required for entry into the National Crime Information Center (NCIC) computer system. The two hour clock shall begin at the time the minimum data required is received. The agency must be able to document the time.

The investigating deputy will include a statement in the missing person/runaway report that specifies when the two hour clock begins. This report routes to Dakota 911 and Dakota 911 enters this person into NCIC.

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333.10.2 JUVENILES UP TO 17 YEARS OF AGE

Juveniles are to be entered into the system immediately, not to exceed two hours, upon receiving the minimum data required for entry into the National Crime Information Center (NCIC) computer system. The two hour clock shall begin at the time the minimum data required is received.

The investigating deputy will include a statement in the missing person/runaway report that specifies when the two hour clock begins. This report routes to Dakota 911 and Dakota 911 enters this person into NCIC.

333.10.3 ADULTS 18 TO 20 YEARS OLD

Any adults under 21 years of age are to be entered into the system immediately, not to exceed two hours, upon receiving the minimum data required for entry into the National Crime Information Center (NCIC) computer system. The two hour clock shall begin when the minimum data required for entry is received from the complainant. A signed report is not required by the reporting party.

The investigating deputy will include a statement in the missing person/runaway report that specifies when the two hour clock begins. This report routes to Dakota 911 and Dakota 911 enters this person into NCIC.

333.10.4 ADULTS 21 YEARS AND OLDER

To ensure maximum system effectiveness, Missing Person records must be entered immediately when the conditions for entry are met, not to exceed three days, upon receipt by the entering agency.

Adults age 21 and older are required to have signed documentation supporting the stated conditions under which they are being declared missing before entry into the system, unless they are victims of a catastrophe. The documentation should be from a source such as a parent, legal guardian, next of kin, physician, or other authority source, including a neighbor or a friend. However, when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice. For agencies using Electronic Records Management Systems (ERMS), some forms of signatures that are acceptable are:

(a) Digitized signatures

(b) Manual signatures scanned into the ERMS

(c) The case officer's typed name into the report in the ERMS.

When entering records into the National Crime Information Center (NCIC) missing person file, the Dakota 911 entry person will:

(a) Run a current Driver and Vehicle Services (DVS) and Computerized Criminal History (CCH/III) inquiry to obtain as many descriptors as possible regarding the subject. This check should include a check of whether medical/dental information is available regarding the subject. Any descriptors used must be documented in the officer's report or saved within the case file. Attempts to obtain medical/dental information must also be documented in the case file.

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(b) Enter a record into NCIC on the subject. This record should include all descriptors. Additional identifiers such as scars, marks and tattoos, aliases, additional dates of birth, etc., should be added to the record through the use of the Enter Missing Person Supplemental Screen.

After the record is entered, Dakota County Sheriff's Office support staff will query the NCIC entry to obtain a hard copy for second party verification purposes.

Agencies are required to verify and update NCIC 2000 missing person record entries with any additional information, including: Blood Type (BLT); Dental Characteristics (DCH); Fingerprint Classification (FPC); Jewelry Type (JWT); and Scars, Marks, Tattoos, and Other Characteristics (SMT) within 60 days of entry. If a record has a date of entry older than 30 days and any of the above fields are blank, a Missing Information Notification identifying the blank fields will be transmitted. The Missing Information Notification will also include the record. The Dakota County Sheriff's Office support staff will contact the Dakota 911 to modify the record to add additional information.

**A notation shall be made in the case file indicating when this attempt was made and what the outcome was, ie: child has returned, dental records obtained, etc. This sixty (60) day update is mandatory FBI requirement on all missing persons records under the age of 21 and Dakota County Sheriff's Office personnel shall document this attempt in the case file to show that this requirement has been met.

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Public Alerts

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

335.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

335.3 RESPONSIBILITIES

335.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Dakota County Sheriff's Office should notify their supervisor, Watch Commander or Investigations Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

335.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the appropriate chain of command when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

335.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER) Alert™ is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement through the Minnesota Crime Alert Network (Minn. Stat. § 299A.61 Subd. 1).

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335.4.1 CRITERIA

Any non-familial case in which an individual is abducted and the public can assist will trigger the activation of either the AMBER Alert and/or the Minnesota Crime Alert Network (MCAN) to inform the public and request its assistance in locating the individual.

The criteria for issuance of an Amber Alert are as follows:

(a) A child 17 years of age or younger was abducted and there is reason to believe the victim is in imminent danger of serious bodily injury or death.

(b) There is information available to disseminate to the general public that could assist with the safe recovery of the victim and/or the apprehension of the suspect.

An AMBER Alert should not be requested if there is no information to distribute.

335.4.2 PROCEDURE

The supervisor shall review the AMBER Alert checklist provided by the Bureau of Criminal Apprehension (BCA) to determine whether the abduction meets the AMBER Alert criteria.

As soon as possible, Dakota Communication Center personnel shall enter the child’s name and other critical data into the National Crime Information Center (NCIC), with appropriate flags.

If the AMBER Alert criteria is met, the supervisor, Watch Commander or Investigations supervisor will notify the Operations Center at the BCA. The BCA will determine whether an AMBER Alert will be issued and, if so, will activate the Minnesota Emergency Alert System (EAS) through the Minnesota Department of Public Safety (DPS) Division of Homeland Security and Emergency Management (HSEM).

BCA will manage press notifications through the EAS.

As additional information becomes available, the BCA shall be apprised and they will disseminate the information, as appropriate.

When the child is found, or the alert should be cancelled for other reasons, the Investigations supervisor shall immediately notify BCA with the pertinent information.

335.5 MINNESOTA CRIME ALERT NETWORK (MCAN)

MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). In cases where the AMBER Alert criteria are not met, the supervisor shall issue a missing person alert through MCAN to notify the public and request information on the case (Minn. Stat. § 299C.53). Law enforcement agencies, businesses, schools, and community members participate in the network.

335.5.1 CRITERIA

MCAN is available for disseminating information regarding the commission of crimes, including information on missing and endangered children or vulnerable adults, or attempts to reduce theft and other crime.

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335.5.2 PROCEDURE

If a supervisor determines that a MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information.

All media releases should be coordinated with the BCA. In the event of a confirmed child abduction, whether or not an AMBER Alert or MCAN alert is activated, procedures designed to inform the media should be followed. Initial information to release may include, but is not limited to:

(a) The nature of the crime that has occurred.

(b) The victim's identity, age and description, if relevant.

(c) Photograph if available.

(d) The suspect's identity, age and description, if known.

(e) Pertinent vehicle description.

(f) Detail regarding location of incident, direction of travel and potential destinations, if known.

(g) Whether there is reason to believe the suspect has a relationship to the victim.

(h) Name and phone number of the Sheriff or his/her authorized designee or other authorized individual to handle media liaison.

(i) A telephone number for the public to call with leads or information.

As additional information pertinent to the case becomes available, it shall be forwarded to the BCA.

335.6 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer.

335.6.1 CRITERIA

The following criteria should be utilized to determine if a request to activate a Blue Alert will be made:

(a) A law enforcement officer has been killed, seriously injured or is missing while in the line of duty under circumstances evidencing concern for the officer's safety.

(b) The investigating law enforcement agency has determined that:

1. The suspect poses a serious risk to the public or other law enforcement personnel.

2. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

(c) A description of the offender, the offender's vehicle (including license plate or partial license plate) is available for broadcast.

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335.6.2 PROCEDURE

The on-duty supervisor should ensure that contact is made with the Minnesota Bureau of Criminal Apprehension (BCA) to request activation of a Blue Alert. The on-duty supervisor should also ensure that any changes to information (e.g., vehicle information, broadcast area) are communicated to BCA in a timely manner.

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Victim and Witness Assistance

337.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

337.2 POLICY

The Dakota County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Dakota County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

337.3 CRIME VICTIM LIAISON

The Sheriff may appoint a member of the Office to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Dakota County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

337.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison shall assist the Minnesota Crime Victims Reimbursement Board in performing its duties and ensure that the Records forwards copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Records Maintenance and Release Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171 or Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

The crime victim liaison will also (Minn. Stat. § 611A.27):

(a) Serve for a sexual assault victim or a sexual assault victim's written designee as the liaison between the Dakota County Sheriff's Office and a forensic laboratory.

(b) Facilitate requests for information made by a sexual assault victim or written designee.

(c) Provide an appropriate response to a victim's request for investigative data within 30 days.

(d) Develop a procedure allowing a sexual assault victim to request that the sexual assault examination kit be submitted to a forensic laboratory if the victim had not previously authorized such submission.

The crime victim liaison or the authorized designee, in consultation with the Investigation Division Division Commander, should establish procedures for receiving requests for assistance in applying for U visa or T visa status, and make those procedures available to victims. The procedures should provide for responses to these requests to be made in compliance with applicable law and as set forth in the Immigration Violations Policy and applicable law (Minn. Stat. § 611A.95).

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337.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

337.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims, including domestic abuse and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime.

(f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U visa and T visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the deputy's name, badge number, and any applicable case or incident number.

(j) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:

1. Safe at Home address confidentiality program (Minn. Stat. § 5B.03)
2. Offender release notification (Minn. Stat. § 244.052; Minn. Stat. § 244.053; Minn. Stat. § 611A.06; Minn. Stat. § 629.73)
3. Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206)
4. Victim and specific domestic abuse victim information/Minnesota CHOICE (Minn. Stat. § 611A.02 et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)

(k) A notice that a decision to arrest is the deputy's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.

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(l) Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reimbursement (Minn. Stat. § 611A.66).

(m) Information and resources specific to homicide victims, including the required information on specified rights/procedures (Minn. Stat § 611A.02).

337.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate or Prejudice Crimes

339.1 PURPOSE AND SCOPE

The Dakota County Sheriff's Office 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 office 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 office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

339.1.1 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).

339.2 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, ethnicity, gender, sexual orientation, gender identity or expression, or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

339.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

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

(a) Deputies 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.

339.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this office 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) Deputies 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.

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(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned deputies 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 deputies 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 deputies or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned deputies will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. 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 deputies before the end of the shift.

(g) The assigned deputies should make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.

(h) The assigned deputies 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 County Attorney.

339.5 INVESTIGATIONS RESPONSIBILITIES

If a case is assigned to the Investigations, 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 victims and other involved individuals as needed.

(c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

339.5.1 STATE HATE CRIME REPORTING

This office 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 Program Administration Supervisor or assigned to the Investigations (Minn. Stat. § 626.5531, Subd. 2).

Reports are required to include (Minn. Stat. 626.5531, Subd. 1):

(a) The date of the offense.

(b) The location of the offense.

(c) Whether the target of the incident was a person, private property or public property.

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(d) The crime committed.

(e) The type of bias and information about the offender and the victim that is relevant to that bias.

(f) Any organized group involved in the incident.

(g) The disposition of the case.

(h) Whether the determination that the offense was motivated by bias was based on the deputy's reasonable belief or on the victim's allegation.

(i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

339.5.2 FEDERAL HATE CRIME REPORTING

The Program Administration Supervisor 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 procedures and in compliance with (28 USC § 534 (a)).

339.6 TRAINING

All members of this office will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat. § 626.8451, Subd. 1 and Subd. 4).

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Standards of Conduct

341.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Dakota County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

341.1.1 STANDARDS OF CONDUCT FOR PEACE OFFICERS

The Dakota County Sheriff's Office adopts the Professional Conduct of Peace Officers model policy established and published by the Minnesota Board of Peace Officer Standards and Training Board (POST) (Minn. Stat. § 626.8457). This model policy applies to all peace officers of this office.

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law.

The Office shall report to POST any data regarding the investigation and disposition of cases involving alleged misconduct of deputies (Minn. Stat. § 626.8457, Subd. 3).

341.2 POLICY

The continued employment or appointment of every member of the Dakota County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

341.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

341.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

341.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

341.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Minnesota constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Violations of federal or state law, ordinances, rules, codes of conduct, or office policies may constitute unprofessional conduct and result in discipline.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

341.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action

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for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient office service.

341.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or County manuals.

(b) Disobedience of any legal directive or order issued by any office member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

341.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Dakota County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.

(c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts, or money contrary to the rules of this office and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel, or services.

(g) Cheating or attempting to subvert any POST examination or licensing process.

(h) Any other failure to abide by the standards of ethical conduct.

(i) Being the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse licensing or certification action in another jurisdiction.

341.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

341.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

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(b) Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.

(e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this office.

(f) Supporting or participating in the activities of a hate or extremist group (Minn. Stat. § 626.8436).

341.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

341.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member’s position with this office.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any office property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using office resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

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341.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Office within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Employee Relations of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

341.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office--related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on office premises.
2. At any work site, while on-duty or while in uniform, or while using any office equipment or system.
3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

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(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on office property except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.

(h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.

(i) Any act on- or off-duty that brings discredit to this office.

341.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.

(i) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.

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(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

341.5.10 SAFETY

(a) Failure to observe or violating office safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

341.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

341.6 SECTION TITLE

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Information Technology Use

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software and systems.

343.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Dakota County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Office or office funding.

Cybersecurity incident - An action taken through the use of an information system or network that results in an actual or potentially adverse effect on an information system, network, or the information within (Minn. Stat. § 16E.36, Subd. 1).

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, **permanent file**, or **file** - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

343.2 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member’s duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the office computer system when requested by a supervisor or during the course of regular duties that require such information.

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343.3 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

343.3.1 SECURITY AND PASSWORD AUDITS

At least annually or in compliance with state and federal requirements, the Program Administration Supervisor or the authorized designee shall conduct:

(a) A security audit of the Dakota County Sheriff's Office central records system, including verification of active members and that assigned accessibility rights are correct.

(b) A password audit of all shared databases.

343.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

343.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any office computer. Members shall not install personal copies of any software onto any office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

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No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on office premises, computer systems or electronic devices. Such unauthorized use of software exposes the Office and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of office- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

343.4.2 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to office-related activities. Data stored on or available through office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

343.4.3 INTERNET USE

Refer to Dakota County Policy 6001

343.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any office computer system.

The Office reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Office, including the office email system, computer network and/or any information placed into storage on any office system or device. This includes records of all keystrokes or Web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through office computers, electronic devices or networks.

343.6 POLICY

It is the policy of the Dakota County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

343.7 CYBERSECURITY INCIDENTS

The Sheriff or the authorized designee shall report any cybersecurity incident that impacts the Office to the Minnesota Bureau of Criminal Apprehension within 72 hours after an incident has been identified (Minn. Stat. § 16E.36, Subd. 2).

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343.8 DATA AND STORAGE FILE BACKUP

The Program Administration Supervisor shall be responsible for:

(a) Ensuring data and storage files on all central records computer systems and applicable shared databases are backed up, if any.

(b) Performing data and storage files backup using a dedicated server or system designed for that purpose.

1. If backed-up data and storage files are kept off-site, the data shall only be transmitted between the Office and the off-site facility on an encrypted virtual private network that is compliant with the current FBI CJIS Security Policy.

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Report Preparation

345.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

345.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficient for their purpose and reasonably free of errors prior to submission. It is the primary responsibility of the assigned employee to ensure that reports are fully prepared prior to going off-duty unless supervisory approval has been obtained to delay the report before going off-duty. The preparing employee must determine whether the report will be available in time for appropriate action to be taken, such as investigating leads or a suspect is in custody.

Employees who dictate reports by any means shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in a report unless specifically identified as such.

345.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Office-approved form unless otherwise approved by a supervisor.

345.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes, but is not limited to:

(a) All arrests

(b) All crimes

(c) All incidents involving violations of crimes or ordinances motivated by bias (Minn. Stat. § 626.5531)

(d) Non-felony incidents involving threats or stalking behavior

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(e) Situations covered by separatepolicy, including Use of Force, Domestic Abuse, Child Abuse, Adult Abuse and Hate or Prejudice Crimes.

345.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any use of force against any person by a member of this office (see the Use of Force Policy)

(b) Any firearm discharge (See the Firearms Policy)

(c) Any time a person is reported missing in the Dakota County Sheriff's Office patrol jurisdiction (see the Missing Persons Policy)

(d) Any found property or found evidence

(e) Any traffic collisions above the minimum reporting level (see the Traffic Collision's Policy)

(f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(g) All protective custody detentions

(h) Suspicious incidents that may place the public or others at risk

(i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

(j) Any watercraft collision or accident, drowning death and/or general water accident should be reported on the appropriate Department of Natural Resource Form (Minn. Stat. § 86B.105(a))

345.2.3 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

345.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment. Reports should also be submitted involving loss of County property or equipment.

345.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this office shall require a report when:

(a) The injury is a result of a drug overdose.

(b) Attempted suicide.

(c) The injury is major or serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

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The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

345.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances. Reports are due by the end of the shift unless prior supervisory approval has been received.

345.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

The narrative portion of incident reports should be typed or dictated. The only exception to this is during remedial training, or as part of the FTO process.

345.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be printed as appropriate. In general, the form itself may make the requirement for typing apparent.

345.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should make notations and return the report to the reporting deputy for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

345.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

345.6 FIREARM INJURY REPORTING FROM HEALTH PROFESSIONALS

Members receiving a report from a health professional of a bullet or gunshot wound, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall thoroughly investigate the facts surrounding the incident (Minn. Stat. § 626.52, Subd. 2; Minn. Stat. § 626.553, Subd. 1).

The Records shall ensure that the report received from the health professional is forwarded to the commissioner of the Department of Health (Minn. Stat. § 626.53, Subd. 2). If the injury resulted from a hunting incident, the Records shall ensure that the findings of the investigation are forwarded to the commissioner of the Department of Natural Resources using the form provided by the commissioner (Minn. Stat. § 626.553, Subd. 1).

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Media Relations

347.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

347.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff or his/her authorized designee. The Sheriff is identified as the Responsible Authority for the Office pursuant to Minnesota Rules. However, in situations not warranting immediate notice to the Sheriff or his/her authorized designee and in situations where the Sheriff or his/her authorized designee or Chief Deputy have given prior approval, another designee may prepare and release information to the media in accordance with this policy and the applicable law.

347.2.1 MEDIA REQUEST

During regular business hours, any media request for information or access to a law enforcement situation shall be referred to the Sheriff or his/her authorized designee or Chief Deputy. If not available, it shall be referred to the Division Commander or Captain. Outside of regular business hours, the shift supervisor will determine the nature of the request and respond appropriately with data classified as public per Minnesota Statute §13.82 and articulated under section 347.4.

In certain instances, Command personnel may be on scene of an event outside of regular business hours. If available, they will coordinate the response to media requests. If the data request is for an incident that occurred on another shift, it should be referred to the appropriate Data Practices Compliance Liaison.

Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this office make any comment or release any official information to the media without prior approval from a supervisor or the designated Office media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.

(c) Under no circumstance should any member of this office make any comment(s) to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff or his/her authorized designee.

347.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

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(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Sheriff or his/her authorized designee or other designated spokesperson.

(c) No member of this office shall be required to submit to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Sheriff or his/her authorized designee and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor in accordance with section 347.2.1.

347.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

347.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

347.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Office will respond upon request for information classified as public and should generally contain the following information (Minn. Stat. § 13.82):

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(a) Arrest Data of individuals arrested by this agency as defined in Minnesota Statute § 13.82, subdivision 2, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) Response or incident data as defined in Minnesota Statute § 13.82, subdivision 6, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

Any requests for copies of related reports or additional information shall be referred to the Data Practices Compliance Liaison . Such requests will generally be processed in accordance with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.03).

347.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this office (see the Records Maintenance and Release Policy and the Personnel Records Policy). When in doubt, authorized and available legal counsel should be obtained.

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Court Appearance and Subpoenas

349.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and court notices and to ensure that employees appear in court when requested and present a professional appearance.

349.1.1 DEFINITIONS

On Call - When an employee has appeared in court, or is at the time onduty and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by telephone or pager if called back.

Standby - When an employee receives a subpoena or court notice of a type that allows him/her to not appear in court but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

Mandatory Appearance - Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time unless advised by the notice or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

349.2 COURT SUBPOENAS

Employees who receive subpoenas or court notices related to their employment with this office are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case (Minn. R. Crim. Proc. Rule 22.01 and Minn. R. Civ. Proc. Rule 45.02).

349.2.1 SERVICE OF SUBPOENA OR DELIVERY OF COURT NOTICES

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by:

(a) Delivering a copy of the subpoena to the employee personally.

(b) Delivering a copy to the usual place of residency.

(c) Delivering a copy of the subpoena to the Office subpoena clerk or designee.

(d) Reading the subpoena in the hearing or case where the deputy is present.

(e) Electronically transmitting a copy of the subpoena to the deputy requiring an acknowledgment of receipt.

(f) Mail delivery requiring an acknowledgement of receipt.

(g) Oral delivery, including telephonic communications, with proper proof of service and acknowledgment of receipt.

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(h) Delivering a copy of the court notice or subpoena from a prosecutor or other government attorney to the employee's work station or mail box. Employees shall check for delivery of such documents during each shift worked.

349.2.2 VALID SUBPOENAS

No subpoena or court notice shall be accepted for an employee of this office unless it has been properly served.

349.2.3 ACCEPTANCE OF SUBPOENA

(a) Unless served at the employee's residence, only the employee named in a subpoena may accept service. Such service may be performed by any Sheriff's deputy or officer of the State of Minnesota, or any person who is not a party and is 18 years of age or older. A subpoena must be served by delivering a copy to the witness and tendering to that person any fees required by law. If the witness is a party and is represented by an attorney of record in the proceeding, the subpoena may be served on the witness's attorney of record. Any employee accepting a subpoena shall immediately provide a copy of the subpoena to the Office subpoena clerk. The Office subpoena clerk shall keep a record of all Office subpoenas.

(b) Proof of service is by filing either:

1. The witness's signed written memorandum attached to the subpoena showing that the witness accepted the subpoena.
2. A statement by the person who made the service stating the date, time, manner of service and the name of the person served.

349.2.4 REFUSAL OF SUBPOENA

Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, inform the issuing authority of the expected absence.

In cases in which a government entity is not a party, if a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual should tell the process server to serve directly to the named witness. If the named witness is not on-duty, the supervisor must inform the process server of the next available duty dates the witness will be on-duty.

349.2.5 COURT STANDBY

To facilitate court standby agreements, employees are required to provide and maintain current information on their address and telephone number with the Office. Employees are required to notify the Office within 24 hours of any change in residence address or home telephone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby is not able to be contacted through normal means, the employee shall notify the Office how he /she can be reached. Employees are required to remain on standby each

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day the case is being heard. In a criminal case, the prosecutor handling the case is the only person authorized to excuse an employee from standby status.

349.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Dakota County Sheriff's Office shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisor.

349.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court.

349.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY

The Office will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current collective bargaining agreement. In such situations, the Office will also reimburse any employee for reasonable and necessary travel expenses.

Except when acting as a witness for a government party, the Office will receive reimbursement for the employee's compensation through the civil attorney of record who called the employee as a witness. Any reimbursement received directly by the employee shall be promptly turned over to the Office.

349.3.1 PROCEDURE

To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the Office's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

349.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the employee or Office is not a party without properly posted fees pursuant to applicable law.

349.3.3 PARTY MUST DEPOSIT FUNDS

A private party in a civil action who seeks to subpoena an employee must deposit the statutory fee, if any, for each day's appearance before such subpoena will be accepted. Parties seeking to have the employee make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law.

349.4 OVERTIME APPEARANCES

If the employee appeared on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

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349.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

349.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

349.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks.

349.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

349.7 TESTIFYING AGAINST THE INTEREST OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party other than the State of Minnesota, any county, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Sheriff and County Attorney's Office as may be indicated by the case.

This includes, but is not limited to, the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

349.7.1 TESTIFYING WHILE ARMED

If a deputy is testifying on-duty in an official capacity they may be armed as permitted by Minnesota Statute 609.06 and in compliance with existing court orders.

If a deputy is testifying outside of his or her official capacity or on a personal, non-work related matter, they may not be armed within the courthouse complex pursuant to Minnesota Statute 609.06 and existing court orders.

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Part-Time Deputies

351.1 PURPOSE AND SCOPE

The Dakota County Sheriff's Office part-time deputies will supplement and assist licensed sheriff's deputies in the Detention Services Division. These professional, licensed part-time deputies can augment regular staffing levels.

351.2 SELECTION AND APPOINTMENT OF PART-TIME DEPUTIES

The Dakota County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this office.

351.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as licensed sheriff's deputies before appointment.

Before appointment as a part-time deputy, an applicant must complete state required training in a timely manner.

351.2.2 COMPENSATION FOR SHERIFF PART-TIME DEPUTIES

Compensation for part-time deputies is provided as follows:

(a) All part-time deputy appointees are issued uniforms and all designated attire and safety equipment. All property issued to them shall be returned to the Office upon termination or resignation. Replacement items can be obtained through request of Sheriff's Administration.

(b) The Office may provide hospital and medical assistance to a member of the part-time force who sustains injury in the course of performing official duties.

351.3 FIELD TRAINING

All part-time deputies are required to complete Detention Service's field training.

351.3.1 FIELD TRAINING MANUAL

Each new part-time deputy will be issued a Field Training Manual at the beginning of his/her Detention Services field training. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Dakota County Sheriff's Office. The part-time deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

351.4 TRAINING REQUIREMENTS

Part-time deputies are required to meet the training requirements applicable to full-time licensed deputies as outlined in the Training Policy.

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Outside Agency Assistance

353.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

353.2 POLICY

It is the policy of the Dakota County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this office.

353.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to a supervisor for approval. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under Minn. Stat. § 626.76, Subd. 1 exists. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this office, the supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this office.

Deputies may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

353.3.1 AGREEMENTS

The Office may, at the discretion of the Sheriff, establish an agreement with another law enforcement agency to (Minn. Stat. § 626.76, Subd.1):

(a) Assist other peace officers in the line of their duty and within the course of their employment.

(b) Exchange office peace officers with peace officers of another agency on a temporary basis.

353.3.2 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Dakota County Sheriff's Office shall notify his/her supervisor or the Watch Commander and as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

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353.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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Registered Predatory Offender

357.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Dakota County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

357.2 POLICY

It is the policy of the Dakota County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

357.3 REGISTRATION

The supervisor tasked with Predatory Offender registration shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the office shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within three days of the registration. Registration and updated information from a person who lacks a primary residence shall be forwarded within two days. Updated primary address information from any registered predatory offender shall also be forwarded within two days (Minn. Stat. § 243.166).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

357.3.1 REGISTRATION PROCESS

When an offender arrives to register with this office, the assigned investigator should:

(a) Determine in what state the offense was committed and whether the individual has previously registered elsewhere.

(b) Verify the individual is at the correct registration location.

(c) Confirm the individual is required to register by reviewing the list of Minnesota offenses on the BCA's Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual that is available on the BCA's secure website.

(d) If a person is required to register, search the BCA's secure website to verify whether the offender is already registered and a DNA sample has been submitted.

(e) If the offender is already registered, complete a Change of Information Form (available on the BCA's secure website).

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(f) If the offender is not registered, complete a POR Form (available at BCA's secure website).

(g) If the offender is from another state, contact the state (information for each state is listed on the BCA's website) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

1. Documents obtained should be submitted to the BCA with a registration form.
2. The BCA will determine if registration is required and inform the office and the offender.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA secure website.

357.3.2 GUIDELINES AND FORMS

The registration process shall be in accordance with Minn. Stat. § 243.166 and follow the guidelines implemented by the BCA. Forms used in the registration process are available from the secure website operated by the BCA. The BCA Predatory Offender Unit contacts can be reached at 651-793-7070. For information related to Community Notification review the MN Department of Corrections website at:https://mn.gov/doc/community-supervision/community-notification/

357.3.3 NOTIFICATION TO REGISTRANTS

The registration process established by the Investigations supervisor or designated Sergeant should include procedures for determining whether an individual requires notification of his/her requirement to register because the individual was not otherwise notified of the requirement by the sentencing court or assigned a corrections agent (Minn. Stat. § 243.166).

357.4 MONITORING OF REGISTERED OFFENDERS

The Investigations supervisor or designated Sergeant should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the BCA secure website or the Department of Corrections Offender Information (DOC) website.

(c) Contact with a registrant’s parole or probation officer, if any.

Any discrepancies should be reported to BCA in writing.

The Investigations supervisor or designated Sergeant should also establish a procedure to routinely disseminate information regarding registered offenders to Dakota County Sheriff's Office personnel who have a need to know, including timely updates regarding new or relocated registrants.

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357.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not make a public notification advising the community of a particular registrant's presence in the community without permission from the Sheriff. Members who believe notification is appropriate should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.

The Program Administration Supervisor shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 243.166, Subd. 7; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

357.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) Other cautionary notices included in the Minnesota Department of Correction's (DOC) material for public recipients.

357.5.2 MANDATORY DISSEMINATION

The Office shall provide and release predatory offender data, or updated data, obtained from the DOC based upon the offender's status of a Level 1, 2, or 3.

The Office shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility, home care provider, or hospice provider of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving care shall be made by this office (Minn. Stat. § 244.052, Subd. 4c).

The Office shall provide an offender's change of status to the entities and individuals who were initially notified if the Office becomes aware that the area where notification was made is no longer where the offender resides, is employed, or is regularly found (Minn. Stat. § 244.052, Subd. 4).

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357.5.3 LEVEL 1 DISCLOSURE

Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Subd. 4):

(a) Mandatory disclosure:

1. Victims who have requested disclosure
2. Adult members of the offender's immediate household

(b) Discretionary disclosure:

1. Other witnesses or victims
2. Other law enforcement agencies

357.5.4 LEVEL 2 DISCLOSURE

Data is subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution (Minn. Stat. § 244.052, Subd. 4):

(a) In addition to Level 1 disclosure, the Office may disclose data to:

1. Staff members of public and private educational institutions, day care establishments, and establishments that primarily serve individuals likely to be victimized by the offender.
2. Individuals likely to be victimized by the offender.

(b) Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by the DOC or the Minnesota Department of Human Services (DHS), or Direct Care and Treatment.

357.5.5 LEVEL 3 DISCLOSURE

Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document “Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota” or other DOC guidance):

(a) The Office shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.

(b) The Office shall disclose data to other members of the community that the offender is likely to encounter unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.

(c) A good faith effort must be made to complete the disclosure within 14 days of receiving a confirmed address from the DOC.

(d) The process of notification is determined by this office. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from the DOC Risk Assessment/Community Notification (RA/CN) Unit.

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Data disclosed to the public of a Level 3 predatory offender shall be forwarded to the DOC within two days of the office's determination to disclose (Minn. Stat. § 244.052, Subd. 4(g)).

357.5.6 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender is planning to be in this jurisdiction or has been admitted to a health care facility, home care provider, or hospice provider in this jurisdiction, this office shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b):

(a) Name and physical description of the offender

(b) Offender's conviction history, including the dates of conviction

(c) Risk level assigned to the offender, if any

(d) Profile of likely victims

357.5.7 SPECIALIZED NOTIFICATION

Offenders from other states and offenders released from federal facilities are also subject to notification (Minn. Stat. § 244.052, Subd. 3a):

(a) If this office learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Office must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this office whether to proceed with community notification in accordance with the level assigned by the other state.

(b) If the DOC determines that the governing law in the other state is not comparable, community notification by this office may be made consistent with that authorized for risk Level 2.

(c) If this office believes that a risk level assessment is needed, the Office may request an end-of-confinement review. The Office shall provide to the DOC the necessary documents required to assess a person for a risk level.

357.5.8 VICTIM NOTIFICATION

If a predatory offender resides, expects to reside, is employed in, or is regularly found in this jurisdiction, the Office shall provide victims who have requested notification with data that is relevant and necessary to protect the victim. Information disclosed should be obtained from the risk assessment report provided by DOC (Minn. § Stat. 244.052, Subd. 3).

The DOC will provide victim contact data to this office when there is a victim who has requested notification.

It may be appropriate for members of the Office to directly contact the victim. Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

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357.5.9 HOMELESS NOTIFICATION PROCESS

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement, unless an alternative reporting procedure is approved by the Investigations supervisor or designated Sergeant (Minn. Stat. § 243.166, Subd. 3a).

357.5.10 LIMITATIONS OF RELEASE OF DATA

Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253D.32, Subd. 1).

357.6 DISCLOSURE TO LOCAL WELFARE AGENCY

Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Chapter 260E (Minn. Stat. § 243.166).

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Major Incident Notification

359.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this office in determining when, how and to whom notification of major incidents should be made.

359.2 POLICY

The Dakota County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

359.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff or his/her authorized designee, Chief Deputy, and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides.
- Traffic collisions with fatalities.
- Officer-involved shooting, whether on- or off-duty (See Officer-Involved Shooting Policy for special notifications).
- Significant injury or death to an employee, whether on- or off-duty.
- Death of a prominent Dakota County official.
- Arrest of Office employee or prominent Dakota official.
- Aircraft crash with major damage and/or injury or death.
- In-custody serious injuries, suicide attempts, or deaths.
- Any other incident, which has or is likely to attract significant media attention.

359.4 SUPERVISOR RESPONSIBILITIES

The supervisor on duty is responsible for making the appropriate notifications. The supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification and shall attempt to make the notifications as soon as practicable to the command staff.

359.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification, the Sheriff or his/her designee and Chief Deputy shall be notified through the chain of command. If the incident involves a cross division of divisions needed for assistance, those Division Captains shall be notified.

359.4.2 DETECTIVE NOTIFICATION

If the incident requires that a deputy or investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted.

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359.4.3 CAPTAIN OF PATROL NOTIFICATION

In the event of a traffic fatality or major injury, the Watch Commander shall be notified.

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Death Investigation

361.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

Death investigations shall be conducted pursuant to Minn. Stat. § 390.005 through 390.252 if the county has an elected or appointed Medical Examiner (Minn. Stat. § 390.34).

361.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). Peace officers are not authorized to pronounce death unless they are also Medical Examiners or Deputy Medical Examiners. A supervisor shall be notified in all death investigations.

361.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner shall be called for all deaths.

361.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a dead body (Minn. Stat. § 390.221).

A deputy is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for information identifying the individual as an organ donor or as an individual who made a refusal. If a donor document is located, the Medical Examiner shall be promptly notified (Minn. Stat. § 525A.12).

Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating deputy shall first obtain verbal consent from the Medical Examiner.

The Medical Examiner is required to release property or articles to law enforcement that are necessary for conducting an investigation unless reasonable basis exists pursuant to Minn. Stat. § 390.225 Subd. 2 to not release the property or articles (Minn. Stat. § 390.221).

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy, pending the arrival of the Medical Examiner.

The name and address of this person shall be included in the narrative of the death report.

361.2.3 DEATH NOTIFICATION

Should a human death result from a fire, this office shall immediately notify the state fire marshal (Minn. Stat. § 299F.04 Subd. 5 (b)).

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The Medical Examiners' Office will make notification of the deceased person. The Medical Examiners' Office may ask the Sheriff's Office to assist with notification. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this office shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25 Subd. 2 (b)).

361.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue a “John Doe" or "Jane Doe” number for the report.

361.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Office, any information or items pertaining to identifying features of the unidentified body, dental records, fingerprints, any unusual physical characteristics, description of clothing or personal belongings found on or with the body, that are in the possession of DCSO shall be forwarded to the Medical Examiner for transmission to the BCA for eventual entry into systems designed to assist in the identification process, such as the Missing Children and Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) files (Minn. Stat. § 390.25 Subd. 2 (a)).

361.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

361.2.7 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene and the Captain of Investigaiton shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Investigation supervisor or assigned investigator, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator of a homicide or suspicious-circumstances death may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests and provide a report with the costs borne by the Office (Minn. Stat. § 390.251).

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361.2.8 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, should ensure that the nearest office of the Minnesota Department of Labor and Industry is notified with all pertinent information.

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Identity Theft

363.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

363.2 REPORTING

(a) A report shall be taken any time a person living within the jurisdiction of the Dakota County Sheriff's Office reports that he/she has been a victim of identity theft (Minn. Stat. § 609.527, Subd. 5). This includes:

1. Taking a report even if the location of the crime is outside the jurisdiction of this office or has not been determined.
2. Providing the victim with office information, as set forth in the Victim and Witness Assistance Policy. Deputies should encourage the individual to review the material, and assist with any questions.

(b) A report should also be taken if a person living outside the office jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box to facilitate the crime).

363.3 PREVENTATIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report as allowed by law (Minn. Stat. § 13C.016 Subd. 2). A victim may also access the Minnesota Attorney General's office for additional detailed information.

363.4 VICTIM DATA

The victim may be provided the Consent to Create an FBI Identity Theft File Form and a Notice About Providing Your Social Security Number. These completed forms should be submitted to the Records for appropriate filing and entry into the NCIC Identity Theft File. Forms and details are available on the Bureau of Criminal Apprehension identity theft website.

363.5 INFORMATION

The victim should also be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online or by telephone. Additional information may be found at the U.S. Department of Justice (USDOJ) website.

363.6 IDENTITY THEFT REPORTING

The following details how the Dakota County Sheriff's Office handles reporting of identity theft. The Dakota County Sheriff's Office has a Joint Powers Agreement with Dakota 911 to enter and modify identity theft hot files.

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363.6.1 IDENTITY THEFT ENTRY CRITERIA

Before an entry can be made in the Identity Theft File, an official complaint (electronic or hard copy) must be recorded and on file at the Dakota County Sheriff's Office. The Dakota County Sheriff's Office will advise Dakota 911 to make an National Crime Information Center (NCIC) Identity Theft entry only if we are the agency that takes the identity theft complaint and the following criteria are met:

(a) Someone is using a means of identification of the victim.

(b) The identity of the victim is being used without the permission of the victim.

(c) The victim's identity is being used or intended to be used to commit an unlawful activity.

(d) The victim must sign a consent waiver, which can be found on the Criminal Justice Data Network (CJDN) Secure site, prior to the information being entered into the Identity Theft file.

(e) Information on deceased persons may be entered into the file if it is deemed by the police officer that the victim's information has been stolen. No consent form is required with the entry of deceased person information.

(f) If the Identity Theft file is going to contain the Social Security Number of the victim, our agency is required to inform the individual of this fact and they must sign the "Notice about Providing Your Social Security Number" form, which can be found on the CJDN Secure site.

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Private Persons Arrests

365.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Minn. Stat. § 629.30 Subd. 2 (4).

365.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

All deputies shall advise civilians of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, deputies should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

(c) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (Minn. Stat. § 629.39).

365.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (Minn. Stat. § 629.37):

(a) For a public offense committed or attempted in his/her presence.

(b) When the person arrested has committed a felony, although not in his/her presence.

(c) When a felony has been committed and he/she has reasonable cause for believing the person to be arrested committed the felony.

(d) When directed by a judge or a peace officer to arrest another person (Minn. Stat. § 629.403).

365.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.

365.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Office Private Person's Arrest Form. If the person fails or refuses to do so the arrest subject shall be released unless the deputy has an independent reason to take the person into custody.

In addition to the Private Person's Arrest Form (and any other related documents, such as citations and booking forms), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

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Limited English Proficiency Services

369.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

369.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Office to act as an interpreter and/or translator for others.

Interpret or interpretation - 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.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These 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 these skills may be insufficient in other situations. This includes individuals who, because of difficulty in speaking or comprehending the English language, cannot fully understand any charges made against them, the seizure of their property, or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31).

Qualified bilingual member - A member of the Dakota County Sheriff's Office, designated by the Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

369.2 POLICY

It is the policy of the Dakota County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

369.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will

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provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by office members, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with office members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

369.4 TYPES OF LEP ASSISTANCE AVAILABLE

Dakota County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

369.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

369.6 AUDIO RECORDINGS

The Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

369.7 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the

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non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this office is not available, personnel from other County departments, who have been identified by the Office as having the requisite skills and competence, may be requested.

369.8 AUTHORIZED INTERPRETERS

Any person designated by the Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the office case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

369.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this office or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to office guidelines.

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369.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

369.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Office or some other identified source.

369.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Dakota County Sheriff's Office will take reasonable steps and will work with the Department of Employee Relations to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

369.10.1 EMERGENCY CALLS TO 9-1-1

Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

369.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

369.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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369.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

369.13.1 OTHER TIMING AND NOTIFICATION MANDATES

The investigating or arresting deputy shall immediately make necessary contacts to get an authorized interpreter for an in-custody LEP person at the earliest possible time in order to assist the person throughout the interrogation or taking of a statement. This applies even when the interrogation will be conducted by a bilingual member (Minn. Stat. § 611.32).

The following shall be explained to the LEP person with the assistance of the authorized interpreter (Minn. Stat. § 611.32):

(a) All charges filed against the person

(b) All procedures relating to the person's detainment and release

(c) In the case of any seizure under the provisions of the Asset Forfeiture Policy:

1. The possible consequences of the seizure
2. The person's right to judicial review

369.13.2 OATH

Every authorized interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody LEP person (Min. Stat. § 611.33):

“I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place.”

369.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

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369.15 COMPLAINTS

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

369.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

369.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Administrative Captain shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Administrative Captain shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

369.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Administrative Captain shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Pupil Arrest Reporting

373.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours, or when a juvenile is arrested that still attends non post-secondary school.

373.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting deputy shall include the necessary information in the report to ensure that the Records notifies the chief administrative officer of the school, or an appropriate designee, of the pupil's arrest.

If there is probable cause to believe an incident involved alcohol or a controlled substance, the arresting deputy shall complete the appropriate form and submit the form with the report to the Records. The Records shall ensure the form is distributed to the chemical abuse pre-assessment team of the school within two weeks of the occurrence (Minn. Stat. § 121A.28).

373.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school, may reduce disruption to school operations and other students.

373.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the deputy or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

373.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting deputy's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the deputy, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and where the pupil will be taken.

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Biological Samples

374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

374.2 POLICY

The Dakota County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

374.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following persons must submit a biological sample:

(a) Adults who are subject to a court order requiring a biological sample after sentencing (Minn. Stat. § 609.117).

(b) Juveniles who are subject to a court order requiring a biological sample after being adjudicated delinquent (Minn. Stat. § 609.117).

374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

374.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Minn. Stat. § 609.117.

(b) Verify that a biological sample has not been previously collected from the offender by querying the person's criminal history. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the Minnesota Bureau of Criminal Apprehension to perform the collection and take steps to avoid cross contamination.

374.5 USE OF FORCED TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

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(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

374.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the office's records retention schedule.

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Chaplains

376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Dakota County Sheriff's Office chaplains to provide counseling or emotional support to members of the Office, their families and members of the public.

376.2 POLICY

The Dakota County Sheriff's Office shall ensure that office chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for Office personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Office.

(c) By providing counseling, spiritual guidance and insight for Office personnel and their families.

(d) By being alert to the spiritual and emotional needs of Office personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a Law Enforcement Chaplain:

(a) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(b) Must have at least five years of successful ministry experience within a recognized faith community

376.5 SELECTION PROCESS

Chaplains are appointed by the Sheriff or his/her authorized designee.

376.6 DUTIES AND RESPONSIBILITIES

Chaplains are volunteer members of the Office, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy in this manual and other applicable Office policies. Chaplains may not accept gratuities for their services or any subsequent actions and follow-up while functioning as a chaplain for the Dakota County Sheriff's Office.

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376.7 CONFIDENTIALITY

Except as otherwise specified, matters of a personal nature that are discussed between chaplains and others shall remain private and confidential. Members of the clergy are not required to reveal penitential communications. Clergy must report child, elder or vulnerable adult abuse discovered while acting in any of the following capacities:

(a) Marriage, family or child counselor.

(b) Religious practitioner, who diagnoses, examines or treats children, elders or dependent adults.

376.8 COMMAND STRUCTURE

(a) Chaplains shall report directly to the Sheriff or his designee.

(b) The Sheriff or his/her authorized designee shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander if necessary.

(c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Sheriff or his/her authorized designee. He/she will arrange for regular monthly meetings, act as chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

376.9 OPERATIONAL GUIDELINES

(a) The following guidelines will be in place for the Chaplain program:

(b) Chaplains shall be permitted to ride with deputies during any shift and observe Dakota County Sheriff's Office operations, provided the Patrol Sergeant has been notified and has approved the activity.

(c) Chaplains shall not be evaluators of employees.

(d) In responding to incidents, a chaplain shall never function as a deputy.

(e) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.

(f) Chaplains shall serve only within the jurisdiction of the Dakota County Sheriff's Office unless otherwise authorized by the Sheriff or designee.

(g) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private; each chaplain will exercise appropriate security measures to prevent distribution of the data.

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Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office.

This policy does not address the actions to be taken during the course of a child abuse or vulnerable adult investigation. These are covered in the Child Abuse and Adult Abuse.

380.2 POLICY

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Dakota County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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380.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

2. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify the county social services agency, if appropriate.

(d) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

380.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting employee will document the following information:

1. Name
2. Sex
3. Age
4. How, where and with whom or which agency the child was placed

(b) For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other office-approved social service entity to determine whether protective custody is appropriate (Minn. Stat. § 260C.007; Minn. Stat. § 260C.175).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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Service Animals

382.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

382.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Minn. Stat. § 363A.19 (c)).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

382.2 POLICY

It is the policy of the Dakota County Sheriff's Office to provide equal access to services, programs, and activities of the Office to persons with service animals. Office members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service dog (Minn. Stat. § 256C.02).

382.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Dakota County Sheriff's Office affords to all members of the public (28 CFR 35.136; Minn. Stat. § 256C.02; Minn. Stat. § 363A.19).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.

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- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

382.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Office members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

382.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a office supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

382.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Volunteer Program

384.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

384.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Dakota County Sheriff's Office volunteer include:

(a) Dakota County resident, unless approved by the responsible supervisor.

(b) At least 18 years of age for all positions other than Explorer.

(c) At least 14 years of age for Explorer.

(d) A valid driver’s license if the position requires vehicle operation.

(e) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

(f) No criminal convictions that the Office deems a disqualifier.

(g) The applicant must not have any mental illness or chemical dependency condition that may adversely affects the person's ability to serve in the position.

(h) Physical requirements reasonably appropriate to the assignment.

(i) A personal background history and character suitable for a person representing the Office, as validated by a background investigation.

The Sheriff or Volunteer Coordinator may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Office, and to direct and assist staff and volunteer efforts

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to jointly provide more productive services. The Volunteer Coordinator or designee shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Maintaining records for each volunteer.

(c) Tracking and evaluating the contribution of volunteers.

(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(e) Maintaining a record of volunteer schedules and work hours.

(f) Completion and dissemination as appropriate of all necessary paperwork and information.

(g) Planning periodic recognition events.

(h) Administering discipline when warranted.

(i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester’s immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) Employment

(c) References

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A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals, shall require submission of prints and clearance through the Bureau of Criminal Apprehension (BCA).

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, who will normally be the Volunteer Liaison(s). No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and paperwork. At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of the job description and agreement of service with the Office. All volunteers shall receive a copy of this policy.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

384.2.5 EMPLOYEES WORKING AS DEPUTIES

Qualified employees of this office, when authorized, may also serve as reserve deputies. However, the Office must not utilize the services of a volunteer in such a way that it would violate employment laws or labor agreements (Example: a detention deputy working as a deputy for reduced or no pay). Therefore, the Coordinator should consult the Department of Employee Relations prior to an employee serving in a volunteer capacity (29 CFR 553.30).

384.2.6 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the office, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, Training may include:

(a) Role of the volunteer.

(b) Office policies.

(c) Training specific to the procedure manual for the volunteer position.

(d) Discrimination and harassment training.

(e) CPR/first aid.

(f) CERT/Citizens Emergency Response Training.

(g) Search and rescue techniques.

(h) Scenario-based searching methods.

(i) Evidence preservation.

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(j) Basic traffic direction and control.

(k) Roadway incursion safety.

(l) Self-defense techniques.

(m) Vehicle operations, including specialized vehicles.

(n) Horsemanship.

Pursuant to Minn. Stat. § 626.8466, the Office may establish training, licensing and continuing education requirements for its reserve deputies.

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer that they are licensed officers or other full-time members of the Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Office. Whenever a rule, regulation or guideline in this manual refers to a licensed deputy, it shall also apply to a volunteer unless by its nature it is inapplicable.

384.2.7 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this office regarding drug and alcohol use.

384.2.8 DRESS CODE

As representatives of the Office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed deputies. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or office property at the termination of service.

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384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 DATA PRACTICES

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by office policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Office. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

384.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must possesses a valid driver’s license and be operating within any restrictions.

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When operating a Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless it is being used to transport prisoners or equipment; or is being used to provide supplementary assistance under the direction of an on-duty licensed deputy (Minn. Stat. § 169.98 Subd. 1b. Volunteers are not authorized to operate an Office vehicle under emergency conditions (lights and/or siren) and shall not use the vehicle to initiate traffic stops or perform other enforcement activities.

384.5.2 RADIO AND MDC USAGE

Volunteers shall be trained in Office procedures prior to using the law enforcement radio or MDC and shall comply with all related provisions. The Volunteer Liaison(s) should ensure that radio and database access training is provided for volunteers whenever necessary.

384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or his/her designee or the Volunteer Liaison(s). Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with this office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer’s suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Office.

384.7 EMERGENCY CALLOUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency callout procedure for volunteer personnel.

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Native American Graves Protection and Repatriation

386.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

386.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

386.2 POLICY

It is the policy of the Dakota County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

386.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - State archaeologist (Minn. Stat. § 307.08, Subd. 7)
- Tribal land - Responsible Indian tribal official

386.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

386.5 BURIAL GROUNDS

All human burials, human remains and human burial grounds shall be afforded equal treatment and respect for human dignity, regardless of ethnic origins, cultural backgrounds or religious affiliations (Minn. Stat. § 307.08, Subd. 1).

This office shall cooperate with other government agencies, the Minnesota Office of the State Archaeologist and the Minnesota Indian Affairs Council to carry out any provisions of state law (Minn. Stat. § 307.08, Subd. 9).

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FBI and BCA System Security

387.1 PURPOSE AND SCOPE

This document shall be considered the official CJDN Security Policy for the Dakota County Sheriff's Office regarding the physical and personnel security of the CJDN system. All staff must follow the policies contained herein. This will assure proper usage of the system and adherence to all local, state, and federal regulations that govern the use of the MNJIS computer system. The Terminal Agency Coordinator (TAC) for the Dakota County Sheriff's Office manages the operation of the CJDN terminal on a local agency level and is responsible for ensuring that all state and local policies are enforced regarding the use of the CJDN terminal.

387.2 ACCESS TO CJDN SYSTEM

Access to the CJDN shall be limited to employees who have been certified by the BCA to operate the terminal. Personnel who do not have access must make Criminal Justice inquiries through CJDN operators. Staff having access to the CJDN system must meet the follow requirements:

(a) Be an employee of the Dakota County Sheriff's Office.

(b) Successfully pass a State and National fingerprint background check.

(c) Complete CJIS Security test within six months of hire or assignment and biennially thereafter.

(d) Those who have access to Criminal History and Driver and Vehicle Services data are required to take an additional certification within 30 days of hire or assignment and biennially thereafter.

New employees of the Dakota County Sheriff's Office shall be fingerprinted within 30 days of employment or assignment and the fingerprint cards shall be sent to the BCA for a background check.

A potential new employee of the Dakota County Sheriff's Office shall have a background check completed before they are hired. When running the criminal history on that person, the proper Purpose Code shall be used.

Fingerprint cards on CJDN operators are to be kept in their personnel files at the Dakota County Sheriff's Office. Fingerprint cards of the IT personnel will be kept in their personnel files at Dakota County.

The TAC will issue a unique username and password to authorized users with access to the CJDN and Portals. Authorized users will be given a unique password to have access to criminal histories. That Criminal History Password will be changed by the TAC at least every 2 years. A list of these assigned passwords shall be kept by the TAC in a secure location.

387.3 TRAINING OF STAFF

NCIC requires that all personnel who have access to Criminal Justice Information must receive basic, formal MNJIS/NCIC training within the first 12 months of hire, and bi-annual refreshers thereafter. All training must be documented.

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387.4 SECURITY OF TERMINAL

The CJDN terminal(s) and Criminal Justice Information for the Dakota County Sheriff's Office is/ are maintained in a secure area. Only authorized personnel who have passed a State and National fingerprint background check are allowed unescorted access to the secure area(s).

All personnel who have direct responsibility to configure and maintain computer systems and networks with direct access to FBI CJIS systems must successfully pass a fingerprint based background check.

Criminal History responses, as well as all other CJDN printouts will be destroyed when no longer needed.

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Off-Duty Law Enforcement Actions

388.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Dakota County Sheriff's Office with respect to taking law enforcement action while off-duty.

388.2 POLICY

Deputies generally should not initiate law enforcement action while off-duty. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

Deputies are not expected to place themselves in unreasonable peril. However, any licensed member of this office who becomes aware of an incident or circumstance that the member reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat. See the Use of Force Policy for additional guidance.

388.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations, state law and office policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their office-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy’s senses or judgment.

388.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or a baton.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

388.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if reasonably possible.

Whenever reasonably practicable, the deputy should loudly and repeatedly identify him/herself as an Dakota County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

388.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, deputies should call the responsible agency to handle the matter.

388.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and reasonably practicable.

388.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

388.5 REPORTING

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Discipline Policy for Misuse of CJDN

389.1 PURPOSE AND SCOPE

CJDN - The Criminal Justice Data Communications Network is the overall system, which provides criminal justice agencies computer access to data stored on state and national systems.

Inquiries into the motor vehicle registration, driver license, criminal history or any other file in the MNJIS/NCIC systems will be performed for criminal justice purposes only.

Any employee misusing information or obtaining information for other than official criminal justice purposes from the Criminal Justice Data Network will be subject to disciplinary action.

389.2 MISUSE AND VIOLATIONS

When performing any file inquiries or making any entries into NCIC or MNJIS, it is important to remember that the data stored in MNJIS/NCIC is documented criminal justice information and this information must be protected to ensure correct, legal and efficient dissemination and use. The individual receiving a request for criminal justice information must ensure that the person requesting the information is authorized to receive the data. The stored data in NCIC and MNJIS is sensitive and should be treated accordingly, and unauthorized request or receipt of NCIC or MNJIS material could result in criminal proceedings.

When the Sheriff or his/her authorized designee or the TAC becomes aware that an employee of the Dakota County Sheriff's Office is using a CJDN terminal, CJDN terminal generated information, CJDN equipment, or CJDN access not in accordance with agency policies, state policies, or NCIC policies and said problem is not deemed merely operator error, the Sheriff, their designee, or the TAC shall promptly address the violation.

The Sheriff or their designee shall meet with the person who is alleged to have violated the policy and determine appropriate sanctions, which may include any or all of the standard discipline policies currently in place at the Dakota County Sheriff's Office including verbal reprimand, written reprimand, suspension, or termination. Intentional misuse of the CJDN system is a serious violation and the BCA will be informed of such violations. If criminal behavior is believed to have occurred, appropriate agencies will be notified for further investigation.

The specific situation in each case of misuse of the CJIS system will be looked at, with all circumstances considered when determining disciplinary actions. Consideration will be given to the extent of loss or injury to the system, agency, or other person upon release or disclosure of sensitive or classified information to an unauthorized individual. This also includes activities which result in unauthorized modification or destruction of system data, loss of computer system processing capability, or loss by theft of any computer system media including: chip ROM memory, optical or magnetic storage medium, hardcopy printout, etc. The TAC, with the Sheriff or his/her authorized designees approval may at any time terminate a staff person's access to the CJDN system for any rule violation.

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Discipline Policy for Misuse of CJDN

Staff will read and sign that they understand the "Individual Access Agreement" for the Dakota County Sheriff's Office. The sign off sheet will be placed in the employee's training file.

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CJIS/NCIC Hit Confirmation

391.1 PURPOSE AND SCOPE

This policy defines how the Dakota County Sheriff's Office will handle hot file confirmations as required by the FBI and BCA.

391.2 DEFINITIONS

CJIS/NCIC HIT - A Hit is a positive response from MNJIS and/or NCIC in which the person or property inquired about appears to match the person or property contained in the response. Queried subject appears to match the record subject.

Dakota 911 - The agency in Dakota County that responds to Hit Confirmation Requests for the Dakota County Sheriff's Office during non-business hours.

391.3 HIT CONFIRMATION PROCESS

Agencies that enter records into MNJIS/NCIC must be available for hit confirmation 24 hours a day, every day of the year. Non-24-hour agencies must place either the ORI or the telephone number (including area code) of the 24-hour agency responsible for responding to a hit confirmation request in the MIS/ field of the hot file record.

During regular business hours the Dakota County Sheriff's Office handles hit confirmation requests concerning warrants. The Dakota 911 handles all other types of hit confirmation requests 24 hours a day. Dakota 911 handles warrant hit confirmation requests during not business hours.

NCIC policy requires an agency receiving a hit on another agency's MNJIS/NCIC record to contact the entering agency to confirm that the record is accurate and up to date.

If you have performed an inquiry and received a "Hit", use the following procedures:

(a) Print or save an electronic copy of the Hit.

(b) Immediately confirm with the arresting officer: Examine the Hit message and evaluate all information in the record and compare with the officer's description of the subject being stopped or property being recovered to insure that person or property matches the person or property described in the Hit.

(c) Confirm the Hit with the originating agency. An inquiring agency that receives a hit must use the YQ message to request confirmation of a Hit. Use the appropriate pre-formatted screen.

1. RNO - Request Number. Enter 1, 2, or 3 to indicate whether the Hit confirmation request is the 1st, 2nd, or 3rd request sent. When an agency requests a hit confirmation and fails to receive a response within the specified time (10 minutes or 1 hour), then it must send a second request for Hit confirmation, entering a 2 in the RNO field. The second request will be sent to the originating agency along with a copy that is automatically sent to the CTA in the state where the originating agency is located. If a second request is not responded to, then a third request must be sent with a 3 in the RNO field. This will cause the Hit confirmation request to be sent to the originating agency along with copies that

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are automatically sent to the CTA in the state where the originating agency is located, as well as to NCIC.

2. PRI - Priority. The agency requesting confirmation of a Hit must determine if an URGENT (10 minute) or ROUTINE (1 hour) response is appropriate.

3. Fill in any other appropriate fields before transmitting the request.

(d) If the originating agency indicated that the Hit is not active, notify the requesting person. Do not arrest the subject or recover the property.

(e) If the originating agency confirms that the Hit is still active and the subject is arrested, or property recovered, enter a Locate and save an electronic copy to the Warrant File.

391.4 HIT CONFIRMATION RESPONSE

If you receive a Hit confirmation, use the following procedures to respond.

(a) Note the amount of time that you have to respond and make sure to respond within that time period.

(b) Attempt to confirm the Hit by checking PCI or Incident Report to determine if the person is still wanted or property is still missing.

(c) If you are unable to confirm the Hit, send a response with an explanation for not being able to confirm.

(d) Use the appropriate YR message to respond. (Pre-formatted screen.)

1. CON - Confirmation Status. Enter one of the following codes: Y - Yes, to positively confirm a Hit. N - No, to provide a negative response to the Hit confirmation P - In process, to indicate that you are in the process of confirming the Hit. E - Extradition, to indicate that the Hit is positive or valid but the agency is awaiting a decision on extradition.

391.5 DOCUMENTATION OF THE HIT CONFIRMATION PROCESS

All Hit confirmation teletypes should be retained, and precise notes should be made on the printout concerning how, when, and to whom the information was given. The printout should be kept in the case file. Documentation of the confirmed Hit is essential and may be critical to the success of defending a later claim of misidentification or false arrest.

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Second Party Check Requirements - Hot Files

392.1 PURPOSE AND SCOPE

The policy documents how the Dakota County Sheriff's Office will do checks to ensure hot file entries are complete and accurate.

392.2 DEFINITIONS

Second Party Checking - Second party checking means that someone, other than the person making the record entry, checks the record for accuracy and completeness.

Hot Files - Hot files encompass the following major files; Articles, Boats, Guns, Securities, Vehicles, Wanted Persons, Missing Persons, Unidentified Persons, Foreign Fugitives, Violent Gangs and Terrorist Organizations, Violent Felons, Protection Order Persons, Stolen License Plate and U.S. Secret Service Protectees. At the state level, CJIS stores and maintains files on stolen vehicles, guns, articles and wanted persons. The CJIS system edits record entries made by Minnesota agencies before they are sent to the National Crime Information Center (NCIC) to insure that they meet appropriate field edit criteria.

392.3 SECOND PARTY CHECK PROCEDURES

This procedure is required for all Hot File entries and modifications to record entries. The person conducting a second party check on a hot file should first query the record and, if it is a warrant, the person should refer to the hit embedded in the record in the warrant computer system and proceed with the following steps:

(a) Ensure that all appropriate sources were checked and queried for complete information. This may include Criminal History records, motor vehicle registrations, driver's license information and any other available sources. Make sure that this source material is kept with the case file and attached to the warrant in PCI. ie; QDP and CCH/III identification information.

(b) Compare the information from the sources listed above against the record entered into MNJIS/NCIC to verify the accuracy of information in all fields of the hot file record.

(c) Verify that all information was coded correctly with appropriate up-to-date NCIC codes.

(d) Warrant support staff will correct any records that are inaccurate or coded incorrectly. For all other hot files, the Dakota County Sheriff's Office will notify Dakota 911 to correct the record.

(e) Verify that the record was "packed" with all available information.

(f) Enter your name, date and time in the second party check fields in the computer system.

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Supporting Documentation for Property Hot File Records

393.1 PURPOSE AND SCOPE

This policy details the steps that must be taken by Dakota County Sheriff's Office support personnel before entering property hot file records into MNJIS/NCIC.

393.2 VEHICLE FILES

The Dakota County Sheriff's Office has a Joint Powers Agreement with Dakota 911 to enter and modify all hot files except wanted persons.

Before entering a stolen or felony vehicle record into MNJIS/NCIC we will complete the following:

(a) The Dakota County Sheriff's Office completes a stolen vehicle report for the theft describing the stolen item including the Vehicle Identification Number (VIN) or owner applied number (OAN) and License Plate Number (LIC). This report is sent to the DCC.

(b) The Dakota County Sheriff's Office does a registration check with the state that the vehicle is registered with and sends a copy of this to the Sheriff's Office.

(c) The DCC enters the record into MNJIS/NCIC using the pre-formatted screen, making sure to pack the record with as much information about the vehicle as is available. Also verifying the NCIC codes as they are not always the same as what is seen on the copy of the registration.

(d) Dakota County Sheriff's Office support staff runs a Query MNJIS/NCIC to verify entry and to obtain a copy of the record to be attached to the case file.

(e) Dakota County Sheriff's Office support staff follows procedures for the second party check.

393.3 STOLEN GUNS, ARTICLES, BOATS AND SECURITIES

The Dakota County Sheriff's Office has a Joint Powers Agreement with Dakota 911 to enter and modify all hot files except wanted persons. Before entering a stolen record into MNJIS/NCIC we will complete the following:

(a) The Dakota County Sheriff's Office completes a incident report for the theft describing the stolen item including the serial number (SER) or owner applied number (OAN). The Daktoa County Sheriff's Office will complete a hot file entry request form to submit to the DCC via fax.

(b) If entering a boat, the Dakota County Sheriff's Office will do a registration check with the state that the boat is registered with and print out a hard copy of the registration to attach to the record.

(c) The DCC staff will enter the record in MNJIS/NCIC using the pre-formatted screen. (Boats and securities will only be entered into NCIC.) The DCC will be sure to pack the record with as much information about the item as is available.

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(d) Dakota County Sheriff's Office support staff runs a Query MNJIS/NCIC to verify entry and to obtain a copy of the record to be attached to the case file.

(e) Dakota County Sheriff's Office support staff follows procedures for the second party check.

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Hot File Validation

395.1 PURPOSE AND SCOPE

The Dakota County Sheriff's Office will validate all hot file records as required by MNJIS/NCIC.

Validation takes place 60-90 days from the date of entry and yearly thereafter.

395.2 REQUIREMENTS

The Dakota County Sheriff's Office will validate all hot file records by completing the following steps:

(a) Dakota County Sheriff's Office will advise Dakota 911 to remove all records that are no longer active from the MNJIS/NCIC Hot Files.

(b) Compare all records against the current supporting documentation to ensure:

1. That the information in each field is accurate.
2. That the records contain all available information found in the case files.

(c) Dakota County Sheriff's Office will advise Dakota 911 to remove all records for which corresponding case file documentation cannot be located OR recreate the case file so our agency meets NCIC requirements.

(d) Dakota County Sheriff's Office will advise Dakota 911 to update records or in the case of warrants will update in the warrant computer system as needed when:

1. NCIC Code changes occur.
2. Agency related information, such as extradition limits or hit confirmation, and/or contact information changes.
    (a) New or additional information becomes available.

(e) Contacts:

(a) Wanted Person - Use MNCIS and/or MGA to verify that the warrant is still active and the extradition limits have not changed for all wanted person records. Operator shall run a new criminal history inquiry (QH ,? PUR/C) to check for additional available identifiers to add to record. ie; AKA's, DOB's etc. ATN field should contain the name of the person validating the record as well as the reason (VALIDATION). Old CCH record shall be removed from the warrant jacket and shredded and new CCH inquiry shall be placed in the warrant jacket.

(b) Missing Person - consult the complainant to verify that the person is still missing for all missing person records.

(c) Orders for Protection - Use MNCIS and/or MGA to verify that the OFP is still active and all of the information is current and correct.

(d) Stolen Property - contact the owner or insurance company for stolen property validations to verify that the property is still missing. On stolen vehicles, run a new registration to see if the vehicle has been re-registered to an insurance company or possibly in another person's name.

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Hot File Validation

Note: All entries in any of the Hot Files must be documented for entry. In addition, upon the entry of any Hot File, a second party check must be completed.

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Wanted Persons

396.1 PURPOSE AND SCOPE

This policy details how the Dakota County Sheriff's Office will handle entry of Wanted Person records and contact with wanted persons whose record/warrant has a bail or fine associated with it.

396.2 RECORD ENTRY REQUIREMENTS

Once a warrant has been received from the court the Dakota County Sheriff's Office will enter a wanted person record will be entered into MNJIS/NCIC via the PCI Importer Module. All warrants shall be entered immediately into MNJIS/NCIC when the conditions for entry have been met not to exceed three days upon receipt.

When entering a wanted person record into MNJIS/NCIC follow the steps of the PCI Importer to get the warrants entered as quickly as possible. Each day an email of the entered warrants will be sent to the warrant team and they will do the second party check and packing of the warrant at that time using the steps below:

1. Check drivers license files, CCH/III criminal history files and local information to obtain all available descriptors. Electronically link this infomration to the warrant record as part of your supporting documentation.

2. Verify extradition limits:

(a) Felony - Full Extradition

(b) Felony - Limited Extradition - This means you are willing to pick up someone in another state or states or parts of another state or states. Specific information about limitations shall be entered in the MIS field. For example, enter "Will pickup in Wisconsin and Iowa" in the MIS field.

(c) Felony - Surrounding States Only

(d) Felony - No Extradition - This means you are not willing to leave the state to transport someone that has been located in another state.

(e) Gross Misdemeanor and Misdemeanor - Full Extradition

(f) Gross Misdemeanor and Misdemeanor - Limited Extradition - This means you are willing to pick up someone in another state or states or parts of another state or states. Specific information about limitations shall be entered in the MIS field. For example, enter "Will pickup in Wisconsin and Iowa" in the MIS field. Gross Misdemeanor - Limited Extradition will be entered into MNJIS and NCIC Misdemeanor - Limited Extradition will be entered into MNJIS only.

(g) Gross Misdemeanor and Misdemeanor - Surrounding States Only Gross Misdemeanor - Limited Extradition will be entered into MNJIS and NCIC Misdemeanor - Limited Extradition will be entered into MNJIS only.

(h) Gross Misdemeanor and Misdemeanor - No Extradition - This means you are not willing to leave the state to transport someone that has been located in another state.

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3. Determine if the warrant is Nightcapped. Gross Misdemeanor and Felony warrants are automatically nightcapped. Misdemeanor warrants require an additional signature from the judge.

4. Check to see if the record could be cautioned.

5. Verify the entry by checking the messages received from CJIS/NCIC that are electronically stored in the warrant record in the warrant computer system to ensure accurate entry.

6. If the individual has more than one active Dakota County warrant, enter that in the misc. field with bail and court information.

396.3 ARREST WARRANT WITH BAIL AND/OR FINE

Licensed deputies shall not accept bail or fines in lieu of custodial arrests for persons with arrest warrants. The deputy should arrest and transport the person to the jail to be booked. Once booked, the bail and/or fines can be posted.

If the wanted person comes to the lobby the following procedures will be followed:

Dakota County Warrants-

- During regular business hours, the wanted person may post bail with the First Judicial District Court.
- After hours, the wanted person shall be arrested, booked in the jail, and given the opportunity to post bail or pay a fine.

Out of County Warrants-

- During both regular business hours and after hours, the wanted person shall be arrested, booked in the jail, and given the opportunity to post bail or pay a fine.

The jail will not accept bails/fines for out of county warrants when the subject is not in custody.

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Protection Orders and Domestic Abuse No Contact Orders

397.1 PURPOSE AND SCOPE

The MN Courts are directed to send copies of all Protection Orders (OFP) and Domestic Abuse No Contact Orders (DANCO) to the local sheriff's office. These orders are also passed electronically to the BCA hot files. Courts pass only minimal data to the BCA. The OFP and DANCO are orders that are maintained by the court and they hold the record on these.

It is the responsibility of the sheriff's office to validate the hot file entry on these orders.

397.2 REQUIREMENTS

When the Dakota County Sheriff's Office receives an Order for Protection (OFP) or Order for Harassment (OFH), we will do the following:

(a) Check the order over for accurate information. If errors are found, the order must be returned to the Courts for correction. Make sure to compare the name and DOB on the record to the name and DOB on the actual court order.

(b) OFPs are imaged and kept in the County's document storage system.

(c) The active Orders are available to deputies for verification through the counties document storage system and CJIIN.

(d) Update the record when served.

It is the Court's responsibility to notify law enforcement when these orders are no longer active and to store the permanent record of the order. We will follow the validation process explained in the validation division of our agency's policy manual.

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Extreme Risk Protection Orders

398.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders and accounting for firearms obtained pursuant to those orders.

398.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 624.7171):

Extreme risk protection order (ERPO) - An order prohibiting a named person from possessing or purchasing prohibited items.

Prohibited items - Firearms that are prohibited by an ERPO.

398.2 POLICY

It is the policy of the Dakota County Sheriff's Office to petition for and serve ERPOs in compliance with state law, and to properly account for prohibited items obtained by the Office pursuant to such orders.

398.3 EXTREME RISK PROTECTION ORDER COORDINATOR

The Sheriff should designate an ERPO coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an ERPO or a renewal of an ERPO by office members.

(b) Identifying factors to consider when assessing whether to seek an ERPO, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. Whether the person has committed an act of violence toward themselves or another person.
6. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
7. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
8. Any known upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
9. Whether the person has any history of drug or alcohol abuse.

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(c) Developing and maintaining procedures for the receipt and service of ERPOs consistent with the requirements of Minn. Stat. § 624.7172; Minn. Stat. § 624.7175; and the Warrant Service and Operations Planning and Deconfliction policies. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions.
2. Forwarding ERPOs to the Operations Director or the authorized designee.
3. Forwarding ERPOs to the Program Administration Supervisor for recording in appropriate databases and required notice to the court, as applicable.
4. Preparing or obtaining a search warrant prior to attempting service of an ERPO, when appropriate (Minn. Stat. § 624.7175).

(d) Coordinating with the Administrative Captain to provide deputies who may be involved in petitioning for or serving ERPOs with training on such orders. Training should include determining when a petition is appropriate, the process for seeking ERPOs, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an ERPO prepared by members, for compliance with this policy, office procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an ERPO is being served by the Office (Minn. Stat. § 624.7175). Procedures should include:

1. Preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
2. Proper handling and processing of surrendered items.

398.4 EXTREME RISK PROTECTION ORDERS

A deputy who reasonably believes that an ERPO is appropriate should obtain approval from an appropriate supervisor and the extreme risk protection order coordinator or the authorized designee prior to seeking an order.

398.4.1 STANDARDS

Extreme risk protection orders may be appropriate if a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm (Minn. Stat. § 624.7171, Subd. 4).

If a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm, and presents an immediate and present danger of either bodily harm to others or of taking their life, an ERPO may be appropriate (Minn. Stat. § 624.7174).

398.4.2 REQUIREMENTS OF PETITION

An application for an ERPO should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (Minn. Stat. § 624.7171).

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398.5 SERVICE OF ORDERS

Deputies should serve a copy of an ERPO, along with any accompanying notice of hearing and petition, affidavit, as applicable, on the person named in the order as soon as reasonably practicable (Minn. Stat. § 624.7172).

Service of ERPOs should take precedence over the service of other orders, except for orders of a similar emergency nature.

398.5.1 SAFETY CONSIDERATIONS

Upon receipt of an ERPO, the Operations Director or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

When appropriate based on the circumstances and office procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

At least two deputies should be present when an ERPO is being served.

398.5.2 SURRENDER OF PROHIBITED ITEMS

Deputies serving an ERPO should request that the named person immediately surrender all prohibited items as required by the order and take custody of any items surrendered pursuant to the order (Minn. Stat. § 624.7172; Minn. Stat. § 624.7175).

The deputy serving the ERPO should prepare a receipt identifying all surrendered items and a copy of the receipt should be given to the person. The deputies should ensure the original receipt is included in the original case report and forwarded to the Program Administration Supervisor as soon as practicable.

All items collected should be handled and booked in accordance with the Property Room Policy.

398.5.3 SEARCH WARRANTS

Deputies should consider whether a search warrant may be reasonably necessary prior to attempting service of an ERPO.

Deputies should also consider whether to seek a search warrant if the named person refuses to surrender any prohibited items or if a deputy serving an ERPO reasonably believes there are prohibited items within the persons custody, control, or possession that have not been surrendered.

398.6 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in office custody pursuant to an ERPO should be referred to the Property Room.

398.7 EXTENSION OF EXTREME RISK PROTECTION ORDER

The Investigations supervisor is responsible for the review of any ERPO obtained by the Office to determine if renewal or extension of the order should be requested within the time prescribed by law (Minn. Stat. § 624.7172; Minn. Stat. § 624.7173).

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Generative Artificial Intelligence Use

399.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for office use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of office information technology resources are found in the Information Technology Use Policy.

399.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

399.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance office procedures, and improve the overall effectiveness of the Dakota County Sheriff's Office.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as office tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Office to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Office using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

399.3 APPROVED AI SYSTEMS

The Sheriff or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any [department/office] functions.

(a) The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:

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1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the [DepartmentOffice] consistently over time.
2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the [departmentoffice]'s use of the system.
3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.

(b) Sytems need appropriate contractual safeguards in place to manage third-party use of [departmentoffice] data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the [DepartmentOffice] and third-party vendor.

399.4 USE OF GENERATIVE AI

The use of office GenAI systems by office members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

(a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.

(b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).

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(c) Include a statement in the final document or work product that GenAI was used to aid in its production.

399.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

399.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Sheriff or the authorized designee for the intended use.

399.6 TRAINING

All members authorized to use GenAI should have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI. Training should include but is not limited to the following:

(a) A review of this policy

(b) The need for human oversight of GenAI outputs

(c) The interpretation, review, and verification of GenAI output

(d) Checking GenAI output for bias or protected information

(e) Ethical use of GenAI technology

(f) Data security and privacy concerns

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Office to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Dakota County, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, when authorized or empowered by agreement or statute, federal laws and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as residential inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol and other division within the Office, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various divisions of the Dakota County Sheriff's Office.

400.2.1 CRIME ANALYSIS UNIT

The Investigations Unit will be the central unit for information exchange. Criminal information and reports can be submitted for distribution to all divisions, including the Minnesota Joint Analysis Center (MNJAC), within the Office through a variety of communication methods, CJIIN E-brief, 24 hour 0600 CAD Report, email messages, internal web posting or memo for example.

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400.2.2 CRIME REPORTS
A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded for follow-up investigation.

400.2.3 PATROL BRIEFINGS
Patrol supervisors, investigators, special unit members, and supervisors are encouraged to share information as much as reasonably possible. All supervisors and/or deputies will be provided an opportunity to share information.

400.3 TOWNSHIP AND CITY ORDINANCE ENFORCEMENT

Enforcement of township and city ordinances as outlined in Joint Powers Agreements and approved by the Dakota County Board of Commissioners. Each township or city will outline which specific ordinances they would like enforced.

Sergeants must track all hours associated with ordinance enforcement and provide the information to the Patrol Captain for billing. This will include total hours for the investigation (preliminary or otherwise) as well as total hours for courtroom testimony.

The specific ordinances are located in the CJN Patrol Tab.

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Dakota County Sheriff's Office commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

This also includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. It does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject (Minn. Stat. § 626.8471).

402.2 POLICY

The Dakota County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group (Minn. Stat. § 626.8471, Subd. 3).

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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402.4.1 INFORMATION TO BE PROVIDED
Deputies shall (Minn. Stat. § 626.8471, Subd. 3):

(a) Introduce or identify themselves and state the reason for a contact as soon as practicable unless providing the information could compromise deputy or public safety.

(b) Attempt to answer questions the person may have regarding the contact, including relevant referrals to other agencies when appropriate.

(c) Explain the reason for the contact if it is determined the reasonable suspicion was unfounded.

(d) When requested, provide their name and badge number and identify this office during routine stops.

(e) When requested, deputies should inform a member of the public of the process to file a misconduct complaint for bias-based policing against a member of the Office, and that bias-based policing complaints may be made by calling the Attorney General's office (Minn. Stat. § 626.9514).

402.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved deputy and their supervisor in a timely manner.

    1. Supervisors should document these discussions in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio Video (MAV) recordings, body-worn camera (BWC) media, Mobile Digital Computer (MDC) data, and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

402.6 TRAINING
Training on fair and objective policing and review of this policy shall be conducted annually and include:

(a) Explicit and implicit biases.

(b) Avoiding improper profiling.

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Handcuffing and Restraints

403.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

403.2 POLICY

The Dakota County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and office training. Restraint devices shall not be used to punish, to display authority or as a show of force.

403.3 USE OF RESTRAINTS

Only members who have successfully completed Dakota County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

403.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

403.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety taking into consideration whether the person may resist, attempt escape, injure self or others, or damage property. Leg irons, waist chains, or wrist restraints behind the body should not be used. If wrist restraints are used, they should be applied in such a way that the pregnant woman may be able to protect herself and her fetus in the event of a forward fall.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, or others.

403.3.3 RESTRAINT OF INCARCERATED PREGNANT PERSONS

Restraints will not be used on inmates who are known to be pregnant unless based on an individualized determination that restraints are reasonably necessary to ensure the safety and security of the inmate, the staff of this or the medical facility, other inmates or the public. Should restraints be necessary, the restraints shall be the least restrictive available and the most reasonable under the circumstances (Minn. Stat. § 241.88).

Inmates who are known to be pregnant will not be handcuffed behind their backs or placed in waist restraints while being transported (Minn. Stat. § 241.88).

No inmate who is in labor, delivering or recovering (for at least three days) from a birth shall be restrained except when all of the following exist (Minn. Stat. § 241.88):

(a) There is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the inmate, the staff of this or the medical facility, other inmates or the public.

(b) A supervisor has made an individualized determination that such restraints are necessary to prevent escape or injury.

(c) There is no objection from the treating medical care provider.

(d) The restraints used are the least restrictive type and are used in the least restrictive manner.

The supervisor should, within 10 days, make written findings specifically describing the type of restraints used, the justification and the underlying extraordinary circumstances.

403.3.4 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

403.3.5 NOTIFICATIONS

Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

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403.4 HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

403.5 SPIT HOODS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Deputies should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored until the spit hood is removed. Spit hoods shall be discarded after each use.

403.6 AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

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403.6 LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the office shall be used.

In determining whether to use the leg restraint, deputies should consider:

(a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting deputy while handcuffed, kicking at objects or deputies).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

403.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person’s ability to breathe.

(d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.

(e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

403.7 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

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If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The deputy should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

(d) Any known or suspected drug use or other medical problems.

403.7 TRAINING

Subject to available resources, the Administrative Captain should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Crime and Disaster Scene Integrity

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

407.2 POLICY

It is the policy of the Dakota County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

407.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

407.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

407.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

407.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

407.6 EXECUTION OF HEALTH ORDERS

Any licensed member of this office may assist in the enforcement of all directives of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Minn. Stat. § 144.4195, Subd. 2(c)).

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SOUTH METRO SWAT

409.1 PURPOSE AND SCOPE

South Metro SWAT is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

409.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to South Metro SWAT are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to office personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

409.2 POLICY

It is the policy of this office to utilize South Metro SWAT as our tactical response element. The South Metro SWAT oversight council has the responsibility to provide sufficient resources to maintain performance and capability. The South Metro SWAT Patrol Manual is attached to this manual as a reference.

409.3 MANAGEMENT/SUPERVISION OF SOUTH METRO SWAT

The commander of South Metro SWAT shall be selected by the South Metro SWAT governing board.

409.4 OPERATIONAL GUIDELINES FOR SOUTH METRO SWAT

The following procedures serve as guidelines for the operational deployment of South Metro SWAT. Generally, the SWAT team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team, such as warrant service operations. This shall be at the discretion of the South Metro SWAT Commander.

409.4.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether South Metro SWAT should respond and notify Dakota 911 if needed.

409.4.2 APPROPRIATE SITUATIONS FOR USE OF SOUTH METRO SWAT

The following are examples of incidents that may result in the activation of South Metro SWAT:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages have been taken.

(c) Cases of suicide threats.

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(d) Arrests of dangerous persons.

(e) Any situation where a South Metro SWAT response could enhance the ability to preserve life, maintain social order and ensure the protection of property.

409.4.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be directed to the South Metro SWAT Team Commander.

409.4.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Dakota County Sheriff's Office SWAT team shall operate under the policies and procedures of the Dakota County Sheriff's Office, and under the direction of the South Metro SWAT Team Commander, when working in a multi-agency situation.

409.4.5 MOBILIZATION OF SOUTH METRO SWAT

Through Dakota 911, the on-scene supervisor will request South Metro SWAT Team activation. A phone number will be provided to the South Metro SWAT Commander or designee so they can contact the on-scene supervisor directly. As soon as practicable, the on-scene supervisor should notify the Patrol Captain.

The supervisor on duty should advise the South Metro SWAT Commander with as much of the following information as is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location and safe approach to the command post.

(g) The extent of any perimeter and the number of deputies involved.

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

The South Metro SWAT Commander or supervisor will determine the number of personnel that will respond.

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409.4.6 FIELD UNIT RESPONSIBILITIES

While waiting for South Metro SWAT, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team's actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once South Metro SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the South Metro SWAT Commander on the situation.

(g) Plan for and stage anticipated resources.

409.4.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of South Metro SWAT, the on scene supervisor shall brief the South Metro SWAT Commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the South Metro SWAT Commander, whether to deploy the South Metro SWAT Team. Once the Incident Commander authorizes deployment, the South Metro SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for South Metro SWAT. The Incident Commander and the South Metro SWAT Commander or designee shall maintain communications at all times.

409.4.8 COMMUNICATION WITH SOUTH METRO SWAT

Those persons who are not South Metro SWAT personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Negotiations require the utmost in concentration by involved personnel. All non-emergency communications shall be channeled through the South Metro SWAT Team Commander.

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Ride-Along Policy

411.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for persons to experience the law enforcement function first hand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

411.1.1 ELIGIBILITY

The Dakota County Sheriff's Office Ride-Along Program is offered to family, friends, Office volunteer members, law enforcement students, potential employment candidates and those employed within the County. A reasonable attempt will be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Office.
- Denial by any supervisor.

411.1.2 AVAILABILITY

The Ride-Along Program is available any day of the week. The ride-along times are flexible however most last 4 hours or less. Exceptions to this schedule may be made as approved by the on-duty supervisor

411.2 PROCEDURE TO REQUEST A RIDE-ALONG

Deputies approved or assigned to conduct ride-alongs must have successfully completed probation.

Generally, ride-along requests will be approved and scheduled by a Sergeant. Prior to the ride-along, the participant will complete and sign a Ride-Along Waiver and Confidentiality Agreement. Information requested will include a current address and an emergency contact. If the rider is a minor, a parent or guardian signature is required.

The Patrol Sergeant shall conduct a security check on any person not known by a member of the DCSO and schedule a date based on staffing and availability.

If the ride-along is denied after the request has been made, a representative of the Office will contact the applicant and advise him/her of the denial.

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411.2.1 PEACE OFFICER RIDE-ALONGS

Off-duty members of any other law enforcement agency are discouraged from riding along with on-duty deputies and should be allowed in limited instances, such as potential employment candidates. Prior approval must be obtained from the Patrol Sergeant assigned to that shift.

In the event that such a ride-along is permitted, the off-duty member shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

Off-duty members of this office are not allowed to ride along with on-duty deputies. Instances not considered a ride-along include squad transfers or travel to Office approved events such as training.

411.2.2 PROGRAM REQUIREMENTS

Once approved, ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, Chaplains, Interns, Mentor Students, Reserves, Citizen Academy participants, Sheriff's Office applicants and all others with approval of the Patrol Sergeant.

An effort will be made to ensure that no more than one will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

411.2.3 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn jeans are not permitted. Hats and ball caps will not be worn in the Sheriff's vehicle. The shift supervisor may refuse a ride-along to anyone not properly dressed.

411.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Minnesota Bureau of Criminal Apprehension Criminal History System check prior to approval (provided that the ride-along is not an employee of the Dakota County Sheriff's Office).

411.3 DEPUTY'S RESPONSIBILITIES

The deputy shall advise the shift supervisor that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times.

Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practicable have another squad respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the shift supervisor.

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Upon completion of the ride-along, the Ride-Along Waiver and Confidentiality Agreement shall be returned to a Patrol Sergeant and forwarded to the Patrol Captain with any comments that may be offered by the deputy. The Patrol Captain will maintain the completed forms in a file.

411.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include:

(a) The rider will follow the directions of the deputy.

(b) The rider will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any equipment.

(c) The rider may terminate the ride at any time and the deputy may return them to their home or to the initial meet location.

(d) The deputy may terminate the ride-along and return the rider to their home or to the initial meet location if the ride-along interferes with the performance of any of the deputy's duties.

(e) Riders may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(f) Deputies will not allow any riders to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(g) Refer to Policy 315 regarding Pursuits with riders.

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Hazardous Material Response

413.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Minnesota law, the following represents the policy of this office.

413.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid or contained gaseous form, which, because of its quantity, concentration, or chemical, physical or infectious characteristics may (Minn. Stat. § 116.06 Subd. 11):

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

413.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment absent proper training. A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material

(b) Notify the appropriate fire department.

(c) Provide first aid to injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(e) Contact the Minnesota Duty Officer (800-422-0798).

(f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area are established.

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413.3 REPORTING EXPOSURE(S)

Office personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to their Division Commander. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

413.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Office will be obtained through the appropriate fire department.

413.4 POLICY

It is the policy of the Dakota County Sheriff's Office to respond to hazardous material emergencies with due regard for the safety of the public and those employees responding to such incidents.

413.5 TRAINING

The Administrative Captain should ensure initial and annual refresher training in hazardous material awareness is provided to employees who may encounter an emergency involving hazardous materials in the course of their duties.

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Hostage and Barricade Incidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

415.2 POLICY

It is the policy of the Dakota County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

415.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect’s surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

415.3.1 EMERGENCY COMMUNICATION

A supervisor with probable cause to believe that a person is being unlawfully confined may order a telephone company to cut, reroute, or divert telephone lines for the purpose of establishing and controlling communications with a suspect (Minn. Stat. § 609.774).

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415.4 FIRST RESPONDER CONSIDERATION

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

415.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Sheriff or his/her authorized designee.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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(k) Establish a command post.

415.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- Provide responding emergency personnel with a safe arrival route to the location.
- Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- Coordinate pursuit or surveillance vehicles and control of travel routes.
- Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Sheriff or his/her authorized designee.
- If necessary and available, establish a tactical or exclusive radio frequency for the incident.

415.5 SUPERVISOR RESPONSIBILITY

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command

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and assume the role of Incident Commander until properly relieved. This includes requesting a South Metro SWAT response if appropriate and apprising the South Metro SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the Sheriff or his/her authorized designee or a designated temporary media representative provide media access in accordance with the Media Relations Policy

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

415.6 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Dakota County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/ bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

417.2 POLICY

It is the policy of the Dakota County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

417.3 RECEIPT OF BOMB THREAT

Office members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established office evidence procedures.

The member receiving the bomb threat should ensure that their supervisor is immediately advised and informed of the details. This will enable them to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

417.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

417.4.1 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Dakota County Sheriff's Office that is not the property of this office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the responsible supervisor deems appropriate.

417.4.2 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility’s security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

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417.5 PRIVATE FACILITY OR PROPERTY

When a member of this office receives notification of a bomb threat at a location in the County of Dakota, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting sheriff's assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that their supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

417.5.1 ASSISTANCE

The Watch Commander should be notified when sheriff's assistance is requested. The Watch Commander will make the decision whether the Office will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Watch Commander determine that the Office will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

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1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

417.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Watch Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

417.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury

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to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

417.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

417.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional office personnel, such as investigators
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

417.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

417.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The supervisor should assign deputies to protect the crime scene area, which could extend over a long

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distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Civil Commitments

419.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual in protective custody and request a 72-hour hold under the Minnesota Commitment and Treatment Act (Minn. Stat. § 253B.051).

419.2 POLICY

It is the policy of the Dakota County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour hold process.

419.3 AUTHORITY

A deputy, having probable cause to believe that any individual because of mental illness, chemical dependency, or public intoxication is in danger of injuring him/herself or others if not immediately detained, may take, or cause to be taken, the individual to an appropriate treatment facility for a 72-hour evaluation (Minn. Stat. § 253B.051, Subd. 1).

The deputy shall make written application for admission of the individual to an appropriate treatment facility. The application shall contain the deputy's reasons for and circumstances under which the individual was taken into custody. If danger to specific individuals is a basis for the requested emergency hold, the statement must include identifying information for those individuals to the extent reasonably practicable. The deputy shall also provide the office contact information for purposes of receiving notice if the individual is released prior to the 72-hour admission or leaves the facility without consent. The facility shall make a copy of the statement available to the individual taken into custody (Minn. Stat. § 253B.051, Subd. 1).

419.3.1 VOLUNTARY EVALUATION

If deputies encounter an individual who may qualify for a 72-hour hold, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to the Minnesota Commitment and Treatment Act.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, deputies should proceed with the application for a 72-hour hold, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

419.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a 72-hour hold should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

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(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

419.5 TRANSPORTATION

When transporting any individual for a 72-hour hold, the transporting deputy should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Watch Commander approval is required before transport commences.

419.5.1 TYPE OF TRANSPORTATION

When transporting any individual on a Minn. Stat. § 253B.051 admission, and if reasonably practicable, deputies should not be in uniform and should not use a vehicle visibly marked as a law enforcement vehicle (Minn. Stat. § 253B.051, Subd. 1(e)).

419.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a 72-hour hold and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

419.7 DOCUMENTATION

The deputy should complete an application for emergency admission, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

419.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for purposes of a 72-hour hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

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When an individual who may qualify for a 72-hour hold has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 72-hour hold.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 72-hour hold.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

419.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a 72-hour hold, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

419.10 TRAINING

This office will endeavor to provide office-approved training on interaction with mentally disabled persons, 72-hour holds and crisis intervention.

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Citation Releases

421.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Dakota County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

This policy also provides guidance on when a court orders that a person be released.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

421.2 POLICY

The Dakota County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

421.3 RELEASE

A suspected offender shall be released on issuance of a citation:

(a) When the offender has been arrested without a warrant and either a prosecutor or district court judge orders that the offender should be released (Minn. R. Crim. P. 4.02; Minn. R. Crim. P. 6.01).

1. Release is not required if a reviewing supervisor determines that the offender should be held pursuant to Minn. R. Crim. P. 6.01 Subd. 1.

(b) When the offender is charged with a petty or fine-only misdemeanor (Minn. R. Crim. P. 6.01).

(c) In misdemeanor cases unless it reasonably appears to the arresting deputy that the offender will (Minn. R. Crim. P. 6.01):

1. Cause bodily injury to him/herself or another if he/she is not detained.
2. Continue engaging in criminal conduct.
3. Not respond to a citation.

(d) When the offender is from another state which has a reciprocal agreement with Minnesota unless the offense is (Minn. Stat. § 169.91):

1. One which would result in the revocation of the offender’s driver’s license under Minnesota law upon conviction.
2. A violation of a highway weight limitation.
3. A violation of a law governing the transportation of hazardous materials.
4. That the offender was driving without a valid driver’s license.

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421.4 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, deputies should consider:

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual’s ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

421.5 FISH AND GAME AND ENVIRONMENT-RELATED OFFENSES

In the case of game and fish laws or other environment-related offenses, as specified in Minn. Stat. § 97A.211, deputies should release the offender unless there is reason to believe that criminal conduct will continue or that the offender will not respond as required by the citation (Minn. Stat. § 97A.211).

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Foreign Diplomatic and Consular Representatives

423.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Dakota County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

423.2 POLICY

The Dakota County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

423.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.

(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.

423.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations.
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers.

423.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

423.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

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(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

425.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies in situations that call for rapid response and deployment.

425.2 POLICY

The Dakota County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

425.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies shall consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies shall take immediate action, if reasonably possible, while requesting additional assistance.

When deciding on a course of immediate action deputies should consider:

(a) How to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(c) Whether the suspect can be contained or denied access to victims.

(d) Whether the deputies have the ability to effectively communicate with other personnel or resources.

(e) Whether planned tactics can be effectively deployed.

(f) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

425.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

425.5 PLANNING

The Emergency Preparedness Coordinator should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

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Immigration Violations

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Dakota County Sheriff's Office relating to immigration and interacting with federal immigration officials.

429.2 POLICY

It is the policy of the Dakota County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

429.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Minnesota constitutions.

429.4 DETENTIONS

A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant. No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied be a criminal warrant, affidavit of probable cause, or removal order. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

A deputy should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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429.4.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

429.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, a deputy should not notify federal immigration officials when booking arrestees at a county jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

429.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this office should be directed to a supervisor. The Office may provide available support services, such as traffic control or peacekeeping efforts.

429.7 INFORMATION SHARING

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in office records

(c) Exchanging such information with any other federal, state, or local government entity

429.7.1 NOTIFICATION OF IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer (DHS Form I-247) under 8 CFR § 287.7, including when accompanied by an immigration warrant (DHS Form I-200 or I-205) or removal order. Continued detention is permitted only when the DCSO has independent authority to hold the individual based on a valid judicial criminal arrest warrant. Notification to the federal authority issuing the detainer should be made before release.

429.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations supervisor assigned to oversee the handling of any related case. The Investigations supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

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Rifles

432.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Dakota County Sheriff's Office will make patrol rifles available to qualified deputies as an additional and more immediate tactical resource.

432.2 RIFLE

432.2.1 DEFINITION

Rifle - An authorized short barreled rifle which is owned by the Office and which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun or less lethal shotgun. No personally owned rifles, carbines, or short barreled rifles may be carried for patrol duty unless pre-approved in writing by the Firearms Supervisor and the Sheriff.

432.3 SPECIFICATIONS

The authorized rifle issued by the Office is the Sig Sauer 516CQB 10" SBR (Short barreled rifle) with suppressor. These do not include precision rifles used by MAAG or those used in ceremonial purposes.

432.4 RIFLE MAINTENANCE

(a) Primary responsibility for ensuring maintenance of rifles shall fall on the firearms supervisor or instructors , who shall inspect and service each patrol rifle on an annual basis.

(b) Each deputy carrying a rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each deputy shall be responsible for promptly reporting any damage or malfunction of an assigned rifle to a supervisor, the firearms supervisor, or instructor.

(d) Any rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

(e) Each rifle shall be subject to inspection by a supervisor, the firearms instructor, or instructor at any time.

(f) No modification shall be made to any rifle without prior written authorization from the firearms supervisor.

432.5 TRAINING

Deputies shall not carry or utilize the rifle unless they have successfully completed Office training. This training shall consist of an initial three-hour patrol rifle user’s course and qualification score with a certified firearms instructor. Deputies shall thereafter be required to successfully complete annual training and firearms proficiency qualification conducted by a certified patrol rifle instructor.

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Any deputy who fails to qualify or who fails to successfully complete one or more Office-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol deputies user's course and qualification.

432.6 DEPLOYMENT OF THE RIFLE

Deputies may deploy the rifle in any circumstance where the deputy can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the rifle may include, but are not limited to:

(a) Situations where the deputy reasonably anticipates an armed encounter.

(b) When a deputy is faced with a situation that may require the delivery of accurate and effective fire at an exended range.

(c) Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a deputy reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

(e) When a deputy reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When appropriate to aid in the dispatch of an animal.

432.7 DISCHARGE OF THE RIFLE

The discharge of the rifle shall be governed by the Use of Force Policy and the Shooting Policy.

432.8 PATROL READY

Any qualified deputy carrying a rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned deputy, confirming that the chamber is empty, the slide is forward, the dust cover is closed, the safety is in the on position, and a fully loaded magazine is inserted into the magazine well.

432.9 RIFLE STORAGE

(a) When not in use, rifles will be locked and secured in the Office vehicles, gun lockers, or office armory.

(b) The firearms supervisor will maintain a record of rifle assignments. All deputies shall immediately report to the firearms supervisor any interdepartmental transfers of rifles.

(c) In-service rifles should be secured in the vehicle gun lock or in a case in a double locked trunk.

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Aircraft Accidents

434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

434.2 DEPUTY RESPONSIBILITY

Deputies should treat an aircraft crash site as a crime scene until it is determined that such is not the case.

If a military aircraft is involved, additional dangers, such as live ordnance, may be present. The scene may require additional security due to the potential presence of confidential/ classified equipment or information. The scene could be declared a National Defense Area by the military.

The duties of the field deputy at the scene of an aircraft crash include the following:

(a) Determine the nature and extent of the crash.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the appropriate Medical Examiner's Office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If reasonably possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the injured parties and ensuring the crash scene has been rendered safe for containment. Thereafter, sheriff's personnel will be responsible for preserving the scene until relieved by the investigating authority. Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene

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until the investigation is completed or assistance is no longer needed. An airline service worker or an airport official may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

434.3 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating crashes involving civilian aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent reasonably possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to assist the on-scene commander with any military aircraft involved, regardless of any injury or death.

If the crash did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner

434.4 NOTIFICATIONS

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

434.5 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

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(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

434.6 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

434.7 DOCUMENTATION

All aircraft accidents occurring within the County of Dakota shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of DCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

434.7.1 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

434.7.2 WRECKAGE

When reasonably safe, members should:

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(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

434.8 MEDIA RELATIONS

The Sheriff or authorized designee should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Sheriff or authorized designee should coordinate with other involved entities before the release of information.

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Field Training Officer Program

436.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures, and operations of the Dakota County Sheriff's Office. The policy addresses the administration of field training and the selection, supervision, training, and responsibilities of the Field Training Officer (FTO).

436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry-level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of four years of patrol experience, two of which shall be with this office.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass an internal oral interview selection process.

(e) Evaluation by supervisors and current FTOs.

(f) Possess an FTO certificate of completion from a Minnesota POST Board-approved course.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program Supervisor will be selected by the PatrolDivision Commander or designee.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

(g) Maintain liaison with FTO coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

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The FTO Program supervisor will be required to obtain a Field Training Officer Supervisory certificate from a Minnesota POST Board-approved course within one year of appointment to this position.

436.4 TRAINEE DEFINED

Trainee - Any entry level or lateral sheriff'sdeputy newly appointed to the Dakota County Sheriff's Office who possesses a Minnesota POST license or is eligible to be licensed.

436.5 REQUIRED TRAINING

Entry-level deputies shall be required to successfully complete the Field Training Program. A Field Training Program for new deputies should consist of a minimum of 160 hours.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

436.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of their Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as a deputy with the Dakota County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. They shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations enacted by the Dakota County Sheriff's Office. The Field Training Manual should include standardized guidelines used by FTOs to evaluate a new deputy's performance.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Completing and submitting a written evaluation on the performance of the assigned trainee to the trainee's immediate supervisor on a daily basis.

(b) Reviewing the Daily Trainee Performance Evaluations with the trainee each day.

(c) Completing a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.

(d) Signing off all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

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436.6.2 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forward to the Sheriff for review and approval.

436.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations.

(b) End of phase evaluations.

(c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training.

436.8 POLICY
It is the policy of the Dakota County Sheriff's Office that all newly hired or appointed deputy trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

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Contacts and Temporary Detentions

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

440.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MVR) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the [officer_deputy], the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person’s freedom of movement.

440.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy’s suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Dakota County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

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440.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the deputy.

440.2.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When reasonably feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by office personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport.

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440.3 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single deputy.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

440.4 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this office during any contact other than an arrest and requests to view non-confidential data shall be shown the data immediately if possible, or within 10 days of the date of the request, excluding Saturdays, Sundays and legal holidays. No charge may be assessed for display of the data, and if desired the person shall be informed of the content and meaning of that data (Minn. Stat. § 13.04 Subd. 3). The request to view the photograph/FI data shall be directed to a Data Practices Liason, who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below.

440.4.1 REVIEW PROCESS

Upon receipt of such a written request, the Sheriff or designee will permit the individual to appear in person. Any minor should be accompanied by a parent or legal guardian for a review of the status of the photograph/Fl unless the minor has made a request that the photograph/FI not be reviewed by the parent or guardian pursuant to Minn. R. 1205.0500.

Such a meeting will be scheduled during regular business hours no longer than 10 days of the receipt of the request.

A meeting for the review of the status of any non-arrest photograph/FI is simply an informal opportunity for the individual to meet to review the data.

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440.5 POLICY

The Dakota County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

440.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by office members.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport.

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Criminal Organizations

442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Dakota County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

442.2 POLICY

The Dakota County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

442.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

442.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records. Any supporting documentation

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for an entry shall be retained by the Records in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records are appropriately marked as intelligence information. The Program Administration Supervisor may not purge such documents without the approval of the designated supervisor.

442.3.2 ENTRIES INTO CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

It is the designated supervisor's responsibility to approve the entry of any information into the criminal gang investigative data system maintained by the Minnesota Bureau of Criminal Apprehension and authorized by Minn. Stat. § 299C.091. Entries may be made if the individual is 14 years of age or older and the Office documents the following:

(a) The Office has reasonable suspicion to believe that the individual has met at least three of the criteria or identifying characteristics of gang membership, developed by the Violent Crime Coordinating Council.

(b) The individual has been convicted of a gross misdemeanor or felony, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult.

442.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

442.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible office supervisor.

(b) Should not be originals that would ordinarily be retained by the Records or Property Room, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

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(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

442.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

442.5 INFORMATION RECOGNITION

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Administrative Captain to train members to identify information that may be particularly relevant for inclusion.

442.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile’s name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

442.7 CRIMINAL STREET GANGS

The Investigations supervisor should ensure that there are an appropriate number of office members who can:

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(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

442.8 TRAINING

The Administrative Captain should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multi-agency criminal intelligence system.

(c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Mobile Fleet Camera System

445.1 PURPOSE AND SCOPE

The Dakota County Sheriff's Office ("DCSO")has equipped marked patrol cars with Mobile FleetCamerasystems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

445.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the Mobile Fleet Camera System to transmit or store video or audio data in an active mode.

Mobile Fleet Camera System refers to a system installed in DCSO vehicles that captures and records audio and video signals capable of being stored digitally and reviewed. The system includes at a minimum a camera and microphone..

Law Enforcement Operator (LEO) - Primarily a licensed peace officer but on occasion may be a non-licensed representative of the DCSO who is authorized and assigned to operate Mobile Fleet Camera System equipped vehicles to the extent consistent with Minn. Stat. § 169.98.

MGDPA - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13

Mobile Fleet Camera System Administrator- The administrator designated by the Sheriff to carry out the duties contained in this policy and statutory responsibilities governing the Mobile Fleet Camera Systems.

Recorded media or Data- Audio-video signals recorded or digitally stored on a storage device or portable media.

County Sanctioned Devices- devices that are not owned by the County but may instead be used by employees or associates of the County for County business use.

445.2 POLICY

The DCSO may provide its LEOs with access to the fleet camera system for use during the performance of their official duties. The use of the Mobile fleet camera system is intended to enhance the mission of the DCSO by accurately capturing public interactions. Safety is the primary consideration for the use and activation of the Mobile Fleet Camera System.

445.3 ACTIVATION OF MOBILE FLEET CAMERA SYSTEM

The Mobile Fleet Camera System system is designed to turn on whenever the unit's front emergency lights are activated, the vehicle speed exceeds a designated speed, or the vehicle meets a designated g-force threshold. The system remains on until turned off manually. The audio and video record simultaneously. LEOs are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.In some

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circumstances it is not possible to capture images of the incident due to conditions or location of the camera.

445.3.1 ACTIVATION

LEOs must activate their Mobile Fleet Camera System under the following circumstances

(a) Performing a function test of the Mobile Fleet Camera System before and at the end of shift to ensure it is operating properly. If the mobile fleet camera system does not automate automatically, the LEO shall record his/her name, badge number, and the current date and time at the beginning and end of a shift, regardless of whether any activity is recorded.

(b) Audio video equipment will automatically activate when the vehicle's front emergency lights are activated, the vehicle exceeds a designated speed threshold, or the vehicle meets a designated g-force threshold;.

(c) Any other circumstance where the LEO believes that a recording of an incident would potentially yield information leaving evidentiary value, unless such recording is otherwise prohibited;

(d) During all law enforcement-related encounters and activities with the public including, but not limited to responding to calls for service or assistance, pursuits, Terry Stops of motorists or pedestrians, arrests, and searches pursuant to a lawful arrest;

(e) During any police-citizen contact that becomes adversarial or requires the use of force.

445.3.2 PROHIBITED USE

The Mobile Fleet Camera System shall not be used to record non-work related personal activity. The Mobile Fleet Camera system will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.

(a) Programming non-County sanctioned devices, including but not limited to computers and mobile devices, to access or view Mobile Fleet Camera System data;

(b) Using non-County sanctioned or personally owned devices for audio or video recording purposes while on-duty without the express consent of a supervisor. Any LEO who uses a non-County sanctioned device for DCSO-related activities, after express permission from a supervisor, must comply with the provisions of this policy, including retention and release requirements;

(c) Using the mobile fleet camera system and recording media for personal use;

(d) Making personal copies of recordings created while on-duty or while acting in their official capacity;

(e) Using the mobile fleet camera system to record other DCSO personnel during non-enforcement related activities unless such recording is authorized as part of an administrative criminal investigation;

(f) Accessing, duplicating, or distributing mobile fleet camera system recordings for non-business reasons including, but not limited to, uploading mobile fleet camera data recorded or maintained by the DCSO to public and social media websites; and

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(g) Using the mobile fleet camera system for the purposes of embarrassment or ridicule.

445.3.3 CESSATION OF RECORDING

Once the Mobile Fleet Camera System is activated it should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, or when the LEO reasonably believes that additional recording will no longer provide data of evidentiary value. Recording may cease if:

(a) The LEO is simply waiting for a tow truck or a family member to arrive or other similar situations.

(b) The incident or event is of such duration that the Mobile Fleet Camera System may be deactivated to conserve recording times

(c) The LEO does not reasonably believe that deactivation will result in the loss of critical documentary information.

(d) After the initial citizen contact or traffic stop, the LEO may determine, at his or her own discretion, that it is unlikely that further information or evidence will be available through use of the system. In these cases, the LEO may stop the system. The LEO may also restart the system at any time during his or her contact.

(e) LEOs will acknowledge the use of recording equipment if asked. In the event of this disclosure, the incident should be recorded until its completion.

445.3.4 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for:

(a) Ensuring that LEOs are properly trained and supervised in the use of the Fleet Camera System per this policy, written procedures and governing law;

(b) Determining the corrective action when a report of a malfunctioning fleet camera system or system failure is made;

(c) Reporting the malfunction or system failure to the Mobile Fleet Camera System Administrator;

(d) Ensuring that the fleet camera systems recorded media is properly uploaded when an incident arises that requires the immediate retrieval of the fleet camera systems recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions) and prompt notification of the upload to the Mobile Fleet Camera System Administrator; and

(e) Randomly reviewing and documenting Mobile Fleet Camera System usage and access at least once per month to ensure compliance with this policy and to identify any performance areas in which additional training or guidance is required.

445.4 ACCESS TO MOBILE FLEET CAMERA SYSTEM DATA

Access to the Mobile Fleet Camera System by data subjects and the public. DCSO personnel must refer members of the media or public seeking access to the fleet camera data to the data

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practices liaison, who will process the request in accordance with the MGDPA, this policy, county policies and procedures, and other applicable laws

(a) All Mobile Fleet Camera System data are subject to the provisions of the MGDPA. Dissemination outside of the DCSO is strictly prohibited except to the extent permitted or required under the MGDPA, Pease Officer Disciplinary Procedures Act, or other applicable law.

(b) **Access to Mobile Fleet Camera System data by DCSO personnel.** DCSO personnel may access and view stored fleet camera system recordings only when there is a legitimate business need for doing so. For purposes of this section, a legitimate business need includes the following:

1. For use when preparing reports or statements or providing testimony;
2. By DCSO personnel or supervisors to assess proper functioning of the Mobile Fleet Camera System:
3. By DCSO investigators assigned to a related criminal investigation, or after approval of a supervisor, for official investigations;
4. By a supervisor investigating a specific complaint or report of personnel conduct;
5. By a supervisor to assess DCSO LEO performance and Mobile Fleet Camera System policy compliance;
6. As permitted in the Officer-Involved Shootings and Deaths Policy 311;
7. By a Field Training Officer to assess performance; or
8. For data administration purposes, including responding to a request for data under the MGDPA.
9. DCSO personnel must document their reasons for accessing stored fleet camera system data in the manner provided within the database at the time of each access.
10. DCSO personnel seeking access to the fleet camera system data when there is not a legitimate business need must make a request for the fleet camera system data in the same manner as any member of the public.
11.

(c) **Other authorized access to Mobile Fleet Camera System data.** DCSO personnel may display portions of the fleet system data to witnesses as necessary for purposes of investigation. DCSO personnel should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protection against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing audio but not displaying video.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

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445.5 DCSO PERSONNEL RESPONSIBILITIES

DCSO LEOs driving a County vehicle equipped with a Mobile Fleet Camera System are responsible for knowing and complying with this policy and any governing written procedures and training including, but not limited to:

(a) If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the LEO'sreport. If a citation is issued, the LEO shall make a notation on the records copy of the citation indicating that the incident was recorded.

(b) Use of the Mobile Fleet Camera System only in the performance of official duties for the DCSO or when otherwise performing authorized law enforcement services as an employee of the DCSO and authorized by this policy;

(c) Performing a function test of the Mobile Fleet Camera System prior to going into service to ensure it is operating properly;

(d) Reporting of any Mobile Fleet Camera System malfunctioning or system failure to the supervisor and placing the vehicle out of service until repaired;

(e) Recording his/her name, badge number, and current date and time at the beginning and end of a shift, regardless of whether any activity is recorded (this is required if the system does not automate this function);

(f) Proper activation, deactivation, termination, cessation and pausing of the Mobile Fleet Camera System.

(g) It is the LEO's responsibility to download all recorded video from the Mobile Fleet Camera System. All recorded video should be downloaded no later than the end of their shift rotation into the DCSO's designated records management system. If video is needed for charging purposes the following day, all mobile fleet cameras system data shall be downloaded prior to the end of shift. If unable to download recorded video as required per this policy a supervisor shall be notified.

(h) Documenting the reason for deactivating the Mobile Fleet Camera System in a written report or another official record, including any instance where the Mobile Fleet Camera System malfunctioned or the DCSO personnel deactivated the Mobile Fleet Camera System before the end of the encounter.

445.6 DATA SECURITY SAFEGUARDS AND MISCELLANEOUS COMPLIANCE

The DCSO employs data security safeguards that, at a minimum, meet the requirements of the MGDPA and other applicable law. The DCSO will maintain more detailed security and storage safeguards in procedures that are specific to the selected mobile fleet camera system.

445.6.1 RETENTION OF RECORDINGS

(a) Mobile Fleet Camera System data having evidentiary value must be retained for the period specified in the DCSO's records retention schedule.

(b) When the Mobile Fleet Camera System data is subject to multiple retention periods, it must be maintained for the longest applicable period.

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445.7 MOBILE FLEET CAMERA SYSTEM ADMINISTRATOR RESPONSIBILITIES

The Mobile Fleet Camera System administrator is responsible for:

(a) Ordering, issuing, retrieving, storing;

(b) Deleting Mobile Fleet Camera System data when required pursuant to a court order or in accordance with the DCSO records retentions schedule or applicable laws;

(c) Working with the assigned data practices liaison to coordinate the use, access, and release of information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) (Minn. Stat. Ch. 13), this policy, County policies and procedures, and other applicable data retention and privacy laws (see, Records Maintenance and Release Policy 807 and Protected Information Policy 809);

445.8 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for:

(a) Ensuring that DCSO personnel are properly trained and supervised in the use of the Mobile Fleet Camera System per this policy, written procedures and governing law;

(b) Determining the corrective action when a report of a malfunctioning Mobile Fleet Camera System or system failure is made;

(c) Reporting the malfunction or system failure to the Mobile Fleet Camera System Administrator;

(d) Authorizing deactivation of the Mobile Fleet Camera System in situations covered under Section 445.3.3;

(e) Ensuring that the Mobile Fleet Camera System is properly uploaded when an incident arises that requires the immediate retrieval of the Mobile Fleet Camera System recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions) and prompt notification of the upload to the Mobile Fleet Camera System Administrator; and

(f)

445.9 COMPLIANCE

Violations of this policy may constitute misconduct and subject DCSO personnel to disciplinary action up to and including termination. The unauthorized access to or disclosure of the mobile fleet camera system data may constitute misconduct and subject DCSO personnel to disciplinary action up to and including termination, and criminal penalties, pursuant to Minn. Stat. 13.09. Any DCSO personnel who accesses, releases, or uses mobile fleet camera system recordings not in accordance with this policy will be subject to disciplinary action (see, the 341 Standards of Conduct and the 809 Protected Information policies). Supervisors and the Mobile Fleet Camera System Administrator must monitor compliance with this policy.

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Mobile Data Computer Use

447.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer(MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between office members and Dispatch.

447.2 POLICY

Dakota County Sheriff's Office members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

447.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

447.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Office. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

447.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

447.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

447.6 EQUIPMENT CONSIDERATIONS

447.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

447.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Portable Audio/Video Recorders

449.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties (Minn. Stat. § 626.8473). Portable audio/video recording devices include all recording systems whether body-worn, hand-held, or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Dakota County Sheriff's Office facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices).

449.1.1 DEFINITIONS

Definitions related to this policy include:

Portable recording system - A device worn by a member that is capable of both video and audio recording of the member’s activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. § 13.825.

449.2 POLICY

The Dakota County Sheriff's Office may provide members with access to portable recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

449.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any office-issued device at any time or while acting in an official capacity of this office, regardless of ownership of the device, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

449.4 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify Dispatch

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

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Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

449.4.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

449.5 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone’s privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an under-cover officer or confidential informant.

(g) The recording or portions of the recording may be protected under the Minnesota Data Practices Act.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

449.6 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

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Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473.

(b) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.

(c) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(d) By media personnel with permission of the Sheriff or the authorized designee.

(e) In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2).

449.7 COORDINATOR

The Sheriff or the authorized designee should designate a coordinator responsible for (Minn. Stat. § 626.8473; Minn. Stat. § 13.825):

(a) Establishing procedures for the security, storage, and maintenance of data and recordings.

1. The coordinator should work with the Custodian of Records and the member assigned to coordinate the use, access, and release of protected information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (see the Protected Information and the Records Maintenance and Release policies).

2. The coordinator should work with the Custodian of Records to identify recordings that must be retained for a specific time frame under Minnesota law (e.g., firearm discharges, certain use of force incidents, formal complaints).

(b) Establishing procedures for accessing data and recordings.

1. These procedures should include the process to obtain written authorization for access to non-public data by DCSO members and members of other governmental entities and agencies.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging, or marking events.

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(e) Establishing an inventory of portable recorders including:

1. Total number of devices owned or maintained by the Dakota County Sheriff's Office.
2. Daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.
3. Total amount of recorded audio and video data collected by the devices and maintained by the Dakota County Sheriff's Office.

(f) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.

(g) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Dakota County Sheriff's Office that expands the type or scope of surveillance capabilities of the office's portable recorders.

449.8 PROHIBITED USE OF AUDIO/VIDEO RECORDERS

Members are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

449.9 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

If an individual captured in a recording submits a written request, the recording shall be retained for an additional time period. The coordinator should be responsible for notifying the individual prior to destruction of the recording (Minn. Stat. § 13.825).

Members shall not alter, erase, or destroy any recordings before the end of the applicable records retention period (Minn. Stat. § 626.8473). Full, unedited, and unredacted recordings of any use of deadly force must be maintained indefinitely.

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449.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS
Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

449.9.2 ACCESS TO RECORDINGS
Except as provided by Minn. Stat. § 13.825, Subd. 2, audio/video recordings are considered private or nonpublic data.

Any person captured in a recording may have access to the recording. If the individual requests a copy of the recording and does not have the consent of other non-law enforcement individuals captured on the recording, the identity of those individuals must be blurred or obscured sufficiently to render the subject unidentifiable prior to release. The identity of on-duty peace officers may not be obscured unless their identity is protected under Minn. Stat. § 13.82, Subd. 17.

449.10 ACCOUNTABILITY
Any member who accesses or releases recordings without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473).

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Body Worn Camera Recorders (Deputies, Park Rangers, and Building Security Officers)

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use, management, access, storage, retrieval and retention of audio-visual media recorded by Body Worn Camera(s) ("BWC") systems as prescribed by law. Compliance with these guidelines is mandatory, but it is recognized that employees must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain and rapidly evolving. This policy applies to all Dakota County Sheriff's Office (DCSO) personnel. Deputies, Park Rangers, Building Security Officers, their supervisors, BWC Administrator, and DCSO personnel as contemplated by this policy with legitimate work-related access. This policy governs the use of BWC in the course of official duties. It does not apply to the use of squad-based (dash camera) recording systems, see Mobile Fleet Camera System, Dakota County Sheriff's Office Policy 445, or the use of BWC in the Dakota County Jail by correctional staff, see Body Worn Mobile Video Recorder System in Dakota County Sheriff's Custody Manual, Policy 530. The Sheriff or Sheriff's designee may supersede this policy to individual deputies by providing specific instructions or standard operating procedures for BWC use in official duties other than patrol.

This policy does not apply to audio/video recordings of interviews or interrogations conducted at any DCSO facilities, jail, undercover operations, wiretaps or eavesdropping (concealed listening devices) unless captured by a BWC device.

450.1.1 DEFINITIONS

Definitions related to this policy:

Body Worn Camera - a device worn by a licensed peace officer ("Deputy"), a non-licensed park ranger ("Park Ranger") or a non-licensed BSO ("Building Security Officer") employed by the DCSO that is capable of both video and audio recording of interactions with others or collecting digital multimedia evidence as part of an investigation. This does not include a DCSO-issued phone.

Body Worn Camera ("BWC") Administrator - the administrator designated by the Sheriff to carry out the duties contained in this policy and statutory responsibilities governing BWC.

County – the County of Dakota.

Employee(s) - The collective term to refer to either a DCSO Deputy, a Park Ranger and/or a Building Security Officer.

Official duties – for purposes of this policy, official duties mean that the DCSO employee is on duty and performing authorized law enforcement services.

450.2 POLICY

The DCSO may provide employees with access to BWCs for use during the performance of their official duties. The use of BWCs are intended to enhance the mission of the DCSO by accurately

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capturing public interactions. Employees may be excused from wearing an issued BWC when they are functioning primarily in an administrative or support capacity, or in training where they could not be reasonably expected to take enforcement actions. Employee safety is the primary consideration for the use and activation of the BWC.

450.2.1 BWC OBJECTIVES

The DCSO has adopted the use of BWC to accomplish the following objectives:

(a) To enhance employee safety;

(b) To document statements and events during the course of an incident, in addition to using an audio recorder;

(c) To enhance the ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation and presentation;

(d) To preserve visual and audio information for use in current and future investigations;

(e) To provide a tool for self-critique and field evaluation during training and to assist with on-going training and evaluation;

(f) To enhance the public trust by preserving factual representations of DCSO-citizen interactions in the form of recorded media; and

(g) To assist with the defense of civil actions against DCSO personnel and the County.

450.3 BWC ADMINISTRATOR RESPONSIBILITIES

The BWC Administrator, or designee, is responsible for:

(a) Ordering, issuing, retrieving, and storing all BWC;

(b) Deleting BWC data when required pursuant to a court order or in accordance with the DCSO records retentions schedule or applicable laws;

(c) Keeping logs reflecting BWC assignments, including each BWC's serial number, dates used, employees assigned, and history of malfunction or system failure;

(d) Working with the assigned data practices liaison to coordinate the use, access, and release of information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) (Minn. Stat. Ch.13), this policy, County policies and procedures, and other applicable data retention and privacy laws (see, Records Maintenance and Release Policy (currently numbered 807) and Protected Information Policy (currently numbered 809);

(e) For BWCs issued to Deputies, maintaining an inventory including:

1. Total number of BWC devices owned or maintained by the DCSO;
2. Daily record of the total number of BWC deployed and used by Deputies and, if applicable, the locale in which the BWC were used;
3. Total amount of recorded audio and video data collected by the BWC and maintained by the DCSO; and
4. The procedures for destruction of the data;

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(f) Notifying the Minnesota Bureau of Criminal Apprehension (BCA) within ten days when the DCSO obtains new equipment that expands the type or scope of surveillance capabilities (beyond video or audio recording) of the DCSO's Deputy BWC system, along with a description of the technology and its surveillance capability and intended uses; and

(g) Implementing secure storage and backup of the BWC data.

450.4 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for:

(a) Ensuring that employees are properly trained and supervised in the use of BWC per this policy, written procedures and governing law;

(b) Determining the corrective action when a report of a malfunctioning BWC or system failure is made;

(c) Reporting the malfunction or system failure to the BWC Administrator;

(d) For BWCs issued to Deputies, authorizing deactivation of the BWC in situations covered under Section 450.9(e);

(e) Ensuring that BWC recorded media is properly uploaded when an incident arises that requires the immediate retrieval of the BWC's recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions) and prompt notification of the upload to the BWC Administrator; and

(f) For BWC's issued to Deputies, randomly reviewing and documenting BWC usage and access at least once per month to ensure compliance with this policy and to identify any performance areas in which additional training or guidance is required.

450.5 DCSO EMPLOYEE RESPONSIBILITIES

Employees issued BWCs are responsible for knowing and complying with this policy and any governing written procedures and training including, but not limited to:

(a) Use of BWC only in the performance of official duties for the DCSO or when otherwise performing authorized law enforcement services as an employee of the DCSO and authorized by this policy;

(b) While performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official.

(c) Performing a function test of the BWC prior to going into service to ensure it is operating properly;

(d) Reporting of any BWC malfunctioning or system failure to the supervisor and obtaining a functioning BWC as soon as reasonably possible;

(e) Recording his/her name, badge number, and the current date and time at the beginning and end of a shift, regardless of whether any activity is recorded (this is required if the system does not automate this function);

(f) Placement of the BWC at or above the mid-line of the waist in a position that maximizes capacity to record video footage of the employee's activities.

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(g) Proper activation, deactivation, termination, cessation, and pausing of the BWC;

(h) Documenting the reason for deactivating the BWC in a written report or another official record, including any instance where the BWC malfunctioned or the deputy deactivated the BWC before the end of the encounter;

(i) Documenting the existence of a recording in a written report or another official record of the contact; and

(j) When using a spare BWC, or one that is not assigned to the employee, notifying the BWC Administrator of the reason the employee is unable to use his/her issued BWC to ensure that the evidence that was recorded on the spare device can be reassigned to the employee in the recording database.

(k) Downloading all recorded video from the employee's BWC as described in procedures/ training. All recorded video shall be downloaded no later than the end of their shift rotation into the DCSO's designated records management system. If video is needed for charging purposes the following day, the employee is responsible for downloading all BWC into the DCSO's designated records management system prior to end of their shift rotation. If unable to download recorded video by end of shift rotation, the employee must notify a supervisor as to why this task was unable to be completed.

450.6 GENERAL GUIDELINES

(a) All recordings made by employees on the BWC at any time are the property of the DCSO.

(b) Employees have no expectation of privacy or ownership interest in the content of the BWC recordings.

(c) Employees have no affirmative duty to inform people that a BWC is being operated or that they are being recorded. However, if the BWC is activated, employees have an affirmative duty to acknowledge that it is activated if asked, and in the event of this disclosure, the encounter must continue to be recorded until the encounter has concluded. During the encounter, employee may deactivate the BWC under those circumstances outlined in section 449.9. Employees may not inform people that the BWC is activated, if it is not.

(d) At no time are employees expected to jeopardize his/her safety or the safety of others in order to activate a BWC. However, the BWC should be activated in accordance with this policy as soon as reasonably practicable.

450.7 PROHIBITED USE

DCSO personnel and employees are prohibited from:

(a) Programming non-County sanctioned or owned devices, including but not limited to computers and mobile devices, to access or view BWC data;

(b) Using non-County sanctioned devices for audio or video recording purposes while on-duty without the express consent of a supervisor. Any employee who uses a non-County sanctioned device for DCSO-related activities, after express permission from a supervisor, must comply with the provisions of this policy, including retention and release requirements;

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(c) Using the BWC and recording media for personal use;

(d) Making personal copies of recordings created while on-duty or while acting in their official capacity;

(e) Using their BWC to record other DCSO personnel during non-enforcement related activities, such as during pre-and-post-shift time in locker rooms, during meal breaks, or during other private conversations, unless such recording is authorized as part of an administrative or criminal investigation;

(f) Accessing, duplicating, or distributing BWC recordings for non-business reasons including, but not limited to, uploading BWC data recorded or maintained by the DCSO to public and social media websites; and

(g) Using the BWC for the purpose of embarrassment or ridicule.

450.8 ACTIVATION

450.8.1 MANDATORY ACTIVATION

Employees who are wearing a BWC must activate the BWC:

(a) During all law enforcement-related encounters and activities with the public including, but not limited to, responding to calls for service or assistance, pursuits, Terry stops of motorists or pedestrians, arrests, and searches pursuant to a lawful arrest;

(b) During entry in the execution of a search warrant; and

(c) During any police-citizen contact that becomes adversarial or requires the use of force.

Employees need not activate the BWC when it is unsafe, impossible, or impracticable to do so, but such instances must be documented as specified in this policy.

450.8.2 DISCRETIONARY ACTIVATION

Employees may, in the exercise of sound discretion, activate the BWC:

(a) During any police-public encounter not governed by Section 449.8.1(a) if there is reason to believe the recording would potentially yield information having evidentiary value, unless such recording is otherwise expressly prohibited;

(b) To take recorded statements when the employees primary recording device is unavailable or inoperable from persons believed to be victims of or witnesses to crimes, or the persons suspected of committing crimes, after first considering the needs of the investigation and circumstances pertaining to the victim, witness, or suspect;

(c) To record the transportation and physical transfer of persons in the employees custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails if the employee anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident; and

(d) At any time the employee believes it would be appropriate or valuable to activate the BWC in accordance with this policy.

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450.8.3 PROHIBITED ACTIVATION

Employees are prohibited from activating the BWC:

(a) When there is medical care being provided, unless there is reason to believe the recording would document information having evidentiary value, including responding to an apparent mental health crisis or event, as necessary to document any use of force and the basis for it; and

(b) All prohibited uses under Section 450.7.

450.9 DEACTIVATION GUIDELINES

(a) Once the BWC system is activated it should remain on until the incident has concluded. For these purposes conclusion of an incident has occurred when all arrests have been made or when the employee reasonably believe that additional recording will no longer provide data of evidentiary value.

(b) The BWC may be deactivated if the incident or event is of such duration that the BWC is deactivated to conserve recording times and/or battery life.

(c) The BWC may be deactivated whenever it reasonably appears to employee that an individual's privacy may outweigh any legitimate law enforcement interest in recording. Request from the public to stop recording based on privacy concerns should be considered using these same criteria. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

(d) Employees may temporarily pause the recording or mute the audio to exchange information with other law enforcement officers or legal counsel. Employees may obstruct the BWC lens to avoid capturing images of undercover officers, informants, or citizens when based on the training, experience, and judgment of the employee, a recording would not be appropriate or consistent with this policy. The intention to pause and resume the recording (or to mute the audio or obstruct the lens) will be noted by the employee either verbally on the BWC or in a written report.

(e) In an officer-involved shooting or use-of-force incident that results in substantial bodily harm, the BWC will remain activated until the supervisor on scene authorizes deactivation.

Deactivation must be documented in accordance with Section 450.5(g) of this policy.

450.10 DATA SECURITY SAFEGUARDS AND MISCELLANEOUS COMPLIANCE

(a) The DCSO employs data security safeguards that, at a minimum, meet the requirements of the MGDPA and other applicable law. The DCSO will maintain more detailed security and storage safeguards in procedures that are specific to the selected BWC system, and as required for BWCs worn by Deputies.

(b) The DCSO will maintain backups of BWC data.

(c) The DCSO will require audit and logging capabilities for its selected BWC system.

(d) The DCSO will maintain logs that include, at minimum, the following information: the date and time BWC data were collected and the applicable classification of the data.

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(e) DCSO personnel must not intentionally edit, alter, or erase any BWC recording, data or metedata unless otherwise expressly authorized by the Sheriff, the Sheriff's designee, or this policy.

(f) The DCSO will establish procedures for accessing data and recordings. For Deputy BWCs, these procedures must include the process to obtain written authorization by the Sheriff or the Sheriff's designee for access to non-public data by DCSO personnel and members of other governmental entities and agencies for a legitimate, specified law enforcement purpose.

(g) The DCSO will establish procedures for transferring, downloading, tagging or marking events.

(h) For Deputy-issued BWCs, the DCSO will prepare an independent biennial audit as required in Minn. Stat. § 13.825, subd. 9.

450.11 RETENTION OF RECORDINGS

A. Deputy BWC

1. By law, a Deputy BWC data must be retained for a minimum period of 90 days. There are no exceptions for erroneous recordings or non-evidentiary data.

2. BWC data that document the discharge of a firearm by a Deputy in the course of duty, other than for training or the killing of a sick, injured, or dangerous animal, must be maintained for a minimum period of one year.

3. BWC data that document the use of force by a Deputy that results in substantial bodily harm must be maintained for a minimum period of one year.

4. If a formal complaint is made against a Deputy related to an incident, the BWC data documenting that incident must be maintained for a minimum period of one year.

5. If an individual captured in a Deputy BWC recording submits a written request, the BWC recording must be retained for an additional time period as requested, but not to exceed 180 days. The DCSO will notify the requestor upon receipt of the request that the recording will be retained for a specific time period, after which it will be destroyed unless a new written request is received or it is being retained for a longer period in accordance with applicable law and/or this policy.

B. Park Ranger or Building Security Officer BWC

1. The DCSO is not required by law to retain Park Ranger or Building Security Officer BWC data for any minimum retention period

C. Other Retention

1. Other BWC data which has evidentiary value or which constitutes an official record must be retained for the period specified in the DCSO's records retention schedule.

2. When a particular BWC recording is subject to multiple retention periods, it must be retained for the longest applicable period.

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450.12 BWC DATA CLASSIFICATION AND ACCESS

450.12.1 DEPUTY BWC CLASSIFICATION

(a) **Deputy-BWC Data subjects.** Under Minnesota law, the following are considered data subjects for purposes of administering access to Deputy-BWC data:

1. Any person or entity whose image or voice is documented in the data;
2. The Deputy who collected the data; and
3. Any other Deputy whose voice or image is documented in the data, regardless of whether they can be identified by the recording.

(b) **Deputy-BWC data are presumptively private or nonpublic.** Deputy-BWC recordings are classified as private or nonpublic data, unless there is a specific law that provides otherwise. As a result:

1. Deputy-BWC data pertaining to individuals as defined in Minn. Stat. § 13.02, subd. 8 (i.e. natural person, but not a business) are presumed to be private data;
2. Deputy-BWC data not on individuals (e.g. a business, agency) are presumed to be nonpublic data;
3. Some Deputy-BWC data are classified as confidential (see, (c) below); and
4. Some Deputy-BWC data are classified as public (see, (d) below).

(c) **Deputy-BWC Confidential data.** Deputy-BWC data that are collected or created as part of an active criminal investigation are governed by Minn. Stat. § 13.82, subd. 7 and are classified as "confidential" or "protected nonpublic data". This classification takes precedence over the "private" classification listed above and "public" classifications listed below.

(d) **Deputy-BWC Public data.** The following Deputy-BWC data are public:

1. Data that document the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured or dangerous;
2. Data that document the use of force by a peace officer that result in substantial bodily harm;
3. Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any subject (other than a peace officer) who has not consented to the public release must be redacted. In addition, any data on undercover officers must be redacted; and
4. Data that are public personnel data under Minn. Stat. § 13.43, subd. 2(5).

Exception: If another provision of MGDPA classifies data as private or otherwise not public, the data retains that other classification. For instance, data that reveals protected identities under Minn. Stat. 13.82, subd. 17 (e.g., certain victims, witnesses and others) or other applicable law must not be released even if it would otherwise fit into one of the public categories listed above.

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Exception: The Sheriff may withhold otherwise public data if it is clearly offensive to common sensibilities.

450.12.2 PARK RANGER AND BUILDING SECURITY OFFICER BWC CLASSIFICATION

(a) Data captured by a BWC worn by a Park Ranger or a Building Security Officer is classified pursuant to the Minnesota Government Data Practices Act, in particular Minn. Stat. § 13.82 (law enforcement data).

450.12.3 ACCESS TO BWC DATA

(a) **Access to BWC data by data subjects and the public.** DCSO personnel must refer members of the media or public seeking access to BWC data to the DCSO data practices liaison, who will process the request in accordance with the MGDPA, this policy, County policies and procedures, and other applicable laws. In particular, for data requests for BWC data captured by a Deputy:

1. An individual must be allowed to view (inspection only, no copying) recorded Deputy-BWC data about him or herself and other data subjects in the recording, but access must not be granted:

   (a) if the data were collected or created as part of an active investigation; or

   (b) to portions of the data that the DCSO would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. § 13.82, subd. 17.

2. Unless the data are part of an active investigation, an individual data subject may obtain a copy of the recording, subject to the following guidelines on redaction:

   (a) data on other individuals in the recording who do not consent to the release must be redacted;

   (b) data that would identify undercover officers must by redacted; and

   (c) data on other Deputies who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.

(b) **Access to BWC data by DCSO personnel.** DCSO personnel may access and view stored BWC recordings only when there is a legitimate business need for doing so. Compliance with this paragraph satisfies the requirement for the Sheriff or designee to authorize such access in writing. For purposes of this section, a legitimate business need includes the following:

1. For use when preparing reports or statements or providing testimony;

2. By employees or supervisors to assess proper functioning of the BWC system;

3. By DCSO investigators assigned to a related criminal investigation, or after approval of a supervisor, for official investigations;

4. By a supervisor investigating a specific complaint or report of employees misconduct.

5. By a supervisor to assess employee performance and BWC policy compliance,

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6. As permitted in the Officer-Involved Shootings and Deaths Policy 311;
7. By a Field Training Officer to assess performance; or
8. For data administration purposes, including responding to a request for data under the MGDPA.
9. DCSO personnel must document their reasons for accessing stored BWC data in the manner provided within the database at the time of each access.
10. DCSO personnel seeking access to BWC data when there is not a legitimate business need must make a request for the BWC data in the same manner as any member of the public.

(c) **Other authorized access to Deputy-BWC data.** Deputies may display portions of BWC footage to witnesses as necessary for purposes of investigation. Deputies should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing audio but not displaying video.

Pursuant to Minn. Stat. § 13.825, subd. 8, not public Deputy-BWC recordings may be shared with government entities and other law enforcement agencies only for legitimate law enforcement purposes that are documented at the time of the disclosure and authorized by the Sheriff or his/her designee in writing, and are in accordance with written procedures.

450.13 COMPLIANCE

Violations of this policy may constitute misconduct and subject DCSO personnel to disciplinary action up to and including termination. The unauthorized access to or disclosure of BWC data may constitute misconduct and subject DCSO personnel to disciplinary action up to and including termination, and criminal penalties, pursuant to Minn. Stat. § 13.09. Any DCSO personnel who accesses, releases, or uses BWC recordings not in accordance with this policy will be subject to disciplinary action (see, the Standards of Conduct Policy, currently Policy 341, and the Protected Information Policy, currently Policy 809). Supervisors and the BWC Administrator must monitor compliance with this policy.

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Bicycle Patrol Unit

453.1 PURPOSE AND SCOPE

The Dakota County Sheriff's Office has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase deputy visibility. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

453.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize its mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Office needs and as staffing levels allow.

453.3 TRAINING

Participants in the program must complete an initial Office-approved bicycle-training course after acceptance into the program. Periodically, bicycle patrol deputies should receive in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol deputies may be required to qualify with their duty firearm while wearing bicycle safety equipment, including the helmet and riding gloves.

453.4 UNIFORMS AND EQUIPMENT

Deputies shall wear the office-approved uniform and safety equipment while operating the office bicycle. Safety equipment includes office-approved helmet, protective eyewear and approved footwear.

The bicycle patrol uniform consists of the standard short-sleeve uniform shirt or other office-approved shirt with office badge and patches, and office-approved bicycle patrol pants or shorts.

Bicycle patrol deputies shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Deputies will be responsible for obtaining the necessary forms, medical equipment , citation books, bike repair equipment and other office equipment needed while on bicycle patrol.

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453.5 DEPUTY RESPONSIBILITIES

Deputies are exempt from operating the bicycle in compliance with Minnesota law while performing their duties (Minn. Stat. § 169.222 Subd. 11). Deputies may operate the bicycle without lighting equipment during hours of darkness, when such operation reasonably appears necessary for officer safety and tactical considerations. Deputies must use caution and care when operating the bicycle without lighting equipment.

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Automated License Plate Readers (ALPR)

459.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (Minn. Stat. § 626.8472).

459.2 POLICY

The policy of the Dakota County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public. All data and images gathered by the ALPR are for the official use of this office.

459.2 POLICY

The policy of the Dakota County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and vehicle images while recognizing the established privacy rights of the public. All data and images gathered by the ALPR are for the official use of this office. Because such data may contain confidential information, it is not open to public review.

459.3 ADMINISTRATION

The ALPR technology, also known as Automatic License Plate Recognition (ALPR), allows for the automated detection of license plates and vehicles. It is used by the Dakota County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, stolen property, active warrants, criminal suspect identification, and missing persons.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Operations Commander. The Operations Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data..

459.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Office members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation subject to Minn. Statute 13.824 and all other applicable state or federal laws, rules, or regulations.

(c) No member of this office shall operate ALPR equipment or access ALPR data without first completing office-approved training.

(d) No ALPR operator may access confidential office, state or federal data unless authorized to do so.

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(e) If practicable, the deputy should verify an ALPR response through the Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) databases before taking enforcement action that is based solely upon an ALPR alert.

459.4.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS
The Dakota County Sheriff's Office will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

(a) Data collected by an ALPR will be limited to:

1. License plate numbers.
2. Date, time and location of data captured.
3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.

(b) ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.

(c) ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.

(d) The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.

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(c) ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.

(d) The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.

459.5 DATA COLLECTION AND RETENTION

The Operations Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred to the designated storage system in accordance with office procedures.

ALPR data received from another agency shall be maintained securely and released in the same manner as ALPR data collected by this office (Minn. Stat. § 13.824).

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ALPR data not related to an active criminal investigation must be destroyed no later than 30 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

(a) Exculpatory evidence - Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.

(b) Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

All other ALPR data should be retained in accordance with the established records retention schedule.

459.5.1 LOG OF USE

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

(a) Specific times of day that the ALPR collected data.

(b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases with which the data were compared.

(c) For each period of active use, the number of vehicles or license plates related to:

1. A vehicle or license plate that has been stolen.
2. A warrant for the arrest of the owner of the vehicle.
3. An owner with a suspended or revoked driver’s license or similar category.
4. Active investigative data.

(d) For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

459.6 ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The Dakota County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

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(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or office-related civil or administrative action.

(c) Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.

(d) Breaches of personal data are addressed as set forth in Minn. Stat. § 13.055.

(e) All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.

(f) Any member who violates Minn. Stat. § 13.09 through the unauthorized acquisition or use of ALPR data will face discipline and possible criminal prosecution (Minn. Stat. § 626.8472).

459.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Minn. Stat. § 13.824):

(a) The agency makes a written request for the ALPR data that includes:

  (a) The name of the agency.

  (b) The name of the person requesting.

  (c) The intended purpose of obtaining the information.

  (d) A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.

  (e) A statement that the request is authorized by the head of the requesting law enforcement agency or his/her designee.

(b) The request is reviewed by the Sheriff or the authorized designee and approved before the request is fulfilled.

  1. A release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

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Criminal Conduct on School Buses

466.1 PURPOSE AND SCOPE

The purpose of this policy is to provide deputies guidance in responding to and investigating reports of alleged criminal conduct on school buses. This office, in cooperation with any other law enforcement agency that may have concurrent jurisdiction, is responsible for responding to all reports of criminal misconduct on school buses in this jurisdiction.

This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses (Minn. Stat. § 169.4581).

466.2 COMMUNITY COOPERATION

When responding to these incidents, the Dakota County Sheriff's Office shall work and consult with school officials, transportation personnel, parents, and students while focusing on student safety and enforcement of the law (Minn. Stat. § 169.4581).

466.3 PROCEDURE

This office shall respond to and investigate all allegations of criminal misconduct on school buses within the jurisdiction of this office regardless of the source of the report. Deputies should take reasonable actions to complete the following:

(a) Provide for the safety of any person involved in the incident or present at the incident.

(b) Coordinate any appropriate care.

(c) Investigate reports of crimes committed on school buses using procedures like those followed in other criminal investigations as appropriate for juveniles and/or adults.

(d) Issue citations, release suspects pending further investigation, or apprehend and transport individuals committing crimes on school buses to the extent authorized by law.

(e) Submit reports regarding the incident for review, approval, and consideration for prosecution.

(f) Complete follow-up and additional investigation when requested by someone with proper authority within the Office or prosecutor's office.

(g) Provide information to the relevant school regarding the incident as required or authorized by law.

466.4 POLICY

It is the policy of the Dakota County Sheriff's Office to respond to and investigate reports of alleged criminal conduct on school buses.

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Public Recording of Law Enforcement Activity

467.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

467.2 POLICY

The Dakota County Sheriff's Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

467.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the deputies.
4. Being so close to the activity as to interfere with a deputy’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the deputies, him/herself or others.

467.4 DEPUTY RESPONSE

Deputies should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

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If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

467.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of office members, such as how and where to file a complaint.

467.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a office-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property Room Policy.

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Medical Aid and Response

468.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

468.2 POLICY

It is the policy of the Dakota County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

468.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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468.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

468.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour hold in accordance with the Civil Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

468.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor's approval.

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468.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

468.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, theOffice should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One office member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

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468.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Only deputies who receive training in the recognition of signs of opiate overdose and the use of opiate antagonists may administer opioid overdose medication (Minn. Stat. § 626.8443). Deputies may administer opioid overdose medication in accordance with protocol specified by the physician who prescribed the overdose medication for use by the deputy (Minn. Stat. § 151.37; Minn. Stat. § 604A.04).

468.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Deputies who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Deputies should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Administrative Sergeant.

468.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any deputy administering opioid overdose medication should detail its use in an appropriate report.

468.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Administrative Sergeant should ensure training is provided to deputies authorized to administer opioid overdose medication (Minn. Stat. § 151.37; Minn. Stat. § 626.8443).

468.8.4 OPIOID OVERDOSE MEDICATION SUPPLY

The Sheriff or the authorized designee shall ensure there is a sufficient supply of opioid overdose medication available for use.

Trained deputies shall have at least two unexpired doses of opioid overdose medication readily available while on-duty (Minn. Stat. § 626.8443). Deputies shall replace expended doses of opioid overdose medication as soon as practical.

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Suspicious Activity Reporting

469.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

469.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

469.2 POLICY

The Dakota County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

469.3 RESPONSIBILITIES

The Investigation Captain and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for office participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Captain include, but are not limited to:

(a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Office.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

469.4 REPORTING AND INVESTIGATION

Any office member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to the responsible agency in a timely manner.

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Civil Disputes

470.1 PURPOSE AND SCOPE

This policy provides members of the Dakota County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Minnesota law.

470.2 POLICY

The Dakota County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

470.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters. For extended periods of time, parties should be directed to make arrangements with the Civil Division.

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470.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor.

470.4.1 STANDBY REQUESTS

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items.

Absent extenuating circumstances, if the other party is not present at the location, the member should not allow entry into the location or the removal of property from the location.

470.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

470.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Medical Cannabis

471.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for investigating the possession, transportation, or use of medical cannabis under Minnesota's medical cannabis laws.

471.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 342.01):

Medical cannabis - (also known as medical cannabis flower or medical cannabinoid product) - Cannabis flower or a product in approved form that consists of or contains cannabis or hemp concentrate or is infused with cannabinoids and is provided to a patient, registered caregiver, or a parent, guardian, or spouse of an enrolled patient to treat or alleviate the symptoms of a qualifying medical condition. Medical cannabis may be provided only in state-approved forms such as liquids, oils, pills, vaporized products, dissolvable tablets, gummies, chews, topicals, or other authorized delivery methods and does not include adult-use cannabis or hemp-derived consumer products.

Patient - A Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met any other requirements for patients under Minn. Stat. § 342.01 et seq.

Caregiver - A person who has been approved by the Minnesota Office of Cannabis Management (OCM) to assist a patient with obtaining and administering medical cannabis from a cannabis retailer, and who is authorized to assist the patient with the use of medical cannabis.

471.2 POLICY

It is the policy of the Dakota County Sheriff's Office to prioritize resources to avoid making arrests related to medical cannabis that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Minnesota medical cannabis laws are intended to provide protection from prosecution to those who use or possess medical cannabis for medical purposes. The Dakota County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Minnesota law and the resources of the Office.

471.3 INVESTIGATION

Investigations involving the possession or use of cannabis generally fall into one of the following categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a person claims to be a patient or caregiver.

(c) Investigations when the person is otherwise authorized.

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471.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of a cannabis product or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the deputy should proceed with a criminal investigation if the amount is greater than permitted for personal use under Minn. Stat. § 342.09. A medicinal claim may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

471.3.2 INVESTIGATIONS INVOLVING A PATIENT OR CAREGIVER

Arrests shall not be made for the possession of medical cannabis by a patient, a caregiver, or the parent or legal guardian of a patient (Minn. Stat. § 342.57).

Possession of medical cannabis properly packaged and labeled by an authorized manufacturer should suffice for verification of a person's status as a patient. The possession of medical cannabis registry verification from the OCM should also suffice for verification a person's status as a patient or caregiver (Minn. Stat. § 342.01; Minn. Stat. § 342.52).

471.3.3 EXCEPTIONS

This policy does not apply to the following offenses. Deputies may take enforcement action if the person (Minn. Stat. § 342.56):

(a) Possesses or consumes medical cannabis on a school bus or van, in a correctional facility, in a state-operated treatment program, including the Minnesota sex offender program, or on the grounds of any child care facility or family or group family daycare program.

(b) Vaporizes or smokes medical cannabis on any form of public transportation, where the vapor or smoke would be inhaled by a non-patient minor child, or in any public place or a place of employment.

(c) Operates a motor vehicle, aircraft, train, or motorboat, or works on transportation property, equipment, or facilities while under the influence of medical cannabis.

471.3.4 INVESTIGATIONS INVOLVING OTHER AUTHORIZED INDIVIDUALS

Any person falling into the following category shall not be arrested for the authorized possession of cannabis (Minn. Stat. § 342.515):

(a) An otherwise authorized individual transporting cannabis plants or products between business facilities pursuant to state law.

471.4 PROPERTY ROOM RESPONSIBILITIES

The Property Room supervisor or designee shall ensure that medical cannabis, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Room supervisor shall as soon as practicable return to the person from whom it was seized any medical cannabis, drug paraphernalia or other related property.

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The Property Room supervisor or designee may not destroy medical cannabis except upon receipt of a court order.

The Property Room supervisor or designee may release medical cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations supervisor.

471.5 REPORTING

Deputies aware of a person experiencing a negative medical condition or a death related to a cannabis overdose, including as a result of an unauthorized access to medical cannabis, must contact the OCM within five business days. If discovered as part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation (Minn. R. 4770.4002; Minn. R. 4770.4004).

Deputies having reasonable suspicion of unauthorized possession of medical cannabis or of violations of cannabis laws by individuals authorized to possess medical cannabis, must report to the OCM using the designated online form. Reports related to unauthorized possession must be submitted within 72 hours, unless discovered as part of an ongoing investigation, in which case reporting must be made within 72 hours of the conclusion of the investigation. Reports of violations by persons authorized to possess medical cannabis must be submitted within 15 days (Minn. R. 4770.4010).

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First Amendment Assemblies

472.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

472.2 POLICY

The Dakota County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

472.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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472.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

472.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

472.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

472.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

472.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles, and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)

1. Uniforms must display the Office name and a unique personal identifier.
2. A protocol for keeping record of any deputies on scene who are not in compliance with uniform requirements due to exigent circumstances.

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with County government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly (as defined by Minn. Stat. § 609.705)

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

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(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

(t) Parameters for the use of body-worn cameras and other portable recording devices

472.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

472.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, the Incident Commander or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress (at least two routes when possible). A reasonable time to disperse should be allowed following a dispersal order.

Additionally, the dispersal order must include:

(a) The name and rank of the person and the agency giving the order.

(b) The reasons for the declaration.

(c) How long the participants have to comply.

The dispersal announcements should be repeated after commencement of the initial dispersal order so that participants understand that they must leave the area.

If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it

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has been determined that it is an unlawful assembly, and a new declaration of unlawful assembly has been made.

472.6.1 MINNESOTA POST GUIDELINES ON UNLAWFUL ASSEMBLY

The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.

The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.

Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or deputies are threatened with dangerous circumstances.

472.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

472.8 ARRESTS

The Dakota County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

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(a) Reasonable measures to address the safety of deputies and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

472.9 MEDIA RELATIONS

The Sheriff or his/her designee should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

472.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

472.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment, and supply records

(e) Incident, arrest, use of force, injury, and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

(h) Record of any unlawful assembly declarations

472.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

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(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

472.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with its external and mutual aid partners.

472.13 ADDITIONAL INCIDENT COMMANDER RESPONSIBILITIES

The Incident Commander is responsible for maintaining familiarity with the Minnesota model policy on Public Assembly and First Amendment Activity and incorporating additional protocols as appropriate for the office's preparedness in addressing:

(a) Approved devices, tactics, and munitions.

(b) Accessibility to the public assembly or demonstration by media representatives and other observers.

(c) Additional documentation requirements, if any.

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Crisis Intervention Incidents

473.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

473.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

473.2 POLICY

The Dakota County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

473.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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473.4 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

473.5 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.

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- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

473.6 RESPONSE TO PERSONS IN CRISIS

There may be incidents involving a person who is not a threat to members or the community that a responding deputy or supervisor believes can be handled more safely through the means of tactical disengagement. Tactical disengagement is a decision made to leave, delay contact, delay custody or plan to make contact at a different time and under safer circumstances for all involved according to the information readily available at the time.Whereas, de-escalation is the decision made to passively monitor as a situation is unfolding and to bring a safe resolution without the need to leave, delay contact, or delay custody and approach at a different time.

It is important to provide individuals who are in crisis, displaying signs of mental illness or severe emotional distress with the same rights, dignity and access to law enforcement and other government and community services as are provided to all citizens, but without compromising the safety of the individual, citizens, or the deputies involved in the incident. The legal authority to take a person into custody does not override law enforcement discretion to pursue a safer course of action.

If deputies determine tactical disengagement may be appropriate and a safer course of action, they shall contact the Watch Commander to brief them about the incident. The Watch Commander on duty must respond to the scene when the decision is made to utilize tactical disengagement. If no immediate threat is present, deputies should attempt to gather as much information as possible about the individual from family, friends, witnesses, or Dakota County Crisis.

If, after attempting contact and de-escalation techniques, the Watch Commander determines that the person is not known or reasonably believed to be a threat to others and that further interaction with the individual may result in an increased risk to the person, the public, or deputies, the Watch Commander should develop a plan for disengagement.

Tactical Disengagement Considerations:

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If a subject is not responding or cooperative, does not present a known or reasonably believed threat to deputies or others, and the Watch Commander determines that an immediate arrest is not required, the supervisor should proceed as follows:

(a) Verbally brief the Patrol Captain about the incident.

(b) Attempt to use all appropriate and available department resources to safely resolve the situation.

(c) Involve Dakota County Crisis as a means of intervention.

(d) Ensure that the family members, friends, and the subject (if applicable) are provided information about resources and services available to them, as reasonably possible under the circumstances. Additional basic needs should also be considered which may include

(e) After reasonable attempts are made to contact the subject without resolution, the supervisor should order deputies to withdraw from the area.

Utilizing tactical disengagement, deputies should not:

(a) Escalate or make forced entry into the location.

(b) Close distance on the person while attempting tactical disengagement, unless a change in circumstances make a closer intervention appropriate to safely make contact with the subject.

(c) Force entry to arrest the subject for pending misdemeanor charges or misdemeanor warrants. This does not prevent the subject from being charged out of custody.

(d) Force entry to enforce civil commitment or emergency examination orders.

(e) Require family, friends, or others involved to leave the area.

Reporting Requirements for Tactical Disengagement:

When deputies utilize tactical disengagement, the Watch Commander must create an incident report documenting the following:

(a) Details of the call

(b) Reasons for disengagement

(c) Actions taken to deescalate or mitigate the situation

(d) Actions taken to promote safety

(e) Follow-up plans and referrals made

(f) Flagged address for safety bulletin

The Watch Commander for the incident will ensure that deputies write appropriate incident and supplemental reports, Body Worn Camera and digital recordings are saved, victim/witness statements are taken, and all pertinent documents and other associated video related to the incident are placed in the case file.

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473.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

473.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

473.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to office reporting procedures or other official mental health or medical proceedings.

473.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

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(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

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School Resource Officers

474.1 PURPOSE AND SCOPE

This policy describes the Dakota County Sheriff's Office school resource officer (SRO) program (Minn. Stat. § 626.8482).

474.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 626.8482, Subd. 1):

Custodial arrest - The actual, physical restraint of a person and their subsequent detention. Custodial arrest may occur with or without a warrant depending on the circumstances.

De-escalation - The methods and actions taken to decrease the severity of a conflict, whether physical or verbal in nature. See the Use of Force Policy for additional guidance.

Developmentally appropriate practices - Individualized, responsive care that is appropriate for the child's age, cultural context, disability status, and personality.

Great bodily harm - Bodily injury that creates a high probability of death, or that causes serious, permanent disfigurement, or that causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm (Minn. Stat. § 609.02, Subd. 8). See the Use of Force Policy for additional guidance.

Positive school climate - A school environment that makes students feel safe, supported, and welcome.

School - An elementary school, middle school, or secondary school as defined in Minn. Stat. § 120A.05.

School resource officer or SRO - A deputy assigned to work in a school during the regular instructional school day as one of their regular responsibilities through the terms of a contract between the Office and the designated school district or charter school.

See the Use of Force Policy for additional definitions, as applicable.

474.2 POLICY

The Dakota County Sheriff's Office is committed to enhancing the safety of students and faculty on campuses located in the office's jurisdiction by forming a partnership with school administrators, faculty members, and students.

474.3 SCHOOL RESOURCE OFFICER PROGRAM

The Sheriff should appoint SROs to serve in schools upon contract with local school districts or charter schools. The goals and objectives of the SRO program are to provide a safe learning environment, provide valuable resources to school staff members, foster a positive relationship with students, and develop strategies to resolve problems. Methods to achieve these goals and objectives include but are not limited to:

(a) Assisting with the development and implementation of a school safety plan.

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(b) Protecting the school against external threats by preventing unauthorized access to school property and securing the school against a natural disaster or other violence.

(c) Creating respect for law and order in the public school system and minimizing criminal activity.

(d) Identifying students at risk of becoming involved in the criminal justice system and guiding them toward more positive and socially acceptable ways to behave.

(e) Reducing criminal activity on or near a school campus.

(f) Enhancing communication and understanding between students, their families, district staff, and the Office.

(g) Assisting with the coordination of security measures for school activities such as sports events, dances, and other large gatherings, if applicable.

474.4 SCHOOL RESOURCE OFFICER DUTIES

The SRO duties and responsibilities include (Minn. Stat. § 626.8482, Subd. 2):

(a) Fostering a positive school climate through relationship building and open communication.

(b) Protecting students, staff, and visitors to the school grounds from criminal activity.

(c) Serving as a liaison from law enforcement to school officials.

(d) Providing advice on safety drills.

(e) Identifying vulnerabilities in school facilities and safety protocols.

(f) Educating and advising students and staff on law enforcement topics.

(g) Enforcing criminal laws.

(h) Using developmentally appropriate practices that take into consideration differences in culture, language, trauma, and an individual's disabilities.

(i) Encouraging students to ask questions about school safety.

(j) Using crisis intervention and de-escalation strategies whenever possible in response to crisis or safety situations.

474.5 USE OF FORCE

SROs should exercise age-appropriate and developmentally appropriate practices when interacting with students.

SROs shall not use force or their authority solely to enforce school rules or policies or participate in the enforcement of discipline for violations of school rules (Minn. Stat. § 626.8482, Subd. 2).

SROs should employ de-escalation techniques and physical intervention strategies consistent with their training, using only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the SRO at the time of the event to accomplish a legitimate law enforcement purpose.

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SROs shall render reasonably prompt care consistent with their training to a person physically held or restrained, if needed.

The safety of the SRO and others present should not be compromised during de-escalation tactics.

See the Use of Force Policy for additional guidance.

474.5.1 USE OF FORCE CONSIDERATIONS

SROs should comply with the following use of force considerations consistent with the POST SRO model policy:

(a) The immediacy and severity of the threat or potential injury to the SRO and bystanders

(b) The conduct of the individual being confronted, as reasonably perceived by the SRO at the time

(c) The personal characteristics of a subject and SRO (e.g., age, maturity, physical size, physical abilities)

(d) The subject's ability to understand and/or comply with SRO commands (e.g., impaired by drugs or alcohol, experiencing reduced mental capacity, known to have an education plan or accommodations)

(e) The presence or proximity of weapons or dangerous improvised devices

(f) The degree to which the individual has been effectively restrained and their ability to resist despite being restrained

(g) The availability of other reasonable and feasible options and their possible effectiveness (seriousness of the suspected offense)

(h) The immediate need for intervention versus allowing time and distance for de-escalation

(i) The training and experience of the SRO

(j) Whether the subject appears to be resisting, attempting to evade arrest by flight, or is attacking the SRO

(k) The risk and foreseeable consequences of the subject's escape

(l) Whether the conduct of the subject being confronted no longer reasonably appears to pose an immediate threat to the SRO or others

(m) Prior contacts with the subject and knowledge of their propensity for violence

(n) Any other exigent circumstances

474.5.2 DE-ESCALATION STRATEGIES

De-escalation strategies should include but are not limited to:

(a) Being empathetic and nonjudgmental.

(b) Respecting personal space.

(c) Using nonthreatening nonverbal communication.

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(d) Avoiding complex questions.

(e) Giving students an appropriate amount of time to make decisions.

474.6 ARREST CONSIDERATIONS

When a criminal incident also involves a violation of school rules, SROs should consider referral of the matter to school authorities in lieu of formal criminal referral, as appropriate for the incident.

Custodial arrests in school should be avoided if reasonably practical. If a custodial arrest is necessary because of exigency or public safety considerations, the arrest should be made in a non-communal area away from the view of other students if practicable.

When reasonably practicable, appropriate school staff should be notified prior to and/or present during the custodial arrest of a student. If it is not possible to give prior notice, the SRO should notify school staff as soon as practical after a custodial arrest has been made. The SRO shall coordinate with the County Attorney to use alternatives to formal criminal charges (e.g., diversion, restorative justice programs). Formal charge alternatives may be used when appropriate for the incident, the students and families involved, and for victims as well as the larger school community.

474.7 STUDENT AND PARENT DATA

Office records containing student and parent data shall be maintained pursuant to state law and the Records Maintenance and Release Policy.

474.8 TRAINING

SROs shall complete required initial and ongoing POST-approved training within the timeframes provided in Minn. Stat. § 626.8482. An SRO shall complete training prior to assuming SRO duties unless the SRO qualifies for a statutory extension or exemption (e.g., deputies with prior qualifying training, certain substitute SROs) (Minn. Stat. § 626.8482, Subd. 3).

A deputy serving as a substitute SRO for fewer than 60 student contact days within a school year is not obligated to complete the required training or perform the following duties (Minn. Stat. § 626.8482, Subd. 3(d):

1. Provide advice on safety drills
2. Identify vulnerabilities in school facilities and safety protocols.

The SRO's most recent training documents shall be maintained in the SRO's training file (Minn. Stat. § 626.8482, Subd. 3). See the Personnel Records Policy for additional guidance.

474.9 POLICY REVIEW

SROs shall review this policy prior to assuming SRO duties (Minn. Stat. § 626.8482, Subd. 3(c)).

474.10 SRO CONTRACT

The contract between the school district or charter school and the Office shall:

(a) Include the SRO's duties set forth in Minn. Stat. 626.8482, Subd. 2.

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(b) Address a mutually agreed upon policy regarding the use of plain clothes, modified uniforms, and other changes to SRO attire.

(c) Articulate the role, if any, of the school district or charter school in the selection, vetting, and retention of the SRO.

(d) Establish a public notification process that an SRO will be present in the schools.

(e) Address data practices policies and procedures.

1. The SRO contract shall identify the education records that may be shared with the Office generally and with the SRO specifically, and the purposes for which disclosure is allowed.

A school district or charter school may contract with the Office for the SRO to perform additional duties (Minn. Stat. § 626.8482, Subd. 2). The contract should cover paid services, where applicable. The contract should also address how the SRO will be informed of school district resources available to school staff to assist with de-escalation of conflicts in school (e.g., specialized crisis teams, mediation opportunities).

474.11 PHYSICAL RESTRAINTS

SROs should minimize the use of restraints on students whenever possible, including prone restraints as defined in Minn. Stat. § 121A.58 (i.e., placing a child in a face-down position). See the Handcuffing and Restraints Policy for additional guidance.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Dakota County Sheriff's Office. Information provided by the Minnesota Office of Traffic Safety (OTS) is a valuable resource for traffic collision occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of high-collision incidence and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate, against violators as a matter of routine. Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This office does not establish ticket quotas and the number of citations issued by any deputy shall not be used when evaluating deputy performance (Minn. Stat. § 169.985; Minn. Stat. § 299D.08). The visibility and quality of a deputy’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

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500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) The court contact information.

500.3.3 TRAFFIC CITATION COURT JURISDICTION

A deputy who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction (Minn. Stat. § 169.91 Subd. 3).

500.3.4 LIMITATION AND DISCLOSURE OF REASON FOR TRAFFIC STOP

Deputies conducting a traffic stop for violations of Minnesota Statute Chapters 168 or 169 shall not ask the motorist if they can identify the reason for the traffic stop. Deputies shall state a reason for the stop unless it would be unreasonable to do so under the totality of the circumstances (Minn. Stat. § 169.905).

500.4 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; Minn. R. 5205.0030).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plain clothes deputy might benefit from being readily identified as a deputy.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in each Office vehicle. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle.

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A supervisor will be advised when a vest needs replacement or is damaged.

500.5 TRAFFIC STOPS

500.5.1 UNKNOWN-RISK TRAFFIC STOPS

Unknown-risk traffic stops are conducted under circumstances in which the deputy is not previously aware of a threat to the deputy's safety posed by the vehicle's occupants (e.g., the vehicle is stopped for a traffic violation only). While every unknown-risk traffic stop is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting an unknown-risk traffic stop include:

(a) The deputy should consider existing conditions, including but not limited to road design and condition, weather, lighting, and current traffic flow, to establish a safe environment for the traffic stop.

(b) The deputy should use the patrol vehicle's emergency lighting and other equipment, if necessary, to initiate the stop. Upon stopping, the deputy should position the patrol vehicle in a way that affords protection to the deputy and the violator's vehicle during the stop.

(c) Generally, the deputy should direct the violator to pull to the far-right side of the roadway to stop. However, the deputy should be prepared to deal with other situations.

(d) Upon initiating a traffic stop, the deputy should notify Dispatch of the location of the stop and the vehicle's registration state and number. The deputy should not approach the violator's vehicle until the dispatcher has acknowledged the message.

(e) The deputy should approach with caution and take a position that allows effective communication with the driver, a view of any other occupant, and an avenue of tactical retreat, if necessary.

(f) Upon contacting the violator, the deputy should remain courteous and professional, providing the violator with verbal identification and the reason for the stop. The deputy should request the motorist's documentation.

(g) The deputy should provide the violator with information about how to respond to the chosen enforcement action, if applicable.

(h) The deputy should end the contact once appropriate law enforcement action has been taken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.

(i) The deputy should assist the violator in pulling safely back into traffic.

500.5.2 HIGH-RISK TRAFFIC STOPS

High-risk traffic stops are conducted under circumstances in which the deputy is or becomes aware that any occupant poses a serious safety risk (e.g., the vehicle may contain an occupant who is known to be armed and dangerous). While every high-risk traffic stop is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting a high-risk traffic stop include:

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(a) When planning a high-risk traffic stop, the deputy shall notify Dispatch and describe the nature or reason for the stop. The deputy shall provide the dispatcher with relevant information (e.g., vehicle description, registration number and state, number of occupants, location, direction of travel) and request adequate assistance to conduct the stop.

(b) A deputy should not individually initiate a high-risk traffic stop unless backup deputies are not available in an appropriate amount of time or the urgency of the situation demands immediate action.

(c) After selecting an appropriate location for the stop and with adequate backup deputies in position, the deputy should signal the suspect to stop.

(d) Deputies should position their vehicles at a distance behind the suspect vehicle that provides opportunities for cover. In low-light situations, positioning should allow for illumination of the suspect vehicle's interior.

(e) The deputy initiating the stop, or the deputy with the best view, should issue verbal commands through the vehicle's public address system, if available. Only one deputy should issue commands to the suspect vehicle's occupants.

(f) Once the suspect vehicle has stopped, deputies should exit their vehicles quickly and assume positions of cover.

(g) Commands should be announced to the suspect vehicle operator to:

1. Lower the window.
2. Remove ignition keys with the vehicle operator's left hand.
3. Drop the keys on the ground.
4. Open the door from the outside.
5. Step out of the vehicle.
6. Turn completely around.
7. Face the deputies.
8. Walk forward until commanded to stop and lie face down on the ground with hands stretched far to the sides.

(h) Using contact and cover, deputies should handcuff, search, and secure the suspect. Other occupants should be similarly and separately commanded until all are handcuffed, searched, and secured.

(i) With appropriate cover, deputies should approach and inspect the suspect vehicle for additional occupants and/or threats before declaring the scene secure.

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Traffic Collisions

502.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic collisions, providing aid and assistance, documentation of the incident and identification of criminal activity.

The Dakota County Sheriff's Office prepares traffic collision reports in compliance with Minn. Stat. § 169.09 and as a public service makes traffic collision information available to the public.

502.2 CALL RESPONSE

Deputies should respond without delay when dispatched to a traffic collision. A traffic collision with injuries reported may include a Code 3 response if the deputy reasonably believes such a response is appropriate.

502.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this office and there is:
    1. A life-threatening injury.
    2. A fatality.
    3. A Countyvehicle involved.
    4. A County official or employee involved.
    5. Involvement of an on- or off-duty member of this office.
(b) Is within another jurisdiction and there is:
    1. A County of Dakota vehicle involved.
    2. A County of Dakota official involved.
    3. Involvement of an on-duty member of this office.

502.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control
(b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
(c) First aid for any injured parties if it can be done safely.
(d) The potential for involvement of hazardous materials.

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(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).

(f) Clearance and cleanup of the roadway.

502.4 TAKING ENFORCEMENT ACTION

Deputies typically cannot make an arrest for a misdemeanor that did not occur in their presence. After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Minnesota law led to the collision, deputies may issue a traffic citation or a misdemeanor citation to the offending driver.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately, or as the investigation allows. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

502.5 MINIMUM REPORTING REQUIREMENTS

A collision report shall be taken when:

(a) A fatality, any injury (including complaint of pain), impaired driving or hit and run is involved.

(b) An on-duty member of the County of Dakota is involved.

(c) The collision results in any damage to any County-owned or leased vehicle.

(d) The collision involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) There is damage to any vehicle to the extent that towing is required.

(g) Prosecution or follow-up investigation is contemplated.

(h) Directed by a supervisor.

502.5.1 MODIFICATIONS TO TRAFFIC COLLISION REPORTS

A change or modification of a written report prepared by a peace officer that alters a material fact in the report may be made only by the peace officer who prepared the report. A written supplemental report may be made by any authorized employee.

502.6 INVESTIGATION

When a traffic collision meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

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(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

502.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Watch Commander or on-duty Watch Commander should request that the Minnesota Department of Public Safety or other outside law enforcement agency investigate and complete a traffic collision investigation when:

(a) A life-threatening injury or fatal traffic collision occurs within the jurisdiction of the Dakota County Sheriff's Office and involves:

1. An on- or off-duty member of the Office. The involved member shall complete the office traffic collision form. If the member is unable to complete the form, the supervisor shall complete it.
2. An on-or off-duty official or employee of the County of Dakota.

(b) A vehicle under control of the Office is involved in a collision with another party.

Office members shall promptly notify a supervisor when any office vehicle is involved in a traffic collision. The collision investigation and report shall be completed by the agency having jurisdiction.

502.6.2 COMMERCIAL VEHICLE COLLISIONS

Commercial vehicle collisions additionally require notification to the Minnesota State Patrol if the collision results in (Minn. Stat. § 169.783):

(a) A fatality.

(b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the collision.

(c) One or more vehicles incurring disabling damage as a result of the collision, requiring the vehicle to be transported away from the scene by tow truck or other motor vehicle.

A waiver or inspection by a state trooper or other authorized person is required before a person may drive a commercial motor vehicle that was involved in such a collision (Minn. Stat. § 169.783).

502.6.3 ADVISING OTHER PARTIES WHEN SHERIFF'S OFFICE EMPLOYEES ARE INVOLVED IN A TRAFFIC CRASH

When a Sheriff's Office employee is involved in a traffic crash with a person not a member of the Sheriff's Office, the employee shall urge the person to remain at the scene of the crash until the arrival of the supervisor. If the person insists on leaving or requires hospitalization, the employee shall obtain:

(a) The person's name, address, and telephone number.

(b) The location where he/she may be interviewed.

(c) Vehicle and driver's license information.

(d) The name, address, and telephone number of the vehicle's registered owner or other damaged party.

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(e) Insurance information (company, policy number, address, and agent telephone number).

502.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter, or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

502.7.1 CRASH REVIEW PANEL

The Crash Review Panel is established to examine all crashes involving Sheriff's Office employees who are operating county-owned vehicles. The panel will be comprised of both sworn and civilian staff from the Sheriff's Office and Dakota County's Risk Management and Fleet Management Departments.

The involved employee's supervisor will submit all reports to the chair of the Crash Review Panel within 48 hours.

Intentional contact with another vehicle, including Precision Immobilization Technique, blocking-in or ramming does not require reports to be submitted to the Crash Review Panel. These exposures are considered a deliberate emergency action and will be handled by the Pursuit Review Committee.

The Division Commander of the involved employee shall be notified by the responding supervisor of the circumstances and action(s) taken.

502.8 COLLISION REVIEW PANEL

The Sheriff or the authorized designee should establish a collision review panel to review all traffic collisions involving members who are operating office vehicles.

The results of the review should include recommendations for:

(a) Policy revisions.

(b) Training needs.

(c) Equipment enhancements.

(d) Disciplinary recommendations.

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Vehicle Towing

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Dakota County Sheriff's Office and under the authority of Minn. Stat. § 168B.035.

510.2 STORAGE AND IMPOUNDS

Vehicles may be towed for violations of Minn. Stat. § 168B.035.

Vehicles may be moved or removed from a highway when in violation of Minn. Stat. § 169.32(a) or when left unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic (Minn. Stat. § 169.33).

The responsibilities of those employees storing or impounding a vehicle are as follows:

510.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Office members requesting towing of a vehicle shall complete a Tow Report, including a description of property within the vehicle if accesible. A copy is electronically submitted to the tow agency and the Sheriffs office records division.

Records staff shall promptly enter pertinent data from the completed Tow Report into the Minnesota Justice Information Services (MNJIS).

510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher.

If the owner is incapacitated or for any reason it is necessary for the Office to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call a company selected from the list of towing companies. The deputy will then conduct an inventory and store the vehicle using a Tow Report.

510.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Sheriff's Office should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.4 RECORDS DIVISION RESPONSIBILITIES

Personnel shall promptly enter pertinent data from the completed Tow Report form into the stolen vehicle system. Approved forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Upon recovery of a vehicle reported stolen to another agency, the Deputy or Dakota 911 is to promptly inform the agency that the vehicle is recovered, where it is located and when it can be released to the owner (Minn. Stat. § 169.042 Subd. 1).

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510.3 TOWING SERVICES

The County of Dakota periodically selects one or more firms to act as official tow services:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

510.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, and there are no available passengers to make reasonable transport arrangements, it is the policy of this office to provide reasonable safekeeping by towing the arrestee's vehicle. A vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, the vehicle would present a traffic hazard if it were not removed, or the vehicle is located in a high-crime area and is susceptible to theft or damage if left at the scene.

510.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the Tow Report. This includes the trunk, engine compartment and any compartments or containers, if they are closed and/or locked and we have a key to open the container. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in sheriff's custody, to provide for the safety of deputies and the public, and to protect the Office against fraudulent claims of lost, stolen or damaged property.

510.6 PRESERVATION OF EVIDENCE

A deputy who removes a vehicle pursuant to Minn. Stat. § 168B.035 is required to take reasonable and necessary steps to preserve evidence. If there is probable cause to believe that a vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or that a particular person has committed a criminal offense, deputies shall ensure that all legally required and reasonably necessary efforts are taken to preserve the evidence. Such evidence is to be provided safe storage and preserved until released to the owner or otherwise disposed of according to law.

510.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

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Vehicle Towing

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving while impaired (DWI).

514.2 POLICY

The Dakota County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Minnesota’s impaired driving laws.

514.3 CHEMICAL TESTS

A person implies consent under Minnesota law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Minn. Stat. § 169A.51, Subd. 1):

(a) The arresting deputy has probable cause to believe the person was driving, operating or in physical control of a vehicle while impaired as defined by Minn. Stat. § 169A.20.

(b) The deputy has probable cause to believe that the person is DWI and has been involved in a vehicle accident resulting in property damage, personal injury or death.

(c) The deputy has probable cause to believe that the person is DWI and the person has refused to take the preliminary screening test provided for by Minn. Stat. § 169A.41.

(d) The person was administered a preliminary screening test and the results indicated an alcohol concentration of 0.08 or more.

(e) The deputy has probable cause to believe the person was driving, operating or in physical control of a commercial motor vehicle with the presence of any alcohol in the person’s body.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.3.1 BREATH SAMPLES

The assigned staff member should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Watch Commander.

514.3.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Minn. Stat. § 169A.51, Subd. 7). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

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Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility and office evidence procedures.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.3.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the person giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility and office evidence procedures.

514.3.4 STATUTORY NOTIFICATIONS

At the time that the deputy requests the person to submit to a breath test the deputy must inform the person that (Minn. Stat. § 169A.51, Subd. 2):

(a) Minnesota law requires that he/she take the test.

(b) Refusal to take the test is a crime.

(c) He/she has the right to consult with an attorney unless it would unreasonably delay administration of the test.

At the time that the deputy directs a person to submit to a blood or urine test pursuant to a warrant, the person must be informed that a refusal to submit to a blood or urine test is a crime (Minn. Stat. § 171.177, Subd. 1 and Subd. 2).

514.4 REFUSALS

When an arrestee refuses to provide a chemical sample deputies should:

(a) Advise the arrestee of the requirement to provide a sample (Minn. Stat. § 169A.51; Minn. Stat. § 171.177, Subd. 1).

(b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.

(c) Document the refusal in the appropriate report.

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514.4.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of intention to revoke upon the person and invalidate the person's license in such a way that no identifying information is destroyed and immediately return the license to the person (Minn. Stat. § 169A.52, Subd. 7; Minn. Stat. § 171.177, Subd. 8).

514.4.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who does not consent to a chemical test when any of the following conditions exist (Minn. Stat. § 169A.51, Subd. 3):

(a) A search warrant has been obtained.

(b) The deputy can articulate that exigent circumstances exist and the deputy has probable cause to believe that the person has committed DWI, including vehicular homicide or injury (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 13). Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to a collision investigation or medical treatment of the person.

514.4.3 FORCED BLOOD SAMPLE

A forced sample may not be taken except in DWI cases involving vehicular homicide or injury (Minn. Stat. § 171.177, Subd. 13). In those cases, if a person indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy), and attempt to persuade the person to submit to such a sample without physical resistance.

    1. This dialogue should be recorded on audio and/or video when reasonably practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure that the forced blood draw is recorded on audio and/or video when reasonably practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

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2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

514.4.4 WARRANTS FOR CONTROLLED SUBSTANCES OR INCAPACITATION

A blood or urine test may be required pursuant to a warrant if the deputy has probable cause to believe that (Minn. Stat. § 169A.51, Subd. 4):

(a) The person's impairment is due to a controlled substance, an intoxicating substance, or cannabis or hemp-related product that is not subject to testing by a breath test.

(b) A controlled substance listed in Schedule I or II or its metabolite (other than a cannabis or hemp-related product or tetrahydrocannabinols), is present in the person's body.

(c) The person is unconscious or incapacitated to the point that the deputy providing the breath test advisory, administering the breath test, or serving the search warrant has a good faith belief that the person is mentally or physically unable to comprehend the advisory or otherwise voluntarily submit to the chemical tests.

If a person objects to the blood or urine test as directed by the warrant or deputy, the deputy should offer the other type of test if the person is conscious. Action may be taken against a person refusing to submit to a blood or urine test only if an alternate test of blood or urine, as applicable, was offered (Minn. Stat. § 169A.51, Subd. 4; Minn. Stat. § 171.177, Subd. 2).

514.4.5 STATUTORY NOTIFICATIONS UPON REFUSAL WITH A SEARCH WARRANT

Upon refusal to submit to a chemical test pursuant to a search warrant, deputies shall personally serve the notice of intention to revoke upon the person and invalidate the person's license in such a way that no identifying information is destroyed and immediately return the license to the person (Minn. Stat. § 171.177, Subd. 8).

514.5 ARREST AND INVESTIGATION

514.5.1 RIGHT TO ATTORNEY CONTACTS

A person has a limited right to consult with an attorney prior to submitting to a chemical test. This right is limited to the extent that it cannot unreasonably delay administration of the test (Minn. Stat. § 169A.51, Subd. 2).

514.5.2 ARREST AUTHORITY

A deputy may arrest a person without a warrant and without regard to whether the offense was committed in the deputy's presence if there is probable cause to believe the person committed (Minn. Stat. § 169A.40):

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(a) A DWI offense (Minn. Stat. § 169A.20).

(b) An alcohol- or cannabis-related driving offense involving a school bus or a Head Start bus (Minn. Stat. § 169A.31).

(c) An underage drinking and driving offense (Minn. Stat. § 169A.33).

514.5.3 DEPUTY RESPONSIBILITIES

If a deputy requests that a person submit to a chemical test and the person refuses such request, the deputy shall report such refusal to the Commissioner of the Department of Public Safety (DPS) and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 3).

If a person refuses to submit to a test or in the alternative submits to a test and the results indicate a prohibited alcohol concentration, the deputy shall immediately give notice to the person that their driving privilege will be revoked and shall (Minn. Stat. § 169A.52, Subd. 7; Minn. Stat. § 171.177, Subd. 8):

(a) Issue the person a temporary license effective for only 14 days.

1. Deputies are not required to issue a person a temporary license if the person's driving privilege is under withdrawal by DPS or if the person is unlicensed.

(b) Send the notification of this action to the Commissioner of the DPS along with the certification that there was probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle while impaired, and that the person either refused to submit to a test or submitted to a test and the results indicated a prohibited alcohol concentration or drug presence.

Test results of a person that indicate a prohibited alcohol concentration or drug presence shall be forwarded to the Commissioner of the DPS and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 2).

514.5.4 PRELIMINARY SCREENING TEST

A deputy who has reason to believe the person was driving, operating or in physical control of a motor vehicle while impaired, may require the person to provide a sample of the person’s breath for a preliminary screening test using a device approved by the DPS Commissioner (Minn. Stat. § 169A.41, Subd. 1).

The deputy must use the results of the preliminary screening test for the purpose of deciding whether to arrest the person and require further chemical testing pursuant to Minn. Stat. § 169A.51 (Minn. Stat. § 169A.41, Subd. 2).

514.5.5 ADDITIONAL TESTING

A deputy shall permit a person required to submit to a chemical test to have a qualified person of his/her own choosing administer a separate chemical test (Minn. Stat. § 169A.51, Subd. 7(b)). The separate chemical test shall:

(a) Be conducted at the place where the person is in custody.

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(b) Be conducted after the deputy has administered the statutorily mandated test.

(c) Impose no expense to the state.

514.5.6 ADDITIONAL REQUIREMENTS FOR BREATH SAMPLES
All breath samples requested in accordance with this policy shall be obtained in accordance with Minn. Stat. § 169A.51, Subd. 5.

514.6 TRAINING

The assigned training supervisor should ensure that deputies participating in the enforcement of DWI laws receive regular training. Training should include at minimum current laws on impaired driving, investigative techniques and rules of evidence pertaining to DWI investigations. The training supervisor should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Watch Commander shall be responsible for the development and design of all Interim Directive traffic citations in compliance with state law (Minn. Stat. § 169.99 and Minn. Stat. § 169.999 Subd. 3).

516.2.1 DATA COLLECTION

The Records should maintain information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(a) The race or ethnicity of the individual detained.

(b) Whether a search was conducted and, if so, whether the person detained consented to the search.

The Records should submit an annual report to the Sheriff of the information collected to assist in the implementation and administration of the Office's Bias-Based Policing Policy required by state law (Minn. Stat. § 626.8471 Subd. 4).

516.3 DISMISSAL OF TRAFFIC CITATIONS

Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the deputy's supervisor. If approved, the citation will be forwarded to the court with a request for dismissal. All recipients of traffic citations whose request for dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

Members of the Office should provide a report or other verification to the owner of a stolen vehicle that may have received a citation during the time of the theft for the purpose of dismissing the citation (Minn. Stat. § 169.042 Subd. 2).

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Watch Commander.

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516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor.

516.6 DISPOSITION OF TRAFFIC CITATIONS

Upon separation from employment with this office, all employees issued traffic citation books shall return any unused citations to their supervisor .

516.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

(a) When any juvenile is issued a citation for a drug or alcohol violation, or a juvenile 16 years of age or older is issued a citation for an adult court traffic offense, the deputy shall follow the arrest procedures prescribed in Minn. Stat. § 169.91 and shall make reasonable effort to notify the child's parent or guardian of the violation and the nature of the charge. Notifications should be documented (Minn. Stat. § 260B.225 Subd. 3).

(b) When any juvenile is issued a citation for a major traffic offense, the deputy is required to file a signed copy of the citation, as provided in Minn. Stat. § 169.91, with the juvenile court of the county in which the violation occurred. The citation serves as a petition providing the juvenile court jurisdiction (Minn. Stat. § 260B.225 Subd. 5).

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Abandoned Vehicle Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws, under the authority of Minn. Stat. § 168B.04.

524.1.1 DEFINITION

Pursuant to Minnesota statutes, a vehicle is abandoned if:

(a) The motor vehicle has remained illegally for more than 48 hours on any government-owned or -controlled property, or for more than four hours on that property when properly posted (Minn. Stat. § 168B.011 Subd. 2 (1)).

(b) The motor vehicle has been properly tagged by a deputy and abandoned for four hours on any highway (Minn. Stat. § 168B.04, Subd. 2 (b) (1)).

(c) The motor vehicle has been abandoned and located so as to constitute a collision or traffic hazard (Minn. Stat. § 168B.04 Subd. 2 (b) (1)).

(d) The motor vehicle is unattended on private residential property, that is a single-family or duplex, without permission of the property caretaker (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

(e) The motor vehicle can be immediately removed if on private non-residential property if properly posted or after 24 hours if not posted (Minn. Stat. § 168B 04 Subd. 2 (b) (2)).

(f) The motor vehicle remains at a service, repair or maintenance establishment of motor vehicles five days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

524.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Minnesota abandoned vehicle laws shall be marked with a marker and documented via the computer aided dispatch (CAD) system. No case number is required at this time.

A visible chalk, crayon or paint mark should be placed on the rear window or left rear tire tread at the fender level unless the vehicle is missing tires or other vehicle conditions or weather prevent marking.

If a marked vehicle has been moved or the markings have been removed during a four or 24-hour investigation period, the vehicle shall be marked again for either the four or 24-hour abandonment violation.

524.2.1 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a tow report and incident report shall be completed by the deputy authorizing the storage of the vehicle.

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Abandoned Vehicle Violations

The tow report form shall be submitted to the Records immediately following the storage of the vehicle. It shall be the responsibility of the Records to immediately notify the Minnesota Criminal Justice Information Services (MNJIS). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records to immediately notify MNJIS. Notification may also be made to the NLETS.

The Records shall also send a certified copy of the notification to the last known address of the registered owner.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Dakota County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the deputy shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

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600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a person who is suspected of having committed a criminal offense shall be electronically recorded (audio/video or both as available) in its entirety, including any information or discussion about the person's rights and any waiver of those rights. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a non-custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 INTERVIEW ROOM USE AND SECURITY

The following rooms are designated for the purpose of conducting interviews and interrogations:

S163 (Interview Room A, S164 (Interview Room B), S165 (Interview Room C)

Members (uniformed and non-uniformed) shall comply with the following procedures when using an interview room:

(a) Firearms should be properly secured outside the room before entering to conduct an interview or interrogation.

(b) No more than two members should be present in the room during an interview or interrogation, unless necessary to maintain safety and security.

(c) Members should have a portable radio available for summoning assistance, if necessary.

(d) Access to restrooms, water, or comfort breaks should be afforded based on the length of the interview or interrogation.

(e) The use of audio/video recording devices in interview rooms shall be in accordance with this policy.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

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(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Abuse, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using their own equipment, the member should note the dates, times, and locations of the information and report the discovery to their supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

Information obtained via the internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

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600.7.1 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.8 ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

Deputies shall make a report any time they arrest a person who possesses more than one welfare Electronic Benefit Transfer (EBT) card. The investigating deputies shall forward this report to the Minnesota Department of Human Services and the Minnesota Department of Children, Youth, and Families within 30 days of the arrest. The report shall include all of the following (Minn. Stat. § 626.5533):

(a) The name, address, and driver's license or state identification card number of the suspect

(b) The number on each EBT card and name, if any

(c) The date and location of any alleged offense

(d) Any other information the Minnesota Department of Human Services or the Minnesota Department of Children, Youth, and Families may require on related state forms

600.9 VICE, NARCOTICS, AND ORGANIZED CRIME COMPLAINTS

Complaints related to vice, narcotics, or organized criminal activity shall be documented and reported to a supervisor. The supervisor should determine if the complaint warrants immediate action or if information should be handled in accordance with the Criminal Organizations Policy.

All vice, narcotics, or organized crime complaints shall be forwarded to the Investigation Division Commander or the authorized designee, who is responsible for the following:

(a) Maintaining records of all complaints received

(b) Maintaining records of information conveyed to and received from outside agencies

(c) Notifying the Sheriff of all complaints received, in a manner prescribed by the Sheriff

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Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The Dakota County Sheriff's Office adopts the Investigations of Sexual Assault model policy established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8442).

Sexual Assaults Model Policy PDF_approved 10.23.25_tcm1189-745586.pdf

602.2 COPY OF SUMMARY

The Investigations supervisor shall ensure that the victim of a sexual assault who reports an incident to this office is provided with a copy of the written summary of the allegation. If the incident occurred outside the jurisdiction of the Dakota County Sheriff's Office, a copy of the written summary shall also be provided to the law enforcement agency where the incident occurred. If the Dakota County Sheriff's Office learns that both the victim and the accused are members of the Minnesota National Guard, the Office shall provide a copy of the summary to the Bureau of Criminal Apprehension (Minn. Stat. § 609.3459).

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Asset Forfeiture

606.1 ASSET FORFEITURE

This policy is being adopted pursuant to Minnesota law governing forfeiture actions and the requirements of Minnesota Statute 609.531, Subd. 8 (a) and (d), and applies to forfeiture actions initiated by the Dakota County Sheriff's Office under Minnesota state law.

The pursuit of forfeiture actions under Minnesota law is an important process to ensure that those involved in criminal activity are not allowed to keep the proceeds of their crimes and to seize property used to facilitate the commission of a crime. It is important that such actions be done in accordance with the law and with respect for the rights of the person(s) from whom the property is seized. All property seized by the Dakota County Sheriff's Office pursuant to forfeiture should be processed in accordance with these guidelines. This forfeiture policy is in addition to and incorporates any existing forfeiture policy as contained in the Dakota County Sheriff's Office Policy and Procedures Manual.

Forfeiture Guidelines

1. Purpose of Forfeiture

Under Minnesota law, forfeiture must be liberally constituted to carry out the following remedial purposes:

a. to enforce the law;

b. to deter crime;

c. to reduce the economic incentive to engage in criminal enterprise;

d. to increase the pecuniary loss resulting from the detection of criminal activity; and

e. to forfeit property unlawfully used or acquired during the commission of an offense.

2. Applicable Law

Civil forfeitures can occur under Minnesota State law in accordance with the following statutes:

a. Minnesota Statute 84.7741 Off Highway Vehicles;

b. Minnesota Statute 97A Game and Wildlife Violations;

c. Minnesota Statute 169A.63 Driving While Impaired Violations;

d. Minnesota Statute 609.531 Controlled Substances and Other Designated Offenses; and

e. Minnesota Statute 609.762 Gambling Violations.

3. Best Practices in Pursuing, Seizing, and Tracking Forfeitures

A. The recovery of unlawfully obtained proceeds of criminal activity and the elimination of the instrumentalities used to commit crimes are the principal goals of forfeiture.

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B. Forfeiture proceedings should not be initiated if to do so would jeopardize the effective investigation and prosecution of criminal activity, officer safety, the integrity of ongoing investigations, or the due process rights of citizens.

C. The United States and Minnesota Constitutions, as well as state and federal statutes, prohibit the improper use of personal characteristics such as race, color, creed, national origin, gender, religion, marital status, disability, sexual orientation, or age to target individuals for law enforcement action, including forfeiture seizures.

D. The employment or salary of any member of the Dakota County Sheriff's Office shall not depend upon the level of seizures or forfeitures he or she personally achieves.

E. Where multiple agencies in a geographic region have jurisdiction to pursue forfeiture, every reasonable effort should be made to cooperate to advance the public interest and avoid duplication of effort in pursuing forfeiture actions.

F. The Dakota County Sheriff's Office shall ensure that its asset forfeiture program provides for: (a) written documentation of the seizure and items seized; (b) independent prosecutorial review of the circumstances and propriety of the seizure; (c) timely notice of seizure to interest holders of seized property; and (d) timely resolution of ownership claims and a prompt release of property to those entitled to the return of the property.

G. All seized property shall be held in the same manner as evidence pending completion of the forfeiture action. Cash shall be deposited with Dakota County Financial Services, unless there are special circumstances which require that it not be deposited and it is approved by the Sheriff or his/her authorized designee or Chief Deputy or their designee and the County Attorney (or other prosecuting agency). The Dakota County Sheriff's Office shall use reasonable diligence to secure the property and prevent waste to preserve value for successful claimants, crime victims and the agencies to which the distribution of forfeited property is made.

H. To ensure adequate compliance with Minnesota law and the fair and just pursuit of forfeiture actions, there should be prompt notification to the County Attorney (or other prosecuting agency) of the seizure of the money or property and a timely forward of all reports pertaining thereto to the County Attorney (or other prosecuting agency).

I. When retaining forfeited property for official law enforcement use, the Dakota County Sheriff's Office shall ensure that the property is subject to internal controls consistent with those applicable to property acquired through the normal appropriations process.

J. Property should not be used for law enforcement purposes prior to it being forfeited. Once forfeited, all property should be used and disposed of in a manner consistent with applicable law and with the use and disposition of similar property by the Dakota County Sheriff's Office. Sale of forfeited property must be conducted in a commercially reasonable manner and in compliance with all applicable laws, which include a prohibition of sale or transfer of property to an officer or employee of the Dakota County Sheriff's Office or to a person related to the officer or employee by blood or marriage.

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K. The retention of forfeited property for official use as provided for in Minnesota Statute 609.5315, subd. 1(a)(8) and subd. 3, and Division 169A.63, subd. 10(a)(2), shall be approved by the Sheriff or his/her authorized designee or Chief Deputy or their designee.

L. Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures. Records of forfeitures should be kept for a minimum of six years.

M. The Dakota County Sheriff's Office shall be in compliance with all reporting and auditing requirements as contained in Minnesota law and maintain records and other necessary accounting practices to comply with the requirements.

N. The seizing, tracking, reporting, and disbursing of assets must be carried out in compliance with state statutes and guidelines. The forfeiture coordinator shall be responsible for the tracking, reporting, and sale of forfeited property and the prompt disbursement of forfeiture funds. Disbursements shall comply with state laws.

4. Seizure Notice, Receipt, and Report Procedures

A. Administrative seizures of property may be initiated by the law enforcement agency under the circumstances provided for in Minnesota Statutes. When any property is seized for administrative forfeiture, the officer making the seizure must prepare a "Notice of Seizure and Intent to Forfeit Property" and comply with the following:

1. The officer shall identify all persons known to have an ownership, possessory, or security interest in the property to be forfeited.

2. Information as to the ownership, possessory, or security interest in the property shall be forwarded to the County Attorney (or other prosecuting agency) responsible for bringing the forfeiture action.

3. The officer assigned to the case shall have the "Notice of Seizure and Intent to Forfeit Property" personally served on the person(s) in possession of the property at the time of its seizure and any person(s) known to have an ownership interest in the property in compliance with Minnesota law. The notice may be served on registered owners and lien holders by certified mail. The notice shall be dated and will be attached to or sealed inside the self-sealable transparent evidence bag for viewing from the outside. The officers will input the currency card information into the electronic evidence module. An electronic record of the currency card will be placed into the case file. Bulk money seizures may require additional time to count and may be transported to a financial institution for counting, upon approval by the Sheriff or his/her authorized designee or Chief Deputy and signed by the officer conducting the seizure. If the property is seized from multiple individuals, a separate notice shall be completed for each individual. A copy of the notice shall be given to the individual served.

4. The title to seized motor vehicles shall be "flagged" with the Department of Public Safety to designate its seizure for forfeiture.

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5. In cases involving administrative forfeiture of United States currency, a copy of the "Notice of Seizure and Intent to Forfeit Property" verifying service shall be submitted to the forfeiture coordinator and included in the case file.

B. For all seizures of property for forfeiture by the Dakota County Sheriff's Office, the officer making the seizure shall prepare the following:

1. Receipt for Property Seized for Forfeiture

A receipt identifying property seized for forfeiture shall be provided to person(s) in possession of the property or left in the place where the property was found, if reasonably possible, at the time of seizure.

2. Referral

A referral form shall be forwarded, along with all relevant investigative reports, receipts, and any Notice of Seizure and Intent to Forfeit Property forms, to the forfeiture coordinator or their designee and the County Attorney (or other prosecuting agency) responsible for the forfeiture.

3. Incident Report

A written incident report describing the seizure shall be prepared. The report should at a minimum identify the time and date, location, all persons (law enforcement and non-law enforcement) who participated in or were present during the seizure, and a description of items seized.

5. Property and Evidence Reporting

A. Currency

1. All seized currency will be counted at the time it is seized by two officers. The officers will complete a Dakota County Sheriff's Office Currency Card. Both officers will be required to sign the currency card. The original currency cay or their designee. Examination of seized funds for expended official funds, day and time of seizure (weekends/holidays), and preparation for forensic examination may be factors that extend the time for delivering seized money to the evidence technician. Any unusual factors that extend the delivery to the evidence technician shall be documented.

2. Any unsealing and re-sealing of seized money shall be documented and included in the chain of custody.

3. The officer shall place the seized money into the Dakota County Sheriff's Office evidence locker and the evidence technician shall then promptly deposit with Dakota County Financial Services, who will verify the count. The seized money will be designated for deposit into the Dakota County Sheriff's Office forfeiture fund. Money seized for forfeiture shall not remain in the evidence locker as evidence unless there are special circumstances which require that it not be deposited and it is approved by the Sheriff or his/her authorized designee or Chief Deputy or their designee and the County Attorney (or other prosecuting agency).

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4. If any discrepancies are discovered, the Sheriff or his/her authorized designee shall be immediately notified and shall initiate an appropriate investigation.

5. The officer will advise the forfeiture coordinator of the cash seizure and forward all related reports as soon as practical.

B. Jewelry/Precious Metals/Precious Stones

Jewelry, precious metals, and precious stones shall be secured in a sealed evidence bag with the case file identification clearly visible. The property will be placed into the evidence locker and then promptly transferred to a secured location by the evidence technician. If the jewelry, precious metals, or stones are subject to forfeiture, the officer will advise the forfeiture coordinator and forward all related reports as soon as practical.

C. Firearms

Firearms shall be unloaded prior to placement into the evidence locker. If the firearms and/or ammunition are subject to forfeiture, the case officer will advise the forfeiture coordinator and forward all related reports as soon as practical.

D. Conveyance Devices

1. Vehicles impounded by an officer during the course of an investigation shall be towed and stored with a towing and storage business authorized by the Dakota County Sheriff's Office.

2. For any vehicle impounded by an officer, the contents therein shall be inventoried for the safety and protection of the owner's property. When practical and not needed as evidence in a criminal case or forfeiture case, the officer shall release the owner's property which is easily portable and of value which the owner wishes to retain in his/her possession. The remaining items shall remain in the vehicle after inventory. Whenever an officer impounds a vehicle, he/she shall examine the passenger compartment, the glove compartment, and the trunk, whether or not it is locked. Any containers, such as boxes or suitcases, unless locked with no means to open without force, found within the vehicle shall be opened.

3. If the vehicle is subject to forfeiture, the officer will advise the forfeiture coordinator and forward all related reports as soon as practical. The Dakota County Sheriff's Office shall maintain a log of all pending forfeited vehicles, whether impounded or released to the registered owner upon surrender of vehicle's original certificate of title and payment of all fees for its seizure and towing by the owner.

6. Training

All new officers or employees of the Dakota County Sheriff's Office shall review and sign off on the Dakota County Sheriff's Office Policy. During the field training process, officers review forfeiture policy procedures. Officers will receive forfeiture training by the County Attorney. This training will include best practices for timely and fair resolution of forfeiture cases, notice to interest holders, the release of seized property where appropriate, the resolution of claims of innocent ownership,

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situations in which forfeiture should not be pursued, and any statutory changes. This training will occur at the discretion of the County Attorney's Office and in compliance with its policy.

7. Situations In Which Forfeiture Should Not Be Pursued

There are situations where a forfeiture action should not be pursued notwithstanding the broad remedial purposes for which forfeitures are authorized by Minnesota law (see Divisions 1 and 2 above). Forfeitures should not be pursued in cases where there exists a substantial factual or statutory impediment, a valid defense, or extenuating circumstances justifying the remission or mitigation of forfeiture of property from individuals in accordance with Minnesota Statute 609.531, Subd. 7. The determination not to pursue a forfeiture action shall be made by the forfeiture coordinator after reviewing all of the relevant facts pertaining to the situation and after consulting with the County Attorney (or other prosecuting agency).

The Dakota County Sheriff's Office shall follow any policy of the County Attorney (or other prosecuting agency) which establishes minimum thresholds for value of property seized for forfeiture.

The following minimum forfeiture thresholds are established for forfeitures initiated by or subject to review by the Dakota County Attorney's Office:

a. Vehicles and other conveyance devices must have a net retail value of $2,000.00 or more, except in Driving While Intoxicated or fleeing cases, which may be forfeited regardless of value at the discretion of the County Attorney. Vehicles related to drug cases need to have a felony level offense and the value of the drug needs to be at least $100.00 or more.

b. Cash/cash equivalents must have a value of $300.00 or more.

c. Personal property, including jewelry, must have a net retail value of $500.00 or more.

d. Real property must have a net market value of $2,000.00 or more.

Firearms and other dangerous weapons used in the commission of a criminal offense will be subject to forfeiture irrespective of their value.

Forfeiture of any item whose value is below the Dakota County Attorney's Office minimum threshold requires review by the forfeiture coordinator and approval of the Dakota County Attorney or designee.

8. Updates to Forfeiture Guidelines

This forfeiture policy shall be updated whenever necessary to conform to changes in Minnesota law or whenever changes are deemed advisable by the County Attorney.

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Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Dakota County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Dakota County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Division Commander, Investigations supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Dakota County Sheriff's Office, and that they shall not represent themselves as such.

(d) The relationship between office members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigations supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Investigations supervisor.

1. Deputies may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

(g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

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(h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

608.2.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging the informant in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on their participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using their affiliation with this office to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

(h) The informant is known to have experienced, or has reported experiencing, a drug overdose in the previous 12 months.

Any prospective or current informant shall be excluded from participating in a controlled buy or sale of a controlled substance if it is known that the informant is:

- Receiving inpatient or partial-hospitalization treatment for a substance use disorder or mental illness from a licensed provider.
- Participating in a treatment-based drug court program or treatment court.

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Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques (Minn. Stat. § 626.8433).

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process -Any field identification, live lineup or photographic identification.

Field identification -A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup -A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

This office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Deputies should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating deputy should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time, and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of the POST model policy.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

610.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

Photographic lineups are the preferred eyewitness identification process. When a photographic lineup cannot be done or a different method is more reasonable under the circumstances, the investigating deputy may use a live lineup or field identification.

When conducting a live lineup, the member presenting the lineup should not be involved in the investigation or know the identity of the suspect (Minn. Stat. § 626.8433).

When conducting a photographic lineup, if practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case

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should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications should be avoided whenever possible but may be helpful in certain cases where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain and document a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

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(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect, or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

610.6.1 DOCUMENTATION RELATED TO RECORDINGS

The member conducting the lineup should document the reason that an audio and/or video recording was not obtained, if applicable.

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Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Dakota County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Dakota County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Dakota County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Office case file.

612.4 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

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(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and office member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or County Attorney should then be requested to file a motion in order to initiate an in-camera review by the court.

1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that data ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use and further dissemination of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

612.5 INVESTIGATING BRADY ISSUES

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Office personnel should receive periodic training on the requirements of this policy.

612.7 BRADY PROCESS

The Sheriff shall select a member of the Office to coordinate requests for *Brady* information.

The responsibilities of the coordinator include but are not limited to:

(a) Working with the appropriate prosecutors' offices and the County Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.

1. Updating this list whenever potential *Brady* information concerning any office member becomes known to the Office or is placed into a personnel or internal affairs file.

612.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady*

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information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

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Unmanned Aerial System (UAS) Operations

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial vehicle (UAV) and for the storage, retrieval and dissemination of images and date captured by the UAV as required by Minnesota Statutes Sections 13.82, 626.19 and other applicable law.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned UAV

"Unmanned Aerial Vehicle" or "UAV", small Unmanned Aircraft System (sUAS), Unmanned Aircraft System, and Unmanned Aerial System (UAS) means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Government Entity

"Government entity" means a state agency, statewide system, or political subdivision, except it does not include a law enforcement agency as it relates to UAV's.

Law Enforcement Agency

"Law enforcement agency" has the meaning given in Minnesota Statute Section 626.84, subdivision 1.

613.2 POLICY

Unmanned aerial vehicle many be utilized to enhance the Office’s mission of protecting lives and property when other means and resources are not available or are less effective. In addition, the UAV will be used for training and other governmental entity related purposes as outlined by Minnesota Statute Section 626.19. Any use of the UAV shall be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

613.3 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAV program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Ensuring the UAV model that is purchased is in compliance with FAA regulations.
- Ensuring the UAV is adequately registered (including timely renewals and updating of information) and marked and that there is adequate proof of ownership.
- Coordinating the FAA Part 91Certificate of Waiver (CoW) or Certificate of Authorization (COA) application process and ensuring that the CoW or COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies and procedures regarding the use of the UAV.

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- Developing uniform protocols for submission and evaluation of requests to deploy the UAV, including urgent requests made during ongoing or emerging incidents. Deployment of a UAV require authorization from the on-duty supervisor as well as the Program Coordinator or Chief Pilot.
- Implementing a system for public notification of the UAV deployment.
- Developing an operation protocol governing the deployment and operation of the UAV including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and communication with air traffic control facilities.
- Developing protocol to fully document all missions according to Minnesota Statute Section 629.19, subdivision 5.
- Developing a UAV inspection maintenance and record-keeping protocol to ensure continuing airworthiness of the UAV's, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensure its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody. Generally, data collected by a UAV is private data on individuals or nonpublic data.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules and statutory requirements. This includes deleting data collected for a law enforcement purpose as soon as possible, and no later than seven days after collection, unless the data is part of an active criminal investigation.
- Facilitating law enforcement access to images and data captured by the UAV.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring the training program and deployment of the UAV.
- Report to the Commissioner of Public Safety, by January 15 each year, as mandated by Minnesota Statute Section 626.19, subdivision 12. This includes reporting the number of times a UAV was deployed without a search warrant including each date of deployment and the authorized use under Minnesota Statute Section 626.19, subdivision 3 and the total cost of the UAV program.

613.4 AUTHORIZE USE OF UAV

The use of the UAV must comply with the statutory and Federal Aviation Administration (FAA) requirements. A law enforcement agency's authority to use a UAV is specifically defined by Minnesota Statute Section 626.19, which also includes several limitations.

Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person

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would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAV operations.

Only authorized operators who have completed the required training shall be permitted to operate the UAV.

UAV operators must check for any Temporary Flight Restrictions (TFRs) prior to flight.

Use of the UAV and vision enhancement technology (e.g., thermal and other imaging equipment) is permissible with a signed search warrant or under the following circumstance in absence of a warrant in accordance with Minnesota Statute Section 626.19, subdivision 3:

(a) During or in the aftermath of an emergency situation that involved the risk of death or bodily harm to a person.

(b) To document evidence that is at imminent risk of destruction.

(c) Over a public event where there is a heightened risk to the safety of participants or bystanders.

(d) To counter the risk of terrorist attacks by a specific individual or organization if the agency determines that credible intelligence indicates a risk.

(e) To prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters.

(f) To conduct a threat assessment in anticipation of a specific event.

(g) To collect information from a public area if there is reasonable suspicion of criminal activity.

(h) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.

(i) Over a private area with the written consent of the occupant or over public area for officer training or public relations purposes.

(j) For purposes unrelated to law enforcement at the request of a government entity provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use.

(k) To facilitate the active search for a missing person.

Request for UAV operations from a non-law enforcement governmental entity must be provided in writing to the Sheriff, or his designee and include the location, date, time, and reason for the request.

UAV operators must comply with all Federal Aviation Administration requirements and guidelines.

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613.5 PROHIBITED USE OF UAV

The UAV shall not be used:

(a) For facial recognition or other biometric-matching technology unless expressly authorized by a warrant.

(b) To collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under Minnesota Statute Section 626.19 subdivision 3.

613.6 DATA CLASSIFICATION; RETENTION OF DATA

Minnesota State Statutes Section 626.19 and Chapter 13 governs all data collected, created or maintained by the UAV.

Any use of the UAV must be documented by a formal report connected to a unique case number. This report shall provide a factual basis for the use of the UAV and document the qualifying authorized use as defined in Minnesota Statute Section 626.19, subdivision 3, unless a search warrant was issued which specified the use of the UAV.

Any UAV data collected may be made accessible to any person, agency, or the pubic at the discretion of the Sheriff or his designee if determined that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest in accordance with Minnesota Statute Section 13.82, subdivision 15.

Any data collected by the UAV and maintained by the Sheriff’s Office for a law enforcement purpose shall be deleted as soon as possible but in not circumstances later than seven days after collection, unless the data is part of an active criminal investigation.

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Scrap Metal Theft Investigation

614.1 PURPOSE AND SCOPE

This policy provides guidance regarding scrap metal theft investigations.

614.1.1 DEFINITIONS

Definitions related to this policy include:

Scrap vehicle operator or operator - A person described in Minn. Stat. § 168A.1501 who engages in a transaction involving the purchase or acquisition of a scrap vehicle.

Scrap metal dealer or dealer - A person engaged in the business of buying or selling scrap metal, or both, including a scrap metal processor, as defined in Minn. Stat. § 325E.21.

614.2 POLICY

The Dakota County Sheriff's Office recognizes the difficulty in preventing scrap metal theft and may investigate, place holds on or confiscate items as provided in this policy.

614.3 INSPECTIONS AND AUDITS

A deputy engaged in scrap metal theft investigations may (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21):

(a) Conduct inspections and audits of any purchase and acquisition records maintained by scrap vehicle operators or scrap metal dealers.

(b) Inspect scrap vehicle or scrap metal received by an operator or dealer at any reasonable time.

(c) Inspect any video or still camera and any recordings or images required to be maintained by an operator or dealer.

Any refusal to allow such inspections or audits should be referred to the County attorney for criminal prosecution.

614.4 INVESTIGATIVE HOLDS

A deputy who has probable cause to believe that a scrap vehicle or motor vehicle parts in the possession of a scrap vehicle operator, or that scrap metal in the possession of a scrap metal dealer, is stolen or is evidence of a crime may verbally order the operator or dealer not to process, sell, remove or allow the removal of the item for 30 days (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

The deputy issuing the order is responsible for ensuring that the order to hold the item is confirmed in writing within 72 hours. If the item is identified as evidence in an active criminal case, the deputy may extend the hold in writing. This extension must occur within 30 days of the original order and may remain in effect for as long as the investigation or prosecution is active.

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614.5 SEIZING ITEMS

The investigating deputy should confer with the prosecuting attorney to determine whether the item should be confiscated. If the item is evidence or otherwise needed for an investigation or prosecution, the deputy may issue a written notice to confiscate any time during the investigative hold. The deputy shall take custody of the item within 15 days of the notice to confiscate (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

When an item is confiscated, the deputy shall:

(a) Provide the operator or dealer a property receipt that includes at least the following:

1. The name and telephone number of the Office.
2. The name and telephone number of the deputy.
3. The case number related to the confiscation.

(b) Deliver the item to the Property Room.

When a confiscated item is no longer needed for an investigation or prosecution, it may be returned to a registered owner only after giving the operator or dealer from whom the item was seized written notice of intent to do so. The written notice should include notice of the right of the operator or dealer to make a written request for return of the item and that if the Office does not return the item within 48 hours of the request, excluding Saturday, Sunday or legal holidays, the operator or dealer may file a petition for the return of the item in the district court in the district in which the property was seized (Minn. Stat. § 626.04).

614.6 TERMINATION OF HOLD OR NOTICE TO CONFISCATE

At the conclusion of any investigation and prosecution, the deputy who issued the investigative hold or a notice to confiscate property not yet confiscated shall notify the operator or dealer in writing that the hold or notice is no longer in effect (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

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Chapter 7 - Equipment

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Office-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Office employees are expected to properly care for Office property assigned or entrusted to them. Employees may suffer occasional loss or damage to office property while performing their assigned duties. Certain procedures are required depending on the loss of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Office, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF OFFICE PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of office property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any office-issued property or equipment assigned for their use

(b) The use of damaged or unserviceable office property should be discontinued as soon as practicable and, if appropriate and approved by staff, replaced with comparable Office property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Office property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Office property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any Office property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior approval by the employee's supervisor . The employee should submit for approval the description of personal property the employee has requested to carry, the reason for its use and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties nor comprising a weapon are excluded from this requirement. The supervisor should review the request and approved or deny the request as appropriate.

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700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

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Personal Communication Devices

702.1 POLICY

Refer to Dakota County Policies - 6001-6007.

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Office vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to Fleet Maintenance for repair.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspection and repair as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as reasonably possible.

704.3 PATROL VEHICLE EQUIPMENT

Certain items shall be maintained in all Patrol vehicles for emergency purposes and to perform routine duties.

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Yellow crayon or chalk
- 1 roll crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 blood borne pathogen kit, including protective gloves
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook

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- 1 evidence collection kit
- 1 camera
- In addition to the above items, staff will also maintain items in their vehicles as required by their division. The Patrol Division will follow the Office Squad Checklist.

704.4 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

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Vehicle Use

706.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure County-owned vehicles are used appropriately. For the purposes of this policy, “County-owned” includes any vehicle owned, leased or rented by the County.

706.2 POLICY

The Office provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Office, tactical deployments and other considerations.

706.2.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle other than their assigned vehicle as part of their work assignment shall ensure that the vehicle is properly checked in and out by sending an email to the fleet manager or designee.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

706.2.2 UNDERCOVER VEHICLES

Undercover units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

706.2.3 AUTHORIZED PASSENGERS

Personnel operating Office-owned vehicles shall not permit persons other than County employees or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

706.2.4 PARKING

County-owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a County-owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by the Sheriff or his designee.

706.2.5 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

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706.3 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Deputies shall not duplicate keys without supervisor approval.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

706.4 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Dakota County Sheriff's Office, a deputy should be prepared to perform any function he/she would be expected to perform while on-duty. (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Deputies may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Deputies shall, at all times while driving a County-owned vehicle, be armed, appropriately attired and carry their office-issued identification. Deputies should also ensure that office radio or other electronic communication capabilities are maintained to the extent reasonably feasible.

706.4.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Sheriff or his designee.

706.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of the assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make periodic inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

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Assigned Vehicle Policy

708.1 PURPOSE AND SCOPE

The Office may assign a vehicle to specific staff members . This policy shall not be construed to create or imply any contractual obligation by the Sheriff's Office to assign vehicles and such assignment is at the discretion of the Sheriff. Assigned vehicles have demonstrated a long-term fiscal and service benefit to the County. Vehicles are provided better care during operation and storage and accumulate fewer service miles and hours of operation. This vehicle assignment results in an extended vehicle service life over pool vehicle assignment. Vehicles subsequently require less frequent replacement and reduced frequency of transfer and replacement of support equipment (radios, emergency, safety equipment). Ultimately per-mile operational costs are reduced.

708.2 LOGISTICS

The Office recognizes that the placement of all patrol vehicles in one location or a select few locations renders an increased risk of fleet damage due to act of nature or disaster (e.g., hail damage, tornado, floods, snowstorms) as well as planned or opportunity-based intentional damage and vandalism, domestic destruction and/or terrorism. These conditions could render the entire Office fleet unavailable for deployment.

708.3 DEFINITION

Assigned Vehicle - Includes, but is not limited to, any marked or unmarked vehicle, including recreation safety vehicles or trailers, provided by the Office for the purpose of the job duties required by public safety or emergency response duties or essential job functions.

708.4 ASSIGNMENT OF VEHICLES

Assignment of Sheriff's Office vehicles shall be governed solely by the County and the Office under the discretion of the Sheriff.

708.4.1 ELIGIBILITY

Eligibility for assignment of a vehicle requires the deputy to be in good standing with the Office.

708.4.2 ASSIGNMENT GUIDELINES AND USE CRITERIA

Guidelines for assignment determination and criteria for use of assigned vehicles include the following:

(a) The location of the deputy's home, nature of the deputy's duties, job description and essential functions and employment status. Residence in the County is a prime consideration.

(b) The Sheriff retains the right to assign/revoke any or all assigned vehicles.

(c) Vehicles shall be operated in accordance with Office policy, applicable County policy and state law.

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(d) Assigned vehicles shall not be used for unapproved use, either on or off-duty and are restricted to operation by County employees or by volunteers or other agency peace officers under their direction.

(e) When possible, assigned vehicles are to be parked off-street at the deputy's residence.

(f) Assigned vehicles are subject to inspection, search and validation of location at all times by a supervisor.

(g) Assigned vehicles are to be secured at the deputy's home, an approved County facility or other law enforcement agency the when a deputy is on vacation. If the vehicle remains at the home of the deputy, the Office shall have access to the vehicle, including if garaged. If the deputy is unable or unwilling to provide access to the vehicle, it shall be parked at an approved County facility or other law enforcement agency .

(h) Despite assignment to a deputy for specific duties, assigned vehicles may be re-assigned or utilized by other Office personnel at the discretion of the Office.

(i) The assignment of vehicles may be suspended when the deputy is unable to perform his/her regular assignment.

(j) Any out of County take-home vehicle assignment that is declined will be secured or garaged at a designated location or the Office.

(k) Assigned vehicles will not be used by members when off-duty with the following exceptions:

1. In circumstances when a deputy has been placed on call by the Sheriff or designee and there is a high possibility the deputy will be called back to duty.
2. When the deputy is performing a work-related function while off-duty, including vehicle maintenance or travelling to or from a work-related activity or function.
3. At the discretion of the Sheriff or designee.

(l) Deputies are prohibited from operating a County-owned vehicle when on- or off-duty if the deputy is or has been consuming alcohol.

(m) Whenever operating vehicles owned by the Office whether on- or off-duty the deputy will carry and have accessible his/her duty firearm and be prepared to perform any function they would be expected to perform while on duty.

(n) The two-way communications radio, MDC and Global Positioning Satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation, unless it would interfere with a specific work function, such as surveillance.

(o) Deputies shall ensure all weapons are secure while the vehicle is unattended.

(p) Unattended vehicles are to be locked and secure at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine environmental safety and charging).

(q) When in operation, the deputy must be prepared and reasonably available to respond to an emergency. If deputies are summoned to, or involved in, a law enforcement

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activity, they shall notify dispatch of their response or activity and should continue the action until cancelled or concluded.

The Sheriff or designee may make exceptions to these provisions.

708.5 TAKE HOME SQUAD

Deputies who reside outside the County and assigned a vehicle can request to take home their assigned vehicle if they reside within 15 miles of the Dakota County border. A request for a take home vehicle that is to be driven to and from a work assignment outside of the county line must be made annually in writing to the Commander of Operations by January 1st or prior to a change in job assignment where you could be assigned a take home vehicle.Additionally, employees assigned a take home vehicle and reside outside of the 15-mile radius of the county border may request approval to park their vehicle at a local Sheriff's Office or municipal Police Department with law enforcement authorization to park there. Employees who are assigned a take home vehicle must either reside in a single family or townhome style of residence so that the vehicle can be safely kept and stored while not in use on private property.

708.6 VEHICLE ALTERATIONS

Alterations of any type to any vehicles requires prior written authorization of the Sheriff or designee.

708.7 DEPUTY MAINTENANCE RESPONSIBILITIES

Deputies will be responsible for the upkeep of their assigned vehicle. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Vehicles should be fueled at the end of each shift to prepare for an emergency response at the next use.

(b) Upon start of shift check tires, all safety and emergency equipment, interior and exterior to verify the vehicle is in a safe operating condition and prepared for routine and emergency service.

(c) At the start and end of any use, inspect the vehicle for any damage. If damage is discovered, advise your immediate supervisor.

(d) Vehicle is kept clean both inside and out as is reasonable and all work-related and issued equipment is in the vehicle. The appearance of the vehicle reflects directly upon the deputy and the entire Office.

(e) Ensure all scheduled vehicle maintenance and car washes are performed as necessary at a facility approved by the Office. The Office shall be notified of problems with Office-owned vehicles and approve any major repairs before they are performed.

(f) Vehicle maintenance should not be delayed and should be coordinated in advance when reasonably possible for completion during a deputy's regular duty time to minimize cost to the County. If unanticipated circumstances thwart such advance planning, the deputy should arrange an alternative for timely vehicle maintenance with

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their supervisor. Vehicle maintenance during off-duty time resulting in overtime pay should be avoided and is warranted only in unusual circumstances after prior approval of a supervisor.

708.8 ATTIRE AND APPEARANCE

When operating an assigned vehicle off-duty, deputies may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance regardless of the activity should be suitable to reflect positively upon the Office.

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Cash Handling, Security and Management

710.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure office members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property Room and Informants policies.

710.2 POLICY

It is the policy of the Dakota County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of office operations and ensure the public trust.

710.3 PETTY CASH FUNDS

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger.

710.4 PETTY CASH TRANSACTIONS

All transactions should be documented on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry.

710.4.1 AUTHORIZATION

Cash or credit card transactions over $500 shall require authorization from the fund manager, as designated by the Sheriff.

710.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once each quarter. This audit requires that the manager and at least one other command staff member, selected by the Sheriff, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

710.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Investigations supervisor duties shall discharge those duties in accordance with the Property Room and Informants policies.

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710.7 OTHER CASH HANDLING

Members of the Office who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Floatation Device

711.1 PURPOSE AND SCOPE

PURPOSE AND SCOPE

This policy establishes guidelines for the use of personal floatation devises. This policy will apply to all members operating or riding in all county owned watercraft.

711.2 SECTION TITLE

Definitions

Personal Floatation Device (abbreviated as PFD; also referred to as life jacket, life preserver, life vest) - US Coast Guard approved life jacket designed to assist a wearer to keep afloat in water.

Operate - to navigate or otherwise use a watercraft

Underway - moving through the water

711.3 SECTION TITLE

Wearing of Personal Floatation Device

All members shall wear according to manufacture, properly fitted personal floatation devices when operating or riding in any watercraft owned, leased or rented by this office while on or off-duty, or in any privately owned watercraft while on-duty. The member driving a watercraft shall ensure all other occupants, including those who are not members of the Office, are wearing properly fitted personal floatation devices when practical.

711.4 SECTION TITLE

Transporting Suspects, Prisoners, or Arrestees

When practical, suspects, prisoners and arrestees should put on a personal floatation device before getting into the watercraft and be handcuffed in the front while in a seated position. If unable to provide a personal floatation device before suspect, Prisoner, or Arrestee comes aboard, you shall provide one before going underway.

711.5 SECTION TITLE

Inoperable or defective personal floatation devices

Any personal floatation devise shall not be modified or altered in any way, and if found to be defective or inoperable shall not be worn. In the event a personal floatation device is found to be defective or inoperable, the Sergeant in the Parks, Lakes, and Trails Unit shall be notified. When a personal floatation device is taken out of service the Parks, Lakes, and Trails Sergeant will take prompt action to replace or repair the device.

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Chapter 8 - Support Services

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Property Room

800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property. Property belonging to persons in custody should be handled pursuant to policies guiding Juvenile Temporary Custody, Temporary Holding Facility, Jail Operations, and the operations procedures for each facility or operation.

800.1.1 PROPERTY ROOM SECURITY

The Property Room shall maintain secure storage and control of all property necessitating custody by the Office. The property and evidence technician reports to the Investigation Division supervisor and is responsible for the security of the Property Room.

Property Room keys are maintained only by the property and evidence technician and the Investigation Division supervisor. An additional key is in a sealed and initialed envelope maintained in the safe in the Sheriff's office. The property and evidence technician and the Investigation Division supervisor shall not loan Property Room keys to anyone and shall maintain keys in a secure manner. The Investigation Division supervisor is responsible for re-keying and issuing new keys as necessary whenever there is a change in personnel with access to the Property Room. The Investigation Division supervisor shall conduct periodic inventories of Property Room keys.

Any individual entering the Property Room other than the property and evidence technician must be accompanied by the property and evidence technician or the InvestigationDivision supervisor and must sign in and out on the logbook giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

800.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Office for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

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800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with labeling the evidence and entering it into the computerized property system. Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by a deputy with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence (Minn. Stat. § 626.04 (a)). Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Minn. Stat. § 626.04 (b) and Minn. Stat. § 629.361).

A deputy arresting a person for burglary, robbery or a theft offense shall use reasonable diligence to secure the property that was alleged to have been stolen and shall be answerable for it while it remains in his/her custody (Minn. Stat. § 629.361).

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The computerized property system entry must be completed to document the release of property. The owner shall sign, acknowledging receipt of the item(s) in the computerized property system.

800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty, unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the property label describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) The employee shall mark each item of evidence with initials and date.

(c) Items too small to mark, or that will be damaged, degraded, or devalued by marking, should be individually packaged and labeled, and the package marked with initials and date.

(d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(e) Place the case number in the upper right-hand corner or in the appropriate field of the evidence/property tag.

(f) The original property documentation shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.

(g) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any office supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property label placed into a numbered property locker indicating the location of the property.

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(h) Notify the property and evidence technician or Investigation Division supervisor when temporary storage is unavailable or the size or composition of the property makes it impossible to adequately secure the property.

800.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately using a separate entry into the computerized property system. Drug paraphernalia shall also be booked separately into the computerized property system.

The deputy seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker or secured area of Garage Three (if appropriate) after submitting them into the computerized property system.

800.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify the immediate supervisor or the Watch Commander. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials.

800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking.

(b) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame.

(c) All cash shall be counted in the presence of another deputy, with a cash card filled out and signed by both deputies.

(d) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.

County property, unless connected to a known criminal case, may be released directly to the appropriate County department. If property is not released to the appropriate county department, the property should be entered into the computerized property system in the normal manner.

800.3.5 COURT-ORDERED FIREARM SURRENDERS

(a) This office shall accept firearms surrendered by an abusing party or defendant pursuant to a court order (Minn. Stat. § 518B.03; Minn. Stat. § 624.7175).

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(b) Members accepting surrendered firearms should complete a standardized Firearms Proof of Transfer form, if available. The individual should be provided with a copy of the Proof of Transfer form (Minn. Stat. § 518B.03, Subd. 3; Minn. Stat. § 624.7175). If a standard form is not available, an evidence/property form should be used and include the following information:

1. Whether the firearm is being transferred temporarily or permanently
2. The abusing party or defendant's name
3. The date and time of the transfer
4. Complete description of all firearms surrendered (e.g., make, model, serial number, color, identifying marks)

(c) In certain circumstances, a court may issue an order for the immediate transfer of firearms of an abusing party or defendant.

1. The Office may serve the court order either by assignment or when a deputy comes into contact with an abusing party or defendant for which a court order has been issued but has not been served, or for which they are in violation. In such cases, if there are firearms that may be lawfully seized, they should be seized and submitted to the Property Room pursuant to standard protocol.
2. If the abusing party or defendant is not cooperative, seek guidance from legal counsel to ensure that firearms are seized lawfully.
3. Permits possessed by the abusing party or defendant should be returned to the Sheriff where the person resides.

(d) The Property Room shall develop and maintain a process to store, transfer, release, or dispose of firearms ordered surrendered by a court. The procedures shall:

1. Provide for adequate storage and protection so as to preserve the condition of the firearms.
2. Require a valid court order or written notice from the abusing party or defendant to be presented before any transfer of the firearms.
3. Ensure that recipients of transferred firearms are not legally prohibited from possession of firearms under state or federal law.
4. Provide for the transfer of firearms to a federally licensed firearms dealer or a third party who is eligible to possess firearms and does not reside with the subject, upon receipt of written notice from the subject.
5. Ensure that proper affidavits or proof of transfer are obtained from any designated firearms dealer or third party.
6. Ensure that prior to disposition of unclaimed firearms, abusing parties or defendants are notified via certified mail.
    (a) A person who does not pay the storage fee, when applicable, for a temporary firearm transfer within 60 days of the firearm being transferred is considered to have abandoned their firearm (Minn. Stat. § 518B.03, Subd. 2).

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7. Provide for the transfer of the firearms from a subject to a third party supervised by a deputy or conducted in a safe zone under video surveillance and documentation requirements (Minn. Stat. § 518B.03, Subd. 2).
8. Provide for the storage and disposal of permanently transferred and abandoned firearms.
    (a) The Office may charge the subject a reasonable processing fee for surrenders pursuant to Minn. Stat. § 518B.03
9. Provide for the processing of documentation for permanently or temporarily transferred firearms.
10. Provide for the return of temporarily transferred firearms to the subject, upon request, after the expiration of the prohibiting time period, provided the subject is not otherwise prohibited from possessing firearms under state or federal law.

800.3.6 RECOVERED OR CONFISCATED FIREARMS

The Property Room shall establish a process to transmit all required information to the United States Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center's eTrace system for any firearm recovered or confiscated as soon as practicable, in accordance with Minn. Stat. § 626.5536.

800.4 PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances
(b) Firearms (ensure they are unloaded and booked separately from ammunition)
(c) Property with more than one known owner
(d) Drug paraphernalia
(e) Fireworks
(f) Contraband
(g) Biohazards

800.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances in a suitable container available for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

Property or evidence that is a potential biohazard should be plainly marked with a biohazard label.

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800.4.2 PACKAGING CONTROLLED SUBSTANCES

The deputy seizing controlled substances shall enter the evidence in the same manner as all other items of evidence, by entering it into the computerized property system.

Controlled substances shall be packaged in an appropriate-sized container available in the evidence packaging room. The booking deputy shall initial the sealed container. Controlled substances shall not be packaged with other property. The package should contain both the case number and the item number.

In most circumstances, the Dakota County Drug Task Force (DCDTF) will assume possession of suspected controlled substances. The DCDTF will normally be responsible for weighing and analyzing the suspected controlled substances.

800.4.3 RIGHT OF REFUSAL

The property and evidence technician has the right to refuse any piece of property that is not properly documented or packaged. Should the property and evidence technician refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting deputy.

800.5 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall log property into the computerized property system.

Computerized records, including the computerized construction of a unique identification number, shall be maintained for each piece of property received. The computerized property system shall record the property number, the date received, case number, tag number, item description, item location and date disposed.

Any changes in the location of property held by the Dakota County Sheriff's Office shall be noted in the computerized property system.

800.6 PROPERTY CONTROL

Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information in the computerized proeprty system. Deputies desiring property for court shall contact the property and evidence technician at least one day prior to the court day.

800.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the computerized property system shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving authorization from a supervisor, investigator, the County Attorney's Office, or pursuant to a Court Order.

Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out any time after booking of the property or evidence.

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800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the computerized property system and the request for laboratory analysis.

The property and evidence technician releasing the evidence must complete the required information in the computerized property system. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be placed into the electronic case file.

800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom it was released.

The property and evidence technician shall obtain the signature of the person to whom property was released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the computerized property system, indicating date, time and the person who returned the property.

800.6.4 AUTHORITY TO RELEASE PROPERTY

The property and evidence technician shall not release any property without authorization from an appropriate authorized member of the Office. The Investigations shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

Property held as evidence for a pending criminal investigation or proceeding shall be retained for a period of time no less than that required pursuant to Minn. Stat. § 628.26.

For property in custody of the Office for investigatory or prosecutorial purposes and owned by a victim or witness, a property and evidence technician shall, upon the request of the owner:

(a) Provide a list describing the property unless such release would seriously impede an investigation.

(b) Return the property expeditiously unless the property is required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property in accordance with the requirements of Minn. Stat. § 609.523.

800.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

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Property will be released only with authorization from an appropriate supervisor, investigator, the County Attorney's Office, or pursuant to Court Order. Release or disposal of all property shall be properly documented in the computerized property system.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction, which may be conducted as an Internet-based auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed.

A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. The owner shall also pay any costs incurred by the agency, including costs for towing or storage. A signature of the person receiving the property shall be recorded in the computerized property system.

800.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this office may be restored to the owner (Minn. Stat. § 609.523 Subd. 3). Such property may be released from law enforcement custody when the following are satisfied:

(a) Photographs of the property are filed and retained by the Property Room.

(b) Satisfactory proof of ownership of the property is shown by the owner.

(c) A declaration of ownership is signed under penalty of perjury.

(d) A receipt for the property is obtained from the owner upon delivery.

800.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Office may be asked to file an interpleader in court to resolve the disputed claim.

800.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922.

The Office shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner (Minn. Stat. §

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609.5315 Subd. 7). At the expiration of such period, the firearm or other deadly weapon may be processed for disposal consistent with this policy.

800.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence technician shall request a disposition or status on all property that has been held in excess of 120 days and for which no disposition has been received from a supervisor or investigator.

800.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances.
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court.
- Counterfeiting equipment.
- Gaming devices.
- Obscene matter ordered to be destroyed by the court.
- Altered vehicles or component parts.
- Controlled substances.
- Unclaimed, stolen or embezzled property.
- Destructive devices.

Money found in gambling devices by any peace officer, other than a municipal police officer, shall be paid into the county treasury. Money found in gambling devices by a municipal police officer shall be paid into the treasury of the municipality (Minn. Stat. § 626.04 (b)).

800.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and is reportable as specified in this policy Minn. Stat. § 345.38 and Minn. Stat. § 345.75).

800.7.3 SHERIFF SEIZURES AND SALES

A deputy may seize and retain any personal property abandoned upon any public way, sidewalk or other public place, or any property entered as evidence in a judicial proceeding following its release by the court (Minn. Stat. § 345.15). After holding the property for a period of at least 90 days, it may be sold at a public auction. The net proceeds of the sale shall be transferred to the general revenue fund of the county, minus the cost of handling, storage or sale.

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800.7.4 RETENTION OF BIOLOGICAL EVIDENCE

The Property Room Supervisor shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The InvestigationDivision Supervisor

Biological evidence shall be retained for a minimum period established by law, the Property Room Supervisor or the expiration of any sentence imposed related to the evidence (Minn. Stat. § 590.10), whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the InvestigationDivision Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Bulk evidence may be destroyed prior to these minimum retention periods only pursuant to a court order or if the Property Room Supervisor determines that such destruction is consistent with Minn. Stat. § 590.10 and the above notices have been made.

800.8 REPORT OF ABANDONED PROPERTY (MONEY)

The Investigations supervisor shall complete an annual report of presumed abandoned property as described in law to the Commissioner of Commerce. The report is to cover the 12-month period ending June 30 each year and is to be filed before November 1 each year (Minn. Stat. § 345.41).

800.9 INSPECTIONS OF THE PROPERTY ROOM

The Investigation Division Commander shall ensure that:

(a) On a monthly basis, the Investigations supervisor inspects the property storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of property storage areas are conducted annually as directed by the Sheriff.

(c) An annual representative audit of property held by the Office is conducted by a Division Commander who is not routinely or directly connected with evidence control, with the number of items determined by the Sheriff.

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(d) In order to ensure that all items are accounted for and records are correct, a full inventory of property held by the Office is conducted by a person who is not associated with the Property Room or its function whenever:

1. There is a change of assignment for any member with authorized access to the the Property Room or a change of the Sheriff.
2. There is any indication or suspicion of a breach of the Property Room repository.

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Records

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Dakota County Sheriff's Office Records. The policy addresses office file access and internal requests for case reports.

802.2 FILE ACCESS AND SECURITY

The security of files in the Records must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records, accessible only by authorized members of the Records. Access to case reports or files when Records staff is not available may be obtained through the Watch Commander.

The Records will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

802.2.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records. Should an original case report be needed for any reason, the requesting office member shall first obtain authorization from the Program Administration Supervisor. All original case reports removed from the Records shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records.

All original case reports to be removed from the Records shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records. The photocopied report shall be shredded upon return of the original report to the file.

802.3 POLICY

It is the policy of the Dakota County Sheriff's Office to maintain office records securely, professionally, and efficiently.

802.4 CONFIDENTIALITY

Records staff has access to information that may be confidential or sensitive in nature. Records staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records procedure manual.

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Records Maintenance and Release

806.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential Data on Individuals - Data classified as confidential by state or federal law and that identifies individuals and cannot be disclosed to the public or even to the individual who is the subject of the data (Minn. Stat. § 13.02, Subd. 3).

Corrections and Detention Data - Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities (Minn. Stat. § 13.85, Subd. 1).

Data on Individuals - All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual (Minn. Stat. § 13.02, Subd. 5).

Government Data - Data collected, created, received, maintained or disseminated by this office regardless of its physical form, storage media or conditions of use (Minn. Stat. § 13.02, Subd. 7).

Private Data - Data classified as private by state or federal law and that identifies individuals that are only available to the individual who is the subject of the data or with the individual's consent (Minn. Stat. § 13.02, Subd. 12).

806.2 POLICY

The Dakota County Sheriff's Office is committed to providing public access to records and data in a manner that is consistent with the Minnesota Government Data Practices Act (MGDPA) and Official Records Act (Minn. Stat. § 13.03; Minn. Stat. § 15.17).

806.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office data (Minn. Stat. § 15.17; Minn. Stat. § 138.17, Subd. 7).

(b) Maintaining and updating the office records retention schedule, including:

1. Identifying the minimum length of time the Office must keep data.
2. Identifying the office division responsible for the original data.

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(c) Establishing rules regarding the inspection and copying of office data as reasonably necessary for the protection of such data.

(d) Identifying data or portions of data that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of data.

(f) Ensuring a current schedule of fees for public data as allowed by law is available.

(g) Ensuring the posting or availability to the public a document that contains the basic rights of a person who requests government data, the responsibilities of the Office, and any associated fees (Minn. Stat. § 13.025).

(h) Ensuring data created by the Office is inventoried and subject to inspection and release pursuant to lawful requests consistent with the MGDPA requirements (Minn. Stat. § 13.03, Subd. 1).

(i) Ensuring the collection, maintenance, and analysis of demographic data related to detentions (stops, frisks, searches, summonses, and arrests), and making this data publicly available in accordance with the Protected Information Policy, provided the information does not compromise an ongoing investigation.

(j) Ensuring that the current version of each office policy identified in Minn. R. 6700.1615 is posted on the office's website or otherwise posted in the public area of the Office in accordance with Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

806.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any office member who receives a request for data shall route the request to the Data Practices Compliance Liaisons or designee.

806.4.1 REQUESTS FOR RECORDS

. The processing of requests for data is subject to the following:

(a) A person shall be permitted to inspect and copy public government data upon request at reasonable times and places and shall be informed of the data's meaning if requested (Minn. Stat. § 13.03, Subd. 3).

  (a) The Office may not charge or require the requesting person to pay a fee to inspect data. Inspection includes but is not limited to the visual inspection of paper and similar types of government data. Inspection does not include printing copies, unless printing a copy is the only method to provide for inspection of the data (Minn. Stat. § 13.03, Subd. 3(b)).

  (b) For data stored and made available in electronic form via remote access, public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data. A fee may be charged for remote access to data where either the data or the access is enhanced at the request of the person seeking access (Minn. Stat. § 13.03, Subd. 3(b)).

(b) Government data maintained by this office using a computer storage medium shall be provided in that medium in electronic form, if a copy can be reasonably made. The Office is not required to provide the data in an electronic format or program that is

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different from the format or program in which the data is maintained (Minn. Stat. § 13.03, Subd. 3 (e)).

(c) The Office is not required to create records that do not exist.

(d) The Custodian of Records or designee processing the request shall determine if the requested data is available and, if so, whether the data is restricted from release or denied. The Custodian of Records or designee shall inform the requesting person of the determination either orally at the time of the request or in writing as soon after that time as reasonably possible. The Custodian of Records or designee shall cite the specific statutory section, temporary classification or specific provision of state or federal law on which the determination is based. Upon the request of any person denied access to data, the denial shall be certified in writing (Minn. Stat. § 13.03, Subd. 3 (f)).

(e) When a record contains data with release restrictions and data that is not subject to release restrictions, the restricted data shall be redacted and the unrestricted data released.

  (a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) When a record contains data which documents the following, the portions specified by Minn. Stat. § 13.82 are public government data as provided:

  (a) Citations, arrests, incarcerations, or other actions that substantially deprive a person of their liberty (Minn. Stat. § 13.82, Subd. 2)

  (b) Requests by the public for law enforcement services (Minn. Stat. § 13.82, Subd. 3)

806.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any office record, including traffic collision reports, is restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Private data on the following individuals (Minn. Stat. § 13.82, Subd. 17):

  1. An undercover law enforcement officer

  2. A victim or alleged victim of criminal sexual conduct, or sex trafficking, or of a violation of Minn. Stat. § 617.246, Subd. 2

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3. A paid or unpaid informant if the Office reasonably believes revealing the identity would threaten the personal safety of the informant
4. A victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the Office reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual
5. A person who placed a call to a 9-1-1 system or the identity of the person whose phone was used to place a call to the 9-1-1 system when revealing the identity may threaten the personal safety or property of any person or the purpose of the call was to receive help in a mental health emergency. A voice recording of a call placed to the 9-1-1 system is deemed to reveal the identity of the caller
6. A juvenile witness when the subject matter of the investigation justifies protecting the identity of the witness
7. A mandated reporter
8. A judicial official as described in Minn. Stat. § 480.40 (Minn. Stat. § 13.991)

(c) Audio recordings of calls placed to the 9-1-1 system requesting law enforcement, fire, or medical agency response, except that a written transcript of the call is public unless it reveals the identity of protected individuals (Minn. Stat. § 13.82, Subd. 4).

(d) Criminal investigative data involving active cases and inactive investigative data (Minn. Stat. § 13.82, Subd. 7):

1. If the release of the data would jeopardize another ongoing investigation or would reveal the identity of protected individuals or is otherwise restricted.
2. Images and recordings, including photographs, video, and audio records that are clearly offensive to common sensibilities. However, the existence of any such image or recording shall be disclosed.
3. As otherwise restricted by law.

(e) Juvenile records and data (Minn. Stat. § 260B.171).

(f) State criminal history data held in the Bureau of Criminal Apprehension (BCA) database, including but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, and custody and supervision data (Minn. Stat. § 13.87).

(g) Traffic collision reports and related supplemental information (Minn. Stat. § 169.09, Subd. 13).

(h) Corrections and detention data (Minn. Stat. § 13.85).

(i) Personnel data except, unless otherwise restricted (Minn. Stat. § 13.43, Subd. 2):

1. Name, employee identification number, and some aspects of compensation
2. Job title, bargaining unit, job description, education and training background, and previous work experience
3. Date of first and last employment

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4. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action
5. Final disposition of any disciplinary action together with the specific reasons for the action, and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of this office
6. Terms of any agreement settling any dispute arising out of an employment relationship
7. Work location, work telephone number, badge number, and honors and awards received
8. Time sheets or other comparable data only used to account for an employee's work time for payroll purposes, excluding the use of sick or other medical leave or other nonpublic data
9. All other personnel data regarding employees of this office are private data and may only be released as authorized by that classification

(j) Any data that was created under the direction or authority of the County Attorney exclusively in anticipation of potential litigation involving this office shall be classified as protected nonpublic or confidential data while such action is pending (Minn. Stat. § 13.39).

(k) All data collected by an Automated License Plate Reader (ALPR) on individuals or nonpublic data absent an exception (Minn. Stat. § 13.82; Minn. Stat. § 13.824).

(l) Response or incident data, so long as the Custodian of Records determines that public access would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection, or destroy evidence (Minn. Stat. § 13.82, Subd. 14).

(m) Any data on individuals receiving peer counseling or critical incident stress management services (Minn. Stat. § 13.02, Subd. 12; Minn. Stat. § 181.9731; Minn. Stat. § 181.9732).

Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03, Subd. 1).

806.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for data should promptly contact their supervisor and the Program Administrative Supervisor or Administrative Correctional Captain for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Attorney, County Attorney or the courts.

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All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

806.7 EXPUNGEMENT

A petition for expungement and expungement orders received by the Office shall be reviewed for appropriate action by the Program Administrative Supervisor, Administrative Correctional Captain or designee.

806.7.1 PETITION FOR EXPUNGEMENT

When responding to a petition for expungement, the Program Administrative Supervisor, Administrative Correctional Captain or designee shall inform the court and the individual seeking expungement that the response contains private or confidential data (Minn. Stat. § 609A.03, Subd. 3).

806.7.2 ORDERS OF EXPUNGEMENT

The Program Administrative Supervisor, Administrative Correctional Captain or designee shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once expunged, members shall respond to any inquiry as though the record did not exist.

Upon request by the individual whose records are to be expunged, the Program Administrative Supervisor, Administrative Correctional Captain or designee must send a letter at an address provided by the individual confirming the receipt of the expungement order and that the record has been expunged (Minn. Stat. § 609A.03, Subd. 8).

Expunged records may be opened only by court order (Minn. Stat. § 609A.03, Subd. 7).

Expunged records of conviction may be opened for purposes of evaluating a prospective employee of the Office without a court order.

The Program Administrative Supervisor, Administrative Correctional Captain or designee shall inform any law enforcement, prosecution or corrections authority, upon request, of the existence of a sealed record and of the right to obtain access to it.

806.7.3 BCA NOTIFICATION OF GRANT OF EXPUNGEMENT

If the Office receives notice from the BCA that its records may be affected by an automatic grant of expungement, the Custodian of Records shall determine if any records requested thereafter were expunged and, if so, treat the records as private data except as provided by law (Minn. Stat. § 609A.015, Subd. 5).

806.8 MAINTENANCE OF CLOSED RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure. Closed records shall be kept separate from public records and shall remain confidential.

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Protected Information

808.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Dakota County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the government data information covered in the Records Maintenance and Release Policy.

808.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Dakota County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

808.2 POLICY

Members of the Dakota County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

808.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office to coordinate the use of protected information (Minn. Stat. § 13.05, Subd. 13).

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), Minnesota Division of Driver and Vehicle Services (DVS) records, Minnesota Bureau of Criminal Apprehension (BCA), and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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(g) Ensuring a comprehensive security assessment of any personal information maintained by the Dakota County Sheriff's Office is conducted at least annually (Minn. Stat. § 13.055, Subd. 6).

(h) Ensuring CIBRS is notified within 10 days that an investigation in CIBRS has become inactive (Minn. Stat. § 299C.40).

808.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Dakota County Sheriff's Office policy or training (Minn. Stat. § 13.09). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (Minn. Stat. § 13.05; Minn. Stat. § 299C.40).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

808.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Program Administration Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

808.5.1 REVIEW OF CHRI

Members of this office shall refer individuals seeking access to CHRI to the Minnesota BCA (Minn. Stat. § 13.87, Subd. 1(b)).

808.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Office to oversee the security of protected information.

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The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

808.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

808.7 TRAINING
All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

808.8 SECURITY BREACHES
In the event of an actual or potential breach of the security or other unauthorized acquisition of private or confidential information, the Sheriff or designee shall ensure an investigation into the breach is made. Upon completion of the investigation and final disposition of any disciplinary action, a report containing the facts and result of the investigation shall be prepared. If the breach was conducted by an employee, contractor or agent of Dakota, the report must include a description of the type of data that was breached, the number of individuals whose information was breached, the disposition of any related disciplinary action, and the identity of the employee determined to be responsible for the breach (Minn. Stat. § 13.055).

Written notice shall be given to any individual whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person as soon as reasonably practicable. The notice shall include the following (Minn. Stat. § 13.055):

(a) Notification that an investigation will be conducted.

(b) Notification that a report containing the facts and results will be prepared.

(c) Information on how the person may obtain access to the report, including that he/she may request delivery of the report by mail or email.

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The notice may be delayed only so long as necessary to determine the scope of the breach and restore the reasonable security of the data or so long as it will impede an active criminal investigation. Notice shall be made by first class mail, electronic notice or substitute notice as provided in Minn. Stat. § 13.055, Subd. 4. If notification is required to be made to more than 1,000 individuals, notice to all consumer reporting agencies of the timing distribution and content of the notices must also be made (Minn. Stat. § 13.055, Subd. 5).

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Computers and Digital Evidence

810.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

810.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Log all computer items into the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, deputies should document the following in related reports:

1. Where the computer was located and whether it was in operation.
2. Who was using it at the time.

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3. Who claimed ownership.
4. If it can be determined, how it was being used.

810.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

810.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, discs, memory cards, flash memory, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation or other legal authority for examination.

(c) A listing of the items to search for (e.g., photographs, financial records, E-mail, documents).

(d) A forensic copy of the media will be made, and subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

810.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, contact a detective assigned to the Electronic Crime Unit.

(b) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(c) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day. Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

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810.4 SEIZING PCDS

Personal communication devices such as cellular telephones, smart phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Try to ascertain from the owner whether the device is password protected or pattern locked. If it is, attempt to get the password or pattern from the owner.

(c) Remove the battery from the device. If the device has an internal battery, power the device off.

(d) Seize charging units when feasible.

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Jeanne Clery Campus Safety Act

818.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this office fulfills its obligation in complying with the Jeanne Clery Campus Safety Act (Clery Act).

818.2 POLICY

The Dakota County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Dakota County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Dakota County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Dakota County Sheriff's Office staff and faculty of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

818.3 POLICY, PROCEDURE, AND PROGRAM DEVELOPMENT

The Sheriff shall:

(a) Ensure that the Dakota County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into agreements as appropriate with local law enforcement agencies to:

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
4. Notify the Dakota County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
5. Notify the Dakota County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar

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crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic abuse, dating violence, sexual assault, and stalking, and what to do if an offense occurs, including but not limited to who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for in 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

(g) Appoint a designee to assist in the development of prevention and awareness programs related to hazing as defined by the institution, including but not limited to the procedures for reporting and investigating incidents; information on local, state, and tribal laws on hazing; and hazing prevention strategies (20 USC § 1092(f)(1)(K); 20 USC § 1092(f)(1)(L)).

818.4 RECORDS COLLECTION AND RETENTION

The Program Administration Supervisor is responsible for maintaining Dakota County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft

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7. Manslaughter
8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
10. Dating violence, domestic abuse, and stalking
11. Hazing

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity, or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic abuse, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(13); 34 CFR 668.46(c)(5)):

1. On campus.
2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus residential or student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the Dakota County Sheriff's Office (34 CFR 668.46(c)(3)).

(e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(g) The statistics shall not identify by name victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

(h) Hazing incident statistics shall be compiled using the definitions in the Stop Campus Hazing Act (20 USC § 1092 (f)(6)(A)(vi)). The statistics shall be compiled for each single incident and as required by 20 USC § 1092(f)(7).

818.4.1 CRIME LOG

The Program Administration Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4) and 34 CFR 668.46(f)):

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(a) The daily crime log will record all crimes reported to the Dakota County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Office.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the sheriff's office or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

818.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.

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4. Crime, dating violence, domestic abuse, sexual assault, and stalking awareness and prevention programs, including:
    (a) Procedures victims should follow.
    (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Policies and incident prevention and awareness programs concerning hazing, including:
    (a) Procedures for reporting incidents.
    (b) Procedures for investigating incidents.
    (c) Information on applicable local, state, and tribal laws on hazing.
    (d) Primary prevention strategies (e.g., bystander intervention, ethical leadership, building group cohesion without hazing).
6. Enforcement policies related to alcohol and illegal drugs.
7. Locations where the campus community can obtain information about registered sex offenders.
8. Emergency response and evacuation procedures.
9. Missing student notification procedures.
10. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

(d) Information necessary for the institution to prepare the Campus Hazing Transparency Report (CHTR) (20 USC § 1092(f)(9)).

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Animal Control

819.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Dakota County Sheriff's Office personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances.

819.2 SHERIFF'S OFFICE RESPONSIBILITIES

The Sheriff's Office shall be responsible for enforcing local, state and federal laws relating to animals and for appropriately resolving or referring animal problems as outlined in this policy (Minn. Stat. § 343.20 Subd. 5).

819.3 DEPUTY RESPONSIBILITIES

Deputies may be dispatched to animal-related calls and should take appropriate actions to control the situation. Due to the hazards of handling animals without proper equipment, responding deputies generally should not attempt to capture and pick up any animal until they have the proper equipment. The following are examples of when a deputy may consider acting before they have proper equipment:

(a) When there is a threat to the public safety.

(b) When an animal has bitten someone, deputies should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When an animal is gravely injured.

A deputy may remove, shelter and care for any animal that is not properly sheltered from cold, heat or inclement weather, or any animal not properly fed and watered or provided with suitable food and drink, in circumstances that threaten the life of the animal (Minn. Stat. § 343.29 Subd. 1). The animal may be euthanized following a determination by a doctor of veterinary medicine that the animal is suffering and is beyond cure through reasonable care and treatment (Minn. Stat. § 343.29 Subd. 2).

Deputies shall not enter a facility where farm animals are confined unless they follow a procedure and directive for biosecurity measures identified by the Board of Animal Health (Minn. Stat. § 17.986).

819.3.1 ANIMAL CRUELTY COMPLAINTS

Deputies shall investigate all reports of animal cruelty and ensure follow-up, pursuant to Minn. Stat. § 343.12. Deputies shall not hesitate to take any immediate actions deemed necessary, such as arresting violators and providing for the care and welfare of abused animals.

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Following a court order, a deputy shall search the place designated in a warrant and conduct an investigation in conjunction with a veterinary doctor (Minn. Stat. § 343.22 Subd. 2).

819.3.2 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted if reasonably possible (Minn. Stat. § 343.29 Subd. 1). If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the approved animal shelter .

The animal pick-up form must be completely filled out.

819.3.3 ANIMAL BITES TO HUMANS

Deputies shall obtain as much information as possible for the Incident Report. Deputies shall instruct the owner of a biting animal that is a pet, farm animal or domesticated wild animal that, if contacted, to keep the animal confined on the property until contacted by the assigned deputy. If the animal is a stray, every reasonable effort shall be made to capture and impound the animal immediately.

The following actions and enforcement by local animal control and deputies are required when an animal bites a human (Minn. R. 1721.0520; Minn. R. 1721.0580):

(a) If a dog, cat or ferret bites a human, the animal must be confined and observed for signs suggestive of rabies for 10 days or euthanized and tested for rabies. If at any time during the 10-day observation the animal dies, it must be tested for rabies. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies.

(b) Stray or impounded dogs, cats or ferrets may be euthanized after a five-day holding period and, if euthanized, must be tested for rabies. If requested by the Department of Health, a stray or unwanted animal must be euthanized and tested during the five-day period.

(c) If an animal other than a dog, cat or ferret bites a human, it must be evaluated on an individual basis based on the recommendations of the Department of Health. The animal may be confined and observed for signs suggestive of rabies. If requested by the Department of Health, the animal must be euthanized and tested for rabies.

819.4 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a deputy, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it may be taken to a doctor of veterinary medicine, with supervisor authorization, as described below.

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

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(b) If after normal business hours, the animal should be taken to an authorized veterinary emergency services clinic.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

(d) When it is necessary to kill a seriously injured or dangerous animal the Firearms Policy shall be followed. The decision to dispose of a seriously injured domesticated animal will rest with the on duty Watch Commander.

(e) Injured or deceased wildlife should be referred to the nearest rehabilitation center.

(f) When handling dead or injured animals, Office employees shall attempt to identify and notify the owner of the final disposition of the animal.

(g) Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released.

819.5 CITATIONS

It should be at the discretion of the handling deputy or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

819.6 POST-ARREST PROCEDURES

The arresting deputy should make a reasonable effort to ensure that animals or pets under a person’s care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted with the owner’s consent to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

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Chapter 9 - Custody

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Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Dakota County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

900.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Dakota County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted

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by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

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Transportation of Inmates Outside of a Secure Facility

901.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the transportation of inmates outside the Dakota County Jail and to ensure that the staff assigned to transportation duties arequalified and adequately trained.

901.2 POLICY

It is the policy of the Dakota County Sheriff's Office to provide safe, secure and humane transportation for all inmates and other persons as required by law.

901.3 PROCEDURES

Only staff members who have completed office-approved training on inmate transportation should be assigned inmate transportation duty. All staff members who operate transportation vehicles shall hold a valid license for the type of vehicle being operated.

Any member who transports an inmate outside the secure confines of the Dakota County Jail is responsible for:

a. Obtaining all necessary paperwork for the inmate being transported (e.g., medical/dental records, commitment documents).

b. Taking into consideration a transport plan. Items that should be addressed in the plan include:

1. Type of restraints to be used on the inmates being transported.

2. The routes, including alternate routes, to be taken during the transportation assignment. Routes should be selected with security for the community in mind.

3. Emergency response procedures in the event of a collision, breakdown of a transportation vehicle or other unforeseen event.

c. Ensuring that all inmates are thoroughly searched and appropriate restraints are properly applied.

d. Ensuring that all vehicle security devices (e.g., window bars, inside cages, door locks) are in good repair and are operational.

e. Thoroughly searching the transporting vehicle for contraband before any inmate is placed inside, and again after removing the inmate from the transporting vehicle.

901.4 SAME SEX PRISONER TRANSPORTS

Prisoner transfers that exceed 100 miles shall be accomplished with a custodial escort of the same sex as the prisoner being transferred (Minn. Stat. 631.412).

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901.5 TRANSPORTATION LOGS

Inmate transportation logs shall be used to log all inmate transportation. The logs shall include:

- Identification of the inmate.
- Date and start/stop time of the transport.
- Location where the inmate was transported.
- Identification of the transporting deputy.
- Circumstances of any unusual events associated with the transportation.

The logs shall be retained by the facility in accordance with established records retention schedules.

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Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and describes the standards to prevent, detect, and respond to sexual abuse and sexual harassment in facilities under the control of the Dakota County Sheriff's Office (28 CFR 115.11).

902.1.1 DEFINITIONS (28 CFR 115.5, 115.6)

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse -

Any of the following acts, if the inmate does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- Contact between the mouth and the penis, vulva or anus.
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument.
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse also includes abuse by a staff member, contractor or volunteer with or without consent of the inmate:

- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire.
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire.
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire.
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above.
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of an inmate.

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- Voyeurism by a staff member, contractor or volunteer means an invasion of privacy of an inmate for reasons unrelated official duties, policy or procedures, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring and inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one inmate that is directed toward another; repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

Substantiated allegation – an allegation that was investigated and determined to have occurred.

Unsubstantiated allegation – an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Unfounded allegation – an allegation that was investigated and determined not to have occurred.

902.2 POLICY

This Dakota County Sheriff's Office has zero tolerance with regard to sexual abuse and sexual harassment. This office will take appropriate affirmative measures to protect all arrestees and inmates from sexual abuse and sexual harassment and will promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment. The Office will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation (28 CFR 115.11).

Dakota County Sheriff's Office Office

The Dakota County Sheriff's Office will take immediate action to protect inmates who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA COORDINATOR RESPONSIBILITIES

The Sheriff shall employ or designate an upper-level, agency-wide PREA Coordinator with sufficient time and authority to delegate, develop, implement and oversee office efforts to comply with PREA standards in the Dakota County Sheriff's Office. The PREA Coordinator can have multiple PREA Compliance Managers with sufficient time and authority to enforce, investigate, and oversee day to day PREA related tasks and to ensure PREA compliance at the direction of the PREA Coordinator. (28 CFR 115.11).

The PREA Coordinator or designated Compliance Manager's responsibilities shall include:

- Develop a written comprehensive policy that outlines reaction to, and investigation of, any allegations of sexual abuse or sexual harassment. The zero-tolerance statement

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is available on the public website. The full policy is available through a data practices request (28 CFR 115.22).

- Developing a written plan to coordinate response among compliance managers, staff first responders, medical and mental health practitioners, investigators, and the facility.
- The plan must outline the office's approach to identifying imminent sexual abuse toward inmates and preventing and detecting such incidents (28 CFR 115.11; 28 CFR 115.65; 28 CFR 115.62).
- Ensuring that within 30 days of intake, inmates are provided with education, either in person or through video, regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the office's policies and procedures for responding to such incidents (28 CFR 115.33).
- Developing a staffing plan, along with Sheriff Administration, to provide adequate levels of staffing and video monitoring, where applicable, to protect inmates from sexual abuse.
    - The staffing plan also includes documenting deviations and the reasons for deviations.
    - The staffing plan is reviewed on a regular basis.
- In calculating adequate staffing levels, facility must determine the need for video monitoring and shall take into consideration (28 CFR 115.13):
    - Generally accepted detention and correctional practices.
    - Any judicial findings of inadequacy.
    - Any findings of inadequacy from investigative agencies (DOC inspections).
    - Any findings of inadequacy from internal or external oversight bodies.
    - The composition of the inmate population.
    - The number and placement of supervisory staff.
    - Institution programs occurring on a particular shift.
    - Any applicable state or local laws, regulations, or standards.
    - The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
    - Any other relevant factors.
- Ensuring that, when designing, acquiring, expanding or modifying facilities, or when installing or updating a video-monitoring system, electronic surveillance system or other monitoring technology, consideration is given to the office's ability to protect inmates from sexual abuse (28 CFR 115.18).
- Making reasonable efforts to enter into agreements with community service providers to provide inmates with confidential emotional support services related to sexual abuse.
- Ensuring the facility shall provide inmates:

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- Access to outside victim advocates for emotional support services related to sexual abuse.
- Contact information, including free and confidential numbers, where available, of local, state, or national victim advocacy or rape crisis organizations.
- The facility shall enable reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible.
- The facility shall inform inmates that such communications are free and not monitored by this facility. However, certain organizations may warrant the issue being forwarded to authorities in accordance with mandatory reporting laws (28 CFR 115.53).

- Ensuring a protocol is developed for investigating allegations of sexual abuse in any of the Sheriff's Office areas of responsibility.
- Evidence collection practices that maximize the potential for obtaining usable physical evidence based on accepted, comprehensive, and approved protocols (CFR 115.21).
- A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
- A process to document all referrals to other law enforcement agencies.
- Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate.
  - Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible.
  - If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners.
  - The efforts to provide SAFEs or SANEs shall be documented (See MOU).
  - In accordance with security needs, provisions to permit, to the extent available, inmate access to victim advocacy services if the inmate is transported for a forensic examination to an outside hospital that offers such services.
- Ensuring that inmates with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment.
  - This includes, upon request and as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.16).
  - The agency shall not rely on other inmates for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the inmate's safety, the performance of first-response duties under this policy, or the investigation of an inmate's allegations of sexual abuse, harassment or retaliation.

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- Ensuring that the following are published on the office website or by other means, if no website exists:
    - Office policy governing investigations of allegations of sexual abuse and sexual harassment or the referral of such investigations of sexual abuse or sexual harassment (unless the allegation does not involve potentially criminal behavior) (28 CFR 115.22).
    - Information on how to report sexual abuse and sexual harassment on behalf of an inmate (28 CFR 115.54).
    - Ensuring the protocol describing the responsibilities of the Office and of another investigating agency, if another law enforcement agency will be responsible for conducting any sexual abuse or sexual harassment investigations, is published on the facility website or by other means, if no website exists (28 CFR 115.22).
    - Implementing a process by which inmates may report sexual abuse and sexual harassment to a public/private entity or an office that is not part of the Office and that the outside entity or office is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to the appropriate Sheriff Administration staff member and that the process allows inmate anonymity (28 CFR 115.51).
- Establishing a process to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under the direct control of this office, using a standardized instrument and set of definitions.
- Upon request, the Office shall provide all such data from the previous calendar year to the U.S. Department of Justice (28 CFR 115.87).
- The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Victimization, form SSV-3, located on the Bureau of Justice Statistic website. These questions ask the number of substantiated, unsubstantiated, unfounded, or ongoing investigations that pertain to:
    - Nonconsensual sexual acts reported
    - Abusive sexual contact
    - Sexual harassment
    - Staff sexual misconduct
    - Staff sexual harassment
- The data shall be aggregated at least annually.
- Establishing a process to monitor the conduct and treatment of detainees or staff who have reported sexual abuse and the conduct and treatment of detainees who were reported to have suffered sexual abuse.
- Implementing a protocol requiring supervisors to conduct and document unannounced inspections to identify and deter sexual abuse and sexual harassment.

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- The protocol shall prohibit announcing when such inspections are to occur, unless it is necessary for operational considerations (28 CFR 115.13).

- Ensuring agreements with outside investigating agencies include PREA requirements, including a requirement to keep the Dakota County Sheriff's Office informed of the progress of the investigation (28 CFR 115.71).
- Ensuring the Office conducts a criminal background records check on members or contractors who may have contact with inmates or has in place a system for otherwise capturing such information (28 CFR 115.17).
- Ensuring contractors, volunteers, or others who work in the facility that may have inmate contact are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report any incidents (28 CFR 115.32).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Any employee, agency representative, volunteer or contractor who becomes aware of an incident of sexual abuse, sexual harassment or retaliation against inmates or staff shall immediately notify a supervisor. Any staff member, volunteer, member of the public, or inmate may also privately report sexual abuse and sexual harassment of inmates (28 CFR 115.51, 28 CFR 115.63).

The facility shall ensure:

- That a member of the public can report sexual harassment or sexual abuse of inmates anonymously.
- Inmates may report sexual abuse or sexual harassment incidents anonymously or to any staff member they choose.
- Staff members accommodate all inmate requests to report allegations of sexual abuse or harassment.
- Staff members will accept reports made verbally, in writing, anonymously, or from inmates, other staff members, outside agencies, external website reports, and third parties and will notify their supervisor or Watch Commander as appropriate and will document all such reports.
- Threats or allegations of sexual abuse and sexual harassment, regardless of the source, are documented, addressed, and investigated or referred for investigation.
- Sexual abuse and sexual harassment reports shall only be made available to those who have a legitimate need to know, and in accordance with this policy and applicable law.
- If there is an allegation that an inmate was sexually abused while he/she was confined at another facility, the Jail Administrator, PREA Coordinator, or PREA Compliance Manager shall notify the head of that facility or that facilities PREA Coordinator or PREA Compliance Manager as soon as possible but no later than 72 hours after the report of the allegation.
- No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

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902.4.1 INVESTIGATIONS

The Office shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. A preliminary fact-finding investigation will determine if the allegation is criminal or administrative. An administrative investigation, criminal investigation, or both shall be completed for all allegations of sexual abuse and sexual harassment. Investigations and fact-finding investigations shall be completed, whenever possible, to determine if the allegation is substantiated, unsubstantiated, or unfounded.

Investigations shall consider the following:

- When practicable, an investigator of the same sex as the victim should be assigned to the case.
- Sexual abuse and sexual harassment investigations should be conducted promptly and continuously until completed.
- Investigators should evaluate reports or threats of sexual abuse and sexual harassment without regard to an inmate's sexual orientation, sex or gender identity.
- Investigators should not assume that any sexual activity among inmates is consensual.
- The departure of the alleged abuser or victim from the employment or control of the jail or Office shall not provide a basis for terminating an investigation.
- If the investigation is referred to another agency for investigation, the referral shall be documented.
- The Office shall cooperate, with regard to current data practice rule, with outside agency investigations and shall request to be informed about the progress of the investigation.
- If criminal acts are identified because of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges.
- Evidence collection shall be based on Office evidence protocols.
- Inmates alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation.
- If a victim is under 18 or considered a vulnerable adult under state law, the assigned investigator shall report the allegation to the designated social services agency as required (28 CFR 115.61).

902.4.2 CRIMINAL INVESTIGATIONS

When fact-finding of sexual abuse rises to the level of possible criminal activity, licensed criminal investigators shall perform the investigation.

- Only investigators who have received office-approved special training shall conduct sexual abuse investigations (28 CFR 115.71).
- Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

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- Interview alleged victim, suspects and witnesses.
- Review any prior complaints and reports of sexual abuse involving the suspect.
- Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as an inmate or a member of the Dakota County Sheriff's Office.
- Document in written reports a description of physical, testimonial, documentary and other evidence and investigative facts and findings.
- Refer allegations of conduct that may be criminal to the County Attorney for possible prosecution, including any time there is probable cause to believe an inmate sexually abused another inmate in the Facility (28 CFR 115.78).
- Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5 ADMINISTRATIVE INVESTIGATIONS

An administrative investigation is one where the staff member’s fact-finding investigation has determined that criminal referral is unlikely or unwarranted due to the nature of the allegation and/or supporting facts. Documentation of the fact-finding investigation is required.

Administrative investigations shall:

- Include an effort to determine whether the staff’s actions or inaction contributed to the abuse.
- Be documented in written reports that include a description of the physical and testimonial evidence and investigative facts and findings.
- Include any neglect or violation of responsibilities on the part of any office member that may have contributed to an incident or retaliation

902.5.1 STAFF FIRST RESPONDERS

Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to (28 CFR 115.61, 28 CFR 115.64):

- Determine the validity of the allegation.
- If line staff, notify their supervisor.
- Supervisor will report to the office's designated investigators any allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports.
- Separate the alleged victim and abuser.
- Request medical assistance as appropriate.
- If no qualified health care or mental health professionals are on-duty when a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate qualified health care and mental health professionals.

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- Secure the scene to preserve and protect any potential evidence.
- Identify and secure witnesses until steps can be taken to collect any evidence.
- If the abuse occurred within a period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- Consider whether a change in classification or housing assignment for the victim is needed or whether witnesses to the incident need protection, both of which may include reassignment of housing.
- Determine whether the alleged perpetrator should be administratively segregated or administratively transferred during the investigation.
- If the first responder is not a deputy, the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement or correctional staff member (28 CFR 115.64).
- Should an investigation involve inmates who have disabilities or who have limited English proficiency, the first responder shall not rely on inmate interpreters, inmate readers or other types of inmate assistants, except in limited circumstances where an extended delay in obtaining an interpreter could compromise inmate safety, the performance of first responder duties or the fact-finding investigation of sexual abuse or sexual harassment allegations (28 CFR 115.16).
- Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.82).
- If receiving an allegation that an inmate was sexually abused while confined at another facility, the supervisor shall notify the PREA Coordinator or Compliance manager who will notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. This notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The supervisor shall document such notification (28 CFR 115.63).
- If an alleged inmate victim is transferred to a jail, prison or medical facility, the Office shall, as permitted by law, inform the receiving facility of the incident and the inmate's potential need for medical or social services, unless the inmate requests otherwise (28 CFR 115.65).

902.5.2 CONCLUSIONS AND FINDINGS

All completed investigations shall be reviewed in accordance to current policy and practices. The review process is to determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.72).

- All staff shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for staff members who have engaged in sexual abuse.

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- All discipline shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories (28 CFR 115.76).
- All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the law enforcement agency that would handle any related investigation; subsequent criminal investigations, unless the activity was clearly not criminal, will be reported to any relevant licensing body (28 CFR 115.76).
- Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and reported to any relevant licensing bodies (28 CFR 115.77).
- The Sheriff or designee shall take appropriate remedial measures and consider whether to prohibit further contact with inmates by a contractor or volunteer or submit the investigation for criminal prosecution as applicable.

902.5.3 REPORTING TO INMATES

The Supervisor or the authorized designee shall inform a victim inmate orally or in writing whether an allegation has been substantiated, unsubstantiated or unfounded. If the Office did not conduct the investigation, the Office shall request relevant information from the investigative agency in order to inform the inmate. All notifications will be documented.

If a staff member is the accused, unless the Office has determined that the allegation is unfounded, the inmate shall also be informed whenever:

- The staff member is no longer posted within the inmate’s unit.
- The staff member is no longer employed at the facility.
- The agency learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility.

Following an inmate’s allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:

- The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications shall be documented. This Office’s obligation to report under this standard shall terminate if the inmate is released from the agency’s custody.

902.5.4 SEXUAL ABUSE AND SEXUAL HARASSMENT BETWEEN STAFF AND INMATES

Sexual abuse and sexual harassment between staff, volunteers or contract personnel and inmates is strictly prohibited. The fact that an inmate may have initiated a relationship or sexual contact is not recognized as a defense to violating this policy. Any incident involving allegations of staff-on-inmate sexual abuse or sexual harassment shall be referred to Senior Administration for investigation. Any staff member, contractor, or volunteer who engages in sexual abuse within the facility shall be immediately prohibited from having any contact with inmates. He/she shall

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be promptly reported to the law enforcement agency that would investigate such allegations and brought to the attention of any relevant licensing bodies (28 CFR 115.77).

902.5.5 RETALIATION PROHIBITED

All inmates and/ or staff members who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation (28 CFR 115.67).

Protective measures include, but are not limited to:

- Protective housing changes
- Facility transfers
- Removal of alleged abusers from contact with victims
- Administrative reassignment or reassignment of the victim or alleged perpetrator to another housing area

Support services for inmates or staff who fear retaliation shall be utilized upon request. The PREA Coordinator or authorized designee shall determine the need to assign staff to monitor the conduct and treatment of inmates or staff who report sexual abuse or sexual harassment, as well as inmates who were reported to have suffered sexual abuse, to determine if there is any possible retaliation.

- The staff member shall act promptly to remedy any such retaliation.
- The assigned staff member should consider inmate disciplinary reports, housing or program changes, negative staff performance reviews or reassignment of staff members.
- Monitoring may continue for as long as needed.
- The PREA Coordinator should take reasonable steps to limit the number of people with access to the names of individuals being monitored and should make reasonable efforts to ensure that staff members who pose a threat of retaliation are not entrusted with monitoring responsibilities.
- If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take reasonable measures to protect that individual against retaliation.

902.6 PROTECTIVE CUSTODY

Inmates at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of available alternatives has been made and it has been determined that there is no reasonably available alternative means of separation (28 CFR 115.43).

- Inmates may be held in involuntary protective custody for less than 24 hours while an assessment is completed.
- If an involuntary protective custody assignment is made because of a high risk for victimization, the Jail Supervisor shall clearly document the basis for the concern for

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the inmate's safety and the reasons why no alternative means of separation can be arranged.

- The facility shall only assign inmates to involuntary protective custody until an alternative means of separation from likely abusers can be arranged.
- Inmates placed in temporary protective custody shall continue to have reasonable access to programs and services.
- If restrictions are put in place, the following shall be documented:
    - The opportunities that have been limited
    - The duration of the limitation
    - The reasons for such limitations
- The Jail shall afford each inmate placed in protective custody an opportunity to review the determination and whether there is a continuing need for protective custody (28 CFR 115.43).

902.7 SEXUAL ABUSE VICTIMS

Inmates who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services (28 CFR 115.82).

- Depending on the severity of the injuries, transportation may occur by a staff member or by ambulance, in either case with appropriate security to protect the staff, the inmate, the public, and to prevent escape.
- A victim advocate from a suitable sexual abuse crisis center should be made available to the victim. If an advocate from a crisis center is not available, the Office shall make available a qualified member of a community-based organization or a qualified mental health professional from the Office to provide victim advocate services.
- Efforts to secure services shall be documented.
- A sexual abuse crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 34 USC § 12511, to sexual assault victims of all ages.

902.7.1 EXAMINATION, TESTING AND TREATMENT

Examination, testing and treatment shall include the following:

- Forensic medical examinations shall be performed as evidentiary or medically appropriate, without financial cost to the victim.
- Where possible, these examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs).
- If neither SAFEs nor SANEs are available, other qualified medical practitioners can perform the examination. The Office shall document its efforts to provide SAFEs or SANEs.

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- If requested by the victim, a victim advocate, a qualified office staff member or a qualified community organization staff member shall accompany the victim through the forensic medical examination process and investigatory interviews. That person will provide emotional support, crisis intervention, information and referrals (28 CFR 115.21).
- Provisions shall be made for testing the victim for sexually transmitted diseases (28 CFR 115.82).
- Counseling for the treatment of sexually transmitted diseases, if appropriate, shall be provided.

Pursuant to 28 CFR 115.82 and 28 CFR 115.83, victims shall be offered in a timely manner:

- Information about, and given access to, pregnancy tests, emergency contraception, prophylaxis for sexually transmitted infections and follow-up treatment for sexually transmitted diseases.
- Follow-up services, treatment plans and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody.
- Treatment services provided to the victim, without financial cost, and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. The health authority or mental health staff shall obtain informed consent from inmate before reporting information to jail staff about prior sexual victimization that occurred somewhere other than an institutional setting, unless the inmate is under the age of 18 (28 CFR 115.81).

Medical and mental health practitioners shall ensure that information related to sexual victimization that occurred in an institutional setting is limited to medical and mental health practitioners and other staff unless it is necessary to inform jail staff about security or management decisions (28 CFR 115.81).

902.7.2 TRAINING

The Dakota County Sheriff's Office endeavors to comply with the training standards in the PREA Rule and to ensure that all staff, volunteers and contractors are aware of their responsibilities and that staff, volunteers, contractors and inmates are aware of the policies and procedures of the facility as they relate to PREA (28 CFR 115.31; 28 CFR 115.32). All staff, volunteers and contractors who may have contact with inmates shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility.

- The Training Coordinator or designee shall be responsible for identifying, developing or administering this training, covering at minimum:
  - The zero-tolerance policy for sexual abuse and sexual harassment.
  - How to report such incidents.
  - The dynamics of sexual abuse and sexual harassment in confinement settings.
  - The common reactions of sexual abuse and sexual harassment victims.

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- Prevention and intervention techniques to avoid sexual abuse and sexual harassment in the jail.
- Procedures for the fact-finding investigation of and reporting of sexual abuse and/or sexual harassment.
- Individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.
- An individual’s right to be free from sexual abuse and sexual harassment.
- The right of inmates to be free from retaliation for reporting sexual abuse and sexual harassment.
- training in prevention and intervention
- Sufficient knowledge to answer questions the arrestees and inmates may have regarding sexual assault or abuse and that they are familiar enough with the reporting process to take an initial report of a sexual assault or abuse.
- How to detect and respond to signs of threatened and actual sexual abuse.
- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, non-binary, intersex or gender non-conforming inmates.
- How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.
- How to avoid inappropriate relationships with inmates.

- Training shall be tailored according to the type of inmates held at the facility.
- Staff should receive additional training on cross gender supervision and the separation of male and female populations in the same facility or holding areas.
- Training should include comprehensive tests or evaluations to validate knowledge and understanding of the material.
- The Training Coordinator or designee shall ensure documentation is captured through signature or electronic verification signifying that staff, volunteers and contractors have received and understand the training. These records shall be maintained through training records in accordance with procedures.
- The Training Coordinator or designee shall ensure that members undergo refresher training at a minimum of every two years that covers the office’s no tolerance, sexual abuse, and sexual harassment policies and any related procedures.
- All employees and volunteers who may have contact with inmates shall be trained within one year of the effective date of hire or appointment and attend refresher training at least once over two years to ensure that they have continued understanding of the current sexual abuse and sexual harassment policies and procedures of the facility.

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902.8 SPECIALIZED MEDICAL TRAINING

All full- and part-time qualified health care and mental health professionals who work regularly in the facility shall receive training on the no tolerance, sexual abuse, and sexual harassment policies and any related procedures as well as training that includes:

- Detecting and assessing signs of sexual abuse and sexual harassment.
- Preserving physical evidence of sexual abuse.
- Responding effectively and professionally to victims of sexual abuse and sexual harassment.
- Reporting allegations or suspicions of sexual abuse and sexual harassment.

If the qualified health care and mental health professionals employed or contracted by this facility conduct forensic examinations, they shall receive the appropriate training to conduct such examinations.

The Training Coordinator, Contract Supervisor or designee shall ensure that the facility's health care and mental health professionals have received training referenced above, either from this office or elsewhere.

902.9 SPECIALIZED INVESTIGATIVE TRAINING

Specialized investigative training for investigators may include:

- Techniques for interviewing sexual abuse victims.
- Forensic Interviews
- Evidence collection techniques
- Trauma informed care
- BCA Evidence submission policy
- Proper use of Miranda and Garrity warnings.
- The criteria and evidence required to substantiate a case for administrative action or referral for prosecution (28 CFR 115.21; 28 CFR 115.34).

902.10 REVIEWS AND AUDITS

An incident review shall be conducted at the end of substantial sexual abuse investigations, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation in accordance with Office review procedures. The review team may include upper-level management officials as well as input from the coordinator, compliance managers, front line supervisors, and investigators (28 CFR 115.86).

The review shall:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

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- Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, non-binary or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- Assess the adequacy of staffing levels in that area during different shifts.
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- Assess if any neglect, lack of training, or violation of responsibilities on the part of any office member may have contributed to the incident.
- Prepare a written report, or other documentation of the team’s findings, including, but not limited to, determinations made pursuant to criteria in this section and any recommendations for improvement.
- This report should be submitted to the Division Commander.
- The Sheriff or the authorized designee shall implement the recommendations for improvement or document the reasons for not doing so.

902.11 DATA REVIEWS

The office shall conduct an annual review of substantiated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.88):

- Identification of any potential problem areas.
- Identification of any corrective actions taken.
- Recommendations for any additional corrective actions.
- A comparison of the current year's data and corrective actions with those from prior years.
- An assessment of the office's progress in addressing sexual abuse.

The report shall be approved by the PREA Coordinator and made available to the public through a standard data request. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed.

902.12 RECORDS

All case records shall be retained in accordance with privacy laws and county retention policy but not less than the time identified in 28 CFR 115.89(d); 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise. Records include:

- Reports associated with a claim of sexual abuse and sexual harassment

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- Incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings.
- Recommendations for post-release treatment or counseling
- Written reports from administrative and criminal investigations pursuant to this policy.

902.13 PRESERVATION OF ABILITY TO PROTECT INMATES

The Office shall not enter into or renew any collective bargaining agreement or other agreement that limits the office's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.66).

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Temporary Custody of Adults

904.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Dakota County Sheriff's Office for processing or testing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults who are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

904.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Office.

Safety checks - Direct, visual observation by a member of this office performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Dakota County Sheriff's Office prior to being released or transported to a housing or other type of facility.

904.2 POLICY

The Dakota County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable and to keeping adults safe while in temporary custody at the Office. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

904.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four hours (Minn. R. 2945.0100; Minn. R. 2945.0120).

904.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Dakota County Sheriff's Office, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

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(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

1. If the deputy taking custody of an individual believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Office unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

904.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized office member capable of supervising should be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

If possible, at least one female office member should be present when a female adult is in temporary custody.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

904.3.3 AUTHORIZED PROCESSING ROOMS AND AREAS

Rooms and areas that are authorized to be used for processing individuals in temporary custody include the following:

Court Holding cells (JSC, NSC, WSC), Jail Intake

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904.4 INITIATING TEMPORARY CUSTODY

The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent. If there is any suspicion the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility as soon as practicable.

The deputy should promptly notify their supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

904.4.1 SCREENING AND PLACEMENT

The deputy responsible for an individual in custody shall:

(a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141) or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    (a) Continuous, direct sight and sound supervision.
    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, criminal versus civil causes, disabilities and sexual orientation.

904.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State’s list of countries

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and jurisdictions that require mandatory notification is readily available to office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Office members assigned to process a foreign national shall:

(a) Inform the individual without delay he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
    1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
    1. If the country is on the mandatory notification list, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Tell the individual this notification has been made and inform him/her without delay he/she may communicate with consular officers.
        (c) Forward any communication from the individual to his/her consular officers without delay.
        (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
    2. If the country is not on the mandatory notification list and the individual requests his/her consular officers be notified, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Forward any communication from the individual to his/her consular officers without delay.

904.5 SAFETY, HEALTH AND OTHER PROVISIONS

904.5.1 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears any risk no longer exists.

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904.5.2 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual’s head and face may be temporarily removed during the taking of any photographs.

904.5.3 EMERGENCY ALARMS

Members should have reasonable access to emergency alarms (i.e., duress/panic alarms), either as part of an installed system or as a function on members' portable radios. Members entering a secured area not equipped with an installed emergency alarm system shall carry portable radios when a person in temporary custody is present.

[Insert your agency's activation and response protocols for emergency alarms consistent with standard 5.2.1(e). See the Guide Sheet for additional information.]

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Dakota County Sheriff's Office and that are promulgated and maintained by the Department of Employee Relations.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Dakota County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Office shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

(a) Establishment of a written recruitment plan that includes:

1. An outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws, memorandum of understandings, or collective bargaining agreements.
2. Requirements for candidates with and without a college degree.

(b) Identification of racially and culturally diverse target markets.

(c) Use of marketing strategies to target diverse applicant pools.

(d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.

(e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(f) Employee referral and recruitment incentive programs.

(g) Consideration of shared or collaborative regional testing processes.

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The Office shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.3.1 ANNUAL REVIEW OF RECRUITMENT PLAN

The Office should annually review the recruitment plan and recruitment efforts. The review should evaluate progress toward established recruitment goals and objectives, including efforts to recruit qualified applicants from a diverse pool of candidates.

The annual review should include, as applicable:

(a) A summary of recruitment activities conducted during the review period.

(b) An assessment of progress toward the recruitment plan's stated goals and objectives.

(c) Identification of recruitment strategies that were effective or ineffective.

(d) Recommendations for changes to the recruitment plan, goals, objectives, or recruitment activities when appropriate.

(e) Documentation of the review and any recommended revisions to the recruitment plan.

The completed review and any recommended revisions should be reviewed by the Sheriff or his designee.

1000.4 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Personal and professional reference checks

(d) Citizenship eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents (Minn. R. 6700.0700, Subp. 1). This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

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(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Polygraph or voice stress analyzer examination (when legally permissible)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

(k) Relevant national and state decertification records, if available, including the National Decertification Index

1000.4.1 VETERAN'S PREFERENCE

Veterans who are candidates for job openings shall receive preference recognizing the training and experience, loyalty and sacrifice not otherwise readily assessed by examination pursuant to Minn. Stat. § 197.455. The following preference, credit and requirements shall be applied as applicable (Minn. Stat. § 197.455):

Nondisabled Veteran's Credit - There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of 10 points, provided that veteran obtained a passing rating on the examination without the addition of the credit points.

Disabled Veteran's Credit - There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of 15 points, provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that:

(a) The veteran obtained a passing rating on the examination without the addition of the credit points.

(b) The veteran is applying for a first promotion after securing public employment.

For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person has a compensable service-connected disability as adjudicated by the U.S. Veterans Administration, or by the retirement board of one of the several branches of the armed forces, that is existing at the time preference is claimed.

For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use a promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service-connected disability rated at 50 percent or more.

Preference for Spouses - A preference available pursuant to Minn. Stat. § 197.455 may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.

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Ranking of Veterans - An eligible applicant with a rating augmented by veteran's preference shall be entered on an eligible list ahead of a non-veteran with the same rating. When notifying eligible applicants that they have passed examinations this office shall show the final examination ratings and preference credits and shall notify eligible applicants that they may elect to use veteran's preference to augment passing ratings.

When this office rejects a certified eligible applicant who has received veteran's preference, the appointing authority shall notify the eligible applicant in writing of the reasons for the rejection and file the notice with the Dakota Department of Employee Relations.

1000.5 PROBATIONARY PERIODS

The Division Commanders and/or Administrative Captain shall coordinate with the Dakota Department of Employee Relations to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Payroll

1003.1 SCHEDULES

The Sheriff's Office utilizes an electronic scheduling system through the Criminal Justice Network (CJN). As this system automatically pushes employee schedules for payroll computations, all employees must review their record at the close of each payroll period. If there are any discrepancies, the employee will report them to their supervisor for correction.

All employees must sign the Payroll Agreement Form upon hire.

1003.2 HOLIDAY PAY

Holiday hours will be paid in accordance with County Policy and Collective Bargaining Agreements. End of the year holiday pay will be coordinated by the Payroll Coordinator.

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Anti-Retaliation

1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1008.2 POLICY

The Dakota County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1008.3.1 RETALIATION PROHIBITED FOR INTERVENING OR REPORTING
A deputy shall not be retaliated against for intervening or reporting that another law enforcement officer or a member used excessive force (Minn. Stat. § 626.8452).

1008.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Director of Empolyee Relations.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1008.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

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(i) Taking reasonable steps to accommodate requests for assignment or schedule change made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1008.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1008.7 WHISTLE-BLOWING

The Minnesota Whistleblower Act protects an employee who, in good faith (Minn. Stat. § 181.932):

(a) Communicates a violation of any law or rule to the Office or to any government body or law enforcement official.

(b) Participates in an investigation, hearing, or inquiry at the request of a public body or office.

(c) Refuses an order to perform an act that the employee objectively believes violates a law, rule, or regulation, and informs the employer of the reason.

(d) Reports a situation where the quality of health care services provided by a health care facility or provider violates a state or federal standard and potentially places the public at risk of harm.

(e) Communicates the findings of a technical or scientific study that the employee believes, in good faith, to be truthful and accurate.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Investigations for investigation pursuant to the Personnel Complaints Policy.

1008.8 RECORDS RETENTION AND RELEASE

The Program Administration Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1008.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Employee Convictions and Court Orders

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Office of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Minnesota and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Minn. Stat. § 518B.01).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Minnesota. Any license of a peace officer convicted of a felony is automatically revoked (Minn. Stat. § 626.8431).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this office may prohibit him/her from carrying out law enforcement duties.

Minn. Stat. § 624.713 prohibits ineligible persons from possessing a handgun or semi-automatic assault weapon.

1010.3.1 COURT ORDERS

All employees shall promptly notify the office if they are a party to, or have been served with, any court order from any jurisdiction.

1010.4 REPORTING PROCEDURE

All members of this office and all retired deputies with an identification card issued by the Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing

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if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

1010.5 CHEMICAL DEPENDENCY TREATMENT

If a deputy is informally admitted to a treatment facility or program pursuant to Minn. Stat. § 253B.04 for chemical dependency he/she is not eligible to possess a pistol, unless the deputy possesses a certificate from the head of the treatment facility discharging or provisionally discharging the deputy from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6)).

Deputies in this situation shall promptly notify the office.

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Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1012.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Dakota County Sheriff"s Office employees shall not purchase or possess alcohol or other controlled substances on County property, at work or while on-duty except in the performance of a special assignment as described in this policy.

Office employees shall not illegally manufacture any alcohol or drugs.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

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Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Employee Relations, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.5.1 ADDITIONAL SCREENING TESTS FOR DEPUTIES

The Office may request an employee to submit to a screening test if the employee:

(a) Is a law enforcement officer and, during the performance of his/her duties, he/she discharges a firearm.

(b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

1012.5.2 SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she had taken the controlled substance as directed pursuant to a current and lawful prescription issued in his/her name.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

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1012.7 SCREENING TESTS

The Office may request or require drug or alcohol testing in the following circumstances (Minn. Stat. § 181.951; Minn. Stat. § 181.952):

(a) **Reasonable suspicion** - The Watch Commander may request or require an employee to undergo drug and alcohol testing if there is a reasonable suspicion of any of the following:

1. The employee is under the influence of drugs or alcohol.
2. The employee has violated office rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working, is on office property, or is operating a vehicle owned by the office.
3. The employee has sustained an injury arising out of and in the course of employment, or has caused another employee to sustain an injury (full definition of personal injury in Minn. Stat. § 176.011, Subd. 16).
4. The employee has caused a work-related accident, or the employee's use of a vehicle, firearm, or safety equipment involved a work-related accident.

(b) Following a conditional job offer

(c) As part of an employee’s routine physical examination

(d) Under a random testing program of employees

(e) When the employee has been referred for an evaluation or treatment, or is participating in a treatment program under an employee benefit plan

(f) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.8.1 REMEDIES

Any employee or collective bargaining agent may only bring a grievance under Minn. Stat § 181.956 after procedures have been exhausted under the collective bargaining agreement.

1012.9 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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1012.10 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

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Bloodborne Pathogen Exposure Control Plan

1016.1 COUNTY POLICY 5420 SUMMARY

Dakota County recognizes the need to establish safeguards to protect its employees against the occupational health hazards related to bloodborne pathogens, such as Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), Hepatitis C Virus (HCV). Dakota County's Bloodborne Pathogen policy aims to reduce the risk of occupational exposure to bloodborne pathogens by promoting a safe work environment and safe work practices. To accomplish this goal the County departments with a potential of exposure have developed Exposure Control Plans that outline hazard assessments, specific work practice controls, and engineering controls to identify and reduce the occupational risk of exposure to bloodborne pathogens. When necessary, the County will also provide appropriate treatment and counseling should an employee be exposed to bloodborne pathogens

1016.2 PURPOSE AND SCOPE

The purpose of this exposure control plan is to:

- Eliminate or minimize employee occupational exposure to blood or certain other body fluids;
- Comply with Dakota County policy and State and Federal regulations and statutes
- Promote good work practices

1016.2.1 DEFINITIONS

Definitions related to this policy include:

Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These include, but are not limited to, Hepatitis B Virus (HBV), Hepatitis C Virus (HCV) and Human Immunodeficiency Virus (HIV).

Contaminated: The presence or the reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

Decontamination: The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or items to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Engineering Controls: Technology and devices (e.g., sharps disposal containers and sharps with engineered sharps injury protections) that isolate or remove bloodborne pathogens hazards from the workplace.

Exposure Incident: A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee’s duties.

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Handwashing Facilities: Facilities providing an adequate supply of running potable water, soap, and single use towels or hot air drying machines.

HBV: Hepatitis B virus.

HCV: Hepatitis C Virus (chronic hepatitis)

HIV: Human immunodeficiency virus.

Occupational Exposure: Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials (OPIM) that may result from the performance of an employee's duties.

Other Potentially Infectious Materials (OPIM): (1) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; and (2) any unfixed tissue or organ (other than intact skin) from a human (living or dead).

Parenteral: Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

Personal Protective Equipment (PPE): Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes are not considered to be personal protective equipment.

Regulated Waste: Liquid or semi-liquid blood or OPIM; contaminated items that would release blood or OPIM in a liquid or semi-liquid state if compressed; items that are caked with dried blood or OPIM and are capable of releasing these materials during handling; and contaminated sharps.

Sharps: Devices that can penetrate the skin, including, but not limited to, needles, lancets and other tools or equipment with exposed sharp edges that may puncture.

Sharps with engineered sharps injury protections: Sharps with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

Source Individual: any individual, living or dead, whose blood or OPIM may be a source of occupational exposure to the employee,

Sterilization: The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

Universal Precautions: An approach to infection control. According to the concept of Universal Precautions, all human blood and OPIM are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens. See description in Appendix A.

Work Practice Controls: Workplace practices and procedures that reduce the likelihood of exposure by altering the manner in which a task is performed.

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1016.2.2 SOURCES

- Dakota County Policy 5420, Bloodborne Pathogens Program
- 29 CFR 1910.1030, Bloodborne Pathogens Standard, Federal Code of Regulations
- Minn. Stat. § 241.33, et. seq.- Bloodborne Pathogen: Corrections Employee Exposure
- Minn. Stat. § 144.7401, et. seq. Bloodborne Pathogen: Emergency Medical Services Person

1016.3 EXPOSURE DETERMINATION

In the job classification listed below, some employees have routine occupational exposure or may incur exposure to blood or other potentially infectious materials. Some employees in these job classifications whose jobs do not involve routine occupational exposure may be requested or required to perform tasks involving occupational exposure:

- All Licensed and Correctional Staff of the Dakota County Sheriff’s Office
- Program Services Assistants
- Program Staff in the Dakota County Jail
- Inmate Workers of the Dakota County Jail

Employees in the job classifications specified above perform tasks and procedures in which occupational exposure could occur during:

- Suspect/Inmate Searches
- Arrest and prisoner control with physical restraint
- Evidence Handling
- Property Searches
- Autopsy
- Sharps Handling
- Taser Prong Removal
- EMS Response (first aid/cardiopulmonary resuscitation)
- Housekeeping
- Laundry
- Infectious Waste

1016.4 COMPLIANCE METHODS

Workplace Practice Controls

The following work practices are followed to reduce occupational exposure:

1. Universal Precautions.

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- Universal Precautions are observed to prevent contact with blood or other potentially infected material (OPIM). All blood or OPIM is considered infectious regardless of the perceived infection status of the source individual. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids are considered potentially infectious materials. Work practices involving blood or OPIM are performed in a manner that minimizes splashing, spraying, spattering, and generation of droplets of these substances.

2. Use of Gloves and other PPE.

- Personal Protective Equipment may include depending on extent of possible exposure: non-latex gloves, safety glasses, protective eye shields, CPR masks, face masks and paper coveralls. Gloves and other appropriate PPE are located on equipment belts, vehicles and workstations.
- Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin; and when handling or touching contaminated items or surfaces.

(a)
- Disposable (single use) gloves shall not be washed or decontaminated for re-use and shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.
- Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised; however, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised. disposed of according to Disposal of Other Non-regulated Waste or Regulated Waste instructions, depending on whether or not meets definition of “regulated waste”).

- Personal protective equipment will be considered “appropriate” only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee’s work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.
- Appropriate personal protective equipment in the appropriate sizes is readily accessible at the work site or is issued without cost to employees.
- The department will repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.
- All personal protective equipment shall be removed prior to leaving the work area.
- Any clothing penetrated by blood or other potentially infectious materials will be removed immediately or as soon as feasible, sprayed with disinfectant and laundered. When other personal protective equipment is removed, it shall be placed in an appropriately in a container for the storage, washing, decontamination, or disposal.
- Masks, in combination with eye protection devices, such as goggles or glasses with solid side shields or chin-length face shields, shall be worn whenever splashes, spray,

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spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

3. Routine Handwashing and Mucous Membrane Cleaning.

- Handwashing facilities are readily assessable and provided in office settings.
- Hands and other skin surfaces are washed with soap and running water according to the following procedure immediately or as soon as feasible when they are visibly soiled, after contact with blood or other potentially infectious material or after removal of gloves or other PPE:
    - Wet hands and apply soap (liquid soap preferred)
    - Rub lathered hands vigorously for 20 seconds, washing all skin surfaces, including backs of hands, wrists, between fingers, and under fingernails
    - Rinse hands well under running water, hold hands higher than elbows to prevent resoiling hands
    - Dry hands thoroughly using paper towel, clean cloth towel, or air hand dryer
    - Turn off faucet using towel (if towel not available, use elbow or back of hand)
- When readily-available adequate handwashing facilities are not available, either a waterless antiseptic hand cleaner or antiseptic towelettes is used; when antiseptic hand cleaners or towelettes are used, hands are washed with soap and running water as soon as feasible.
- Mucous Membrane Cleansing Following Contact With Blood or OPIM. Immediately or as soon as feasible following contact with blood or OPIM, mucous membranes are flushed with water.

4. Handling of Infectious Materials and Housekeeping.

- **Handling of Contaminated Sharps:** Remove contaminated sharp and dispose of in the sharp container. Contaminated sharps are not bent, recapped, or removed, unless no alternative is feasible or such action is required by a specific procedure; if necessary, a mechanical device or a one-handed technique is used.
    - Contaminated sharps shall be discarded as soon as feasible in sharp containers. These are red coded plastic containers labeled with biohazard labeling.
    - During use, containers for contaminated sharps shall be:
        - Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found;
        - Maintained upright throughout use; and
        - Replaced routinely and not allowed to overfill.
    - When moving containers of contaminated sharps from the area of use, the containers shall be:

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- Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;
- Placed in a secondary container if leakage is possible. The second container shall be closable and constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping, and color-coded according to biohazard labeling of the standard.

- Reusable sharps containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.
- Disposable sharps containers may be opened from the temporarily closed position, but may not be emptied or cleaned.

- **Handling of Regulated Waste:** Gloves are worn when handling regulated waste. Broken glassware which may be contaminated is not picked up directly with the hands; it is cleaned up using mechanical means, such as a brush and dustpan, tongs, or forceps. Regulated waste shall be placed in containers which are:
  - Closable and closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;
  - Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;
  - Labeled or color-coded in accordance with the biohazard labeling of the Standard. Regulated waste that has been decontaminated need not be labeled or color-coded.
  - If outside contamination of the regulated waste container occurs, it shall be placed in a second container of the same above criteria.
- **Disposal of non-regulated Waste:** Non-regulated waste is disposed of into bins, pails, cans, or similar receptacles lined with plastic liner. Each plastic liner is sealed closed and disposed of in a trash compactor, or dumpster on site.
- **Cleaning and Decontamination:** Equipment and the work surfaces are to be maintained in a clean and sanitary condition. Equipment (guns, badges etc,), and the worksite which are contaminated with blood or other potentially infectious materials shall be decontaminated with disinfectant immediately or as soon as feasible. Contaminated work surfaces shall be decontaminated after completion of a procedure and at the end of the work shift if the surface may have been contaminated since the last cleaning. Cleaning and decontamination are done with proper gloves on.
  - Disinfectant is available in the following areas:
    - Jail Medical Unit
    - Jail Intake
    - Downstairs Storage
  - Spill Kits: Spill kits for the building are ordered from Facilities Management. Spill kits should also be available in each of the squad cars and by first aid boxes.

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- Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environment surfaces shall be removed and replaced as soon as feasible when they become overtly contaminated during the shift.
- All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.
- Broken glass or other sharps which may be contaminated will not be picked up directly with the hands; it shall be picked up using mechanical means, such as a brush and dust pan, tongs, or forceps.

- **General Pre-Cautions:** Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses is prohibited in work areas where there is a reasonable likelihood of occupational exposure.
- **Food and Drink Storage:** Food and drink shall not be kept in or on refrigerators, freezers, shelves, cabinets, countertops, or bench tops where blood or other potentially infectious materials are present.
- **Evidence collection and source blood transport:** Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.
  - The container used for this purpose shall be labeled or color-coded with biohazard identification according to the requirements of the OSHA Standard and will be closed prior to being stored, transported, or shipped.
  - If outside contamination of the primary container occurs, the primary container shall be placed within the second container, which prevents leakage during handling, processing, storage, transport, or shipping, and is labeled or color coded according to the requirements of the Standard.
  - If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture-resistant and conforms to the Standard.
- **Handling of Inmate Clothing Penetrated by Blood or Other Potentially Infectious Materials:**
  - Any inmate clothing penetrated by blood or other potentially infectious materials will be removed immediately or as soon as feasible. The contaminated clothing will be handled in a double bag method by placing it in a Biohazard bag, tying it and then placing it in another Biohazard bag and tying it. The inmate’s identifying information, date, and the name and badge number of the deputy handling the property will be affixed to the outer bag. The bag will be placed in a property bag in the property room.

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- The inmate will be advised of the contamination in order to arrange for his property to be released to a family member or friend. On release, the inmate will be given indigent clothing to wear and the sealed bag if their property has not been picked up prior to release.

- **Handling of Inmate Money Penetrated by Blood or Other Potentially Infectious Materials:**
  - Any inmate money penetrated by blood or other potentially infectious materials will be counted and will be handled in a double bag method by placing it in a Biohazard bag, tying it and then placing it in another Biohazard bag and tying it. The inmate's identifying information, amount of money, date, and the name and badge number of the deputy handling the property will be affixed to the outer bag.
  - The money will not be deposited on the inmate's account (our local bank refuses to take contaminated money). The Biohazard bag will be placed in a safe in the Property Room. A yellow notification form that states "Subject has contaminated money in the Property Room safe, please contact the Jail Supervisor upon release to retrieve the money to return to the inmate." will be placed in the inmate's property bag.

5. Laundry guidelines shall be followed as outlined below:

- Contaminated laundry shall be handled as little as possible with a minimum of agitation.
- Contaminated laundry shall be placed in bags or containers are the location where it was used and shall not be sorted or rinsed in the location of use.
- Whenever contaminated laundry is wet and presents a reasonable likelihood of soak through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers with the biohazard labeling which prevent soak-through and/or leakage of fluids to the exterior.
- Employees who have contact with contaminated laundry shall wear protective gloves or other appropriate personal protective equipment.
- Spray with disinfectant and let stand for 10 minutes
- Launder using normal procedures.

1016.5 HEPATITIS B VACCINATION

Hepatitis B vaccine and the vaccination series are available to all employees who have occupational exposure and post-exposure evaluation and follow-up is available to all employees who have had an exposure incident See County policy 5420.

1016.5.1 HEPATITIS B VACCINE DECLINATION

During the Pre-employment physical, the employee is given an opportunity to receive the Hepatitis B Vaccination. If they decline they must sign a Hepatitis B Vaccination Declination statement below:

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I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself. However, I decline Hepatitis B vaccination at this time. I understand that, by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If, in the future, I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

1016.6 POST EXPOSURE FOLLOW UP

Following a report of an exposure incident the employee and supervisor will review instructions attached to the back of Bloodborne Pathogen Exposure Packets. The packets contain all forms necessary to conduct post-exposure procedures. More packets can be ordered through Risk Management. Employees and Supervisors should follow the below directions:

- Post exposure Procedure
    - Employee notifies immediate supervisor or another manager within the Dakota County Sheriff’s Office. Supervisor/manager contacts the health care provider to notify the provider of the need for follow-up of a bloodborne pathogen exposure within 2-hour time period. In a life-threatening emergency, or in other situations when no supervisor/manager can be contacted in time to assure that the employee receives follow-up within the 2-hour time period, the employee seeks medical attention and notifies the supervisor/manager as soon as possible after seeking medical care.
    - Supervisor reports the incident to Risk Management by calling, x 8361. During evening or night shifts, leave a message stating the name of employee exposed, type of exposure and treating clinic.
    - The following clinic should be used for bloodborne pathogen exposures:
        - Regina Emergency Room/Medical Center, 1285 Nininger Road, Hastings, 651-480-4100 or 651-480-4200. Þ Supervisor should refer the employee to Regina Emergency Room whenever possible.
    - After the clinic appointment:
        - Employee provides supervisor with the Report of Workability from the clinic, completed Part I and Part II of Bloodborne Exposure Report Form and Physician Affidavit or Qualified Physician Affidavit (if source denies consent).
        - Employee is responsible for scheduling follow up appoints as directed by physician.
        - Supervisor sends copy of Bloodborne Pathogen Exposure Report Form and Employee Accident Form to Risk Management within 24 hours. Email to Risk Management group or Fax to 438-8455.
- Source Blood:

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- The source individual's blood needs to be collected at the same clinic as the employees so that the doctor can review both results and consult with the employee and source individual.
- It shall be tested as soon as feasible and after consent is obtained in order to determine Hepatitis B virus (HBV) and Human Immunodeficiency Virus (HIV) infectivity.
- When the source individual is already known to be infected with HBV or HIV, testing for the source individual's HBV or HIV status need not be repeated.
- Results of the source individual's testing shall be made available to the exposed employee and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infection status of the source individual.
- Collection and testing of blood for HBV and HIV serological status will comply with them following:

  The exposed employee's blood shall be collected as soon as feasible and tested for HBV and HIV serological status after consent is obtained; and

  If the employee consents to baseline blood collection, but does not given consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

1016.7 COMMUNICATION OF HAZARDS TO EMPLOYEES

Biohazard Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material, and other containers used to store, transport, or ship blood or other potentially infectious materials. These labels shall be fluorescent orange or red. Red bags or red containers may be substituted for labels. Individual containers of blood or other potentially infectious materials should be placed in a labeled container during storage, transport, shipment, or disposal.

1016.8 INFORMATION AND TRAINING

All employees with occupational exposure shall participate in a training program at the time of initial assignment to tasks where occupational exposure may occur and at least every 12 months thereafter. Additional training shall be provided when changes, such as modification of tasks or procedures or institution of new tasks or procedures, affect the employee's occupational exposure. This training may be limited to addressing the new exposures created.

1016.9 RECORD KEEPING

Records of Hepatitis B vaccination will be kept in personnel files maintained by the Employee Relations Department. Records related to exposure incidents will be maintained by the Risk Management Department. See Policy 5420

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1016.10 EVALUATION AND REVIEW

This plan and its effectiveness will be reviewed and updated as necessary.

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Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Dakota County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY

The Dakota County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use is prohibited by members and visitors in all office facilities, buildings and vehicles, and as is further outlined in this policy (Minn. Stat. § 144.414).

Smoking and tobacco use by members is prohibited anytime members are in public view representing the [DepartmentOffice].

No employee shall smoke, even while out of view of the public or off-duty, in areas properly posted with "No Smoking" notices nor shall any employee use tobacco products on public school property (Minn. Stat. § 609.681; Minn. Stat. § 144.4165).

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside [CityCounty] facilities and vehicles.

Dakota County Facilities Management should ensure that proper signage is in place for notice of areas where tobacco use is restricted (Minn. R. 4620.0500).

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Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Dakota County Sheriff's Office (Minn. R. 6700.2200). This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1020.1.1 DEFINITIONS

Complainant - A person claiming to be the victim or witness of misconduct by a deputy.

Conversation/Observation Note - The documentation by a supervisor of behaviors, favorable or unfavorable. The Conversation/Observation Note is not considered discipline or a commendation.

Investigation - An administrative investigation, conducted by the Office, of alleged misconduct by a deputy that could result in punitive action.

Investigator - An agent or employee of the Office who is assigned to conduct an investigation.

Discipline - Per the collective bargaining agreements discipline is defined as written reprimand, suspension, demotion in rank, termination or any combination of those actions.

Formal Statement - Means the questioning of an employee in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the employee (Minn. Stat. § 626.89 Subd. 1 (b)).

Peace Officer Discipline Procedures Act- MN Statute 626.89- https://www.revisor.mn.gov/statutes/?id=626.89

1020.2 POLICY

The Dakota County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and impartially investigate all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any memorandum of understanding.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be made available upon request from any member of the command staff.

1020.2.2 SOURCE OF COMPLAINTS

Complaints will be accepted from the following:

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(a) A Office employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(d) A complaint received by the Minnesota POST Board alleging a violation of a statute or rule that the board is empowered to enforce (Minn. R. 6700.1600).

1020.2.3 ACCEPTANCE OF COMPLAINTS

All written complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed verbally either in person or by telephoning the Office and will be accepted by any supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to recontact the complainant. The supervisor upon recontact of the complainant shall complete and submit the personnel complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the proper/improper implementation of Office policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a personnel complaint form to be completed and submitted at a later time. However, if the intoxicated person insists on filing the complaint, the complaint shall be taken and properly processed.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 COMPLAINT DOCUMENTATION

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the

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complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original personnel complaint.

Formal complaints of alleged misconduct not reported in person shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor shall document informal complaints and communicate them as needed.

1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1020.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Captain of Investigations, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Captain of Investigations , such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the office website. Forms may also be available at other County facilities.

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Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1020.6 ADMINISTRATIVE INVESTIGATIONS

The supervisor assigned to investigate a personnel complaint shall have direct access to the Sheriff.

Allegations of misconduct will be administratively investigated as follows (Minn. R. 6700.2200).

1020.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
    2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Sheriff, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.

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2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and Sheriff are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Employee Relations and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or an assigned member of the Internal Investigations, the following shall apply to members covered by the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty (Minn. Stat. § 626.89, Subd. 7). If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Dakota County Sheriff's Office or at a place agreed upon by the accused member (Minn. Stat. § 626.89, Subd. 4).

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member should be informed of the nature of the investigation.

1. The member shall be given a copy of any written complaint signed by the complainant (Minn. Stat. § 626.89, Subd. 5).

(e) All interviews should be for a reasonable period and the member's personal needs should be accommodated (Minn. Stat. § 626.89, Subd. 7).

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(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer shall record all interviews of members and witnesses. The member may also record the interview. A complete copy or transcript of the interview must be made available to the member upon written request without charge or undue delay. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview (Minn. Stat. § 626.89, Subd. 8).

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative or attorney present before or during the interview (Minn. Stat. § 626.89, Subd. 9). When a member requests a representative or attorney, no interview may be taken until a reasonable opportunity is provided for the member to obtain that person's presence. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

(l) Before a formal statement is taken, the member shall be advised in writing or on the record that admissions made may be used as evidence of misconduct or a basis for discipline (Minn. Stat. § 626.89, Subd. 10).

(m) A member may not be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).

(n) A member's photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

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1020.6.3 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation shall provide the complainant with periodic updates on the status of the investigation, as appropriate and consistent with the provisions of the Minnesota Government Data Practices Act (MGDP) (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions based on a finding of fact and considering the totality of circumstances:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve Office personnel. Additionally, complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt.

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

Upon completion, the report should be forwarded to the Sheriff or his/her designee through the chain of command of the involved employee.

The Sheriff may accept or modify the classification and recommendation for disciplinary action contained in the report.

Notice to the complaining party shall be provided as soon as possible following final disposition and be consistent with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.43 Subd. 2(b)).

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1020.8.1 POST ADMINISTRATIVE INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based upon a complaint alleging a violation of a statute or rule that the board is empowered to enforce. Any such misconduct allegation or complaint assigned to this office shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10 Subd. 10).

1020.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Dakota County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

The Sheriff may postpone making a decision on an administrative investigation until any related criminal charges are resolved. The complainant and involved member should be informed of this decision.

1020.9.1 SUSTAINED COMPLAINTS

Before being placed in the peace officer’s file, the employee will have an opportunity to read and initial the comment or document. If the peace officer submits a written response, the response will be attached to the comment or document (Minn. Stat. § 626.89, Subd. 13).

If punitive action is taken, the employee or a representative authorized by the employee may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the office that relates to the investigation, including any recordings, notes, transcripts of interviews and documents.

Sustained complaints shall be maintained in the employee's personnel file for the prescribed period. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Internal Investigations apart from the employee’s personnel file.

1020.9.2 REMOVAL OF COMPLAINT

Upon request, an employee may review any administrative file that does not relate to a current investigation.

If an employee identifies a complaint or allegation that should be removed from his/her investigative file because either the time period has expired or it is an improper document, the

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employee will write a office memorandum specifically asking for the item to be removed and the reasons for removal.

1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1020.10.1 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.

    1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.

    2. If the member elects to respond orally, the presentation shall be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1020.10.2 DISCIPLINE

Disciplinary action may include but is not limited to (Minn. R. 6700.2200):

(a) Oral reprimand.

(b) Written reprimand.

(c) Suspension.

(d) Demotion.

(e) Discharge.

The Office will impose any justified disciplinary action in a timely and consistent manner.

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1020.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint. Notice must be consistent with the provisions of the MGDP (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1020.10.4 CIVILIAN OVERSIGHT COUNCIL
When applicable, the Sheriff or the authorized designee shall cooperate with the designated civilian oversight council, as appropriate (Minn. Stat. § 626.89, Subd. 17).

1020.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

1020.12 REQUIRED REPORTING TO POST

The Sheriff or the authorized designee shall notify POST of certain deputy personnel events, including but not limited to:

(a) A termination or resignation of a deputy who is the subject of an internal or criminal investigation due to alleged misconduct regardless of whether the investigation has been initiated or completed, or whether the deputy was criminally charged (Minn. Stat. § 626.8457, Subd. 4).

(b) The violation of a required POST model policy identified in Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

1020.13 ANNUAL ANALYSIS

The Sheriff or the authorized designee shall complete a written annual analysis of all employee misconduct complaints and dispositions, including outcomes of disciplinary procedures and other reporting requirements pursuant to Minn. Stat. § 626.8457, Subd. 3.

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Seat Belts

1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles (Minn. Stat. § 169.686). Guidance for transporting persons in custody may be found in the Transport Suspects, Prisoners or Arrestees, and Handcuffing and Restraints policies.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Minn. Stat. § 169.685).

1022.2 POLICY

It is the policy of the Dakota County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1022.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Office, are properly restrained (Minn. Stat. § 169.686).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the office member or the public. Members must be prepared to justify any deviation from this requirement.

1022.3.1 TRANSPORTING CHILDREN

An approved child passenger safety seat system should be used for all children younger than 8 years of age and shorter than 4 feet 9 inches tall (Minn. Stat. § 169.685 Subd. 5 (b)).

However, if a child passenger restraint is not available, a deputy may transport the child using the standard seat belt (Minn. Stat. § 169.685 Subd. 6 (a) (2)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child passenger safety seat system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and the child passenger safety seat system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. If this is not possible, deputies should consider arranging alternative transportation.

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1022.4 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

When practical, suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any office vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.5 INOPERABLE SEAT BELTS

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

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Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Dakota County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Dakota County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Deputies shall only wear agency-approved body armor.

(b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when a deputy is working in uniform or taking part in office range training.

(e) A deputy may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

(f) Deputies shall wear body armor during pre-planned, high-risk operations.

1024.3.2 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer’s care instructions provided with the soft body armor. The instructions can be found on labels located on the external

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surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Office approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates deputies about the safety benefits of wearing body armor.

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Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to personnel data in accordance with established law. It is the policy of this office to maintain personnel data pursuant to state law.

Data practices requests shall be processed and handled in accordance with the Minnesota Government Data Practices Act (MGDPA) (Minnesota Statutes Chapter 13).

Without regard to where and how stored, all data about a current or former employee or applicant for employment shall be defined and classified as personnel data consistent with Minn. Stat. § 13.43. All data relating to a criminal investigation of a current or former employee or applicant shall be defined and classified as criminal data consistent with Minn. Stat. § 13.82.

1026.2 ADMINISTRATIVE FILE DEFINED

Administrative file - Any file of an office employee containing information, comments or documents about an employee. The term does not include any file relating to an internal investigation. An Administrative File is a personnel file.

Employee records will generally be maintained in any of the following:

County Personnel Files - Administrative files and other employee files maintained by the County and not under the control of the Sheriff.

Administrative Personnel File - That file that is maintained in the office of the Sheriff as a permanent record of an employee's employment with this office.

Supervisory File - Any file that is separately maintained internally by an employee's supervisor(s) within an assigned section for the purpose of completing timely performance evaluations.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations both criminal and administrative, regardless of disposition.

Medical File - A file maintained separately that exclusively contains material relating to an employee's medical history and psychological evaluations.

Training File - Any file which documents the training records of an employee.

1026.2.1 REQUIRED PERSONNEL FILE CONTENTS

Conversation/Observation Notes require the employee has read and signed the document. If the employee refuses to sign, a notation is to be made upon the document. The employee may also submit a written response to the document.

(a) A supervisory file can contain any letter, memorandum or document relating to:

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1. A commendation, congratulation or honor bestowed on an employee by a member of the public or by the Office for an action, duty or activity that relates to official duties.
2. Any misconduct by the employee if the letter, memorandum or document is from the Office and if the misconduct resulted in disciplinary action.
3. The periodic evaluation of the deputy by a supervisor (optional).

1026.2.2 PERMITTED PERSONNEL FILE CONTENTS

The administrative personnel file may also contain:

- Employee photographs;
- Training and educational documents and certificates;
- All documents related to employment, including but not limited to:
  - All documents pertaining to hiring, including background data, application forms, and resumes;
  - Appointment documents;
  - Personal data, including dependent data and benefits information;
  - All release forms;
  - Emergency contact information;
  - Fingerprints;
  - Peace officer licensing documentation;
  - Computer system use and other agreements and acknowledgements;
  - Documents concerning department-owned and personal property;
  - Documentation referencing off-duty employment;
  - Employment history and status documents, including promotions, terminations, resignations, out of class assignments, classification status, and appointments to specialized teams, employment profiles, wage information, and administrative leave notification documentation;
  - Documents referencing legal action, including arbitration and court proceedings;
  - Documents pertaining to data disclosure;
- Performance evaluations, performance improvement, and related work plans;
- All awards, commendations, and letters of appreciation;
- All letters of formal discipline, as well as documented oral reprimands.

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1026.3 CONFIDENTIALITY OF PERSONNEL FILES

Private data contained in the above-defined personnel files shall not be subject to disclosure except pursuant to state and federal discovery procedures, state law or with the employee's written consent. Nothing in this section is intended to preclude review of personnel files by the Dakota County Board, County Attorney or other attorneys or representatives of the County in connection with official business (Minn. Stat. § 13.43).

1026.4 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any data classified as other than public contained in any personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Watch Commander, the Custodian of Records or other Office member charged with the maintenance of such records.

Upon receipt of any such request, the responsible Office member shall notify the affected employee as soon as practicable that such a request has been made.

The responsible Office member shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases this will require assistance of approved and available legal counsel.

All requests for disclosure that result in access to an employee's personnel data shall be logged in the corresponding file and the affected employee shall be notified.

1026.4.1 RELEASE OF PRIVATE DATA

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Sheriff designee (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

Any person who intentionally discloses private data may be guilty of a crime.

1026.5 EMPLOYEE ACCESS TO OWN FILE

Upon request, an employee may review all data of that employee other than data classified as confidential.

The employee or his/her authorized representative may, except as otherwise prohibited by federal or state law, review any data relating to the investigation, including any recordings, notes, transcripts of interviews and documents, if the investigation causes the Office to impose discipline and the employee has the right to access to defend in that proceeding.

Any employee seeking the removal of any data from his/her personnel file shall file a written request to the Sheriff through the chain of command. The Office shall thereafter remove any such data if appropriate, or within 30 days provide the employee with a written explanation why the contested data will not be removed. If the contested data is not removed, the employee's request and the organization's written response shall be retained with the contested data in the employee's personnel file. If the contested data is ultimately removed, the written responses shall also be

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removed (Minn. Stat. § 181.962, Subd. 1). An employee not satisfied with this resolution may seek such other remedies as are authorized by the MGDPA.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the employee.

1026.6 TYPES OF PERSONNEL FILES

The Office may maintain a personnel file on an employee for the Office's use, but the Office may not release any data contained in the Office file to any agency or person requesting data relating to an employee except as authorized or required by the MGDPA. The Office shall refer to the Sheriff or designee any person or agency that requests personnel data.

Personnel files can be located in both of the following places:

Sheriff's Administration

Employee Relations

1026.6.1 OFFICE FILE

The Office file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained and a copy provided to the employee.

1. The employee may make a statement in writing, which shall be attached to the performance evaluation.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

1. It shall be the responsibility of the involved employee to provide sheriff's administration or immediate supervisor with evidence of completed training/ education in a timely manner.

2. Sheriff's Administration or the employees supervisor shall ensure that copies of such training records are placed in the employee's Office file.

(c) Disciplinary action.

1. Disciplinary action shall be maintained in the individual employee's Administrative Personnel file consistent with the organization's records retention schedule.

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2. Investigations of complaints that do not result in discipline shall not be placed in an Administrative Personnel file but will be separately maintained for the appropriate retention period in the internal affairs file.

3. Data related to discipline that has been entirely overturned on appeal shall not be placed in an employee's Administrative Personnel file but will be separately maintained for the appropriate retention period in the internal affairs file.

(d) If a negative letter, memorandum, document or other notation of negative impact is included in a deputy's personnel file, The deputy may file a written response to the negative letter, memorandum, document or other notation.

1. Any such employee response shall be attached to and retained with the original adverse comment.

2. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations shall be retained in the employee's file, with a copy provided to the involved employee(s).

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.

(g) A photograph of the employee.

1026.6.2 DIVISION FILE

The Supervisory Personnel File should contain, but is not limited to, the following:

(a) Supervisor log entries, both positive and negative conversation/observation notes, and other materials intended to serve as a foundation for the completion of timely performance evaluations.

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.

2. Duplicate copies of items that will also be included in the Administrative Personnel file may be placed in this file in anticipation of completing any upcoming performance evaluation.

3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All data practices shall apply equally to the division file.

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(c) A record of a supervisory intervention procedure or a policy and procedure inquiry regarding an employee shall not be maintained except in the supervisory personnel file.

1026.6.3 INTERNAL AFFAIRS FILE

The Internal Affairs file shall be maintained under the exclusive control of the Chief Deputy. Access to these files may only be approved by the Sheriff or Chief Deputy. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., 10-001, 10-002) with an alphabetically arranged index cross-referenced for each involved employee.

(b) Internal investigations files shall be securely maintained for the minimum periods as identified in the Personnel Complaint and Misconduct Policy.

Electronic files relating to the investigation will be maintained by the Captain of Investigation or his designee.

1026.6.4 TRAINING FILES

An individual training file shall be maintained by the Commander of Detention Services or Commander of Patrol or their designee for each employee. The designee may be a support staff personnel, who has been appointed by the Commander to oversee and maintain these records. Training files will contain records of all training, original or photocopies of available certificates, transcripts, diplomas and other documentation, education and firearms qualifications, including mandated annual qualification.

(a) It shall be the responsibility of the involved employee to provide the support staff designee or their immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Support staff designee or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.6.5 MEDICAL FILE

A private medical file shall be maintained separately from all other files and shall contain all documents relating to the employee’s medical condition and history, including, but not limited to, the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers' compensation claims or receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

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(d) Medical release forms, doctor’s slips and attendance records that reveal an employee’s medical condition.

(e) Any other documents or material that reveal the employee’s medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.6.6 EMPLOYEE ASSISTANCE PROGRAMS

Employee assistance records must be kept separate from personnel records and shall not become part of an employee’s personnel file (Minn. Stat. § 181.980, Subd. 3).

1026.7 PURGING OF FILES

Personnel data not involved in pending litigation or other ongoing legal proceedings may be purged from respective Office files once the required records retention period has been met.

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Sheriff.

(c) During the preparation of each employee’s performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If in the opinion of the Sheriff a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to records destruction requirements.

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Commendations and Awards

1030.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Dakota County Sheriff's Office and individuals from the community.

1030.2 RECOMMENDATION, SELECTION, AND PRESENTATION

Recommendation for Awards

The Recognition Committee will review the circumstances that cause a person to be recommended for an award and determine if the criteria for an award is met.

Any citizen or Sheriff's Office employee may initiate an award recommendation.

An employee of the Dakota County Sheriff's Office may submit a recommendation for award of the actions of another employee. It must be submitted in report form by filling out a Recognition Report. Any applicable Incident Reports should be attached. This report will be submitted to the Captain of the division to which the employee is assigned. If approved, the Captain will then forward the report to the Commander of the division, then on to the Recognition Committee. The Recognition Committee Chair Person will review the submission and, if given a favorable review, forward to the Chief Deputy and Sheriff or his/her authorized designee for final approval.

Selection of Awards

The Recognition Committee will make a recommendation as to the level of award to the Sheriff or his/her authorized designee, who will make the final determination.

Award Presentation

The Sheriff, or designee, will present all awards.

Media releases will be made at the direction of the Sheriff or his/her authorized designee.

In cases where juveniles received recognition from the Sheriff's Office, their school principal will be notified of the recognition. Permission will be obtained first from the juvenile and the juvenile's parent(s).

1030.3 LEVELS OF AWARDS FOR SHERIFF'S EMPLOYEES

Certificate of Recognition

The Certificate of Recognition may be awarded to an employee for instances where the employee has participated in an event deserving recognition.

Award of Merit

The Award of Merit may be awarded to an employee for outstanding performance. It is given for the competent application of any employee's job skills, usually under difficult circumstances. The formal award for this accomplishment would be a plaque.

Recognition Award

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The Recognition Award may be awarded to an employee for performance resulting in improved operations, outstanding community service, or substantial savings in organizational cost, whether on or off-duty. The formal award for this accomplishment would be a plaque.

Unit Citation Award

The Unit Citation Award may be awarded to a unit or division for exemplary service for a specific action. The formal award for this accomplishment would be a certificate to the individual employees and a plaque displayed recognizing the unit involved.

Lifesaving Award

The Lifesaving Award may be awarded to an employee for the saving of a human life. This award is intended for the employees directly responsible for the saving of a human life. The formal award for this accomplishment would be a certificate and a recognition bar with blue cross.

Lifesaving Commendation

The Lifesaving Commendation may be awarded to an employee for the saving of a human life. This commendation is intended for employees who clearly show an extraordinary level of expertise and determination, or a superior level of performance under unusually challenging circumstances resulting in the saving of a human life. The formal award for this accomplishment would be a plaque and red recognition bar with blue cross.

Commendation Medal of Merit

The Commendation Medal of Merit may be awarded to an employee for an incident or incidents which clearly show an extraordinary level of expertise, thoroughness, conscientiousness, or determination, or it may be given for achieving a very superior level of performance and maintaining that level for an extended period of time. The formal award for this accomplishment would be a plaque and an all-blue recognition bar.

Commendation Medal of Valor

The Medal of Valor may be awarded to an employee who knowingly and purposely exposes him or herself to extraordinary risk of personal harm or death to accomplish a meaningful police objective. The formal award for this accomplishment would be a plaque and a purple recognition bar.

Commendation Medal of Honor

The Medal of Honor is the highest award given. It may be awarded to an employee for an act of outstanding bravery or heroism. Such an act would be characterized by demonstrated unselfishness, courage, and the immediate high risk of death or serious physical injury. The award may also be posthumously given to a member who has died while involved in an action of demonstrated heroism to accomplish a meaningful police, civic, or humanitarian goal. The formal medal for this accomplishment would be a plaque and a green recognition bar.

1030.3.1 CITIZEN RECOGNITION

Purpose

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To encourage Dakota County Sheriff's Office employees to recognize and recommend deserving citizens for special office recognition. Our office has had significant support and assistance from the community in which we work. Our office wants to recognize special efforts by a citizen(s) to assist staff, help a victim, report crimes in progress, or other actions which contribute to the safety of the community or our staff.

Procedure

To initiate recognition of a citizen, employees should forward a Recognition Report and applicable Incident Reports as outlined in Policy 1030.2. Citizens will be recognized in one of the following ways:

LEVELS OF AWARDS FOR CITIZENS

Letter of Appreciation

When an employee becomes aware that a citizen has made a special effort to assist the Sheriff's Office, the employee may request that the Sheriff or his/her authorized designee write a Letter of Appreciation. If an employee wishes to personally thank the individual, office stationery may be used for this purpose.

Citizen Recognition Award

The Recognition Award may be awarded to to a citizen for outstanding assistance to the Sheriff's Office or other efforts on behalf of public safety, usually under difficult circumstances. The formal award for this accomplishment would be a plaque.

Citizen Lifesaving Award

The Lifesaving Award may be awarded to a citizen for the saving of a human life. This award is intended for citizens who are directly responsible for the saving of a human life. The formal award for this accomplishment would be a plaque.

Citizen Commendation Award

The Commendation Award may be awarded in recognition of a citizen's significant assistance to a level showing extraordinary measures of involvement far beyond that expected of ordinary citizens. The formal award for this accomplishment would be a plaque.

Citizen Medal of Valor

The Medal of Valor may be awarded to citizens who render themselves to a risk of personal harm in order to accomplish a meaningful police, civic, or humanitarian goal. The formal award for this accomplishment would be a plaque and medal.

1030.3.2 SELECTION OF THE RECOGNITION COMMITTEE

The Sheriff or his/her authorized designee has established the following guidelines for membership on the Recognition Committee:

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(a) One supervisor will be selected to be the Chair Person. The Chair Person will receive the Recognition Reports from Guardian Tracking recognition submissions and coordinate dissemination to the Recognition Committee for review in a timely manner.

(b) The remaining members shall be comprised of one licensed sergeant, one correctional sergeant, two licensed deputies and two correctional deputies.

(c) A majority of committee members supporting the recommendation is required prior to forwarding the nomination to the Chief Deputy and Sheriff.

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Fitness for Duty

1032.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all deputies of this office remain fit for duty and able to perform their job functions.

1032.2 DEFINTIONS

Paid administrative leave - is a temporary employment status where an employee is relieved of their job duties but continues to receive their regular salary and benefits while the employer investigates a situation or manages an internal issue. This type of leave is not considered a disciplinary action, but rather a way to maintain workplace neutrality and minimize legal risks during an investigation.

Critical incident leave - is a temporary non-disciplinary employment status where an employee is relieved of their job duties but continues to receive their regular salary and benefits. Critical incidents are typically outside the range of ordinary human experiences and can include events like natural disasters, accidents, officer-involved shootings, or the death of a colleague.

1032.3 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this office to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each member of this office shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.4 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

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(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Watch Commander or the employee's available Division Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.

(e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

1032.5 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1032.6 WORK RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave or critical incident leave for the well-being of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.

(b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.7 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Employee Relations to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Office with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

(c) To facilitate the examination of any employee, the Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

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(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

(g) If an employee is deemed unfit for duty by the Office, the employee may submit a report from the employee's personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

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Outside Employment

1040.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Office employees engaging in outside non-licensed, or outside licensed employment, all employees shall initially obtain written approval from the Sheriff or designee prior to engaging in it. Approval and duration shall be at the discretion of the Sheriff or designee in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Outside Non-Licensed Employment - The employment of any member of this Office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Office for services, product(s) or benefits rendered. For purposes of this section, the definition of outside non-licensed employment includes those employees who are self-employed and not affiliated directly with this Office for services, product(s) or benefits rendered.

Outside Licensed Employment - Employment where licensed members are providing law enforcement or using licensed authority will be treated differently than outside non-licensed employment. Deputies seeking to work in a licensed capacity outside the Office will be required to seek permission annually or on a case-by-case basis. Approval of requests will be granted based on a variety of factors, including, but not limited to; an employee's continued satisfactory performance, as well as their recent disciplinary history. The Sheriff has discretion to deny, suspend, or revoke an employee's outside licensed employment.We consider the use of the Office's law enforcement license for outside licensed employment to be a privilege.

Extra Duty Overtime - Overtime involving any member of this Office who performs law enforcement or security duties or services for an outside organization, company or individual on behalf of the Office. Such extra duty overtime shall be requested and scheduled directly through this Office so that the Office may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

No member of this Office may engage in any outside licensed employment without first obtaining prior documented approval of the Sheriff or authorized designee. Failure to obtain prior documented approval or engaging in acts prohibited by this policy are grounds for disciplinary action.

1040.2.0 DENIAL/REVOCATION/SUSPENSION OF OUTSIDE LICENSED AND EXTRA DUTY OVERTIME EMPLOYMENT PERMITS

Any outside licensed or extra duty overtime employment may be denied, revoked or suspended after the employee has received notification of the reasons for revocation or suspension.

The outside licensed or extra duty employment may be denied, revoked or suspended:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement the Sheriff may, at his/her discretion, notify the employee of

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the intent to revoke or suspend any previously approved outside licensed or extra duty employment. The revocation or suspension will remain in force until the employee's performance has been reestablished to the minimum level of acceptable competency.

(b) If, at any time during the term of approved outside licensed or extra duty overtime employment, an employee's conduct or outside licensed, non-licensed, or extra duty overtime employment conflicts with the provisions of Office policy, or any law.

(c) The outside licensed or non-licensed employment creates an actual or apparent conflict of interest with the Office or County.

(d) If the employee is placed on disability, administrative leave, or modified/light duty.

(e) If the employee has been issued grievable or non-grievable discipline as defined in the respective collective bargaining agreements. This will include Conversation/ Observation Notes, Documented Oral Reprimands, Written Reprimands, and/or Suspensions.

1040.3 PROHIBITED OUTSIDE LICENSED OR NON-LICENSED EMPLOYMENT

The Office expressly reserves the right to deny any outside licensed or non-licensed employment request submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of Office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Office for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this Office.

(c) Involves the performance of an act in other than the employee's capacity as a member of this Office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Office.

(d) Involves time demands that would render performance of the employee's duties for this Office below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

(e) Occurs during an employee's new-hire or promotional probationary period, the Sheriff or authorized designee reserves the right to prohibit any outside licensed law enforcement related employment.

(f) Occurs while on suspension from duty.

(g) Occurs while on sick leave or modified/light duty status.

1040.3.1 EXTRA DUTY EMPLOYMENT

Any private organization, entity or individual seeking special services for security or traffic control from members of this Office must submit a written request to the Sheriff or authorized designee

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in advance of the desired service. Such outside extra duty overtime will be monitored by the on duty supervisor.

(a) As applicable and set forth by the County Attorney's Office, the applicant will be required to enter into a written indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) If such a request is approved, any employee working extra duty overtime shall be subject to the following conditions:

1. The deputy(s) shall wear the Office uniform/identification.
2. The deputy(s) shall be subject to all the rules and regulations of this Office.
3. No deputy may engage in such extra duty employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures as outlined in the respective Collective Bargaining Agreements.

1040.3.2 EXTRA DUTY OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved extra duty overtime assignment shall be required to complete all related reports in a timely manner pursuant to Office policy. Time spent on the completion of such reports shall be considered incidental to the extra duty overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Sheriff, authorized designee or Chief Deputy, undercover deputies or deputies assigned to covert operations shall not be eligible to work outside licensed or extra duty overtime or other assignments in a uniformed or other capacity that might reasonably disclose the deputy's law enforcement status.

1040.4 OFFICE RESOURCES

Employees are prohibited from using any Office equipment or resources in the course of or for the benefit of any outside licensed or non-licensed employment. This shall include the prohibition of access to official records or databases of this office or other agencies through the use of the employee's position with this Office.

1040.5 CHANGES IN OUTSIDE LICENSED OR NON-LICENSED EMPLOYMENT STATUS

If an employee terminates his/her licensed outside employment during the period of valid permission, the employee shall promptly submit written notification of such termination to the Sheriff through the appropriate chain of command. Any subsequent request for renewal or continued outside licensed employment must thereafter be processed and approved through normal procedures set forth in this policy.

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Employees shall also promptly submit in writing to the Sheriff any material changes in outside licensed employment including any change in the number of hours, type of duties or demands of any approved outside licensed employment. Employees who are uncertain whether a change in outside licensed employment is material shall report the change.

1040.6 OUTSIDE LICENSED OR EXTRA DUTY EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Office members approved for outside licensed employment or extra duty overtime who are placed on disability, administrative leave, or modified/light-duty shall be suspended from it until the employee is medically cleared for full duty or returns from administrative leave provided there is no pending disciplinary action.

Criteria for revoking or suspending the permission while on disability status or administrative leave include, but are not limited to, the following:

(a) It is medically detrimental to the total recovery of the disabled employee, as indicated by the County's professional medical advisors.

(b) If when performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of his/her intentions to their supervisor.

(d) It is not compatible with the reason the employee is on administrative leave.

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Occupational Disease, Personal Injury and Death Reporting

1041.1 PURPOSE AND SCOPE

Refer to Dakota County Policy 3260C.

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Personal Appearance Standards

1043.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

1043.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present health safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1043.2.1 HAIR

Hairstyles of all uniformed members shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited.

Hair longer than shoulder length must be worn in a tightly wrapped bun, braid, or ponytail.

1043.2.2 FACIAL HAIR

As an adequate face mask or respirator seal is paramount, employees assigned to work in areas where there is a likelihood of wearing one in the course of their duties must be clean-shaven with the following exceptions.

Short and neatly trimmed facial hair, including sideburns, mustaches, and goatees may be worn as long as the hair is trimmed and will not interfere with the sealing surface of the respirator.

Neatly trimmed beards are allowed for employees who will not wear a respirator during the course of their duties. Authorization for any additional facial hair may be given by the Sheriff or their designee based on the assignment.

Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes).

1043.2.3 FINGERNAILS

Fingernails shall be cleaned and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1043.2.4 JEWELRY AND ACCESSORIES

Deputies are limited to the quantity of jewelry worn on the job to minimize the risk of injury. While wearing the military-style uniform, employees are limited to two rings, one bracelet, one wristwatch, and two sets of stud earrings worn on the earlobe. Additionally, a single small nose stud is acceptable for Sheriff's Office staff to wear, provided the piercing is not ostentatious or

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unprofessional. Employees in plain clothes can additionally wear one necklace. All other items of jewelry are prohibited.

Exceptions to this policy may be made when permitted by the Sheriff. To initiate a review, staff must e-mail an electronic image of the proposed jewelry or accessory for consideration to the Captain assigned as Uniform Committee Chair.

1043.2.5 PERSONAL HYGIENE
All members must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Sheriff.

1043.3 TATTOOS

Non-offensive tattoos which are visible while working are generally allowed. The Uniform Committee shall review all visible tattoos, including enhancements or modifications to previously approved tattoos, and recommend to the Sheriff if they should be allowed. Tattoos may require covering if they are determined to be unsightly, offensive or a job assignment requires it. This determination will be based upon prevailing community standards, the design, size and number of tattoos visible. Visible tattoos on the ears, head, face, neck or any portion of the hand area are prohibited. Exceptions may be made for special assignments or when permitted by the Sheriff.

It is recommended that staff intending to add or modify a tattoo in a visible area have an initial review completed as noted above. This will aid in determining whether or not it is likely the finished product will be approved and not require covering. The requirement to obtain approval after completion remains.

To initiate a review, staff must e-mail an electronic image of the tattoo(s) for consideration to the Captain assigned as Uniform Committee Chair.

1043.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

Exceptions may be made when permitted by the Sheriff. To initiate a review, staff must e-mail an electronic image of the proposed body piercing or alteration for consideration to the Captain assigned as Uniform Committee Chair.

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1043.5 EXEMPTIONS

Members who seek an exemption to this policy protected by law (e.g., culturally protective hairstyles) should generally be accommodated (Minn. Stat. § 363A.03). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with an exemption is denied an assignment based on a safety or security risk.

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Uniform Regulations

1045.1 PURPOSE AND SCOPE

The uniform policy of the Dakota County Sheriff's Office is established to ensure that uniformed deputies, special assignment personnel, and non-licensed employees will be readily identifiable to the public through the proper use and wearing of Office uniforms. Employees should also refer to the following associated policies:

- Firearms
- Office Owned and Personal Property
- Body Armor
- Personal Appearance Standards

Sheriff's Administration will be responsible for authorizing items purchased by the Office as part of an employee's initial issue.

1045.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis, or other time of need. It is apparent that a single type of uniform is not sufficient for the varied jobs performed by members of the office; therefore, uniform clothing standards are also based on the requirements of a deputy/correctional deputy/ administrative support position with respect to the physical aspects of the particular task.

a. Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed. No employee will wear any paraphernalia on his or her uniform which is not part of the authorized uniform issue.

b. All peace officers of this office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

c. Personnel shall wear only the uniform specified for their rank and assignment.

d. The uniform is to be worn in compliance with the specifications set forth in the Office's uniform specifications policy.

e. Uniforms shall fit properly, be clean and free of stains, and not damaged or excessively worn.

f. All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

g. Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

h. Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Office functions or events.

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i. Employees are not to purchase or drink alcoholic beverages while wearing any part of the Office uniform.

1045.2.1 OFFICE ISSUED UNIFORM DISPOSAL
All uniform items provided to Office personnel by the County remain the property of the County and must be turned in upon separation, excluding some clothing items. Patches on the clothing items remain the property of the Office. Patches must be disposed of by removing them from the uniform item and cutting them into small pieces and placing them in the trash. Under no circumstances may Office issued uniform items be sold, or donated to charitable organizations, or given to third parties. Patches may be exchanged with prior authorization.

1045.2.2 OFFICE-ISSUED IDENTIFICATION
The Office issues each employee an official Office identification card bearing the employee's name, identifying information, and photo likeness. All employees shall be in possession of their Office-issued identification card at all times while on-duty or when carrying a concealed weapon.

a. Whenever on-duty or acting in an official capacity representing the Office, employees shall display their Office issued identification in a courteous manner to any person upon request and as soon as practicable.

b. Deputies working specialized assignments may be excused from the possession and display requirements when directed by the Sheriff or his designee.

c. Office-issued identification must be surrendered to the Office upon separation of employment.

1045.3 UNIFORM SPECIFICATIONS AND CLASSES

1045.3.1 UNIFORM MONTHS
a. Short-sleeved shirts will be worn from May through September.

b. The months of October through April are to be considered "optional" where the employee may wear either long or short-sleeved shirts.

c. All Staff must abide by the summer uniform policy.

d. The Sheriff or his designee may make exceptions with respect to uniform months.

1045.3.2 UNIFORM SPECIFICATIONS
a. Uniform Pants

1. General Duty Deputy and Correctional Deputy:

Class A- Elbeco EB315PBR (men's) and EB9315PBR (women's).

Class B- Blauer 8613T (men's) and 8613WT (women's) or Elbeco EB315PBR (men's) and EB9315PBR (women's).

2. Canine Deputies and Parks, Lakes and Trails Staff:

Class A- Elbeco EB315PBER (men's) and EB9315PBR (women's).

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Class B- Blauer 8613T (men's) and 8613WT (women's) or Elbeco EB315PBR (men's) and EB9315PBR (women's).

All General Duty Deputy and Correctional Deputy pants shall be dark brown in color.

3. Program Services Assistant, Senior Administrative Assistant and Program Administrative Supervisor:

Class A - Black, business professional dress pant.

b. Uniform Shirts

1. General Duty Deputy and Correctional Deputy:

Class A- Elbeco EB582TB (men's long sleeve) and EB9582TB (women's long sleeve).

Class B- Elbeco EB582TB (men's long sleeve) or EB5582TB (men's short sleeve) and EB9582TB (women's long sleeve) or EB9782TB (women's short sleeve).

Class B option for General Duty Deputy and Correctional Deputy assigned to wear an External Vest Carrier only- Flying Cross Vertex shirt FC8250DT (short sleeve) or FC8255DT (long sleeve) or Elbeco UV1 TexTrop Under Vest SH086 TAN (long sleeve) or SH084 TAN (short sleeve).

These options may only be worn under the external vest carrier. As it may only be worn under the carrier, shoulder patches and collar brass are required, however, as it will not be visible, the American flag, name and badge are not.

2. Program Services Assistant, Senior Administrative Assistant and Program Administrative Supervisor:

Class A - Elbeco Ufx Polo (men's and women's long sleeve), tan in color, with fabric badge on left breast. The first name and last name or first initial and last name (employee choice) will be embroidered in 8mm black, block style font letters centered on right breast.

3. Command Staff:

Class A- Elbeco EB3500W (men's) EB3530W (women's) (long sleeve).

Class B (Optional)- Elbeco EB3500W (men's) EB3530W (women's) (long sleeve, white) or EB3510W (men's) EB3550W (women's) (short sleeve, white).

All military style uniform shirts shall have dark brown trim (except support staff), an American flag one inch above the right pocket, embroidered name or name plate, collar brass and patches on each sleeve.

c. Uniform Jackets

General Duty Deputy and Correctional Deputy:

Daily Uniform: Blauer Tacshell JC872, Blauer JC590 (liner to JC872), 5.11 fleece or approved leather.

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Rain Gear: Yellow/lime green ANSI class 3 with reflective stripes, optional badge, "Sheriff" across the back.

Optional: Black 5.11 or Tru-Spec rain/cold weather gear including jacket and pants. These items shall be reserved for inclement weather and not worn as a primary daily uniform.

All daily uniform jackets must be dark brown in color. When worn as an outside layer, it must display the American flag, patches, metal or embroidered badge, name plate or embroidered name (10mm tan) and rank insignia in the same manner as the uniform shirt. This section does not apply to rain and Tru-Spec cold weather gear.

Support Staff:

Blauer JC590BLK (Black) with embroidered name and badge (same as sweater).

d. Ballistic Vests and External Carriers

Ballistic vests shall be considered mandatory when working in a licensed enforcement capacity and wearing a uniform. This includes Court Security, Transport, Patrol, and off-duty assignments, such as the Dakota County Fair. The vest will be Level IIIA and the manufacturer of the vest will be determined by administration.

Optional: USI Airius IIIA w/cumberbund and concealable internal carrier; Point Blank Open Shoulder TAC carrier w/welt pockets, Blauer Armorskin four-pocket (BP1163) or Elbeco V4112B (BP3396) external vest carrier with or without molle or custom-made carrier with prior approval from the Administrative Captain.

The carrier shall match the appearance of the assigned uniform shirts and must be clean and orderly at all times like the uniform shirts. The shoulder epaulets must line up to have the appearance of one epaulet over each shoulder.

A molle system may also be used with the external vest carrier. In the interest of maintaining a professional appearance, larger items shall remain on the duty belt. These items include the Taser, duty firearm, and baton The arrangement of the duty gear affixed to the molle system shall be consistent with the appearance of how the items are typically worn on the duty belt. Prior approval must be obtained by the Administrative Captain as there is customization to the carrier.

e. Sweaters

General Duty Deputy and Correctional Deputy:

Commando-style dark brown sweaters may be worn with the military style uniform shirt and must be worn with a neck tie, name plate, shoulder patches and badge.

Program Services Assistant, Senior Administrative Assistant and Program Administrative Supervisor:

Black professional sweater with fabric badge on left breast. The first name and last name or first initial and last name (employee choice) will be embroidered in 3/8 inch or 8mm tan, block style font letters centered on right breast.

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f. Footwear

While wearing any class of uniform, footwear must be black, kept clean and polished and will not consist of open-toed shoes or sandals. Socks shall be black or dark brown in color, when shoes are worn with the military style uniform.

g. Hats

Black stocking caps or "beanie" style hats may be worn during the winter months. There may be no visible manufacturer logo or print.

Baseball caps may be worn in inclement weather (specifically in very sunny weather or in the rain). Baseball caps are not to be worn for every day patrol functions. The baseball cap shall be a Flexfit, dark brown in color, with Dakota County Sheriff embroidered on the front in 10mm gold letters.

Class A (General Duty Deputy Only)- Felt Stetson hat with hat badge and tassels.

h. Uniform Leather/Synthetic Basket Weave Leather

Black basket weave leather or synthetic leather for duty belt and related equipment. The exception is for items that are not available in basket weave, such as the tourniquet pouch.

i. Suspenders

Suspenders worn over the uniform shirt may be worn with the external vest carrier. If any portion of the suspenders are visible, they must be black in color. Belt keepers attached to the suspenders must be consistent with uniform regulations for duty gear.

j. Embroidery

The fabric badge and name specifications are a unique color, size and style. To ensure consistency, all items must be embroidered by Galls. The embroidered badge design has been authorized for jackets and may also be worn on shirts for the following: (special duty, support staff, Reserve Deputies, Parks, Lakes and Trails, Civil and casual day shirts only).

1045.3.3 CLASS A UNIFORM

Class A uniforms are considered formal attire that must be worn for funerals and may be worn for daily uniform, ceremonies, photos and court appearances or when directed by Command staff. Unless directed otherwise by Command staff, Class A uniforms shall consist of;

a. Long-sleeved Elbeco uniform shirt. Brown for General Duty Deputy and Correctional Deputy, white for Command staff. All shirts shall have collar brass, gold name plate with black letters on the right pocket flap, American flag, shoulder patches and tie.

b. Elbeco uniform pant. No cargo or hidden-pocket cargo pants.

c. Approved footwear and duty gear.

d. Formal felt hat for General Duty Deputy.

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1045.3.4 CLASS B UNIFORM

Class B Uniforms are considered the main daily uniform. The below items are considered standard for all uniformed staff, except support staff:

a. Uniform shirt with collar brass, embroidered name or gold name plate with black letters, American flag and shoulder patches.

The embroidered name shall be first name and last name or first initial and last name (employee choice) embroidered in 3/8 inch or 8mm dark brown, block style font letters centered between the flag and pocket.

b. Approved uniform slacks or approved uniform cargo pants (duty specific).

c. Approved footwear and duty gear.

Optional items:

a. In lieu of a tie, a dark brown or black mock turtleneck or Dickie may be worn under the long sleeved brown uniform shirt. It must have DCSO embroidered left of the center in 3/4 inch tan letters.

b. A dark brown, white or black tee shirt may be worn under the short or long sleeved uniform shirt.

1045.3.5 CLASS C UNIFORM

Class C uniforms are defined as optional standard work attire depending on assignment, including but not limited to Parks, Lakes and Trails, canine, MAAG, bicycle patrol, Civil Process and other specialized assignments as directed by the Sheriff or their designee:

a. Approved polo shirt with embroidered name and fabric badge, shoulder patches and an optional "Sheriff" or "Deputy" across the back for designated assignments.

b. Approved uniform pant or uniform cargo pant.

c. Black shoes/boots and leather or synthetic leather duty gear.

d. Baseball cap (optional under hat requirements).

1045.3.6 HELMETS

The helmet shall be maintained and worn as ordered by a commanding officer in consideration of the individual's assignment. The helmets will be stored at the Sheriff's Office and assigned as deemed necessary. The helmet is designed and provided for protection against head injury.

1045.3.7 OTHER RELATED EQUIPMENT

All items listed below are to be black in a basket weave style unless otherwise noted. None of the equipment holders may be nylon. Belt buckles and exposed snaps must be black, gold/brass in color or hidden altogether.

The following supplemental equipment is required while working in a licensed deputy capacity and wearing the military-style uniform.

(a) Leather or synthetic leather duty belt;

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(b) Holster with handgun and ammunition;

(c) Handcuffs and holder;

(d) Extra ammunition and double or triple magazine holder;

(e) Assigned portable radio and holder;

(f) Taser and Taser Holster (not limited to basketweave); and

(g) Chemical Agent and holder

The following supplemental equipment may be worn at the licensed deputy's option.

(a) Asp and holder;

(b) Flashlight and holder;

(c) Tourniquet and holder (not limited to basketweave);

(d) Keys and holder;

(e) Handgun light

(f) Belt keepers; and

(g) Knife or multi-purpose tool.

The following supplemental equipment is required while working in a correctional deputy capacity.

(a) Leather or synthetic leather duty belt;

(b) Handcuffs and holder;

(c) Assigned portable radio with earpiece and holder;

(d) Taser and Taser Holster (not limited to basketweave);

(e) Assigned keys and key retention device; and

(f) Chemical Agent and holder.

The following supplemental equipment may be worn at the correctional deputy's option.

(a) Flashlight and holder;

(b) Glove pouch;

(c) Tourniquet and holder (not limited to basketweave); and

(d) Belt keepers.

Items may be placed on the duty belt in accordance with the deputy's preference, except that the handgun and holster shall be on the deputy's strong side, with the top of the weapon toward the front.

For General Duty Deputies, the Taser and Taser holster shall be carried on the support side.

OSHA requires that deputies shall wear OSHA-approved reflective traffic vests when controlling and directing activity on all roadways. The ANSI Class 3 rain jacket may also be worn.

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1045.3.8 BADGES
Deputies wearing the military-style uniform shall at all times have their badge displayed properly on the outermost garment worn. They will also carry their office-issued identification card.

On-duty deputies not wearing the military-style uniform shall carry the badge on their person, as well as their office-issued identification card. Special circumstances may require these personnel to display their badges on their outermost clothing for positive identification.

A county identification card will be clearly displayed by non-uniformed personnel at all times while at the Law Enforcement Center.

1045.4 INSIGNIA AND PATCHES

a. Shoulder Patches - The authorized shoulder patch shall be machine stitched to the sleeves of all military style uniform shirts, sweaters (except support staff) and jackets (except Rain/Cold Weather Gear), three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

b. Service Stripes and Stars - Service stripes for length of service may be worn on long-sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam, with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only. One service stripe may be added after completion of each three year service increment.

c. The regulation name plate, embroidered name or an authorized sewn-on cloth nameplate, shall be worn at all times by all staff while in uniform.. The namedisplayed shall be the employee's first name or first initial and their last name. If an employee's first and last names are too long to fit then the initial of the first name will accompany the last name. The name plate shall be worn and placed on the right pocket flap with equal distance from both sides of the name plate to the outer edge of the pocket. An authorized embroidered name or sewn on nameplate shall be placed directly above the right pocket below the flag. Mobile Field Force members are allowed to utilize their badge number in place of their name plate or embroidered name and the uniform shirt is only to be worn during a Mobile Field Force deployment. The badge number must be preceded with the letters "DCSO" in front of it, for example "DCSO 1100" and can be embroidered or placed on a name plate.

d. When a jacket is worn, the name plate, embroidered name or authorized sewn on cloth name plate shall be affixed to the jacket in the same manner as the uniform.

e. Assignment Insignias/Medals - Assignment insignias (ie. SWAT, FTO, or similar) may be worn as designated by policy

f. An American flag patch of a size not to exceed three inches by five inches shall be worn above the right front pocket using appropriate flag display etiquette (Minn. Stat. § 15.60).

g. Badge - The badge, or authorized fabric badge, must be worn and be visible at all times while in uniform. Certain exceptions exist, such as rain gear. Licensed non-uniform personnel will wear

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or carry their badge in a manner that it is in reasonable proximity to their firearm and able to be displayed whenever appropriate.

h. Rank insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff or designee may authorize exceptions.

i. Sergeants and Corporals shall wear chevrons on each sleeve.

j. Collar brass or rank insignia shall be worn on the collar (both sides) of the military-style uniform shirt. The collar brass shall be gold in color with "DCSO."

k. A tie clasp/pin in the style and relating to that of a professional law enforcement agency, gold or brown in color, shall be worn with the tie.

1045.4.1 EXTRA ASSIGNMENT PINS

Members have the option of wearing assignment pins whether they remain active in the unit or are no longer a member. These assignment pins will be worn on the left pocket flap. Units included are:

(a) Instructor

(b) Honor Guard

(c) Field Training Officer

(d) S.W.A.T.

(e) K-9

(f) Drug Recognition Expert (D.R.E.)

(g) Special Response Team (S.R.T.)

(h) Special Operations Team (S.O.T)

(i) Negotiator

(j) Dive Team

(k) Bike Patrol

(l) Crisis Intervention Trained (C.I.T)

(m) Evidence Technician

1045.4.2 MEDALS AND RIBBONS

Medals and ribbons will always be worn on the right pocket flap. They include:

(a) Life-Saving

(b) Medal of Valor

(c) Medal of Honor

(d) Medal of Merit

(e) Service Pin (Serving Since Name Plate)

(f) Memorial Pins for Fallen Dakota County Officers/Deputies

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(g) Military Service

1045.4.3 MOURNING BADGE

Employees may wear an all black mourning band across the metal uniform badge whenever a law enforcement or correctional officer is killed in the line of duty. The band shall be worn horizontally across the badge, not diagonally. The following mourning periods will be observed:

(a) A deputy of this office line-of-duty death - Mourning bands shall be worn from the time of death until midnight on the 30th day after the death.

(b) A deputy of this office non-line-of-duty death - Mourning bands shall be worn from the time of death until midnight on the day of the funeral.

(c) Retired deputy of this office death - Mourning bands shall be worn the day of the funeral until midnight on the day of the funeral.

(d) A peace officer or correctional officer from this state - Mourning bands shall be worn from the time of death until midnight on the day of the funeral.

(e) Funeral attendee - Mourning bands shall be worn while attending the funeral of a fallen peace officer.

(f) National Peace Officers Memorial Day (May 15th) - Mourning bands shall be worn from midnight through the following midnight.

(g) Mourning bands shall be worn as directed by the Sheriff or his/her designee.

1045.4.4 ETHICAL POLICING IS COURAGEOUS (EPIC) PIN

EPIC pins will be worn at all times by deputies wearing the military-style uniform once requisite training has been completed. The pin will be worn on the left pocket flap.

1045.5 BUSINESS CASUAL ATTIRE

There are assignments and times within the Office that will not require staff to wear a uniform. When not required to wear any class of uniform (A-C), personnel must recognize that their appearance will reflect on the office to the same degree as the appearance of uniformed deputies. As a result, those not required to wear a uniform shall wear business casual attire. Business casual attire must appear professional and business-like.

a. All personnel shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

b. The following items are not considered business casual attire:

- Jeans or capri pants
- T-shirts
- Swimsuit, tube tops, or halter tops
- Spandex type pants or see-through clothing
- Distasteful printed slogans, buttons, or pins

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- Sweatshirt, sweat pants, or similar exercise clothing
- Tennis Shoes, sandals or flip-flops

c. Jeans, tee-shirts, sweatshirts, and tennis shoes will only be considered appropriate for designated office clean up days and training where there is a physical component or use of simunitions, such as Use of Force, Firearms or EVOC/PIT. Additional exceptions may be made as deemed appropriate by a supervisor.

d. All personnel who attend classroom only training shall wear business casual attire unless an exception is made by the employee's supervisor.

e. Variations from this order are allowed at the discretion of the Sheriff or his/her authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.

f. Licensed on-duty employees wearing business casual attire shall wear their duty weapon, badge, and Sheriff's Office identification unless approved by the Sheriff or his/her authorized designee.

g. Plain-clothes deputies shall have readily available to them their radio, taser (if issued), chemical agent, handcuffs, and tactical or duty vest.

1045.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHERAPPEARANCES IN UNIFORM

Unless specifically authorized by the Sheriff, Dakota County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a badge, patch or other official insignia of the Office, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Dakota County Sheriff's Office to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

1045.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Dakota County Sheriff's Office employees may not wear any uniform item, accessory, or attachment and may not use or carry any tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or his/her designee.

1045.8 OPTIONAL ATTIRE BASED ON RELIGIOUS ACCOMMODATION

Religious head coverings may be worn while on duty. If the head covering is worn while in uniform, it must be black, brown, or tan with no visible manufacturer logo or print. The head covering must

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not impair the operation of weapons, pose a health or safety hazard, or interfere with any other equipment (e.g., hat, helmet, gas mask, etc.).It must not cover or obscure any uniform insignias.

Requests for other religious exceptions or accommodations to DCSO uniforms, rules, policies, or procedures shall be made to the Administrative Captain.

Head coverings and other approved religious attire are considered optional uniform items and may be subject to reimbursement.

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Sheriff's Explorers Program

1047.1 PURPOSE AND SCOPE

Explorers work under direct supervision and perform a variety of routine and progressively advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1047.2 PROGRAM ADVISORS

The Program Advisors will be responsible for tracking the job performance of explorers as well as making their individual assignments throughout the Office. The Explorer Program Coordinator will also monitor the training provided for all explorers and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1047.3 ORIENTATION AND TRAINING

Newly appointed explorers will receive an orientation of the organization and facilities before reporting to their first assignment. Orientation training will be conducted in compliance with the Explorer Training Manual. Training sessions will be scheduled as needed to train explorers for as many assignments as possible. In addition to job specific training, information will be offered to prepare explorers to compete successfully in the sheriff's deputy selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become sheriff's deputies. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1047.4 EXPLORER UNIFORMS

Each explorer will provide their own uniform which conforms to Office standards. The standards will be established by the assigned Explorer Program supervisor.

1047.5 ASSIGNMENTS

Office needs and concerns will take precedence over individual explorer considerations, with the final decision resting with the Lead Advisor.

In general, explorers will be assigned to positions requiring more technical skill or responsibility, including training newly appointed explorers, and explorers for new assignments.

1047.6 RIDE-ALONG PROCEDURES

Explorers must meet all Ride-Along standards, be on their own time and be approved by the appropriate Patrol Sergeant. Applicable waivers must be signed in advance of the ride-along.

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Nepotism and Conflicting Relationships

1049.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this office. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1049.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Office employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Office employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1049.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Office will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following restrictions apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest members of this office shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered predatory offender or who engages in intentional violations of state or federal laws.

1049.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1049.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

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Office Badges

1051.1 PURPOSE AND SCOPE

The Dakota County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Dakota County Sheriff's Office are property of the Office and their use shall be restricted as set forth in this policy.

1051.2 POLICY

The uniform badge shall be issued to Office members as a symbol of authority. The use and display of Office badges shall be in strict compliance with this policy. Only authorized badges issued by this office shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1051.2.1 FLAT BADGE

Licensed or correctional deputies may purchase at their own expense a flat badge capable of being carried in a wallet and/or a secondary badge.To avoid unauthorized purchases, a letter from the Sheriff or his/her deisgnee is required for all badge purchases. The use of these badges is subject to all the same provisions of Office policy as the uniform badge.

(a) A deputy may sell, exchange or transfer the flat badge or secondary he/she purchased to another deputy within the Dakota County Sheriff's Office with the written approval of the Sheriff or designee.

(b) Should the flat or secondary badge become lost, damaged, or otherwise removed from the deputy's control he/she shall make the proper notifications as outlined in the Office-Owned and Personal Property Policy.

(c) Carrying or displaying a flat badge or secondary badge is not authorized for non-sworn personnel.

1051.2.2 NON-LICENSED PERSONNEL

Badges and Office identification cards issued to non- licensed personnel shall be clearly marked to reflect the position of the assigned employee (e.g. program services assistant, correctional deputy).

(a) Non-licensed personnel shall not display any Office badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

(b) Non-licensed personnel shall not display any Office badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed deputy.

1051.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may keep their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

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1051.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Office badges are issued to all licensed employees and non-sworn uniformed employees for official use only. The Office badge, shoulder patch or the likeness thereof, or the Office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Office name for all material (e.g., printed matter, products or other items) developed for Office use shall be subject to approval by the Sheriff.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1051.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Office badge shall not be used without the express authorization of the Sheriff and shall be subject to the following:

(a) The employee associations may use the likeness of the Office badge for merchandise and official association business provided it is used in a clear representation of the association and not the Dakota County Sheriff's Office. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the Office badge for endorsement of political candidates shall not be used without the express approval of the Sheriff.

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Temporary Modified-Duty Assignments

1053.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, or current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1053.2 POLICY

Subject to operational considerations, the Dakota County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

1053.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Minnesota Human Rights Act (Minn. Stat. § 363A.01 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Dakota County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency or assigned vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

1053.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

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(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Division Commander, with notice to the Sheriff.

1053.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified-duty may be adjusted to suit medical appointments or Office needs at the discretion of the Sheriff or designee.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

1053.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall provide documentation of shift/assignment and details.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick and/or flex leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment should provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Division Captain apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Sheriff or designee, with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff or designee.

(d) When it is determined that an employee on modified duty will return to regular duty, the Dakota County Employee Relations will advise the Sheriff or designee.All training and certification necessary for return to duty shall be reviewed and updated as necessary.

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1053.4.3 MEDICAL EXAMINATIONS

The Office reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Office.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1053.5 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Office should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Minn. Stat. § 181.939; Minn. Stat. § 363A.08).

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Employee Speech, Expression and Social Networking

1057.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1057.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1057.2 POLICY

Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Dakota County Sheriff's Office will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1057.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Dakota County Sheriff's Office employees such as posting personal information in a public forum can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this agency has had professional contact with such as crime victims or staff of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an employee.
- Disclosing the address, telephone number or email address of an employee.
- Otherwise disclosing where another employee can be located off-duty.

1057.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the organization's safety, performance and public-trust needs the following are prohibited unless the speech is otherwise protected (for example an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Dakota County Sheriff's Office or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Dakota County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Dakota County Sheriff's Office or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Dakota County Sheriff's Office.

(f) Use or disclosure, through whatever means, of any not public data, photograph, video or other recording obtained or accessible as a result of employment with the Office for financial or personal gain gain or data classified as not public by state or federal law or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked

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vehicles, equipment or other material that specifically identifies the Dakota County Sheriff's Office on any personal or social networking or other website or web page that could damage the reputation or professionalism of the Dakota County Sheriff's Office or its employees.

(h) Accessing websites for non-authorized purposes or use of any personal communication device, game device or media device, whether personally or office-owned, for personal purposes while on-duty except in the following circumstances:

1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1057.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or employee group, employees may not represent the Dakota County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Dakota County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support, or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized barganinig unit or an employee group, is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Dakota County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or employee group, on political subjects and candidates at all times while off-duty. However employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend

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or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1057.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

1057.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Office.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

1057.7 TRAINING

Subject to available resources the Office should provide training regarding employee speech and the use of social networking to all members of the Office.

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POST Licensing

1059.1 PURPOSE AND SCOPE

Maintaining a valid POST license is a critical element of a deputy's ability to continue their employment and is their sole professional responsibility. Every licensed deputy is required to complete the continuing education requirements to maintain a valid license every three years (Minn. R. § 6700.0900; Minn. R. 6700.1000).

1059.2 RENEWAL SCHEDULE

Any deputy whose license expires is not authorized to work as a peace officer until the license status is valid. Deputies renew their POST licenses according to the following schedule (Minn. R. 6700.1000):

- Last name starting with A-G will renew in 2013 and every third year thereafter.
- Last name starting with H-M will renew in 2014 and every third year thereafter.
- Last name starting with N-Z will renew in 2015 and every third year thereafter.

1059.2.1 LICENSE RENEWAL CREDITS

A peace officer license may be renewed only upon the licensee or the licensee's appointing authority providing the POST board proof the licensee has successfully completed board-approved continuing education and posting of fees on or before June 30 of the year a license is due for renewal. Licensee required hours of continuing credit are (Minn. R. 6700.1000, Subd. 3):

- 16 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months.
- 32 hours for a peace officer or a part-time peace officer who has been licensed for at least 18 months but less than 30 months.
- 48 hours for a peace officer or a part-time peace officer who has been licensed for at least 30 months.

1059.3 LICENSE PROCESS

A general schedule for the license renewal process is:

- February - The Office or deputy will receive employment verification.
- March - The Office or deputies are sent a license renewal application.
- June - A final notice will be sent from POST for those who have not renewed.
- June 30 - The deadline date for license renewal after which deputies whose license expires will no longer be authorized to practice law enforcement or carry a firearm.

1059.4 INACTIVE LICENSE

Deputies who fail to complete the requirements will have their license placed in the "Inactive" status. The employee may then be placed in a temporary administrative assignment until their

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license is “Valid”. Those employees may also face administrative discipline up to and including termination.

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Workplace Accident and Injury Reduction

1060.1 POLICY

Refer to Dakota County Policy 5500 regarding A Workplace and Injury Reduction (AWAIR) Program.

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Line-of-Duty Deaths

1061.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Dakota County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Office in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1061.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a deputy during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For a deputy, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1061.2 POLICY

It is the policy of the Dakota County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1061.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member’s supervisor should provide all reasonably available information to the Watch Commander and Dispatch.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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(d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Office Liaison as soon as practicable (see the Notifying Survivors section and the Office Liaison and Hospital Liaison subsections in this policy).

1061.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Office Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in office vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

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(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Office Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Office Liaison.

(m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Dakota County Sheriff's Office members may be apprised that survivor notifications are complete.

1061.4.1 OUT-OF-AREA NOTIFICATIONS

The Office Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Office Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the office member that the survivors can call for more information following the notification by the assisting agency.

(b) The Office Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Office to pay travel expenses without the authorization of the Sheriff or authorized designee.

1061.5 NOTIFYING OFFICE MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying office members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Office regarding the deceased member or the incident.

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1061.6 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

(a) Office Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Wellness Support Liaison.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Office Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available office resources. The Office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1061.6.1 OFFICE LIAISON

The Office Liaison should be a Division Commander or of sufficient rank to effectively coordinate office resources, and should serve as a facilitator between the deceased member's survivors and the Office. The Office Liaison reports directly to the Chief Deputy. The Office Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that office members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

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(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1061.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Office members and friends of the deceased member.
3. Media personnel.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Dakota County Sheriff's Office members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be directed to the Office, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1061.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Office Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term office contact for survivors.

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The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

(b) Communicating with the Office Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Office and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of office-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.

(h) Coordinating with the office's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

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(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to office activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Office recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Office to facilitate communications necessary to the assignment. The office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1061.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the office wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of office responsibilities until they can receive wellness support.

(c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.

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(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1061.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Office Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Office, including but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Sheriff and command staff concerning funeral arrangements.

(e) Assigning a deputy to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using office vehicles and drivers.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1061.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Office Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Dakota County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

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Where practicable, the Sheriff should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1061.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease, Personal Injury and Death Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Survivor benefits (Minn. Stat. § 353.657).
2. Disability survivor benefits (Minn. Stat. § 353.656).
3. Continued health insurance coverage benefit (Minn. Stat. § 299A.465).
4. Death benefit (Minn. Stat. § 299A.44).
5. Education benefit (Minn. Stat. § 299A.45).

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

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(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1061.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Office Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1061.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the office's PIO should be the office's contact point for the media. As such, the PIO should coordinate with the Office Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that office members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Office and deceased member's survivors.

(d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to office members, other agencies and the media as appropriate.

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(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1061.8 OFFICE CHAPLAIN

The Office chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting office members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1061.9 INVESTIGATION OF THE INCIDENT

The Sheriff or authorized designee shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1061.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1061.11 NON-LINE-OF-DUTY DEATH

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

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Attachments

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ABA Carrier.png

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PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY.pdf

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PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY

MN STAT 626.8457

I. POLICY

It is the policy of the Dakota County Sheriff's Office to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

1. Rationale: Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. Rules

a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.

b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.

c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.

d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.

e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

1. Rationale: Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. Rules

a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.

e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers 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. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

2. Rules

a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. Rationale: A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

2. Rules

a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in **c)**.
b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect.

1. Rationale: Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

2. Rules

a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.

c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

1. Rationale: For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. Rules

a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.

b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.

c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.

d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.

e) Peace officers shall:

- not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;

- maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
- not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. Rationale: For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions where those actions would or could conflict with the officer's appropriate responsibilities.

2. Rules

a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.

b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.

c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.

d) A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

1. Rationale: Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. Rules

a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.

b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.

c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.

Model Sexual Assault Investigation Policy 2019.pdf

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I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;

b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;

c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the Dakota County Sheriff's Office to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

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

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

(1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

(2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

(3) Corroboration of the victim's testimony is not required to show lack of consent.

B. **Child or Minor:** a person under the age of 18.

C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:

(1) spouses or former spouses;
(2) parents and children;
(3) persons related by blood;
(4) persons who are presently residing together or who have resided together in the past;
(5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
(7) persons involved in a significant romantic or sexual relationship

F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.

H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

I. **Vulnerable Adult***:* any person 18 years of age or older who:

(1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Deputies

Communications personnel and/or law enforcement deputies should inform the victim of ways to ensure critical evidence is not lost, to include the following:

1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, deputies shall follow standard incident response procedures. In addition, when interacting with victims, deputies shall do the following:

1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

2) The deputy shall attempt to determine the location/jurisdiction where the assault took place.

3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the deputy can offer to contact local victim advocate on behalf of the victim.

5) Ask about and document signs and symptoms of injury, to include strangulation. Deputies shall attempt to obtain a signed medical release from the victim.

6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.

7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, deputies should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, deputies should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Deputies, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When a deputy determines that a victim requires the use of these specialized interview techniques, the deputy should follow the guidance below.

a. Deputies responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1) Ensuring the safety of the victim;
(2) Ensuring the scene is safe;
(3) Safeguarding evidence where appropriate;
(4) Collecting any information necessary to identify the suspect; and
(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding deputies should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Deputies should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Deputies responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable. Deputies investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Deputies responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Deputies should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Deputies should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating detective will follow up with information on a forensic interview.

e. The deputy should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse

Deputies responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

1) Confidentiality: Deputies should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)

2) Crime Victim Rights: Deputies must provide the following information to the victim:
    a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
    b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
    c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
    d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Deputies should provide to the victim the agency's crime report/ICR number, and contact information for the reporting deputy and/or investigator or person handling the follow up.

4) Language access: All deputies shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

1) Considerations for Evidence Collection
Deputies shall follow this agency's policy on crime scene response. In addition, deputies may do the following:

    a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.

    b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, deputies should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

d. If the victim has declined or a medical forensic exam will not be conducted, the deputies should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the assigned detective should do the following:
    a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
    b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Deputies and detectives cannot deny a victim the opportunity to have an exam.
    c. Detectives should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
    d. Ask the victim for a signed release for access to medical records from the exam.

2) Deputies/detectives should not be present during any part of the exam, including during the medical history.
3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, detectives should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

3) When possible, an attempt would be made to interview the suspect in person.
4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
    a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
    b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
5) For sexual assaults involving strangers, detectives should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating deputy/detective, Forensic Medical Examiner, or the agency/county crime lab personnel.

1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
2) Determine whether a sexual assault medical forensic examination should be conducted.
3) Ask for the suspect's consent to collect evidence from their body and clothing. However, detectives should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
4) During the suspect's sexual assault medical forensic examination, the detective, evidence technician, or forensic examiner should do the following:
    a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
    b. Collect biological and trace evidence from the suspect's body;
    c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
    d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
    e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

1) Assist deputies/detectives investigating incidents of sexual assault when possible or if requested.
2) Provide guidance and direction as needed.
3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

1) Case dispositions
2) Decisions to collect evidence
3) Submissions of evidence for lab testing
4) Interviewing decisions

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CONFIDENTIAL INFORMANTS MODEL POLICY

MN STAT 626.8476

I. POLICY

It is the policy of the ***(law enforcement agency)*** to establish procedures and protocols that take necessary precautions concerning the recruitment, control and use of confidential informants.

II. DEFINITIONS

A. Confidential Informant (CI): A person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and;

1. seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and
2. is able, by reason of the person's familiarity or close association with suspected criminals, to:
    i. make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation;
    ii. supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or
    iii. otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

B. Controlled Buy: means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

C. Controlled Sale: means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

D. Mental Harm: means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.

E. Target Offender: means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

F. Confidential Informant File*:* means a file maintained to document all information that pertains to a confidential informant.

G. Unreliable Informant File: means a file containing information pertaining to an individual who has failed at following an established written confidential informant agreement and has been determined to be generally unfit to serve as a confidential informant.

H. Compelling Public Interest*:* means, for purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

I. Overseeing agent*:* means the officer primarily responsible for supervision and management of a confidential informant.

III. PROCEDURES

A. Initial Suitability Determination

An initial suitability determination must be conducted on any individual being considered for a role as a CI. The initial suitability determination includes the following:

1. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the appropriate individual or entity, as determined by the agency chief executive, to review for potential selection as a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information must be addressed in the report, where applicable:
    a. Age, sex, and residence
    b. Employment status or occupation
    c. Affiliation with legitimate businesses and illegal or suspicious enterprises
    d. Extent to which potential information, associations, or other assistance could benefit a present or future investigation
    e. Relationship with the target of an investigation
    f. Motivation in providing information or assistance
    g. Risk of adversely affecting an existing or future investigation
    h. Extent to which provided information can be corroborated
    i. Prior record as a witness
    j. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime
    k. Risk to the public or as a flight risk
    l. Consultation with the individual's probation, parole, or supervised release agent, if any
    m. Consideration and documentation of the individual's diagnosis of mental illness, substance use disorder, traumatic brain injury, or disability; and consideration and documentation of the individual's history of mental illness, substance use disorder, traumatic brain injury or disability
    n. Relationship to anyone in law enforcement
    o. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement
    p. Prior or current service as a CI with this or another law enforcement organization
2. Prior to an individual's use as a CI, a supervisor or other designated authority must review the Initial Suitability Report and determine if the individual is authorized to serve as a CI.
3. Any prospective or current CI must be excluded from engaging in a controlled buy or sale of a controlled substance if the prospective or current CI:
    a. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or
    b. is participating in a treatment-based drug court program or treatment court; except that
    c. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

4. Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known, or has reported, to have experienced a drug overdose in the previous 12 months.
5. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services.
6. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services agency, or other substance abuse and mental health services.
7. Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in III.A.1.a–p, and III.A.3-6, where applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity.
8. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible.
9. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a CI is active for more than 12 months, a supervisory meeting with the CI must be conducted without the overseeing agent.
10. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

B. Exigent Confidential Informants

1. Certain circumstance arise when an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent. In these circumstances, the initial suitability determination can be deferred and an individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest if:
    a. The individual is not excluded from utilization as a CI under III.A(3)(a-c) of this policy; and
    b. There is compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and
    c. A supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.
2. Upon the conclusion of the 12-hour window, or at any time before, an initial suitability determination must be conducted before the individual engages in any further CI activities.

C. Special CI Approval Requirements

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's chief executive or their designee and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. These individuals include the following:

1. Juveniles
    a. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.

b. Authorization for such use should be granted only when a compelling public interest can be demonstrated, *except that*

c. Juveniles under the guardianship of the State may not be used as a CI.

2. Individuals obligated by legal privilege of confidentiality.
3. Government officials.

D. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, not the individual overseeing agent.
2. No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.
3. CIs must not be used without authorization of the agency through procedures identified in this policy.
4. CIs must not be used to gather information purely of a political nature or for other information-gathering efforts that are not connected with a criminal investigation.
5. Under no circumstances must an informant be allowed access to restricted areas or investigators' work areas within a law enforcement agency.
6. All CIs must sign and abide by the provisions of the agency's CI agreement.
7. Any physical or mental illness that impairs the CI's ability to knowingly contract or otherwise protect the informant's self-interest must be taken into consideration before the CI signs the agreement.
8. The CI's overseeing agent must discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:

    a. CIs may voluntarily initiate deactivation, whereupon the protocols outlined in section E of this policy must be followed.

    b. CIs are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon while performing activities as a CI.

    c. CIs found engaging in any illegal activity beyond what is authorized by the agency and conducted while under the supervision of an overseeing agent, will be subject to prosecution.

    d. CIs are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions must be explained to each CI.

    e. CIs are prohibited from engaging in self-initiated information or intelligence gathering without agency direction and approval. The CI must not take any actions in furtherance of an investigation without receiving specific instruction(s) from the overseeing agent or agency.

    f. Every reasonable effort will be taken to ensure the confidentiality of the CI but, upon judicial order, he or she may be required to testify in open court.

    g. CIs may be directed to wear a listening and recording device.

    h. CIs must be required to submit to a search before and after a controlled purchase.

i. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the handling agency must promptly report that activity or meeting to their overseeing agents.

9. CI activity outside jurisdictional boundaries:
    a. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of the agency must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.
    b. Any decision to defer or delay notice to or coordinate with an outside agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.
10. Officers must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.
11. No member of this agency must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.
12. Members of this agency must not solicit, accept gratuities from, or engage in any private business transaction with a CI.
13. Meetings with a CI must be conducted in private with another officer or agent present and with at least one officer or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.
14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the agency and the CI. This plan should also aim to prevent the detection, compromise, or interception of communications between the overseeing agent and the CI.
15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.
16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.
    a. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.
    b. Overseeing agents must document:
        i. the screening,
        ii. any referral to services provided to, or requested by, the CI, and
        iii. any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.
    c. No part of this subsection supersedes MN Stat. 253B.05, sub.2.

17. Reasonable protective measures must be provided for a CI when any member of this agency knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this agency.
18. Overseeing agents must:
    a. evaluate and document the criminal history and propensity for violence of target offenders; and
    b. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.
19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.
20. Whenever possible, officers must corroborate information provided by a CI and document efforts to do so.
21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record or the CI is a subject of the investigation upon which the affidavit is based.
22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.
23. Individuals leaving employment with the agency have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

E. Establishment of an Informant File System

An informant file system must be established as follows:

1. The agency chief executive must designate a file supervisor who must be responsible for developing and maintaining master CI files and an indexing system.
2. A file must be maintained on each CI deemed suitable by the agency.
3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.
4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:
    a. Name, aliases, and date of birth
    b. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features
    c. Emergency contact information
    d. Name of the officer initiating use of the informant and any subsequent overseeing agents
    e. Photograph and criminal history record
    f. Current home address and telephone number(s)
    g. Residential addresses in the last five years
    h. Current employer, position, address, and telephone number
    i. Social media accounts
    j. Marital status and number of children

k. Vehicles owned and their registration numbers

l. Places frequented

m. Gang affiliations or other organizational affiliations

n. Briefs of information provided by the CI and the CI's subsequent reliability

o. Special skills and hobbies

p. Special areas of criminal expertise or knowledge

q. A copy of the signed informant agreement

5. CI files must be maintained in a separate and secured area.
6. The file supervisor must ensure that information concerning CIs is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information.
7. CI File Review
    a. Sworn personnel may review an individual's CI file only upon the approval of the agency's chief executive or their designee.
    b. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.
    c. Officers must not remove, copy, or disseminate information from the CI file.
    d. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.
    e. All disclosures or access to CI files must be recorded by the file supervisor, to include information such as the requesting officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.
    f. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

F. Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:
    a. The name of the agency.
    b. The name of the CI.
    c. The control number of the CI, where applicable.
    d. The date of deactivation.
    e. The reason for deactivation.
    f. A notification that contractual agreements regarding monetary re-numeration, criminal justice assistance, or other considerations, specified or not, are terminated.
    g. A notification that the agency will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.
    h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.

i. A signature by the overseeing agent.

2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

G. Monetary Payments

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency.
2. All CI payments must be approved in advance by the officer in charge of confidential funds.
3. Officers must provide accounting of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number.
4. Two officers must be present when making payments or providing funds to CIs.
5. The appropriate individual, as designated by the agency's chief executive, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with agency policy.
6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision III.F.1. of this policy.
7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

Eyewitness Identification Procedures Model Policy.pdf

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EYEWITNESS IDENTIFICATION PROCEDURES MODEL POLICY

Minn. Stat. 626.8433

POLICY:

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

Purpose:

It is the purpose of this policy to establish guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

Definitions:

Show-up: The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

Line-up: The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array: A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Administrator: The law enforcement official conducting the identification procedure.

Blinded Presentation: The administrator may know the identity of the suspect, but does not know which photo array member is being viewed by the eyewitness at any given time.

Confidence Statement: A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

Filler: A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

Sequential: Presentation of a series of photographs or individuals to a witness one at a time.

Simultaneous: Presentation of a series of photographs or individuals to a witness all at once.

Procedure:

1. Show-ups

The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

a. Document the witness's description of the perpetrator prior to conducting the show up.

b. Conduct a show-up only when the suspect is detained within a reasonably time frame after the commission of the offense and within a close physical proximity to the location of the crime.

c. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.

d. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.

e. Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.

f. Do not conduct the show-up with more than one witness present at a time.

g. Separate witnesses and do not allow communication between them before or after conducting a show-up.

h. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.

i. Do not present the same suspect to the same witness more than once.

j. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.

k. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.

l. Ask the witness to provide a confidence statement.

m. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.

n. Videotape the identification process using an in-car camera or other recording device when feasible.

o. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

Line-up and Photo Array Procedures

2. Basic Procedures for Conducting a Line-up or Photo Array

a. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.

b. Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.

c. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.

d. Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.

e. Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

f. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.

g. If there is more than one suspect, include only one in each line-up or photo array.

h. During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.

i. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.

j. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.

k. The witness shall be given a copy of the following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I don't know whether the person being investigated is included in this series.

Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

If you make an identification, I will continue to show you the remaining individuals or photos in the series.

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results

l. The line-up or photo array should be shown to only one witness at a time; officers should separate witnesses so they will not be aware of the responses of other witnesses.

m. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.

n. Officers should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.

o. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.

p. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.

q. Line-up and photo array procedures should be video or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.

3. Photographic Arrays
   a. Creating a Photo Array
      1. Use contemporary photos.
      2. Do not mix color and black and white photos.
      3. Use photos of the same size and basic composition.
      4. Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
      5. Do not include more than one photo of the same suspect.
      6. Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
      7. Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
      8. Fillers should not be reused in arrays for different suspects shown to the same witness.
   b. Conducting the Photo Array
      1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.

2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.
    a. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
    b. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
    c. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
3. The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
4. If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

4. Line-ups
    a. Conducting the Line-up
        1. Live line-ups shall be conducted using a blind administrator.
        2. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
    b. The primary investigating officer is responsible for the following:
        1. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
        2. Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if he or she is incarcerated at a detention center.
        3. Making arrangements to have persons act as fillers.
        4. Ensuring that the suspect’s right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect’s right to counsel.
        5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.

References:

Eyewitness Identification Procedure Form
Sequential Photo Display Form

Adopted by Minnesota POST Board January 24.pdf

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Adopted by Minnesota POST Board January 24, 2019

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;

b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;

c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the Dakota County Sheriff's Office to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

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

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

(1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

(2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

(3) Corroboration of the victim's testimony is not required to show lack of consent.

B. **Child or Minor:** a person under the age of 18.

C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:

(1) spouses or former spouses;

(2) parents and children;

(3) persons related by blood;

(4) persons who are presently residing together or who have resided together in the past;

(5) persons who have a child in common regardless of whether they have been married or have lived together at any time;

(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(7) persons involved in a significant romantic or sexual relationship

F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.

H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

I. **Vulnerable Adult:** any person 18 years of age or older who:

(1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.

2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.

3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).

4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

2) The officer shall attempt to determine the location/jurisdiction where the assault took place.

3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.

7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process

- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.
- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.

1) Whether the suspect was known to the victim

2) How long the victim knew the suspect

3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault

4) The extent of their previous or current relationship

5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force

6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault

7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1) Ensuring the safety of the victim;

(2) Ensuring the scene is safe;

(3) Safeguarding evidence where appropriate;

(4) Collecting any information necessary to identify the suspect; and

(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or

witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.22 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse

Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)

2) Crime Victim Rights: Officers must provide the following information to the victim:

a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)

b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.

c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.

d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

1) Considerations for Evidence Collection

Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in

accordance to any/all other policies and procedures relating to evidence collections.

b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:

a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.

b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.

c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or

medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.

d. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present during any part of the exam, including during the medical history.

3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.

2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

3) When possible, an attempt would be made to interview the suspect in person.

4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:

a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.

b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.

5) For sexual assaults involving strangers, officers should focus investigative efforts

on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.

2) Determine whether a sexual assault medical forensic examination should be conducted.

3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.

4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:

a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;

b. Collect biological and trace evidence from the suspect's body;

c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;

d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;

e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.

2) Provide guidance and direction as needed.

3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

1) Case dispositions

2) Decisions to collect evidence

3) Submissions of evidence for lab testing

4) Interviewing decisions

Model Sexual Assault Investigation Policy 03-03-21.pdf

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I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;

b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;

c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

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

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

(1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

(2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

(3) Corroboration of the victim's testimony is not required to show lack of consent.

B. **Child or Minor:** a person under the age of 18.

C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:

(1) spouses or former spouses;
(2) parents and children;
(3) persons related by blood;
(4) persons who are presently residing together or who have resided together in the past;
(5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
(7) persons involved in a significant romantic or sexual relationship

F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.

H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

I. **Vulnerable Adult***:* any person 18 years of age or older who:
(1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

2) The officer shall attempt to determine the location/jurisdiction where the assault took place.

3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.

7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1) Ensuring the safety of the victim;
(2) Ensuring the scene is safe;
(3) Safeguarding evidence where appropriate;
(4) Collecting any information necessary to identify the suspect; and
(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian pursuant to 260E.22 can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.06 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse

Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)

2) Crime Victim Rights: Officers must provide the following information to the victim:
    a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
    b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
    c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
    d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F.Evidence Collection

1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

    a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.

    b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
    a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
    b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
    c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
    d. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present during any part of the exam, including during the medical history.
3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

3) When possible, an attempt would be made to interview the suspect in person.
4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
    a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
    b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect
Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
2) Determine whether a sexual assault medical forensic examination should be conducted.
3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
    a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
    b. Collect biological and trace evidence from the suspect's body;
    c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
    d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
    e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2) Provide guidance and direction as needed.
3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

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I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

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

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  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

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(2) Ensuring the scene is safe;
(3) Safeguarding evidence where appropriate;
(4) Collecting any information necessary to identify the suspect; and
(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.22 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse

Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)

2) Crime Victim Rights: Officers must provide the following information to the victim:
    a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
    b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
    c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
    d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

    a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.

    b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
    a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
    b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
    c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
    d. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present during any part of the exam, including during the medical history.
3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.

2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.
3) When possible, an attempt would be made to interview the suspect in person.
4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
    a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
    b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
2) Determine whether a sexual assault medical forensic examination should be conducted.
3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
    a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
    b. Collect biological and trace evidence from the suspect's body;
    c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
    d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
    e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2) Provide guidance and direction as needed.
3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

1) Case dispositions
2) Decisions to collect evidence
3) Submissions of evidence for lab testing
4) Interviewing decisions

Model Sexual Assault Investigation Policy.pdf

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I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;

b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;

c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

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

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

(1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

(2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

(3) Corroboration of the victim's testimony is not required to show lack of consent.

B. **Child or Minor:** a person under the age of 18.

C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:

(1) spouses or former spouses;
(2) parents and children;
(3) persons related by blood;
(4) persons who are presently residing together or who have resided together in the past;
(5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
(7) persons involved in a significant romantic or sexual relationship

F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.

H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

I. **Vulnerable Adult***:* any person 18 years of age or older who:
(1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

2) The officer shall attempt to determine the location/jurisdiction where the assault took place.

3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.

7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1) Ensuring the safety of the victim;
(2) Ensuring the scene is safe;
(3) Safeguarding evidence where appropriate;
(4) Collecting any information necessary to identify the suspect; and
(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse

Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)

2) Crime Victim Rights: Officers must provide the following information to the victim:
    a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
    b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
    c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
    d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

    a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.

    b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

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1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
   a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
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Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

3) When possible, an attempt would be made to interview the suspect in person.
4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
    a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
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5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

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Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
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3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
    a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
    b. Collect biological and trace evidence from the suspect's body;
    c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
    d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
    e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2) Provide guidance and direction as needed.
3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

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A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

1) Case dispositions
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MN POST Professional Conduct of Peace Officers Model Policy.pdf

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PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the _____ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

1. **Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. **Rules**
   - **a)** Peace officers shall not knowingly exceed their authority in the enforcement of the law.
   - **b)** Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
   - **c)** Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
   - **d)** Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
   - **e)** Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

1. **Rationale:** Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. **Rules**
   - **a)** Peace officers shall carry out their duties with integrity, fairness and impartiality.

b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.

e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.

f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers 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. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

2. **Rules**

   a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.

   b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

2. **Rules**

a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in **c)**.

b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.

c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.

d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect.

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

2. **Rules**

a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.

c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

1. **Rationale:** For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. **Rules**

a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.

b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.

c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.

d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.

e) Peace officers shall:

- not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
- maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
- not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. **Rules**
   - **a)** Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
   - **b)** Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
   - **c)** A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
   - **d)** A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. **Rules**
   - **a)** Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
   - **b)** Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
   - **c)** Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.

PB Rev 01/2011

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MN Public Assembly-First Amendment Rights Model Policy .pdf

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Public Assembly and First Amendment Activity

References:
Minn. Rules 6700.1615
First Amendment US Constitution
Minnesota Constitution
609.705. Unlawful Assembly
609.71 Riot
609. 066 Authorized Use of Force by Peace Officers
609.06 Authorized Use of Force

1) PURPOSE

The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

The Bill of Rights in Article 1 of the Minnesota Constitution addresses the rights of free speech and the liberty of the press. However, neither the state nor federal constitutions protect criminal activity or threats against citizens, businesses, or critical infrastructure.

The (law enforcement agency) supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.

The purpose of this policy is to provide guidelines to the (law enforcement agency) personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

2) POLICY

The (law enforcement agency) will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue.

The policy of the (law enforcement agency) ("department") regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity. Department personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights.

This policy concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder applies to spontaneous demonstrations, crowd event situations, and planned demonstration or crowd events regardless of the permit status of

the event.

This policy is to be reviewed annually.

3) DEFINITIONS

A. Chemical Agent Munitions: Munitions designed to deliver chemical agents from a launcher or hand thrown.
B. Control Holds: Control holds are soft empty hand control techniques as they do not involve striking.
C. Crowd Management: Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.
D. Crowd Control: Techniques used to address unlawful public assemblies.
E. Deadly Force: Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes **609.06 and 609. 066)**
F. Direct Fired Munitions: Less-lethal impact munitions that are designed to be direct fired at a specific target.

G. First Amendment Activities**:** First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the Minnesota State Constitution.

   The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

H. Great Bodily Harm*:* Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes **609.06 and 609. 066)**

I. Legal Observers – Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.
J. Less-lethal Impact Munitions. Impact munitions which can be fired, launched, or

otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing significant potential of causing death.

K. Media: Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.

4) Law Enforcement Procedures

A. Uniform: All officers responding to public assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any officer(s) at the scene who is not in compliance with this requirement due to exigent circumstances.

B. Officer conduct:

1. Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
2. Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
3. Officers must not take action or fail to take action based on the opinions being expressed.
4. Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.
5. Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.
6. This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

i

5. Responses to Crowd Situations

A. Lawful assembly. Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and

loitering.

B. Unlawful assembly

1. The definition of an unlawful assembly has been set forth in Minnesota Statute §609.705.
2. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly
3. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
4. Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.
5. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

C. Declaration of Unlawful Assembly

1. If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the officers announcing the declaration should be recorded, with the time(s) and date(s) documented.
2. The dispersal order must include:
   a) Name, rank of person, and agency giving the order
   b) Declaration of Unlawful Assembly and reason(s) for declaration
   c) Egress or escape routes that may be used
   d) Specific consequences of failure to comply with dispersal order
   e) How long the group has to comply
3. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.
4. Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements must also specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced.

D. Crowd Dispersal

1. Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements

have been made, asking members of the crowd to voluntarily disperse, and informing them that, if they do not disperse, they will be subject to arrest.
2. Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with officer commands before action is taken.
3. If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers may employ additional crowd dispersal tactics, but only after orders from the on-scene supervisor/incident commander. The use of these crowd dispersal tactics shall be consistent with the department policy of using the minimal officer intervention needed to address a crowd management or control issue.
4. If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly,and a new declaration of unlawful assembly has been made.

6. Tactics and Weapons to Disperse or Control a Non-Compliant Crowd

Nothing in this policy prohibits officers' abilities to use appropriate force options to defend themselves or others as defined in the (law enforcement agency's) Use of Force policy.

A. Use of Batons

1. Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.
2. Batons may be visibly displayed and held in a ready position during squad or platoon formations.
3. When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
4. Officers must not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit unless the person has created an imminent threat of great bodily harm to another.
5. Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.

B. Restrictions on Crowd Control and Crowd Dispersal

1. Canines. Canines must not be used for crowd control, crowd containment, or crowd dispersal.
2. Fire Hoses. Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.
3. Electronic Control Weapons (ECWs) must not be used for crowd control, crowd

containment, or crowd dispersal.

4. Motorcycles and police vehicles must not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.

~~5.~~ Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.

6. Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
   a) Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of Direct Fired munitions. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
   b) Officers shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.
   c) When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.

7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander.

   a) Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.

   b) Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.

   c) When possible, persons should be removed quickly from any area where hand held chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.

   d) A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.

9. Chemical munitions use in a crowd situation is subject to the following:
   a) Chemical munitions must be used only when:
      1) a threat of imminent harm or serious property damage is present, or

other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,

2) sufficient egress to safely allow the crowd to disperse exists, and
3) The use of chemical munitions is approved by the on-scene supervisor/incident commander, and

b) When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions.

c) Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.

d) CN chemical munitions are prohibited.

e) The use of each chemical munition must be recorded (time, location), and the following information must be made available by the department on request :

1) the name of each chemical munition used in an incident,
2) the location and time of use for each munition deployment,
3) access to the safety data sheet (SDS) for chemical munition

f) Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, agencies should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.

g) When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.

h) Chemical munitions are subject to the same procedural requirements as outlined in the (law enforcement department)'s UOF policy.

C. Arrests

1. If the crowd has failed to disperse after the required announcements and sufficient time to disperse, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.
2. Persons who make it clear (e.g., by non-violent civil disobedience) that they seek to be arrested may be arrested and must not be subjected to other dispersal techniques, such as the use of batons or chemical agents. Persons refusing to comply with arrest procedures may be subject to the reasonable use of force.
3. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of soft empty hand control holds.
4. Officers must document any injuries reported by an arrestee, and as soon as practical, officers must obtain professional medical treatment for the arrestee.
5. Juveniles arrested in demonstrations shall be handled consistent with department policy on arrest, transportation, and detention of juveniles.
6. Officers arresting a person with a disability affecting mobility or communication must follow the department policy on arrest, transportation, and detention of persons with disabilities.

6. Handcuffs

A. All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy, orders, and training bulletins.
B. Officers should be cognizant that flex-cuffs may tighten when arrestees hands swell or move, sometimes simply in response to pain from the cuffs themselves. When arrestees complain of pain from overly tight flex cuffs, officers must examine the cuffs and ensure proper fit.
C. Arrestees in flex-cuffs must be monitored to prevent injury.
D. Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available.

7. Media.

A. The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.
B. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.
C. Officers will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.
D. The media must not be targeted for dispersal or enforcement action because of their media status.
E. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

8. Legal Observers

A. Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.
B. Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow such an individual legal observers and monitors to remain in an area after a dispersal order.
C. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

9. Documentation of Public Assembly and First Amendment Activity

A. The purpose of any visual documentation by (law enforcement agency) of a public assembly or first amendment activity must be related only to:
    1) Documentation of the event for the purposes of debriefing,
    2) Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges, or
    3) Creating visual records for training purposes.

B. If it is the policy of (law enforcement agency) to videotape and photograph, it must be done in a manner that minimizes interference with people lawfully participating in First Amendment activities. Videotaping and photographing of First Amendment activities must take place only when authorized by the on-site supervisor/incident commander.
C. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers,or speakers.
D. Unless evidence of criminal activity is provided, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state, and local law enforcement agencies. If videos or photographs are disseminated or shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.
E. If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with department policies.
F. This directive shall not prohibit department members from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures.

INDEX / TOPICS

A

ABBREVIATIONS. 13
ABUSE OF AUTHORITY. 9
ACCOUNTABILITY TO SUPERVISOR. . . 19
ADMINISTRATIVE FILE
Defined. 529
ADMINISTRATIVE INVESTIGATIONS
Criminal parallel. 522
OIS. 62
ADULT ABUSE
Investigations. 387
AIRCRAFT
Accidents. 287
Temporary flight restrictions. 170
ALCOHOL
Firearms. 71
AMMUNITION. 66
ANIMAL CONTROL PROCEDURES. . . . 458
ANIMALS
Euthanize. 73
Injured. 73
Line-of-duty deaths. 589
ANTI-RETALIATION. 494
APPOINTMENTS
Petty cash fund manager. 424
UAS Coordinator. 407
ARRESTS
Consular notifications. 485
First amendment assemblies. 349
Log. 170
Seat belts. 526
AUDITS
Personnel complaints. 518
AUTHORITY
Law enforcement. 8
AUTOMATED LICENSE PLATE READER (ALPR). 327
AUXILIARY RESTRAINTS. 249

B

BADGE. 567
BARRICADED SUSPECT. 263
BARRICADED SUSPECTS. 262
BIAS-BASED POLICING. 245
BIOLOGICAL SAMPLES
Hazards. 289
BODY ARMOR. 527
BODY ARMOR
Suspects. 67
BOMB DETECTION DOGS. 93
BOMBS. 266
Aircraft accidents. 289
MDT/MDC. 309

C

CANINE
Bomb/Explosives Detection. 93
Handler Responsibilities. 96
CASH. 424
CHAPLAINS. 204
CHIEF EXECUTIVE. 10
CHILD ABUSE. 126
Mandatory notifications. 126
Protective custody. 128
CHILDREN
Firearms. 71
CHILD SAFETY SEAT. 525
CITATION RELEASES. 274
CIVIL
Liability response. 64
CIVIL DISPUTES. 340
CIVILIAN/NON-SWORN
Crisis intervention incidents. 356
COMMAND PROTOCOL. 18
COMMAND STAFF
Line-of-duty deaths. 579
COMMENDATIONS AND AWARDS. . . . 536
COMMUNICABLE DISEASES
Custody. 483
COMPUTERS
Digital evidence. 388
CONDUCT. 155
CONTROL DEVICES. 42
CORRESPONDENCE. 24
COURT APPEARANCE. 172
COURT ORDERED FIREARMS SURRENDER
Domestic Violence. 108
COURT ORDERS
Civil disputes. 341
COURTROOM ATTIRE. 175
COURTROOM PROTOCOL. 175
CRIME AND DISASTER SCENE INTEGRITY 252
CRIMINAL ACTIVITY REPORTING. . . . 166
CRIMINAL GANG INVESTIGATIVE DATA SYSTEM. 299

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CRIMINAL INTELLIGENCE. 298
CRIMINAL ORGANIZATIONS. 298
CRISIS INTERVENTION INCIDENTS. . . 352
CRISIS NEGOTIATION TEAM. 254
CUSTODIAL INTERROGATIONS. . . . 386
CUSTODIAL SEARCHES. 462

D

DAMAGE BY PERSONNEL. 167
DEADLY FORCE REVIEW. 41
DEATH INVESTIGATION. 187
DEATH NOTIFICATION. 187
DEFECTIVE VEHICLES. 416
DISASTER PLAN. 21
DISCLAIMERS
Policy Manual. 12
DISCRIMINATION
Personnel complaints. 518
DISPUTED CLAIMS. 435
DNA SAMPLES. 202
DRIVING
MDT/MDC. 308

E

ELECTRONIC CIGARETTES. 514
EMERGENCY OPERATIONS PLAN. . . . 21
EMPLOYEE ASSISTANCE. 500
EMPLOYEE CONVICTIONS. 497
EVIDENCE
Bombs. 269
Digital. 388
Seizing recordings. 333
EXAMINATIONS
Mental, Physical. 541
EXPLOSIONS. 268
EXPLOSIVE DETECTION DOGS. 93
EXPOSURE CONTROL. 503

F

FIREARMS. 66
Conduct. 161
FIRST AMENDMENT ASSEMBLIES. . . 345
FITNESS FOR DUTY. 540
FOREIGN
Nationals. 485
FOREIGN DIPLOMATIC AND CONSULAR
REPRESENTIVES. 276
FORMS
Complaint. 517
Firearms training. 73

G

GANGS. 300
GROOMING STANDARDS. 548

H

HANDCUFFS. 249
HATE OR PREJUDICE CRIMES. 152
HAZARDOUS MATERIAL. 260
HAZARDOUS MATERIAL (HAZMAT)
RESPONSE
Aircraft accidents. 289
Traffic. 368
HIGH-VISIBILITY VESTS. 365
HOSTAGE AND BARRICADE INCIDENTS
Rapid response and deployment. 281
HOSTAGES. 262
HOSTAGE SITUATION. 264

I

IDENTITY THEFT. 190
IMPAIRED DRIVING. 375
INFORMANTS. 397
INSPECTIONS
Firearms. 71, 73
INTERIM DIRECTIVE. 20
INVESTIGATION AND PROSECUTION. . 386

J

JURISDICTION
Aircraft accidents. 288
Consular notification. 485
JURSIDICTION
Traffic collisions. 368

K

KINETIC ENERGY PROJECTILE. 45

L

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LAW ENFORCEMENT AUTHORITY. . . . 8
LEG IRONS. 249
LEG RESTRAINTS. 250
LIMITED ENGLISH PROFICIENCY. . . . 194
LINEUPS. 399
LIVE LINUP. 399

M

MANDATORY APPEARANCE. 172
MANUALS. 21
MEDIA
Aircraft accidents. 290
First amendment assemblies. 350
MEDIA RELATIONS. 169
Restricted information. 171
MEDIA REQUEST. 169
MOBILE DIGITAL TERMINAL USE. . . 308
MULTI AGENCY ASSISTANCE GROUP (MAAG). 254
MUTUAL AID. 177
First amendment assemblies. 348

N

NOTIFICATION
Consular. 485
NOTIFICATIONS
Aircraft accidents. 288
Impaired driving. 377
OIS. 59
Statutory DWI. 376

O

OATH OF OFFICE. 11
OC SPRAY. 43
OFFICE-OWNED PROPERTY. 413
OFFICE PROPERTY
Loss Or Damage. 414
OFFICER SAFETY
Crime and disaster scene integrity. . . . 252
Seat belts. 525
OLEORESIN CAPSICUM. 43
ORGANIZATIONAL STRUCTURE. . . . 18
OUTSIDE AGENCY ASSISTANCE. . . . 177
OUTSIDE EMPLOYMENT. 543
Change in Status. 545
Obtaining Approval. 543
Prohibited Outside Employment. 544
Security Employment. 544

P

PART-TIME DEPUTIES
Training. 176
PART-TIME DEPUTIES. 176
PATROL FUNCTION. 243
PEPPER SPRAY. 43
PERSONAL APPEARANCE. 548
PERSONAL PROPERTY. 413
Loss Or Damage. 414
PERSONNEL COMPLAINTS
Disposition. 521
PERSONNEL COMPLAINTS. 515
Acceptance. 516
PERSONNEL FILES. 529
Purging Of Files. 535
Requests For Disclosure. 531
Types Of Personnel Files. 532
PERSONNEL ORDERS. 24
PHOTOGRAPHS
Aircraft accidents. 289
First amendment assemblies. 346
PHOTO LINEUPS. 399
PLASTIC CUFFS. 249
POLICY MANUAL. 12
PREGNANCY
Custody. 483
PRIVACY EXPECTATION
MDT/MDC. 308
Technology use. 164
PRIVACY EXPECTATIONS
Unmanned aerial systems. 406
PRIVATE PERSONS ARRESTS. 192
PROPERTY PROCEDURES. 428
Controlled Substances. 430
Disputed Claims. 435
Property Handling. 429
Property Release. 434
PROTECTED INFORMATION. 446
PROTECTED INFORMATION. 446
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY. 332
PURSUIT INTERVENTION. 85
PURSUIT POLICY. 76

R

RAPID RESPONSE AND DEPLOYMENT. 280

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RECORDS BUREAU. 439
RECORDS RELEASE
Media. 170
RECRUITMENT AND SELECTION. . . . 489
REFLECTORIZED VESTS. 365
RELIEVE FROM. 41
RELIGIOUS
Accommodations in custody. 487
REPORT CORRECTIONS. 168
REPORTING CONVICTIONS. 497
Family Violence. 497
REPORT PREPARATION. 166
RESPONSE TO CALLS. 89
RESTRAINTS. 247
REVIEWS
UAS. 407
RIDE-ALONG. 257
Eligibility. 257

S

SAFE HAVEN. 129
SAFETY
First responder. 252
Shotguns. 67
Temporary flight restrictions. 170
SAFETY EQUIPMENT
Seat belts. 525
SCRAP METAL THEFT INVESTIGATION. 410
SEARCH AND SEIZURE. 110
SEARCHES
Crime scene. 252
SEARCHING
Dead Bodies. 187
SEAT BELTS. 525
SECURITY EMPLOYMENT. 544
SMOKING AND TOBACCO USE. 514
SPIT HOODS. 249
STAFF. 12
STANDARDS OF CONDUCT. 155
STANDBY. 172
SUBPOENAS
Acceptance. 173
Civil Subpoenas. 174
Failure To Appear. 174
SUCCESSION OF COMMAND. 18
SUSPICIOUS ACTIVITY REPORTING. . 338

T

TATTOOS. 549
TEAR GAS. 43
TRAFFIC. 364
TRAFFIC
Enforcement. 364
TRAFFIC CITATIONS. 365
TRAFFIC FUNCTION. 364
TRAINING
Anti-Retaliation. 496
Criminal Organizations. 301
TRAINING
Control devices. 45
First amendment assemblies. 351
Hate and prejudice crimes. 154
UAS. 409

U

UNIFORM REGULATIONS. 551
UNITY OF COMMAND. 19
URINE SAMPLE. 376
USE OF FORCE
Forced samples. 377

V

VEHICLE MAINTENANCE. 416
VEHICLES
Towing. 372
VIDEO RECORDINGS
First amendment assemblies. 346

W

WASHING OF VEHICLES. 417

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