

Medina Police Department

Subject: Arrest and Incarceration		Policy Number: 2120	Arrest / Incarceration 2120
Reference: Constitution, State Statute, Ordinance, POST		Pages: 4	
Personnel: Sworn Personnel			
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2120.1 - ARREST AUTHORITY

The basic authority for police officers to make arrests derives from Minnesota Statute 629.30 which allows a full-time licensed police officer who is on or off-duty or a part-time licensed officer who is on-duty within their jurisdiction to arrest a person under the following circumstances.

A. Arrests within jurisdiction

1. The officer has a warrant commanding that such person be arrested.
2. The officer observes a person commit or attempt to commit a public offense.
3. A felony has been committed and the officer has reasonable cause to believe that the person committed the offense.

B. Arrests outside jurisdiction

1. Minnesota State Statute 629.40 allows a full-time or part-time licensed police officer to make a warrantless arrest outside their geographical jurisdiction when the officer is on-duty and following criteria are met:
 - a. The officer is in fresh pursuit of a person who he or she observed commit a crime inside the jurisdiction.
 - b. The officer's presence in the foreign jurisdiction is a result of the officer acting in the course and scope of his or her employment.
2. A peace officer who is **off-duty** and outside of his or her jurisdiction shall not arrest a person unless confronted with circumstances that would permit the use of deadly force under Minnesota Statute 609.066. This does not limit an officer's authority to arrest as a private person.

C. A law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as that of the law enforcement officer." MSS 629.30 s2(4)

2120.2 – DEFINITIONS

- A. "In the officer's presence" means when officers receive knowledge of the commission of an offense in their presence through any of their senses, or by inferences properly drawn from the testimony of the senses. Usually, the officer sees or hears, or both. Following learning that an offense is being committed, the officer must still make good use of the sense of sight in order to identify the specific person committing the offense, arrest the guilty person, and identify same at a later date in court.
- B. "Reasonable grounds" and "probable cause" are used interchangeably and justify an arrest without a warrant when: an officer in good faith believes that a crime has been committed; that the person in question committed it; and when the officer's belief is based on grounds which would induce an ordinarily prudent and cautious person, under the circumstances, to believe likewise. Mere "suspicion" alone is never sufficient to authorize an arrest without a warrant.
- C. "Crime" is conduct which is prohibited by State law or City Ordinance and is punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

2120.3 - ARREST SCREENING/BAIL

In view of the fact that the purpose of an arrest is to bring the arrested person before the court to answer to a violation, detention in jail until the next session of court is a lawful act by a police officer. However, as a matter of normal practice, certain procedures have been established that in some cases permit the release of the prisoner before the next session of court.

Bail can be set only by a judge and may be set by a judge endorsing the amount of bail on a warrant at the time of issuance, at the arraignment in court or by endorsing and issuing a bail schedule in advance.

2120.4 – FELONIES

All persons arrested on felony charges will be processed by fingerprinting and photographing.

2120.5 – MISDEMEANORS

An officer arresting a person for a misdemeanor charge may elect to incarcerate the arrested person in the Hennepin County Jail or issue a citation and release the person at the scene. The arresting officer shall issue a misdemeanor citation only if the following criteria apply:

- A. The offense was committed in the presence of the officer;
- B. The arrested person is positively identified;
- C. It appears the arrested person will not continue the behavior forming the basis for the charge;
- D. The arrested person poses no apparent threat to persons or property;

- E. The arrested person does not have a history of failing to appear at court dates for previous offenses;
- F. The offense does not fall under the definition of domestic abuse, as defined by Minnesota Statutes.

2120.6 - CITY ORDINANCE VIOLATIONS (Non-Traffic)

Citation: Most City Ordinance violations are processed by the issuance of a citation. In instances where a citation is appropriate, officers should release the person after the citation has been issued.

Physical Arrest: A custodial arrest of a person found in violation of a City Ordinance is appropriate when:

- A. The person involved refuses to cease behavior which is in violation of ordinance; or
- B. The officer cannot positively identify the violator; or
- C. The violator has no permanent address; or
- D. The violator is an out-of-state resident and cannot post bail.
- E. The offense is a targeted Misdemeanor as defined by Hennepin County.

2120.7 - TRAFFIC VIOLATIONS (City Ordinance or State Statute)

If a person is arrested without a warrant for the violation of a traffic regulation, the arresting officer shall issue a uniform traffic citation. In most cases, the arrested person should then be released. However, a custodial arrest for a traffic violation may be appropriate when:

- A. The officer cannot positively identify the violator; or
- B. The violator has no permanent address; or
- C. The violator is an out-of-state resident; or
- D. The offense is DUI related or other serious traffic violations.

2120.8 - WARRANT SERVICE GUIDELINES (MS629.31)

An arrest for a felony or gross misdemeanor warrant may be made on any day and at any time of the day or night.

An arrest for a misdemeanor may not be made on Sunday or between the hours of 10 p.m. and 8 a.m. on any other day, except:

1. When a judge orders in the warrant that an arrest may be made between those hours; or
2. When the person name in the warrant is found on a public highway or street; or
3. When the officer has contact with the person in official capacity.

Bail may be collected in lieu of arrest if indicated and a court date, assigned by the Hennepin County Clerk, will be issued using the Bail Receipt.

Officers may arrest on out-of-state warrants if the warrant indicates extradition from our State will be executed.

Officers may arrest on out-of-county warrants. The officer making the arrest shall book the person into Hennepin County Jail or turn the person over to a deputy of the county issuing the warrant.

2120.9 – CUSTODIAL ARRESTS PROCEDURES

When a custodial arrest takes place the subject will be transported to the Medina Police Department and processed in the booking/intoxilyzer room area. Fingerprints and photographs shall be taken of all subjects. In the case of multiple arrests juveniles will be processed in the soft interview room, **AT NO TIME SHALL JUVENILES AND ADULTS BE IN THE SAME AREA.** They shall be sight and sound separated (See Juvenile Procedure Policy 2300.)

A. Exceptions:

B. There is a medical condition that must be addressed immediately, or

C. The subject's behavior indicates a threat to the officer's safety, or

D. For other investigatory reasons.

E. Holding Cells:

F. Any subject being placed in a holding cell shall be searched for weapons or contraband, and

G. All detainees will have their shoes and belts removed and any other items that may have strings attached to it, and

H. Will be monitored every 15 minutes to ensure the detainee's safety. There will be a detainee log book located hanging on the walls between the cells one and two.