

Brooklyn Park Police Department



***Uniformed Civilian Employees
And Department Volunteers***

***AUTHORITY
AND RESTRICTIONS***

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November 2001
Non-Sworn Personnel:

AUTHORITY AND RESTRICTIONS

Introduction

The Police Department relies on its entire membership, including licensed peace officers, civilian employees, and civilian volunteers, to carry out the full police mission. Some police activities, however, are restricted to certain personnel because of legal, training, safety, or liability issues. This handout will inform you of the activities we reserve for licensed peace officers. These activities are always prohibited for you.

The situations police employees encounter can be bizarre, and oftentimes, no one could have anticipated what would occur. Thus, we rely on your good judgment, and expect you to use the information presented here, along with the instructions you receive from your supervisors and trainers, to guide your actions in unusual situations.

Summary of Prohibited Acts

The following activities are prohibited for civilian employees and volunteers by law and/or department policy:

Restricted Driving

1. Driving a marked police squad. (See the specific exceptions to this rule in the "marked squads" section.)
2. Driving red lights and siren.
3. Vehicle chases or pursuits.
4. Making traffic stops.

Restricted Use of Force & Weapons

1. Carrying a firearm.
2. Use of deadly force except as authorized under MSS 609.065.
3. Using force for any purpose other than self-defense or at the direction of a licensed peace officer. (Detention Officers are authorized to use force consistent with their Department training to control prisoners as needed in the Detention Facility.)

Restricted Police Duties

1. Impersonate a peace officer.
2. Make custodial arrests.
3. Chase or apprehend suspects unless specifically directed to do so by a licensed peace officer.
4. Stop or detain persons unless specifically directed to do so by a licensed peace officer.
5. Frisk or search persons unless directed to do so by a licensed peace officer. (Detention Officers and female clerks are

authorized to conduct custodial searches of prisoners and detention visitor searches consistent with Detention policy.)

6. Respond to dangerous or in-progress calls unless specifically ordered to do so by a patrol supervisor.

Licensed Peace Officers

When this handout refers to licensed peace officers, it means those individuals who have obtained the required pre-service education, who have passed the Minnesota POST Board peace officer examination, who have been hired as police officers, and who currently hold an active peace officer license with the POST Board. Some of our civilian employees and volunteers are eligible to be licensed as peace officers, but they are not yet licensed. These employees and volunteers are not licensed peace officers and they do not have the legal authority of a licensed peace officer, even though they may work or volunteer for a police department.

Uniform and Vehicle Differences

You may have noticed that the police officers in Brooklyn Park and many other suburbs wear dark navy uniform shirts, while our civilian uniformed employees and volunteers wear light blue shirts. Most departments have some means of visually identifying licensed peace officers and distinguishing them from other uniformed police employees and volunteers by their uniforms and the

markings on the vehicles they drive.

Why is it important that your uniform and vehicle distinguish you from the licensed peace officer employees? It is a crime to impersonate a police officer (MSS 609.475). This law makes it a misdemeanor for someone to mislead another into believing he or she is actually a police officer. You should always speak up if you are dealing with a member of the public who appears to have mistakenly assumed you are a police officer.

Marked Patrol Squads

The operation of marked police patrol vehicles is restricted to licensed peace officers (MSS 169.98, Subdivision 1b). That is why you cannot be assigned to a marked patrol squad for your work vehicle, even when your vehicle is inoperative. This law allows the public to assume the driver of a marked police car is a police officer who has the legal authority to stop them.

Some exceptions exist to this rule. For example, a CSO may drive a marked patrol squad to the shops for repair or maintenance or to transport the "Smart Trailer" to a new location (MSS 169.98, Subd 1b-1&3). Likewise, a Reserve Officer who is providing supplementary assistance at the direction of the Police Chief may be assigned to operate a marked police vehicle (MSS 169.98, Subd. 1b-4). However, routine use of marked squads by civilian employees or volunteers is both illegal and against Department rules.

No Department employee or volunteer

may drive any Department vehicle unless he or she has attended the City's driving training and received a City driver's license.

Traffic Stops

Only a licensed peace officer may use a police vehicle to stop another vehicle (MSS 169.98, Subdivision 1a). This applies no matter how the stop is made. It doesn't matter if the stop is accomplished with the red overhead lights, a gesture, a siren or horn, the display of a badge, or some other means. All vehicle stops are restricted to licensed peace officers only. You may not stop cars.

Be careful about gesturing to other motorists when you are driving a marked vehicle, whether it is a police squad or a civilian marked unit. Many motorists will immediately pull over for any police-appearing type vehicle driven by a uniformed person, because the law insists they comply with any lawful order or traffic direction from a peace officer (MSS 169.02, Subdivision 2). You do not want to inadvertently stop a vehicle by making a careless gesture.

Red Light Runs, Chases, and Pursuits

All of our police officers receive extensive training in advanced driving skills, including emergency and pursuit driving. During their field training, they are guided and critiqued through emergency run after emergency run for four months until they thoroughly

demonstrate a superior ability to respond to unpredictable traffic behavior and safely operate their emergency vehicle at high speeds and during inclement weather under real life (not simulated) conditions. None of our civilian personnel have received this intensive, personalized driver's training for emergency and pursuit driving. Thus, emergency and pursuit driving are restricted to licensed peace officers.

You may not drive red lights and siren or operate as moving emergency vehicle without the immediate, express, and specific instructions from the on-duty patrol supervisor to do so. If driving a Department vehicle, you may use your amber lights when stationary, as needed to alert other motorists that you are stopped in the roadway, and you may park at accident scenes or behind a stalled vehicle in the roadway without being subject to normal parking regulations during the time you are handling the traffic obstruction, but you may not drive as an emergency vehicle without the express approval of a supervisor.

You may never engage in pursuit driving of any kind or chase a moving vehicle as a civilian employee or volunteer. You should expect to be fired or removed from the volunteer program if you violate these rules.

Traffic Violations

Some civilian employees and volunteers find they have an urge to intervene in traffic matters when they see violations, especially if they perceive the violations as dangerous. You must resist these

urges. You are not authorized to stop motorists or make traffic arrests.

What can you do? First, assess the level of danger presented by the violation or driving behavior. If the violation is not immediately dangerous (such as expired license plates, rolling stops, or not signaling a turn), do nothing. If the violation appears to create an imminent danger to the community, such as drag racing near a school while children are in the crossing zone, or a careening car driving on a sidewalk and mowing down pedestrians, you should immediately radio the dispatcher on the main police channel to report the dangerous driving behavior. Give the dispatcher a description of the vehicle, the vehicle's direction of travel, where you last saw the vehicle, the number of occupants, and a description of the driver, if you saw the driver. You should not follow the vehicle unless the responding officers instruct you to follow it.

If asked to follow the vehicle, what should you do if the vehicle stops or parks or pulls into a driveway? Keep on driving, alerting the responding officers by radio of the situation. In no case should you follow the vehicle into a driveway, or stop behind or near the vehicle or have any contact with the vehicle's driver or occupants, unless expressly ordered to do so by a patrol supervisor.

What if the vehicle you have been asked to follow leaves the City of Brooklyn Park? You should call the on-duty supervisor on the radio and ask if he or she wants you to continue following the vehicle out of the City.

You should not continue following out of the City without the on-duty supervisor's express instructions to do so.

A number of dangerous situations have arisen in the past when civilian employees or volunteers have not followed these rules. These rules are designed to keep you safe and prevent thrusting you into a situation you are neither equipped nor trained to handle. If you are facing an unusual situation, don't hesitate to contact the on-duty patrol supervisor by radio to ask what you should do.

Firearms

You absolutely may not carry or use a firearm while you are on duty as a Brooklyn Park civilian employee or volunteer (MSS 626.84, Subd. 2). This is the law and applies to any municipal employee who is not a licensed peace officer. There is also a City policy that prohibits the carrying or bringing of firearms to work. If you have a valid permit to carry a firearm, you must leave the firearm secured in your car before entering the Police building.

Police Cadets, interns, and other civilian employees in training to become police officers, may, when under the direct supervision of a range officer at an approved firearms range, be allowed to engage in firearms training with Department owned firearms. Such activities require their supervisor's permission and the assignment of a Brooklyn Park range officer to conduct the training.

Deadly Force

You are not authorized to use deadly force as a Brooklyn Park employee or volunteer, except when necessary to resist or prevent an offense that you reasonably believe exposes you or another to great bodily harm or death (MSS 609.065), just as any citizen has the right to do.

Here again, we rely on your good judgment to determine when action on your part is absolutely necessary, and when you can or should retreat and refer the matter to our trained, licensed peace officers. We expect that you will retreat, if at all possible, rather than confronting a dangerous situation.

Any use of deadly force will be thoroughly scrutinized, both by this Department and by outside authorities. Felony legal charges could be filed, or you could be indicted for murder, if your use of deadly force was found to be outside the scope of any citizen's authority to use deadly force. Thus, we urge caution and instruct you to avoid dangerous situations, rather than placing yourself in harm's way.

Dangerous Events

Some police tasks are dangerous. We spend a lot of time and effort to properly train and equip the employees (mostly licensed peace officers) who are required to perform dangerous tasks. Officers spend time learning to work together as a team, how to avoid crossfire situations, how to stay within the law, how not to violate the constitutional rights of any participants or bystanders, how to protect any

bystanders, how to safely approach crimes in progress, how to avoid destroying evidence during the call response, and how to avoid endangering each other as they accomplish these dangerous tasks together.

Thus, whenever a dangerous task must be performed, we want our licensed peace officers to do it. We know we've trained them for these tasks, we know we've equipped them for these tasks, and we know they know how to work together effectively to accomplish these tasks as safely as possible.

When events become chaotic, threatening, or combative, step back, retreat, protect yourself, and call a licensed peace officer to the scene to handle the incident. You are not authorized to intervene in dangerous or threatening incidents except to defend yourself or at the express direction of a licensed police officer. Please also review the Use of Force section.

Pay attention to the radio, so you can stay away from the areas of dangerous police calls. Take alternate routes to avoid these areas. You don't want to inadvertently drive by a dangerous in-progress police call, like a robbery or hostage situation.

Some civilian employees and volunteers feel a strong urge to protect others when situations become dangerous. In practice, these individuals often create confusion, delay the response of professionals who are trained to handle these events, and sometimes require assistance to extricate them from the situation when it gets out of control.

You can best protect others by calling on the persons trained and equipped to protect others—licensed peace officers, rather than thrusting yourself in a situation that you are not equipped or trained to handle. If the circumstances are so extreme you question whether it is appropriate to wait for the officer's arrival, get on the radio and ask the on-duty patrol supervisor for permission to do whatever it is you think you ought to do. Then follow the instructions of the supervisor.

Use of Force

All Department members are authorized to use legal and reasonable force to defend themselves from attack or at the direction of a licensed peace officer.

Each civilian and volunteer workgroup receives special training on use of force specific to their job responsibilities and duties. For example, Detention Officers are trained to restrain resisting or self-harming prisoners in the restraint chair. Civilians and volunteers may also be issued specific intermediate weaponry or defensive tools and receive training on the use of these weapons or defensive tools. For example, CSO's carry ASP batons to provide a means of fending off a vicious dog. We expect that your actions, use of force, and use of any intermediate weaponry will be consistent with the training you have received, the instructions you have been given by the DT instructor, Department policy, state law, and the instructions and direction provided by

your supervisor or coordinator.

If you have any questions about what items you may carry, how you should use these items, what force techniques you may use, or when you should or may use force, see your immediate supervisor.

On rare occasions, you may face a situation in which an officer already on the scene is being attacked. For example, if you have responded to an officer's traffic stop to sit on an impound, and as you arrive you see the officer being punched and kicked by five angry men, what should you do? First, let the dispatcher know the officer needs help. Give your call number on channel one followed by the word, "emergency." When acknowledged, give the location or address, and briefly tell the dispatcher what is occurring, such as "a group of men are assaulting the officer." This will start other officers to the scene.

Next, you will need to make a decision. If you wish to help defend the officer, and you are willing to take the risks to your personal safety to do so, you can generally assume the officer would direct you to help him or her, and come to the officer's aid. If the situation allows, it is best to first ask if the officer wants your help, but if asking would be impractical under the circumstances, you may jump in and do what you can to help defend the officer. When the other officers arrive, you should step back and let them take over.

Training, Safety, and Liability Considerations: Stops, Frisks,

and Arrests

The constitutional and statutory law relating to stops, frisks, and arrests is complicated and constantly changing. We expect our licensed peace officers will have the education, classroom training, field training, professional advice, and experience to make a myriad of subtle judgments regarding stops, frisks, and arrests to ensure their actions are legal, constitutional, reasonable, unbiased, and effective. We do not train our civilian personnel to accomplish these specific professional tasks.

Consider this: When we hire an educated and trained peace officer, we don't let him or her out in the field in a "solo" squad for four full months. New officers are always accompanied by a Field Training Officer, who observes and guides their every police action until the new officers demonstrate they no longer need such close supervision and assistance. None of our civilian employees or volunteers gets this level of one-on-one intensive training. Thus, even civilian employees or volunteers who have passed the "Skills" program with flying colors do not have the training and experience we require before allowing any of our new officers to take police action independently. Thus, we restrict police actions like stopping and detaining suspects, frisking or searching individuals, and making custodial arrests to our licensed peace officers.

An exception exists for Detention Officers, who receive defensive tactics training, and who are expected to help physically control prisoners when

needed, and search prisoners, consistent with their training.

What should you do if you see a suspect the police officers are looking for? Inform the dispatcher of your observations. Tell the dispatcher where the suspect is, what mode of transportation the suspect is using (bike, pickup truck, on foot, etc.), which way the suspect is going, and any descriptive details that might help the officers locate and apprehend the suspect. For example, you could tell the dispatcher that you have seen a subject matching the armed robber's description walking southbound on Zane Avenue from 73rd Avenue North on the west side of Zane, and he is carrying a large black duffle bag. Do not follow or attempt to keep the suspect in sight unless instructed to do so by an officer.

What if the suspect sees you and runs off? Tell the dispatcher that the suspect is running and in what direction or toward what landmark the suspect is running. Then, back off. Do not alight from your vehicle and attempt to chase the suspect. Do not drive off the roadway to follow the suspect. Do not even continue following the suspect without the express instructions to do so from the on-duty patrol supervisor. This is a police matter and must be handled by licensed peace officer.

Summary

We value the contributions of our civilian work force, whose duties and responsibilities help us achieve our mission and deliver the best possible police service to our community.

However, certain job tasks in the Police Department are confined to licensed police officers and cannot be performed by civilian employees or volunteers. We expect our civilian employees and volunteers will learn, remember, and respect these prohibitions. We also expect Department members to use good judgment and alert the appropriate personnel as needed.

Civilian employees and volunteers are prohibited by law from driving a marked police squad, making traffic stops, impersonating a peace officer, carrying a firearm on duty, and using deadly force except to resist or prevent an offense that exposes them or another to immediate great bodily harm or death.

In addition, we provide safety guidelines to civilian personnel to ensure they are not inadvertently or unwittingly thrust into dangerous situations they are not equipped or trained to handle. Thus, civilian personnel and volunteers are not authorized to use force for any

purpose other than self-defense or at the express direction of licensed peace officer, and then such force is expected to conform to the training and instruction that has been provided by the Department, specific to the employee or volunteer's specific duties.

Civilian personnel are not authorized to detain persons, frisk people, or make custodial arrests. They cannot drive red lights and siren or engage in vehicle pursuits. They are not to respond to dangerous incidents unless specifically ordered by the on-duty patrol supervision to do so.

We view these restrictions very seriously, and we insist that you comply with them. Most employees understand the reason for these restrictions and follow them. If you have any questions about the material in this booklet, please see your immediate supervisor.

Restriction Summary

The following activities are prohibited for civilian employees and volunteers by law and/or department policy:

Restricted Driving

1. Driving a marked police squad. (See the specific exceptions to this rule in the "marked squads" section.)
2. Driving red lights and siren.
3. Vehicle chases or pursuits.
4. Making traffic stops.

Restricted Use of Force & Weapons

1. Carrying a firearm.
2. Use of deadly force except as authorized for all citizens under MSS 609.065.
3. Using force for any purpose other than self-defense or at the direction of a licensed peace officer.

Restricted Police Duties

1. Impersonate a peace officer.
2. Make custodial arrests.
3. Follow, run after, or apprehend suspects unless specifically directed to do so by a licensed peace officer.
4. Stop or detain persons unless directed to do so by a licensed peace officer.
5. Frisk or search persons unless directed to do so by a licensed peace officer.
(Detention Officers and female clerks may search prisoners and detention visitors according to Detention policy.)
6. Respond to dangerous or in-progress calls unless specifically ordered to do so by a patrol supervisor.