



Edina Police Operations Manual

Policy Number
605.00

Subject:

PERSONS DETAINED OR IN CUSTODY

Effective Date
06/01/1993

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06/30/2020

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PURPOSE:

To establish guidelines for persons being detained or who are in custody.

605.01

PAT-DOWN OR STOP & FRISK SEARCHES

Following a lawful investigative stop, an officer having reasonable suspicion that a person may be armed with a weapon, may conduct a limited pat-down search of that person's outer clothing and the area in that person's immediate control.

Subd. 1 Factors Justifying a Pat-Down Search

Because an officer must be able to articulate the reasonableness of a protective weapons search, several factors may influence the officer's decision to conduct a pat-down search including, but not limited to the following:

- a) Suspect's actions.
- b) Officer's knowledge that the suspect is known to be armed and/or has committed violent offenses in the past.
- c) Location of stop and the time of day.
- d) Officer's purpose in making the stop.
- e) Suspect(s) attempt to flee or evade the officer.
- f) Multiple suspects.
- g) Officer's observations of bulges or other irregularities in suspect's outer clothing.
- h) Suspect providing false information to an officer.
- i) After detaining a suspect, they become aggressive and/or violent towards officer(s).

Subd. 2 Scope

The pat-down search is a protective search for weapons to allow for officer safety and may not be used by officers to identify items in a suspect's possession, which could not possibly be weapons. The exception to this rule is the Plain Feel Doctrine which states that during a pat-down search for weapons, if an officer feels an object, that is immediately apparent to be contraband, without

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manipulating the object, (e.g. baggie of marijuana, crack cocaine rocks, etc.) the officer can seize the contraband, which would establish probable cause for an arrest.

Subd. 3 Procedure

Whenever possible, the following guidelines should be adhered to when conducting pat-down searches:

- a) Officers may conduct a pat-down search of a suspect of any gender.
- b) Officers should have a witness present whenever possible during any search.
- c) Weapons cannot be identified by shape or feel by using an instrument such as an expandable baton to conduct a search. Therefore, officers must necessarily conduct the pat-down search using their hands and fingers in order to identify that for which they are searching.
- d) The search must be confined to the outside of a suspect's clothing, and to areas on the person where they might reasonably conceal a weapon.
- e) An officer's discovery of an object that might conceivably be a weapon would justify the officer reaching into the suspect's clothing to recover that object.
- f) Officers should not remove any item of the suspect's clothing during a pat-down search.

605.02 SEARCH INCIDENT TO ARREST

Officers have the authority to conduct a search of persons under lawful custodial arrest and the area under the suspect's immediate control.

605.03 HANDCUFFING AND SEARCHING OF SUSPECTS

Handcuffing of suspects who are under arrest provides the greatest level of safety to the officer and suspect. It is the policy of this department that:

- Subd. 1** All suspects in custody should be handcuffed prior to being searched.
- Subd. 2** Suspect's hands should be handcuffed behind the suspect, unless physical injury or handicap dictates otherwise.
- Subd. 3** A space the width of an officer's smallest finger should remain between one side of each handcuff and the suspect's wrist. Handcuffs should be double locked to

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prevent further tightening of the handcuffs. Handcuffs must be applied securely enough so that a suspect is unable to remove their hands from the handcuffs.

605.04 PROCEDURES**Subd. 1 Criminal Arrests**

- a) All persons placed under arrest who will eventually be transported in a police department vehicle, should be handcuffed during transport.
- b) Officers may briefly handcuff persons detained for further investigation of a crime and/or for officer safety. Once it is determined the person is not going to be taken into custody and/or there is no further threat to officer's safety, handcuffs should be removed.

Subd. 2 Traffic Arrests

- a) Arrests for misdemeanor traffic code violations (Driving After Revocation, Driving After Suspension, No MN DL, etc.) are not typically in custody arrest situations and they are not situations, which necessarily require extended confinement. The time a suspect might be required to be detained would be only the time necessary for the officer to complete the required citations.
- b) Persons issued a citation in lieu of arrest are not subject to custodial search.
- c) Officers must determine whether traffic violators need to be placed into physical custody. Among the factors an officer should consider are:
 - Officer safety factors as listed in the justification for pat-down search section.
 - Location of the stop. This would include hazards which might pose a threat to the subject's safety if he/she were left outside of the officer's physical custody, such as: extreme weather conditions, controlled access highway, lack of immediate access to transportation or a telephone, or lack of open public buildings where a subject might wait to arrange for transportation.
 - Subjects who appear to be under the influence of alcohol or controlled substances.
 - Persons with no or fraudulent identification and whose identity cannot be readily determined.
 - Persons with outstanding warrants, which require continued detention.

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- d) Officers are not obligated to transport persons who operate motor vehicles on public roadway without insurance, a valid driver license, or properly registered vehicles, unless circumstances exist which would pose a threat to subject's safety if he/she were not transported.

605.05

SEARCHES OF PRISONERS/EXTENDED CONFINEMENT

Refer to policy 720.04 of this manual.