

GENERAL ORDER

	Effective: May 23, 2022	Number: 22-25-002
	Subject: COMMERCIAL VEHICLE DRIVER IMPAIRMENT DUE TO ILLNESS AND/OR FATIGUE AND RELATED ENFORCEMENT	
	Reference: Minn. Stat. secs. 169.025 , 221.031 , 221.0314 , 221.605 , 299D.03 , 299D.06 , and applicable Federal Motor Carrier Safety Regulations; GO 25-006; MN Federal Civil Case 09-1116;	
	Special Instructions: Rescinds General Order 10-25-002	Distribution: A,B,C,F

I. PURPOSE

- A. To promote both a safe environment on Minnesota roadways and commercial vehicle driver compliance with applicable laws through the enforcement of state statutes and federal regulations pertaining to commercial motor vehicles
- B. To establish uniform guidelines for members of the Minnesota State Patrol when enforcing state statutes and federal regulations pertaining to ill and/or fatigued drivers of commercial motor vehicles during inspections at roadside, fixed scale, and other inspection sites.
- C. To ensure these operations are conducted within legal requirements and members are utilizing appropriate enforcement practices (and in accordance with the Minnesota Federal Civil Case 09-1116 (Owner-Operator Independent Driver Association, Inc. v. MN State Patrol.))

II. OBJECTIVE

To reduce crashes caused by illness and/or fatigued operators of commercial motor vehicles through the enforcement of state statutes and federal regulations and to remove impaired commercial vehicle drivers from the roadways consistent with the North American Uniform Out of Service Criteria.

III. POLICY

The Minnesota State Patrol will conduct inspections at roadside, fixed scales, and other inspection sites to detect ill and/or fatigued drivers of commercial motor vehicles consistent with applicable state statutes, federal regulations, and appropriate law enforcement practices. These inspections will be conducted as part of a proactive commercial vehicle enforcement program intended to promote safe travel and to deter the unsafe operation of commercial motor vehicles on Minnesota's roadways.

IV. AUTHORITY

Minn. Stat. sec. [299D.03](#) (State Patrol) authorizes sworn Troopers to enforce the provisions of the law relating to the protection of and use of trunk highways and other roads as conditions may require and to ensure safety. Minn. Stat. sec. [299D.06](#) authorizes Commercial Vehicle Inspectors (CVIs) to enforce certain laws pertaining to commercial motor vehicles and drivers. Both sec. [299D.03](#) and sec. [299D.06](#) authorize State Patrol Troopers and CVIs to enforce the North American Uniform Out-of-Service Criteria and to issue out of service orders. Minn. Stat. secs. [221.031](#), [221.0314](#), and [221.605](#) authorize the investigation and compliance with the provisions of the Federal Motor Carrier Safety Regulations adopted in these statutes by instituting the prosecution in the proper district court for their enforcement and through the North American Out of Service Criteria pertaining to

commercial motor vehicles, drivers and hazardous materials. Minn. Stat. sec. [169.025](#) requires commercial motor carriers, drivers, and their vehicles to comply with the Federal Motor Carrier Safety Regulations set forth in Minn. Stat. sec. [221.031](#) and [221.605](#).

V. PROCEDURE

- A. During all commercial motor vehicle enforcement activity (Level I, II, III, and IV inspections), personnel who are certified to perform North American Standard (NAS) inspections will observe commercial vehicle operation and driving conduct for signs of driver impairment due to illness and/or fatigue. The inspection shall be consistent with the North American Standard Inspection procedure.
- B. Commercial Motor Vehicle Driver Inspection:
 1. During the course of each driver inspection, personnel will observe the driver for signs of impairment due to illness and/or fatigue, or any other cause.
 2. Reasonable articulable suspicion is required to expand the routine commercial motor vehicle driver portion of an inspection for the purposes of determining the absence or presence of driver impairment.
 3. Any questions used during the expanded inspection for impairment to assist personnel in determining the extent of impairment, should it exist, must be reasonably related to whether the driver can continue to safely operate the commercial motor vehicle at the time.
 4. A driver cannot continue to safely operate his/her commercial motor vehicle if their ability to operate a commercial motor vehicle poses an imminent risk to public safety.
 5. Deceptive or misleading statements designed to encourage voluntary cooperation of the driver are not permitted.
 6. If the driver inquires about the nature or purpose of the additional questions, the driver shall be told that the purpose is to determine whether they are impaired, and if so, whether the driver can continue to safely operate the commercial motor vehicle (i.e. whether their ability to operate a commercial motor vehicle poses an imminent risk to public safety).
 7. If a driver refuses to answer the questions, personnel will honor the request, complete the remainder of the inspection to the extent possible, and make a determination based upon the information available at the time.

VI. ENFORCEMENT

Impairment Due to Illness or Fatigue

1. Discretion: Before taking enforcement action for impairment due to illness or fatigue, personnel must have probable cause to believe the following:
 - a. The driver's ability to safely operate the commercial vehicle is impaired, and
 - b. The driver's impairment is caused by illness or fatigue, and
 - c. The driver's ability to safely operate the commercial vehicle is so impaired at the time as to make continued operation of the commercial vehicle an imminent risk to public safety.
2. Proof of impairment in the safe operation of the commercial vehicle is required, not simply indications of illness, tiredness, sleepiness, or unproductive rest periods.
3. Proof of imminent risk to public safety is required, not simply a perceived risk of future impairment.
4. Enforcement
 - a. If the commercial vehicle driver's operation of the commercial vehicle is so impaired due to illness as to pose an imminent risk to the public safety:
 - i. Contact a Commercial Vehicle Section supervisor to seek approval prior to taking any

- enforcement action.
- ii. Place the driver Out of Service consistent with the North American Uniform Out of Service Criteria, and
 - iii. Issue a Uniform Traffic Citation for a violation of [49 CFR 392.3](#) and the corresponding Minnesota statute.

VII. REPORTING REQUIREMENTS

A. Members

If enforcement action is taken on an ill or fatigued driver, members shall complete a field report in TraCS in addition to the driver/vehicle examination report. The field report must include a detailed summary of the facts that led to the conclusion that there was reasonable articulable suspicion to expand the scope of the driver inspection and a detailed summary of the facts that led to the conclusion that probable cause existed to take enforcement action. The narrative field report must also include a detailed summary of all of the facts and observations that support the conclusion that the commercial vehicle driver's ability to safely operate the commercial vehicle was so impaired due to illness and/or fatigue as to cause an imminent risk to public safety. Such report shall be of sufficient detail to permit the prosecutor, judge and jury to reach the same conclusion.

B. Supervisors

1. Approval shall only be given to personnel to take enforcement action on a driver who is deemed to be ill and/or fatigued after consideration to all the facts. Probable cause that further operation of the commercial vehicle by the driver will pose an imminent hazard must be confirmed by examining the answers to the following questions:
 - a. Has impairment been detected?
 - b. Has the source of that impairment been identified?
 - c. Is the impairment detected significant enough to impact the driver's ability to safely operate the commercial motor vehicle?
 - d. Does the driver present an imminent risk to operate their commercial motor vehicle?
 - e. What has the driver stated about their physical condition?
2. Supervisors shall review the driver/vehicle examination report, citation, and field report to ensure all necessary elements are properly documented by personnel.

Approved:

SIGNED 5/23/2022

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: August 22, 2022	Number: 22-25-003
	Subject: CIVIL OVERWEIGHT ENFORCEMENT	
	Reference: Civil Overweight Manual; M.S. 169.871 , 169.872 , 548.22 ; General Order 10-063	
	Special Instructions: Rescinds GO 13-25-003	Distribution: C, F

I. PURPOSE

To establish uniform procedures and policies for the Minnesota State Patrol (MSP) regarding enforcement of civil overweight state statutory provisions on vehicles or combinations of vehicles operated upon Minnesota's roads.

II. SCOPE

Minn. Stat. sec. [169.871](#) provides for civil penalties in matters concerning overweight truck violations occurring on Minnesota roadways. MSP members should not engage in civil penalty negotiations with defendants.

III. PROCEDURES

Civil overweight cases are initiated after receiving evidence of an overweight truck violation regarding a truck being: a) weighed at a scale site; b) roadside via portable scales; or c) pursuant to a civil weight investigation conducted under the authority of Minn. Stat. sec. [169.872](#). All civil weight cases initiated with a commercial vehicle inspection should only be conducted with a weight recorded by the employee from either a MSP fixed scale site or from portable scales.

A. MSP members conducting civil weight investigations:

1. Shall conduct warrantless searches of inbound and outbound weight records, in accordance with state law, at locations where goods are weighed before or after unloading for a period of 14 days prior to the date of inspection. Members shall be allowed to inspect and copy records upon request, per Minn. Stat. sec. [169.872](#), [subd. 1](#).
 - a) Document the name, address and phone number of the record keeper and facility.
 - b) Document the Weights and Measures scale certification of the scale being used by the company. Any known scale issues provided either in writing or verbally by scale facility staff should also be documented.
 - c) Document the total number of records checked, total number of suspected violations, and total number of violations referred to another member in the current Commercial Vehicle Section record tracking system.
 - d) Members should seek approval from supervision if investigations require traveling outside of the member's assigned region.
2. Members must send a Notice of Investigation of Overweight (Form 1839) to the owner or lessee of the vehicle in violation, or the shipper of the goods (hereinafter the defendant) within 30 days of observation of the overweight status, pursuant to Minn. Stat. sec. [169.871](#), [subd. 1](#). If the civil weight investigation includes the issuance of a criminal overweight citation to the driver, the member must issue a Notice of Investigation of Overweight (Form 1838) to the driver upon the issuance of a citation. Members must make at least two attempts to make contact with the defendant to gather the required information for the case. Documentation shall be made in the investigation file regarding what steps were taken to attempt to make contact each time, including method of attempt, the date, and result of the attempt. If no contact is made with the defendant following two documented attempts, the member shall complete the investigation with the known information gathered during the investigation, using the maximum legal weights allowed as the bases for overweight calculations, and note in the file the lack of communication from the defendant.

3. All correspondence with the defendant shall be documented in the member's investigation report.
- B. The completed report of a civil overweight violation shall then be sent to the Commercial Vehicle Enforcement Section supervisor responsible for the civil weight oversight. The investigative file must be completed within the 90 day penalty assessment requirement.
- C. The Commander of the Commercial Vehicle Section, or designee, will prepare and send a demand letter to the defendant, stating the date(s) of the incident and the amount of the full civil penalty.
- D. If the defendant does not respond to the demand letter, MSP will prepare a complaint for filing in conciliation court where applicable, or forward the case to the Attorney General's Office for filing in district court.

IV. INSTALLMENT PAYMENT POLICY

MSP may arrange installment payments upon execution of an agreement and confession of judgment pursuant to Minn. Stat. sec. [548.22](#). The MSP Commercial Vehicle Section is authorized to enter into installment agreements.

V. FIRST HAUL

- A. Pursuant to Minnesota Stat. secs. [169.871](#) and [168.013](#), the maximum fine imposed for violations exceeding the vehicle's gross weight is \$150 while engaged in the first haul of unprocessed or raw farm products, or unfinished forest products. The special penalty assessment provision is only applicable for a hauler's first two violations within a twelve month period.
- B. Additionally, the relevant evidence requirement does not apply to the first haul of unprocessed or farm products, or unfinished forest products unless the vehicle's lawful gross weight is exceeded by more than ten percent. Relevant evidence also does not apply to the first haul of raw and unfinished farm products by single unit vehicle with not more than 3 axles or by a trailer towed by a farm tractor.

VI. PERMIT VIOLATIONS

Pursuant to Minnesota Stat. sec. [169.871](#), the civil penalty for violation of a permit is 5 cents per pound in excess of the permitted weight, or \$100, whichever is greater.

VII. CIVIL PENALTY AGGREGATION

Each initial civil weight complaint report or case submitted by an MSP member contains a notice of overweight issued to a defendant. In situations where there are two (2) separate cases involving two (2) separate notices of overweight, the cases may be combined and the penalties aggregated if the notices are dated within 30 days of each other.

VIII. RETENTION OF CIVIL OVERWEIGHT CASE RECORDS

The MSP Commercial Vehicle Section (District 4700) shall maintain Civil Overweight case records according to the MSP retention policy/schedule (GO 10-063).

Approved:

SIGNED 8/22/2022

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: September 14, 2012	Number: 12-25-004
	Subject: VEHICULAR TRANSPORT OF GOVERNMENT-OWNED NUCLEAR MATERIALS—EMERGENCIES	
	Reference:	
	Special Instructions: Rescinds 96-25-004	Distribution: A,B,C,D, F

I. PURPOSE

To establish uniform procedures to be used for enforcement contracts, and when dealing with emergencies, involving the transportation of highly sensitive shipments of special nuclear materials on the highways through the state.

II. APPLICATION AND ENFORCEMENT

The following apply to the transportation of highly sensitive nuclear materials and requests from the Department of Energy (DOE) for assistance and emergencies involving these shipments:

- A. Over-the-road shipments consist of one or more specially designed truck-tractors and semitrailers (also referred to as Safe Guard Transporters (SGT)) operated and protected by Federal Office of Secure Transportation agents, and always accompanied by tactical escort vehicles.
 1. All persons directly associated with the movement are federal agents.
 2. The agents are armed and wear civilian clothing.
 3. The agents obey all state and local laws with the exception of weigh stations. In this situation an escort vehicle will stop prior to the passage of the SGT, display credentials and inform weigh station employees of the movement. The agent will remain at the weigh station until passage of the SGT has been completed.
- B. The truck-tractor/SGT combinations and the escort vehicles will display U.S. Government license plates. There will be no placarding displayed on the units or other outward means of identification as required of commercial motor vehicles. In appearance, the units will be neither particularly distinctive in color or design.
- C. All shipment conveyances are equipped with high frequency radio communication equipment providing a direct link to the DOE Transportation and Emergency Control Center (TECC) in Albuquerque, New Mexico, from any point in the United States. SGTs are able to withstand very severe highway crashes to include long duration fires. They are also equipped to deter, surprise, and delay even the most aggressive adversary.
- D. If a truck-tractor/SGT combination is stopped by a law enforcement officer, the agent(s) will not dismount from the vehicle nor open the door, however will respond through an external public address system with the following: *"I am a Federal Agent with the Department of Energy in custody of sensitive material. I am not permitted to open the door of this vehicle. I will remain stopped while my convoy supervisor contacts you."* The supervisor will be in an escort vehicle that will stop in front of the SGT and display credentials while approaching law enforcement. Accessing the cargo is not possible as the trailer doors cannot be opened except in an approved security area.

III. EMERGENCY PROCEDURE

The State Patrol's responsibility in the event of an emergency will be as follows:

- A. Attempt to hijack shipment; where a person (s) is attempting to interfere with a DOE shipment, for any reason.
 1. When information of an incident is received:
 - a. District patrol units on duty will be immediately notified and dispatched to the location of the

incident.

- b. District Commander, or if not available another district supervisor, will be immediately notified and assume command at the incident scene.
- c. The on-call Major shall be notified immediately along with the Chief and Assistant Chief.

2. Incident Scene:

- a. Roadblocks will be established on every access route to the scene of the incident to prevent escape and keep unauthorized persons from entering.
- b. Command post will be established in close proximity to the incident scene. District supervision will link up with federal agents to organize a unified command structure.
- c. An immediate review of the situation will be made to determine if additional personnel are needed.
- e. Request emergency assistance as needed, i.e., air assistance, fire, towing service, etc.
- f. Assist in recovery operations.
- g. Provide temporary detention or transportation of federal prisoners if needed.

B. Collision or fire involving DOE shipment:

- 1. Any accident involving a radioactive shipment, notify the State Duty Officer.
- 2. If a fire has started, DO NOT ENTER ANY VISIBLE SMOKE.
- 3. Always handle any accident involving radioactive material as prescribed by the Federal Emergency Response Guidebook.

IV. OTHER PRIVATE CARRIERS

Other carriers may be involved in the transportation of radioactive material. Some of these materials could be packaged in wooden crates and hauled on flatbed trailers. These trailers could burn if involved in a collision. These vehicles should be properly placarded as carrying radioactive material and will comply with all commercial motor vehicle regulations.

Approved:

SIGNED 9/14/2012

**Colonel Kevin P. Daly, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: January 17, 2020	Number: 20-25-005
	Subject: DRUG DETECTION SERVICE CANINE TEAM	
	Reference: GO 10-021; Canine Payroll Guide	
	Special Instructions: Rescinds General Order 12-25-005	Distribution: A,B,C,D,E

I. POLICY

It is the policy of the Minnesota State Patrol to utilize Drug Detection Service Canine Teams to assist Troopers and other agencies in the detection of controlled substances on the roadways and in our communities. Utilization of canines requires adherence to procedures that channel their specialized capabilities into legally acceptable crime detection and prevention activities.

II. SERVICES FOR LAW ENFORCEMENT PURPOSES

A. Utilization of Canine Team

State Patrol Troopers and supervisors, as well as other law enforcement officers from local, state and federal agencies, may request canine services.

1. Detection canines may be used to sniff the exterior of a vehicle only when the Trooper or other peace officer has a reasonable, articulable suspicion of controlled substance-related criminal activity.
2. Canine searches of vehicle's interior may only be conducted:
 - a. following an alert by the canine on a portion of the vehicle's exterior,
 - b. with a search warrant or consent (verbal or written), or
 - c. when a warrant exception applies
3. All passengers shall be removed from the vehicle prior to allowing a canine to search.
4. Upon arrival of the Service Canine Team, the team member shall consult with the peace officer in control of the scene and obtain all pertinent information, facts, and details of the call.
5. The Canine Handler is responsible for determining whether the circumstances justify the legal use, deployment, and safety of the Service Canine.
 - a. Any conflicts in utilization shall be reported immediately to the Canine Unit Coordinator and Investigative Services Section (ISS) Commander and follow-up with a written report following the conclusion of the incident.
6. Service Canines shall not be handled, or given commands, by anyone other than MSP-trained canine handlers or trainer(s).
7. Deployment of Service Canines will be generally completed on lead to minimize endangering the Service Canine, other officers or innocent third parties. The following exceptions may occur, depending on the circumstances:
 - a. Interior vehicle searches
 - b. Interior building searches
 - c. Open area searches
 - d. Special circumstances as determined by the handler
8. The requesting Trooper is responsible for completing the initial field report for the incident, but should refrain from describing the particular actions of the Canine Handler and Service Canine. The Canine Handler will complete a supplementary field report documenting the use and actions of the Service Canine.

B. Requests

1. On Duty
 - a. When a Service Canine Team is on duty and in close proximity, a request may be made directly to the handler via radio, CAD or phone.
 - b. When a Service Canine Team is on duty but must leave his/her assigned station to respond to the request, the request for deployment should be made to radio and a District/Section Supervisor must approve the request prior to deployment. (GO 10-021).

2. Off Duty

- a. When a Service Canine Team is off duty, requests for deployment must be referred to the ISS Commander, District/Section Supervisor on duty, or the District/Section Supervisor on call for call out approval prior to deployment. In cases where the ISS Commander approves a call out, the District/Section supervisor must be notified of the deployment. The canine handler will notify the Canine Coordinator and/or ISS Commander of the callout.
- b. Off duty Canine Handlers who receive requests for deployment directly from other agencies will obtain the necessary information from the requesting agency, as well as a call back number. The handler shall notify the ISS Commander, supervisor on duty or supervisor on call of the circumstances of the request and receive approval prior to deployment. In cases where the ISS Commander approves a call out, the District/Section supervisor must be notified of the deployment
- c. Every effort will be made to accommodate requests from other agencies while continuing to consider State Patrol policy and budgetary constraints.

C. **Special Circumstance Deployments**

The ISS Commander, State Patrol Major, Assistant Chief, or Chief may authorize the deployment of any on duty or off duty Service Canine Team for any special deployment as needed.

D. **Pre-planned Deployments**

The ISS Commander shall make written request to District/Section Commanders for district-embedded Canine Service Teams with sufficient notice for scheduling. A District/Section Commander may decline the request but must provide valid business reasons.

III. SERVICES FOR NON-LAW ENFORCEMENT PURPOSES

Requests for canine services for other than law enforcement services (school searches, civic programs, and demonstrations, etc.) should be referred to the Investigative Services Commander or Canine Coordinator for approval. Every effort will be made to accommodate such requests while continuing to consider State Patrol policy and budgetary constraints. School searches will be considered only as a request for assistance to the local law enforcement agency. If approved, the ISS Commander or Canine Coordinator will notify the District/Section Commander of the approval prior to deployment.

IV. INJURY TO OTHERS OR DAMAGE TO PROPERTY

A. **Handler Responsibilities**

1. Whenever a canine has bitten, scratched, or injured an individual, or is alleged to have done so, the handler shall:
 - a. Report the bite incident to the first line supervisor and Canine Coordinator immediately and complete a narrative report.
 - 1) Any incident which inflicts injury to a Canine Handler or instructor during normal rewarding practices or training exercises is not to be reported as a bite incident. Standard protocol should be followed when completing required First Report of Injury forms.
 - b. Ensure that medical treatment is provided to the party without exception. If refused, make sure the refusal is well documented.

Photograph all bites, scratches, injuries, or alleged bites and injuries immediately following first aid treatment.
 - c. Arrange for a veterinarian examination of the Service Canine as soon as possible to establish if the incident was caused by a health problem.
 - d. Remove any Service Canine involved in a bite incident from service pending evaluation as to the reason for the bite and any necessary corrective action completed by the Canine Coordinator, if warranted.
2. Whenever a canine has damaged property, take photos of any damage and complete a narrative report, then report the incident to the Canine Coordinator.

B. **District Supervisor**

Ensure that all witnesses are interviewed and reports forwarded to the Investigative Services Commander and Canine Coordinator.

C. **Canine Coordinator**

1. Conduct an investigation to determine the cause of the bite incident, if any. Forward the completed report

with findings and any recommended actions to the ISS Commander.

D. Investigative Services Section Commander

1. Review all reports related to the incident.
2. Report potential claims for damaged property to the Risk Manager at Headquarters per General Order 10-028 (Tort Claims, Criminal, or Civil Actions).

DI. SERVICE CANINE

A. General

1. The Service Canine is the property of the Minnesota State Patrol.

B. Missing/Lost Service Canine

In the event a Service Canine has been determined to be missing, the handler will immediately conduct a search of the immediate area of last contact. If not recovered, the handler will notify the ISS Commander and Canine Coordinator, reporting the location and the circumstances of the disappearance, and will initiate the following:

1. Arrange for, and coordinate an area search utilizing on-duty personnel.
2. Notify local law enforcement agencies of the loss and solicit assistance, when appropriate.
3. Notify the local animal control office(s), if any, of the loss and furnish a description.
4. If the Service Canine is not located, ensure a physical check of all local animal control office(s) is conducted by the handler on a daily basis for an appropriate period.
5. The handler will complete a report including all the circumstances of the escape or loss to ISS Commander and Canine Coordinator. An investigation will be done by the Coordinator to determine the cause of the loss or escape. The Coordinator's recommendation will be forwarded to ISS Commander.

C. Injury to Service Canine

In the event of an injury causing temporary or extended incapacitation of the Service Canine, the handler will immediately report the injury to the Investigative Services Commander, District Commander, and Canine Coordinator, and the following will be initiated:

1. An appropriate veterinarian examination will be arranged, if deemed necessary, by the handler as soon as possible with findings and recommendations forwarded to ISS Commander and Canine Coordinator.
2. An initial investigation will be conducted by the Canine Coordinator to determine the cause of the injury, incapacitation and contributing negligence, if any. The ISS Commander will be notified immediately. The Coordinator will complete a report and forward it to the ISS Commander.
3. The Canine Handler shall complete a field report in TraCs documenting the specific circumstances of the incident.

D. Death of Service Canine

Upon the death of a Service Canine, the handler will immediately notify the ISS Commander, District Commander, and the Canine Coordinator, and initiate the following:

1. Notify a veterinarian and make arrangements for a necropsy, if the situation warrants, as determined by the Canine Coordinator. The Service Canine's remains shall be disposed of appropriately.
2. The handler will complete a narrative report to include the circumstances and cause of death to the ISS Commander and Canine Coordinator. The Coordinator will investigate and determine the cause and circumstances of the death. The Coordinator's findings and recommendations will be forwarded to the ISS Commander.

E. Retirement of Service Canine

1. The ISS Commander and Canine Coordinator will determine the procedural requirements for retirement and the disposition of the Service Canine. .
2. When a canine is removed from service and ownership is transferred, the Patrol will no longer be responsible or liable for the canine's actions or expenses. A liability waiver shall be completed by the new owner.

VI. TRAINING AND CERTIFICATION

A. Certification

1. All new canine handlers must successfully complete the MSP Basic Canine Handler School and certification. All veteran handlers receiving a replacement canine must successfully complete an MSP Canine Handler Course and certification specifically structured for veteran handlers.
2. All Service Canines and Handlers must be recertified annually for proficiency in detecting controlled substances.
3. Any Canine Team failing to certify annually will be prohibited from deploying the canine until certification is acquired.
4. A copy of all certifications will be forwarded to the Investigative Services Commander and kept on file by the Canine Coordinator.

B. Training

Each Service Canine Team shall conduct maintenance training for a minimum of 16 hours per month on official duty time devoted exclusively to organized training in the detection of controlled substances. The training can include occasional obedience training, or other training as directed by the Canine Coordinator to maintain proficiency of the team and proper control of the canine.. Additional or remedial training to maintain minimum standards may be approved by the Investigative Services Commander.

1. If specific circumstances, planned or otherwise, prevent the Service Canine Team from achieving 16 hours of training in a month, Canine Handlers must submit a memorandum to the Investigative Services Section Commander and Canine Coordinator. The memorandum must contain the specific reason(s) the Service Canine Team is unable to complete the minimum training requirement. The Canine Coordinator, in conjunction with the Investigative Services Commander, will develop a plan to maintain the Service Canine Team's proficiency.

C. Use of Controlled Substances for Training:

1. Acquisition
 - a. The Canine Coordinator shall maintain a current license obtained through the Drug Enforcement Administration (DEA) to obtain certified drugs from the DEA laboratory to use solely for training aids for MSP Canine Teams.
 - b. The Canine Coordinator shall maintain the current inventory of drugs in possession of MSP personnel and conduct audits, as described below.
1. Distribution – Controlled substances will be distributed and monitored by the Investigative Services Commander and Canine Coordinator. Upon receipt, the handler will, in the presence of one witness, execute a receipt indicating the identity, weight, and condition of the controlled substance(s) received. The handler will place the individual packages in airtight containers to prevent cross contamination of odors, and will store and control them in a restricted use safe(s). The handler will not possess any controlled substance to be used for training purposes that is not issued, or approved by the Canine Coordinator.
2. Utilization of Controlled Substances – The controlled substances will be removed from the safe and utilized only when required for training, or other legitimate law enforcement purposes.
3. Audit Procedures – Unannounced audits of controlled substances should be conducted at least semi-annually by the ISS Commander and/or Canine Coordinator. These audits will ensure the substances are accountable by type, weight, and volume. Handlers are required to maintain the substances in an "as-received condition" in order to gain the maximum benefit of varying packaging and amounts in field ready aids. The result of the audit will be recorded and maintained in the inventory records file at ISS and by the Canine Coordinator. This audit will also be documented in a TraCs report. The violation of such audit will result in an immediate investigation.
4. Disposal of Controlled Substances – When a controlled substance is no longer deemed useful for training purposes, it should be returned to a Canine Trainer and witnessed by the Canine Coordinator or ISS Commander. The inventory amounts will be adjusted accordingly and the report filed with the inventory records. Certified drug training aids obtained from the DEA will be returned to the DEA for disposal, or destroyed as directed by the DEA. Destruction of any controlled substances or drug training aids must follow the protocol outlined in GO 25-008 Evidence Care and Handling and must be documented in a narrative report.

5. Loss of a Controlled Substance – Loss of a controlled substance shall be immediately reported to the Canine Coordinator, ISS Commander and District Commander. This will be followed by a narrative report in TraCs explaining the details of the loss, with a copy placed in the inventory file. Some minute losses of a controlled substance may occur due to “dust off” in transferring packaging and through moisture loss or damage of a training aid during actual training exercises. This should be noted on the inventory records, and not reported through the above procedures.
6. At no time shall the handler transport controlled substances in their personal vehicle for training or any other purpose.

VII. RESPONSIBILITIES

A. Canine Handler

The following responsibilities outline the duties of handlers and the care of their Service Canines.

1. Utilization of Service Canine

- a. Utilization of the Service Canine Team shall be limited to the scope of training received by the canine team and consistent with service policies and procedures.
- b. Personal searches of humans shall not be conducted by a Service Canine.
- c. Searches of passenger compartments of common carriers by the canine team may be conducted only after all passengers have been removed from the passenger area. The Canine Handler should obtain the consent of the common carrier, or its agent, unless a warrant exception applies.

2. Reporting

Handlers will maintain an accurate record of training, deployments, and seizures by their Service Canine and submit the required reports in the canine software as soon as possible after a deployment or training event.

- a. All canine records shall be exported to the server as soon as possible following a training or deployment event to allow for immediate review and to prevent possible data loss associated with the failure of an issued laptop computer. The Canine Coordinator will forward a summary of the training hours for each month to the Investigative Services Section Commander.
- b. Issues encountered during training must be communicated to the Canine Coordinator or Trainer(s) to discuss the issue(s) and develop a remediation plan. The issues must be documented in the training records.
- c. All training must be in accordance with the procedures established by the Canine Coordinator. Any deviation must be approved by the Canine Coordinator prior to implementation into a regular training regimen.

3. Care of Service Canine

- a. Do not leave family members to care for a Service Canine on an extended basis in the absence of the handler without prior approval from the Canine Coordinator and/or Investigative Services Commander. Take measures to ensure that the canine is not a detrimental factor in the family's safety.
- b. Do not expose the Service Canine to any area where the handler has prior knowledge of a methamphetamine lab or the possible presence of fentanyl, including any of its analogs.
- c. Be responsible for the actions and uses of the Service Canine while in performance of duty and during off duty hours.
- d. Ensure that all uses of the Service Canine will not unnecessarily endanger the handler, canine, or any other party.
- e. Make every effort to ensure that the Service Canine is not physically or mentally abused by anyone.
- f. Keep the Service Canine in peak condition. This includes, but is not limited to the following:
 - 1) Maintaining accurate health and immunization records, including all vaccinations and medications prescribed by a veterinarian.
 - 2) Ensuring veterinarian check-ups are performed as needed, or so indicated by abnormal canine behavior, illness or injury.
 - 3) Arranging for proper care of the Service Canine during the handler's absence at an approved boarding facility, or with the Canine Trainers(s).
 - 4) Daily grooming and exercise of the Service Canine.
- g. Use due diligence to ensure a healthy, safe environment for their assigned Service Canine at all times.

- 1) Periodic health and safety inspections may be conducted to ensure compliance. Any noted deficiencies will be corrected in a timely manner.
- 2) Unless otherwise directed by the ISS Commander or Canine Coordinator, the Service Canine will not be allowed to reside inside a Canine Handler's residence. Appropriate equipment is provided to allow for the Service Canine to remain kenneled outside the residence. The Canine Coordinator can approve appropriate pass-throughs into a garage kennel on a case-by-case basis. Any modifications to a Canine Handler's residence/garage will be at the Canine Handler's own expense.
- 3) When off-duty, the Service Canine shall be kept in a kennel provided by the agency at the home of the handler. When the canine is kenneled at the handler's residence, the kennel and run shall be secured with the included locks. The canine may only be let out of the kennel while under the direct control of the handler.

4. Equipment and Service Vehicle

- a. Only state-issued equipment shall be utilized. Service Canines will not be transported in personal vehicles, unless authorized by the Canine Coordinator or ISS Commander. Any modifications or accessories must be approved by the Canine Coordinator and the Investigative Services Commander.
- b. While in a service vehicle, the canine will be isolated from the driver's area and secured in a proper manner.
- c. Prisoners are not to be transported in the same compartment as the canine.
- d. The canine area in the service vehicles shall be free of unsecured items and cleaned regularly.
- e. Handlers will inspect and ensure replacement of worn or defective canine equipment, to include ensuring proper function of the temperature monitoring equipment.

5. Prohibitions

Handlers are prohibited from:

- d. Utilizing the Service Canine for anything other than detection purposes.
- e. Agitating or allowing anyone to agitate their canine.
- f. Administering or allowing anyone to administer aggression training or any other training not approved by the Canine Coordinator.
- g. Using the canine to intimidate any person.
- h. Entering their canine in any dog show, competition, exhibit, or media release without the approval of the Canine Coordinator.
- i. Registering their canine with any society or organization without approval from the Canine Coordinator.
- j. Using or permitting the use of a Service Canine for breeding purposes.
- k. Kenneling, or permitting the Service Canine to stay inside their residence, unless specifically authorized by the Canine Coordinator.

6. Timekeeping for Care of Service Canine

- l. Scheduled days off: One hour of OTR. Canine Handlers *shall not* be compensated for care and maintenance on days off during periods of time that their assigned canine is kenneled in a boarding facility or with another Canine Handler or Trainer.
- m. Scheduled days of work: One-half hour at the end of the shift. Canine Handlers may sign off ½ hour before the conclusion of their scheduled shift to enable them to provide care and maintenance of their canine. If a handler is required to work hours in excess of the scheduled shift, ½ hour may be added to the number of hours actually worked to account for care and maintenance of their canine.
- n. Scheduled days of work taken off as vacation, comp or sick leave: Canine Handlers shall be compensated for one hour of regular time worked for care and maintenance of their canine unless it is kenneled in a boarding facility or with another Canine Handler or Trainer. The handler (if assigned to an eight-hour shift) may claim seven hours of leave and one hour of work.

7. Resignation

A handler may request to resign from the program through the proper chain of command.

B. Canine Trainer

- a. Coordinate monthly training sessions.
- b. Prepare pre-training outlines and submit them to the Canine Coordinator.

- c. Document training provided and report any training issues to the Canine Coordinator.
- d. Complete any additional tasks assigned by the Canine Coordinator.

C. Canine Coordinator

The general duties of the Canine Coordinator consist of, but are not limited to the following:

- a. Work directly under the guidance of the Investigative Services Commander.
- b. Monitor the training and work product of the canine trainers and handlers.
- c. Compile reporting data, assist in investigations and after action reports as directed by the Investigative Services Commander.
- d. Coordinate all training activities through liaison with Canine Handlers and the Investigative Services Commander.
- e. Provide Service Canine and handler certification and training as prescribed by policy and maintain accurate court required canine and handler documentation.
- f. Research, develop, and make recommendations on program needs to the Investigative Services Commander for possible implementation.
- g. Monitor and ensure compliance with the policies, certification, and training requirements.
- h. Provide training materials and equipment necessary for the accomplishment of the Service Canine Unit.

D. Investigative Services Commander

- a. Supervise the Drug Detection Service Canine Program and Canine Coordinator.
- b. Ensure that District/Section Commanders approve of Canine Service Team assignments.

VIII. OVERTIME REPORTING REQUIREMENTS

- A. Any overtime generated by a handler which is directly related to general canine duties and/or drug interdiction activities with the canine may be charged to the Forfeited Property budget account. Overtime charged to this account is strictly limited to canine activities. Shift extensions related to canine activities will be paid from this account. Other activities, such as crash response, DWI enforcement, training (including canine training), etc., should be charged to the regular district funding source.
- B. A handler who wishes to claim time for a canine-related shift extension must, at the end of the shift, enter CAD notes denoting hours claimed and indicate that they are canine-related. Canine handlers must also enter the proper funding information in Self Time Entry, and enter notes to state the specific hours claimed. Due to limited resources in the forfeiture account, the same strict scrutiny should be applied to all canine-related overtime.
- C. Handlers and district payroll personnel need to refer to the current Canine Payroll Guide for specific funding instructions.

APPROVED:

SIGNED 1/17/2020

**Colonel Matthew Langer, Chief
Minnesota State Patrol**



GENERAL ORDER

COMMERCIAL VEHICLE ENFORCEMENT AND NORTH AMERICAN INSPECTION PROGRAM

Policy Number: 25-006

Effective Date: 1.21.2026

Date of Last Review: 12.2.2025

Distribution: C,F

Approved by: Colonel Christina Bogojevic

I. PURPOSE

This policy is intended to establish uniform guidelines for members of Minnesota State Patrol when conducting commercial vehicle inspections. The goal of Minnesota State Patrol's commercial vehicle enforcement safety program is to reduce commercial motor vehicle involvement in crashes that result in property damage, injuries, and fatalities through a consistent, uniform, and effective inspection program.

II. POLICY

- A. Minnesota State Patrol uses fixed scale facilities, temporary roadside inspection/enforcement locations, and traffic enforcement as a proactive approach to promoting safe movements and deterring the unsafe operation of commercial vehicles on Minnesota's roadways.
 1. Destination/terminal inspections may also be conducted but are limited to passenger-carrying vehicles.
 2. Enforcement activities are to be conducted within legal requirements, in an unbiased nondiscriminatory manner, and according to appropriate enforcement practices.
- B. Only Minnesota State Patrol employees who are certified to conduct commercial motor vehicle inspections through the North American Standard Training (NAST) are authorized to perform inspections on commercial vehicles and drivers.
 1. All commercial vehicle and driver inspections must be conducted in accordance with the North American Standard (NAS) inspection procedures and operational policies as developed by the Federal Motor Carrier Safety Administration (FMCSA) and the Commercial Vehicle Safety Alliance (CVSA).
 2. All commercial vehicle and driver out-of-service orders shall be issued in accordance with CVSA's North American Out-of-Service criteria in effect at the time of the inspection.

3. This does not preclude any sworn personnel of the State Patrol who are not certified to conduct inspections from taking enforcement action on a commercial vehicle.

III. AUTHORITY

- A. [MINN. STAT. 169.771](#), [MINN. STAT. 169.85](#), [MINN. STAT. 299D.03](#) and [MINN. STAT. 299D.06](#) authorize and direct the Minnesota State Patrol and its authorized personnel to conduct commercial motor vehicle inspections and weighing.
- B. [State v. Stall, 845 N.W.2d 246 \(Minn. Ct. App. 2014\)](#) establishes that commercial vehicle inspectors lack authority to stop a moving vehicle for spot-check or inspection under [MINN. STAT. 169.771](#).

IV. INSPECTION SELECTION PROCEDURES

- A. Priority for inspection selection shall be given to those situations where there is an observed violation related to the driver, vehicle, or the size and weight of the vehicle(s).
- B. Enforcement personnel may also use federal database data (carrier safety rating) information, including insufficient data from previous inspections (new carrier) when screening vehicles at fixed locations as a method for considering an inspection on a commercial vehicle.
- C. When enforcement personnel are selecting vehicles for spot-check inspections, the vehicle selection must be systematic according to a predetermined method, e.g. every commercial vehicle, every third commercial vehicle, etc. Traffic volume, location, and number of employees shall be considered in implementing the inspection methodology being used. The selection method or system may be changed if operational conditions so require.
- D. Enforcement personnel conducting commercial vehicle inspections shall adhere to the nondiscrimination requirements of the Federal Motor Carrier Safety Administration (FMCSA) Title VI Program. Notice of compliance with the Title VI program will be posted at all fixed weigh stations where inspections are conducted, as well as on the State Patrol's Commercial Vehicle Section website.

V. COMMERCIAL VEHICLE SAFETY ALLIANCE OUT-OF-SERVICE CRITERIA

- A. General
 1. Minnesota state law adopts the [Commercial Vehicle Safety Alliance \(CVSA\) Out-of-Service Criteria](#) in full. Its application shall be uniform and consistent.
 2. During the course of a commercial vehicle inspection, all violations noted shall be compared with the applicable parts of the current [CVSA Out-of-Service Criteria](#) to ensure all critical violations are noted appropriately. This includes Part I (Driver), Part II (Vehicle), Part III (Hazardous Materials), and Part IV (Administrative).
 3. In the case of a vehicle being placed out-of-service for violations noted in Part II, III, or IV, an out-of-service decal shall be affixed to each of the vehicles being declared out of service, with the violations properly annotated on the decal.
 4. When a driver is declared out-of-service, the driver shall be instructed not to operate a commercial vehicle until the conditions of the order are met. If the conditions of the

out-of-service order require a certain amount of time to pass before being allowed to drive, the out-of-service time shall commence at the time the driver is released from the inspection. The driver may remain with the vehicle. The out-of-service violations shall be noted on the out-of-service decal, with clear notations as to the conditions of the out-of-service violation(s). The out-of-service decal shall be given to the driver to place on the inside of the windshield (not affixed).

5. Only personnel who are NAS-certified may place a vehicle or driver out of service for violations that are noted in the CVSA Out-of-Service Criteria.

B. Location of Out-of-Service Order

1. If a vehicle is placed out-of-service but it is not suitable to park the vehicle at the current location, the out of service vehicle maybe moved to the nearest safe location, but only if to do so poses no greater hazard than to remain at the current location. The vehicle should be followed to the location, and upon arriving at the safe location, personnel shall affix the Out-of-Service decal(s). In cases where the vehicle(s) cannot be driven and are not in a suitable location, the vehicle(s) may be towed to a safe location.
2. When placing a driver out-of-service, care should be given to ensure the driver has adequate access to necessary facilities based on the length of the out-of-service order.

C. Towing Out-of-Service Vehicles

1. Enforcement personnel shall not allow vehicles to be towed to a place of repair except by means of a properly equipping towing vehicle; flatbed, crane, or hoist. A combination consisting of an emergency towing vehicle and an out-of-service vehicle must be in compliance with all regulations.
2. A flatbed truck or trailer may be used to transport an out-of-service vehicle regardless of any mechanical defects which rendered the vehicle out-of-service. However, out-of-service defects such as leaking fuel or hazardous materials violations must be corrected onsite before the out-of-service vehicle(s) may be transported on another vehicle.

D. Out-Of-Service Notification

1. In the following situations, when a driver or vehicle is declared out-of-service, employees shall ensure the driver has notified the carrier by telephone or other means of communication:
 - a. Vehicles transporting hazardous materials which must be placarded or are prohibited to be left unattended.
 - b. Vehicles transporting perishable commodities.
 - c. Cargo tanks transporting commodities which require temperature control.
 - d. Vehicles transporting livestock or other living creatures.
 - e. Vehicles transporting mail for the U.S. Postal Service.
 - f. Vehicles transporting people.
2. The carrier should be advised that responsibility for protection of the vehicle, its cargo, accessories, and contents rests solely with the carrier.

3. In driver out-of-service actions, the carrier should be informed that the action does not prohibit the driver from remaining with the vehicle; rather, the action prohibits the driver from operating a commercial vehicle until the driver has met the requirements of the section specified by the out-of-service order.
4. The identity of the carrier representative contacted should be recorded in the driver/vehicle examination report.

VI. DRIVER/VEHICLE EXAMINATION REPORT

- A. All driver and vehicle violations observed or discovered during the inspection process, as the vehicle/driver was originally presented, shall be documented in the appropriate driver/vehicle examination report.
- B. Employees shall ensure all details pertaining to the inspection, including but not limited to: date, time, level of inspection, location, and any applicable grant or shift information, are a true and accurate documentation of the enforcement event.
- C. At the conclusion of every commercial vehicle inspection, employees shall review the driver/vehicle examination report with the driver and provide them with a signed copy. If amendments are needed after the driver and/or vehicle have been released, the motor carrier responsible for the movement of the commercial vehicle shall be contacted and provided with an updated copy of the driver/vehicle examination report. In the event the driver is not present, the motor carrier shall be notified and provided with the explanation and a copy of the report.
- D. The noting of violations as warnings and providing a copy to the driver satisfies the requirements of [General Order 90-013 \(Warning, Citations, and e-Citation\)](#).
- E. Details regarding the inspection event shall be documented in Computer Aided Dispatch (CAD) as required in [General Order 40-011 \(Mobile Data Computer\)](#).

VII. ROADSIDE NON-TRAFFIC ENFORCEMENT SATURATION DETAILS

- A. Site Selection
 1. District 4700 Commander and regional supervisors shall be responsible for assisting all personnel in finding suitable locations for enforcement details. The locations selected should be in an area where there is a likelihood of maximum detection and deterrence of violations of commercial vehicle rules and regulations. This does not preclude enforcement officers from determining other safe sites where it has been determined that commercial vehicles in the area are not in compliance with vehicle rules and regulations.
 2. It is not the intent or purpose of this general order that a mobile inspection/enforcement operation be confined to one location for an entire assigned work period.
 3. Selected sites must be located where the safety of the general motoring public, enforcement, and the commercial vehicle operators can be maximized.
 - a. There must be good visibility and/or illumination.

- b. There must be sufficient room for enforcement and subject vehicles.
- c. Posted speed limits and traffic volume must allow for vehicles to be directed out of the traffic stream without significant inconvenience to the commercial vehicle operator or the general motoring public.
- d. Road and weather conditions must be conducive to safe operation of the inspection site.
- e. There should be a minimum opportunity for commercial vehicle operators to evade the inspection site
- f. If employees are conducting an inspection detail for an extended period of time, inspection site message boards shall be placed in such a manner to provide adequate warning and to protect all vehicles stopped in the inspection/enforcement site.
- g. Inspection/enforcement operations are not recommended on high volume roadways or interstate highways unless the commercial motor vehicles can be safely directed off the roadway to a location where an inspection can be conducted away from traffic. A preferred method on these roadways is to direct selected traffic off the thoroughfare into a rest area, exit, or other appropriate location. Extra warning precautions are to be used when an inspection/enforcement site is established on a freeway or Interstate Highway (i.e. changeable message sign).

B. Set-Up Procedures

- 1. Appropriate equipment necessary for the mobile inspection/ enforcement site operation shall include, but not be limited to, the following:
 - a. Adequate and appropriate warning signs including traffic cones and barricades when necessary.
 - b. Adequate number of personnel appropriate to the operational needs.
 - c. Appropriate equipment necessary to complete any level inspection.
- 2. Employees assigned to the mobile inspection/enforcement will be required to bring all of their issued equipment to the detail.
- 3. For each vehicle stopped for the purpose of weight enforcement and or inspection, a “CVI Commercial Vehicle Inspection event” shall be created in CAD. This does not include vehicles screened by a weigh-in-motion system or other weight enforcement process.

VIII. POST-CRASH INSPECTION

- A. [MINN. STAT. 169.783](#) requires a commercial motor vehicle post-crash inspection to be completed when the incident involves a fatality, bodily injury requiring immediate medical treatment away from the scene, or one or more motor vehicles involved incurred disabling damage requiring a tow. This does not preclude an inspection on a vehicle if the inspection is being done as part of the crash investigation, even if the inspection is not required by statute. The applicable ‘POST CRASH’ field should be checked in the current driver/vehicle examination

report software, indicating the inspection is being conducted a result of a crash regardless if it meets the statutorily required definition.

- B. Employees should consider the circumstances surrounding the incident when deciding the appropriate level of inspection, including but not limited to crash severity, witness statements, crash causation, recommendation of the agency or law enforcement officer leading the crash investigation, and weather.
- C. All violations should be documented in the appropriate driver/vehicle examination report, and in accordance with the standards and policies of FMCSA and CVSA. All violations noted during the inspection that are a direct result of the crash event should be properly coded as such. A copy of the completed driver/vehicle examination report shall be provided to the investigating officer/agency.
- D. A field report shall be completed as a supplement to the driver/vehicle examination report. The field report should provide, at a minimum, details regarding the circumstances surrounding the request for the post-crash inspection, the role the member had in the overall investigation, and any other pertinent facts not detailed in the driver/vehicle examination report.

IX. TITLE VI PROGRAM REQUIREMENTS

- A. It is the policy of Minnesota State Patrol Commercial Vehicle Section to uphold and ensure full compliance with the non-discrimination requirements of [Title VI of the Civil Rights Act of 1964 \(Title VI\)](#) and related non-discrimination authorities as identified in the FMCSA Title VI Program that has been signed by the chief of Minnesota State Patrol. These authorities require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any federally funded program or activity on the basis of race, color, national origin, sex, age, disability, income level, or limited English proficiency.
- B. Minnesota State Patrol has adopted a Public Notice of Title VI Program Rights that informs the public regarding how to obtain more information on Title VI or how to file a complaint. This public notice shall be posted for public access at all fixed scale locations and on the [Minnesota State Patrol's Commercial Vehicle Section website](#),
- C. The Commercial Vehicle Section's Grant Coordinator shall monitor Minnesota State Patrol's Title VI compliance by:
 - 1. Ensuring compliance and implementation of Title VI Program Compliance Plan.
 - 2. Providing Title VI Program-related training to personnel which conduct enforcement activities including the adherence to [FMCSA Enforcement Memorandum regarding ELP versus LEP \(MC-ECE2016-006\)](#).
 - 3. Correcting deficiencies, when found to exist.
 - 4. Documenting complaints and ensure complaints filed by member of the public (including drivers) are disposed of in accordance with the Complaint Disposition Process section of Minnesota State Patrol's Title VI Program Compliance Plan.

X. AUDITING

District 4700 Commander is responsible for the establishment and implementation of procedures

related to the auditing of member inspections to ensure compliance with Minnesota State Patrol and CVSA policy.

XI. INDOOR INSPECTION FACILITIES

To ensure the safety of employees, commercial motor vehicle occupants and the general public, members electing to utilize indoor inspection facilities to complete commercial motor vehicle inspections must follow certain safety procedures including, but not limited to, those listed in paragraphs A. and B. of this section. Members must take into consideration the potential hazards certain vehicles create and additional risks they pose to people and property once inside. Members shall mitigate all perceived hazards, or elect to complete inspections outdoors.

A. General

1. Vehicles selected for inspection must be screened prior to admittance into the facility. Checking for hazardous material communication markings, placards, and shipping papers are items members must utilize to make their assessment. Members must also take into consideration the size of the vehicles and the loads those vehicles are transporting to safely enter and exit the facility; the type of cargo being transported and its load securement (e.g., falling cargo, leaks); and the fuel source of the vehicle or auxiliary equipment, including obvious leaks from those systems.
2. Personal fall protection systems, which are designed to mitigate the risk of injury to members, must be utilized whenever the inspection pit is not in use or unauthorized personnel enter the facility (e.g., building maintenance workers).
3. Members will slowly guide operators of commercial motor vehicles inside to ensure the vehicle's proper placement and to prevent property damage to the facility or the vehicle being inspected.
4. Members shall not be, or allow others to be, inside the inspection pit while vehicles are positioned.
5. Occupants of commercial motor vehicles must remain inside the vehicle's cab, unless directed by or granted permission from the members. Neither occupants nor their agents (e.g., mechanics) will be permitted inside the inspection pit or restricted access area surrounding the pit at any time to show, explain, or repair violations.
6. Commercial motor vehicles shall not be left unattended or allowed to remain parked inside. Upon completion of the inspection, members must slowly guide the vehicle outside to an appropriate parking location.

B. Special Considerations & Prohibition of Certain Hazardous Materials Indoors

1. Vehicles transporting hazardous materials that are discovered to be leaking shall not be permitted inside. NOTE: During periods of precipitation (e.g., rain, snow, sleet), it may be difficult to ascertain the integrity of the packages transporting hazardous materials. Members must exercise caution and best judgement prior to permitting the vehicle inside, and only after being certain no leaks exist.
2. Except for the purpose of utilizing the performance-based brake tester (PBBT), the following vehicles will not be permitted inside the inspection facility.

- a. Vehicles or auxiliary equipment powered by liquefied natural gas (LNG), compressed natural gas (CNG), or liquefied petroleum gas (LPG).
- b. Vehicles transporting materials poisonous/toxic by inhalation.
- c. Vehicles containing any Division 2.1, 2.2, or 2.3 gases as defined in [49 CFR 173.115](#).

Members electing to utilize the PBBT on these vehicles will ensure both service doors remain completely ajar, any potential sources of ignition are protected against, and the vehicle does not remain indoors any longer than is necessary to perform the test.

3. Vehicles transporting hazardous materials other than those covered by paragraph [B. 2. of this section](#) are permitted to be inspected inside the facility, provided both ingress and egress doors are completely ajar during the inspection.
4. Members should take into consideration hazardous materials transported as materials of trade, as defined in [49 CFR 171.8](#) and transported in conformance with [49 CFR 173.6](#), when making their initial hazard assessment; however, the mere presence of these materials does not prohibit admittance into the facility. Inspection of vehicles transporting only materials of trade does not require the service doors to be ajar.
5. In the event of emergency involving hazardous materials, members will terminate the inspection and evacuate the facility. Service doors, if not already ajar, should be opened, only if doing so does not further endanger the member. Once outside of the facility, the member can safely reassess the situation and, if necessary, implement the emergency response sequence.

GENERAL ORDER

	Effective: March 9, 2012	Number: 12-25-007
	Subject: RIDE-ALONG PROGRAM	
	Reference:	
	Special Instructions: Rescinds General Order 09-25-007	Distribution: G

I. POLICY

In recognition of the significant benefit that may accrue from the exposure of members of the news media, a legislative or judicial body, persons enrolled in a college or university internship program, prospective recruits, and others to field operations, it is the policy of the Minnesota State Patrol to permit ride-alongs in state units (including aircraft) when the request meets the conditions outlined in this General Order.

II. PARTICIPANTS

A. General

1. Due to the potential hazards and possibility of civil liability, general requests by non-departmental (DPS) persons to ride-along in state units (includes aircraft) shall be discouraged. However, riders may be permitted under certain conditions and by proper authority, such as requests:
 - by persons interested in a law enforcement career
 - to gain general knowledge of law enforcement duties (legislators, judges, attorneys, etc.)
 - to increase awareness of traffic crash problems
 - to obtain information for studies
 - news media
 - other off-duty law enforcement personnel
2. The following persons do not require specific authorization to ride in state units:
 - a. MN/DOT radio maintenance personnel
 - b. Maintenance personnel
 - c. Medical emergencies when an ambulance is unavailable or unavoidably delayed and when the condition of the person is such that to await further would critically complicate the injury/illness
 - d. People being aided on the highway, e.g., fuel, mechanical trouble, etc., having need of transportation to acquire help
 - e. Other persons having a need of momentary transportation, e.g., other law enforcement officers from crash scene to their vehicle or office, prisoner transportation, etc.
3. Other than participants in the internship program, State Patrol Explorer program, or student worker program coordinated through the Training and Development Section, ride-alongs shall generally be limited to one shift or less.

B. Spouses/Family Members

With advance, written permission from the District/Section Commander, spouses or family members may be authorized to travel in patrol vehicles when the member is attending an official function on behalf of the department (Awards Ceremony, Retirement Planning Seminar, funerals). Captains and above must get permission from their direct supervisor.

C. Media

1. It is the policy of the Minnesota State Patrol to allow media personnel to participate in scheduled ride-alongs with advance, written permission from a District/Section Supervisor.
2. Media participants shall not be allowed to utilize video or photographs of anyone stopped by the Trooper, unless the citizen's explicit written approval has been given; however, absent this approval, images of the person stopped, license plate, and other readily identifiable objects may be used only if they are rendered indistinguishable.

D. Student Worker/Intern/Non-Sworn Employees

All ride-along requests for student workers, interns, and non-sworn employees must be approved by the District/Section Commander where they are assigned and the District/Section where the ride-along is to take place if different from the intern or employee's assignment.

III. PROCEDURE

A. District/Section Supervisor

1. Screen and determine the validity of the request. Forward any requests from potential recruits to the Recruitment Coordinator at the Training and Development Section in order to collect data for tracking purposes and other research. The Recruitment Coordinator may request that additional paperwork be filled out by the individual riding along to assist the agency in recruitment.
2. The Ride-Along Participant Agreement and Waiver of Claims form (PS 18084) shall be completed and signed prior to the beginning of the ride along. The intent of the Waiver of Claims form is to protect the Trooper, State Patrol, and State of Minnesota from liability and risk while the rider is participating in the program.
3. Ride-alongs for juveniles must be requested in writing by the juvenile's parent or legal guardian. The Waiver of Claims (PS 18084) must also be signed by the juvenile's parent or legal guardian.
4. Terminate the ride-along at any time if they determine it is not in the best interests of the participant or the State Patrol.
5. Forward any post-ride-along evaluations to the Training and Development Section for review.

B. Recruiting Coordinator

1. Coordinate and set-up all requests for ride-alongs by potential recruits.
2. Develop a packet of information for ride-along participants to include the applicant information, Ride-Along Participant Agreement, the Waiver of Claims form (PS 18084), and an evaluation of the ride-along.
3. Analyze ride evaluations to further enhance the ride-along program for prospective candidates.
4. Terminate the ride-along at any time if they determine it is not in the best interests of the participant or the State Patrol.

C. Members

1. Give the rider a short but accurate briefing of what to expect during the ride-along prior to departure, including, but not limited to:
 - a. use of patrol unit's emergency equipment and use of the radio in case of an emergency situation;
 - b. the confidential nature of criminal justice information and activity that may be observed;
 - c. expected conduct of the rider (see Section D, below).
2. Advise the Radio Communications Operator that a rider will be present. Identify the rider by full name and provide a telephone number to be used for notification in event of an emergency.
3. Enter the full name and emergency contact information (phone number minimum, but preferably an address) into CAD history.
4. If an extremely hazardous incident is forthcoming, e.g., ordered to assist in riot/fight duty, to assist other law enforcement officer whose life is endangered, etc., deliver the rider to a business

establishment, law enforcement agency office, or other reasonable site and notify the Radio Communications Operator of the situation.

5. Terminate the ride-along at any time if the participant is hampering, interfering, or hindering the performance of official duties.
6. See General Order 20-012 (Pursuits) for pursuit restrictions when passengers are present.

D. Participants

1. Participants shall understand that they are under the direction of the Trooper with whom they are riding with at all times during the ride-along.
2. By participating in a ride-along, riders shall:
 - a. Wear seatbelts at all times while the vehicle is in motion;
 - b. Dress conservatively;
 - c. Testify if called or subpoenaed as a witness, about any event observed while participating in the ride-along program;
 - d. Understand that their participation in the ride-along program may be terminated at any time for any reason.
3. Ride-along participants shall not:
 - a. Be left in charge of, or alone with, arrested or detained persons;
 - b. Question or converse with arrested or detained persons;
 - c. Exit the vehicle unless instructed to do so by the Trooper;
 - d. Engage in photography, videography, or audio recording unless the rider is a member of the media and has prior approval from the District/Section Supervisor, and
 - 1) has the citizen's explicit written approval to use the images, video, or recordings; or,
 - 2) renders any images of persons stopped, license plates, and other readily identifiable objects indistinguishable if the citizen does not give written approval.
 - e. Be allowed into a residence or any other location where the occupant has a reasonable expectation of privacy without having given consent;
 - f. Carry a firearm or any other weapon. This includes off-duty peace officers from states other than Minnesota or those with a permit to carry a firearm. Peace officers from Minnesota may carry a firearm, but must carry proper identification;
 - g. Participate in an investigation or other special operation;
 - h. Be present during any formal interviews with criminal suspects or informants;
 - i. Have access to confidential materials such as criminal history;
 - j. Drive the patrol unit, except in an emergency, as directed by the Trooper or with approval from the District/Section Commander;
 - k. Participants shall not assume any police powers nor perform any police duties except as may be directed by the member in order to protect the life of the participant, the member, other employee of the State Patrol, or a third party.

Approved:

SIGNED 3/9/2012

**Colonel Kevin P. Daly, Chief
Minnesota State Patrol**

GENERAL ORDER

 CRIME SCENE AND PROPERTY CONTROL	Policy Number	25-008
	Effective Date	9/1/2025
	Last Review Date	9/1/2025
	Distribution	G
Related Policies		
Approved by:	Colonel Christina Bogojevic	

I. PURPOSE

It is the policy of the Minnesota State Patrol to protect the integrity of a crime scene; preserve, collect and process evidence; and maintain the chain of custody for integrity of property.

II. DEFINITIONS

Chain of Custody: Chronological documentation of the seizure, custody, control, transfer (temporary or permanent), and disposition of property, either physical or electronic.

Crime Scene: Any location that may be associated with a crime. It can be the place where the crime took place, or any area where evidence of or from the crime itself may potentially be found.

Evidence: Items taken or recovered in the course of an investigation that may tend to prove or disprove the facts of a case; may include documentary or oral statements, material objects admissible as testimony in a court of law, and digital evidence.

High-Risk Evidence: Sensitive evidence which includes currency over \$1,000; suspected controlled or illegal substance.

Property: A generic term that includes all items held in the custody of the property facility, including evidence, items for safekeeping, and found property.

Property Custodian: An individual who receives, manages, and/or transports property into custody while maintaining chain of custody. These individuals have successfully completed and had knowledge verified after receiving specialized training approved by command staff and designated via district or section local directive and approved via memo by the Chief.

III. POLICY

- A. Procedures within the Property and Evidence Control Manual shall be followed unless under exigent circumstances approved by the on-call Major.
- B. Personnel shall not retain any items recovered, received, or used as evidence or property before or after disposal for personal possession or personal use. Any use for business purposes must be approved by the Chief.
- C. Personnel are prohibited, at all times, from storing evidence or property in their personal desks, lockers, vehicles, homes, or other places that are not secure would interrupt the chain of custody.

- D. Only a licensed peace officer or designated Property Custodian may handle evidence or property.
- E. All individuals handling property are required to complete specialized training in property handling. All individuals must verify knowledge from specialized training before handling property.
- F. Persons other than the District/Section Commander and the Property Custodian(s) are not allowed to access any of the permanent District/Section Evidence Storage facilities unless in the company of or with the approval of the District/Section Commander or Property Custodian.

GENERAL ORDER



Effective:	April 30, 2014	Number:	14-25-009
Subject:	SPECIAL RESPONSE TEAM (SRT)		
Reference:	Minn. Stat. Chap. 299D		
Special Instructions:	Rescinds GO 12-25-009	Distribution:	A,B,C,D

I. AUTHORITY

The authority of the Special Response Team shall be consistent with the provisions of Minnesota Statutes Chapter [299D](#) and/or any Executive Directive issued by the Governor of Minnesota, the Commissioner of Public Safety, or their designee.

II. PURPOSE

- A. To provide assistance with security and protection for the State Capitol, state buildings, the Governor and his/her residence as requested and/or directed by the Commissioner of Public Safety or authorized agent.
- B. To respond to any incident within the State of Minnesota as directed by the Commissioner of Public Safety or authorized agent.
- C. To respond to any request for assistance from local/city/county and state law enforcement agencies as approved by the Commissioner of Public Safety or authorized agent.

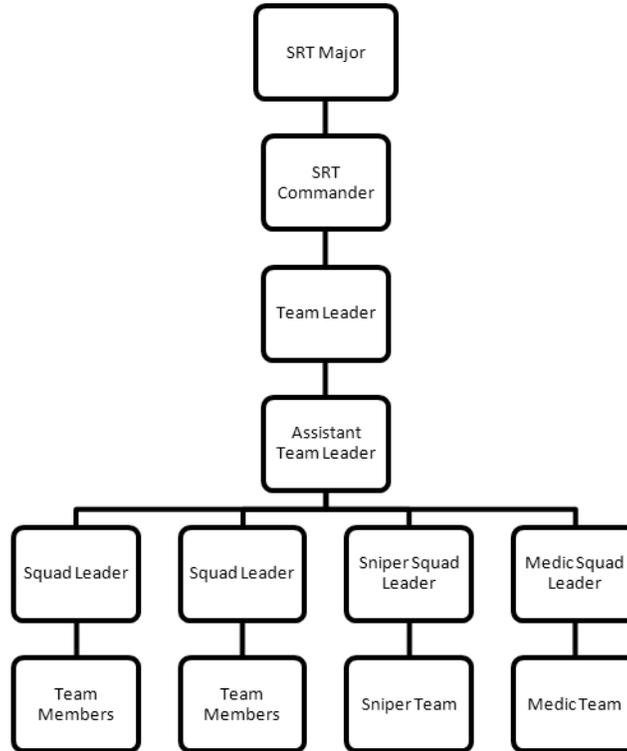
III. FUNCTIONS

- A. State Capitol Complex, Governor's Residence
 1. Respond to protests as directed.
 2. Respond to critical incidents as directed.
 3. Provide protective details for VIP's, legislators, court, and judicial functions as needed.
 4. Provide support for the Governor's protective detail as directed.
- B. State Patrol Flight Section
 1. Provide support for search and rescue incidents.
 2. Provide support for criminal/fugitive search and apprehension.
 3. Provide assistance with flight operations as directed.
- C. General Assistance
 1. Respond as a support unit to state/local/city/county law enforcement agencies as directed for:
 - a. protests,
 - b. critical incidents,
 - c. search and rescue incidents,
 - d. criminal/fugitive search and apprehensions, and
 - e. as directed for mutual aid.
 2. Minnesota State Patrol response to State Prisons (prison disturbances).
 3. Response for civil disturbances.
 4. Response for protective details for VIPs, etc.
 5. Assist with strikes as limited by Minnesota Statutes Chapter [299D](#).
 6. Other duties as directed/requested by the Commissioner of Public Safety or authorized agent.

IV. ORGANIZATION AND SELECTION

A. Structure

The Special Response Team unit structure will be as follows:



B. Selection of SRT Members

1. SRT vacancies shall be filled at the discretion of the SRT Commander(s) from an eligible list which is established every two (2) years.
2. Selection of SRT members will be based on the application, oral interview, and residency requirements.
3. SRT candidates will be required to pass a physical fitness test prior to assignment to the SRT unit.
4. Team Leaders and Assistant Team Leaders will be selected by the SRT Commander(s).

V. SRT TRAINING

- A. The SRT unit will be scheduled for training once per month. Scheduled training dates will be sent to each affected District/Section Commander prior to each calendar year.
- B. SRT members are required to pass a physical fitness test once per year. The physical fitness testing will be conducted by the Training Academy Fitness Coordinator.
- C. SRT members shall demonstrate satisfactory proficiency with all weapons utilized or assigned to them.
- D. SRT members are allowed to miss no more than two (2) scheduled training sessions per year, except for military training and excused emergencies as determined by the SRT Commander(s).

VI. SRT ACTIVATION AUTHORITY AND PROCEDURE

- A. The SRT unit may be activated by the State Patrol Chief, State Patrol Assistant Chief, or State Patrol Major.
 1. Once the SRT Commander(s) or Team Leader has received authorization to activate the SRT team, an SRT commander or Team Leader will send out an informational page via SRT Group Text Message (email to text system) to all SRT members which will include location, description of incident and any other pertinent information as instructed.

2. It is the responsibility of each SRT member to notify their regional communications center (either RTMC or SRCC) of the activation, whether the SRT member is on or off-duty at the time of the activation.
3. The RCO shall notify the SRT member's on-duty or on-call supervisor using the Google one-call number immediately after the activation of the SRT. The RCO shall also notify the on-call Major to notify him/her of the activation.

B. Activation Procedure

The Chief, Assistant Chief and Majors have department authority to activate the SRT unit.

1. Non-Emergency Procedure

- a. The SRT Commander(s) shall notify and obtain permission from the SRT or on-call Major when activating the SRT unit for non-emergency type incidents.
- b. The SRT Team Leaders or Assistant Team Leaders shall use the same procedure described for the SRT Commander(s).

2. Emergency Procedure

The SRT Commander(s), Team Leader, or Assistant Team Leader shall attempt to obtain permission to activate the SRT unit prior to calling out SRT members.

C. Activation Criteria

The SRT unit may be activated for incidents involving one or more of the following:

1. Use of deadly force against another person.
2. Felony warrant has been issued or a person is wanted for a felony offense involving use or threatened use of deadly force.
3. A hostage situation.
4. Barricaded and armed subject.
5. Kidnapped victim.
6. Mutual aid involving a search warrant (high risk).
7. Provide support for the State Patrol Flight Section for the following:
 - a. High risk flights (armed people).
 - b. Search and rescue missions.
 - c. Search for criminal suspects.
8. Civil disorders, riots, etc.
9. Search and rescue incidents considering the following:
 - a. Weather
 - b. Probability of survival (time critical, circumstances, etc.)
 - c. Age of lost person and type of clothing if known.
 - d. Physical problems.
 - e. Distance from the metro area.
 - f. Probable time commitment (hours, days, etc.)
 - g. Number of SRT members needed.
10. Coverage of special events.
11. Assist with the protection of VIP's and other dignitaries.
12. Civil defense or natural disasters.

D. SRT Operating Procedures

1. Once activated for SRT duties, the SRT Commander(s) shall be responsible for the direction and supervision of SRT members.
2. The designated Team Leader shall assume the responsibility for direction and supervision of the SRT members in the absence of the SRT Commander(s).
3. The Team Leader shall be responsible for the direction and supervision of other team members during the actual SRT deployment. All SRT activities shall be conducted in accordance with the general direction provided by the SRT Commander(s). Team Leaders shall plan, organize and implement specific tasks utilized to control and direct team members during deployment.

- 4. The Assistant Team Leader shall assist the Team Leader in all activities, and shall assume the responsibility of direction and supervision of the team in the absence of the Team Leader.

VII. SRT EQUIPMENT

- A. SRT members are issued specialized equipment incidental to their duties as SRT members, and shall be responsible for maintaining and providing secure storage for all issued equipment.
- B. Team Leaders shall conduct an annual inventory/inspection of all specialized equipment and supplied issued to and used by SRT members.
- C. A record of all equipment inventory/inspections and assignments shall be maintained by the SRT Commander(s).
- D. All equipment issued to the SRT Unit, and not to an individual SRT member, shall be the responsibility of the SRT Commander.

VIII. REPORTING SRT ACTIVITIES

- A. Detailed written reports will be prepared by the SRT Commander(s) and submitted to the SRT Major at the completion of each individual detail.
 - 1. Periodic reporting to the SRT or on-call Major's office may be required for long term SRT unit assignments.
 - 2. Situation reports or telephone reports will be submitted at intervals which will be determined later.
- B. News releases will be handled by the Office of the Commissioner of Public Safety and will be dependent on information received from the SRT Commander(s).
- C. Activated individual SRT members will be responsible for reporting their on-duty hours of work to their district communications operator for payroll purposes. Activated SRT members shall submit their weekly activity reports to their respective district office.

Approved:

SIGNED 4/30/2104

Lt. Col. Matthew Langer, Acting Chief
Minnesota State Patrol

GENERAL ORDER



Effective:	June 18, 2013	Number:	13-25-011
Subject:	STATE PATROL TACTICAL RESCUE VEHICLE (TRV) – OPERATION, MAINTENANCE AND STORAGE		
Reference:	GO 25-009; 18 U.S.C. 842(j) , 18 U.S.C. 845(a) , 27 CFR 555.22 , 27 CFR 555.141 , 27 CFR 555.205 , ATF Rule 2009-3		
Special Instructions:		Distribution:	P

I. PURPOSE

To establish guidelines for the operation, maintenance and storage of the State Patrol Tactical Rescue Vehicle (TRV), a 2013 Sentinel XL manufactured by the International Armored Group and assigned to the Special Response Team (SRT). The TRV will provide mobile protection for SRT personnel, and if necessary, other sworn employees, persons in custody, evacuees, and employees of Xcel Energy deemed to be critical to the operation or repair of a nuclear facility.

II. TRAINING

All SRT members shall be trained in the operation and tactical roles of the TRV. Prior to any training, SRT members must sign this General Order indicating that they have read and understood it.

- A. Training will include all equipment stored in the TRV, as well as all accessory equipment integrated into the operation of the TRV.
- B. Records of completed training will be retained by the SRT commander(s).
- C. Proficiency shall be demonstrated with the following:
 - 1. Operation of the TRV
 - 2. Emergency lighting
 - 3. Night vision and infrared camera systems
 - 4. Long Range Acoustical Device (LRAD)
 - 5. Tactical gas insertion system
 - 6. Breaching ram
 - 7. Recovery winch
 - 8. Explosive gas detection system
 - 9. Radiation detection system
 - 10. Fire suppression system
 - 11. Tactical equipment stored in the TRV

III. PROCEDURE

- A. The TRV shall not be deployed along with the SRT members to an emergency callout or pre-planned event unless approved as prescribed below in section IV.
- B. The paramount responsibility for use of the TRV is to respond to a hostile action based event at either of Minnesota's nuclear power generating facilities operated by Xcel Energy (Prairie Island and Monticello). As a result, any call for service at these facilities will take priority over other missions.
- C. The SRT commander(s) will determine, and are responsible for, the method of utilization for the TRV during a deployment. Specific methods of deploying the TRV will be governed by the manufacturer's intended use of the equipment.
- D. Use of accessory equipment installed on the TRV shall be based upon the manufacturer's guidelines and will remain consistent with applicable MSP policies and procedures.
- E. The TRV shall not be used in a motor vehicle pursuit.
- F. When responding to an emergency, operators of the TRV shall take into consideration the exigency of the situation in order to determine the most reasonable response speed possible.

- G. Operators shall remain aware of any limitations based upon size, weight, stopping ability, visibility, and handling capabilities of the TRV and operate the vehicle accordingly in emergency and non-emergency driving conditions.
- H. Operators shall obey all state statutes and General Orders pertaining to the operation of a state unit and emergency vehicle.

IV. REQUEST FOR ASSISTANCE FROM ALLIED AGENCIES

- A. If the SRT is approved to respond to a situation through the procedures set forth in General Order 25-009, an SRT Commander may also request the use of the TRV from the on-call major. The request shall include justification that the TRV is necessary to protect the lives of SRT members, other law enforcement members, or members of the public, and all local options for use of an armored vehicle have been exhausted.
- B. **The on-call major shall obtain approval for TRV deployment from the chief or assistant chief prior to deployment occurring.**
- C. SRT commander(s) will identify the nature of the request and determine appropriate staffing for the call. The staffing request will be discussed with the SRT major, or on-call major, to determine the number of SRT members to be deployed with the TRV.
- D. By assisting an allied agency with a request for use of the TRV, the MSP does not automatically assume lead agency status or operational control of an incident. Incident command and responsibility will remain the same, and the MSP will assist with operational needs unless the situation determines otherwise.
- E. SRT members deployed with the TRV will operate under guidelines set forth by MSP policies and procedures. The SRT will not perform any assignments deemed unsafe or outside the normal scope of SRT capabilities.

V. STORAGE AND MAINTENANCE PROCEDURES

The TRV will be stored and maintained according to the manufacturer's recommendations in coordination with MSP fleet operations.

- A. Storage will be in a facility not accessible to the public and secured by card/key access for government employees.
- B. Without exception, the TRV and all accessory storage areas will be secured by installed locks/padlocks when left unattended at the storage facility.
- C. The TRV contains an approved Type-III magazine built according to the specifications set forth by the Bureau of Alcohol, Tobacco, Firearms and Explosives. All explosives, distraction devices, and other applicable munitions will be stored, maintained and inspected according to guidelines set forth under the following: [18 U.S.C. 842\(j\)](#), [18 U.S.C. 845\(a\)](#), [27 CFR 555.22](#), [27 CFR 555.141](#), [27 CFR 555.205](#) and [ATF Rule 2009-3](#). The BATF-approved padlock(s) will be secured at all times unless munitions are being retrieved or placed into storage.
- D. The TRV will be refueled prior to returning to the storage facility.
- E. The Diesel Exhaust Fluid (DEF) level will be checked every time the TRV is refueled. The on-board monitor will alert the operator to a low level prior to diminishing engine power.
- F. A minimum of two members will be assigned as the primary vehicle specialists as determined by the SRT commander(s). These members will be responsible for the scheduled maintenance and operational readiness of all equipment stored in or integrated into the vehicle. These members will be the primary members responsible for delivery of the vehicle to training and callouts.
- G. Vehicle and equipment checks will be conducted monthly to ensure operational readiness. The TRV Equipment Inspection Record (EIR) will be completed. A copy of the TRV EIR will be maintained in a log stored in the TRV and a copy will be forwarded to the SRT commander(s).

- H. Any equipment deficiencies noted by the vehicle specialists will immediately be communicated to the SRT commander(s). The equipment needing maintenance or repair shall be remedied as soon as possible to maintain operational readiness.

VI. REPORTING

- A. Detailed deployment reports will be prepared at the conclusion of a deployment by the SRT Commander(s), or designee, and submitted to the SRT major and on-call major at the completion of each detail.
- B. Reports will include:
1. Location where the vehicle was used
 2. Reason the vehicle was used
 3. Troopers operating/using the vehicle
 4. Manner in which the vehicle was used
 5. Any injuries sustained by any person involved in the use of the TRV
 6. Any damage to the TRV
 7. Any damage created by the use of the TRV shall be reported to the SRT commander(s) immediately upon the conclusion of the incident and before departing from the scene. Damage to property will be reported in accordance with existing MSP policies.
- C. A copy of the reports will be placed in the TRV file in the vehicle.

Approved:

SIGNED 6/18/2013

**Colonel Kevin Daly, Chief
Minnesota State Patrol**

GENERAL ORDER

	Effective: June 28, 2021	Number: 21-25-013
	Subject: DRUG RECOGNITION EVALUATOR (DRE) PROGRAM	
	Reference: Minn. Stat. Chap. 169A and sec. 299D.03; Applicable IACP/NHTSA Regulations	
	Special Instructions:	Distribution: A,B,C, E

I. PURPOSE

- A. To promote safety on Minnesota roadways through the detection and evaluation of drug-impaired drivers.
- B. To establish uniform guidelines for members of the Minnesota State Patrol (MSP) when encountering drug-impaired drivers.
- C. To ensure these operations are conducted within legal requirements and according to appropriate enforcement practices.

II. POLICY

The MSP will conduct investigations regarding drug impairment while driving, operating or in physical control of a motor vehicle consistent with applicable laws and appropriate law enforcement training and practices.

III. ORGANIZATION AND SELECTION

- A. The MSP's DRE program is derived from the federal Drug Evaluation and Classification Program (DECP) managed and coordinated by the International Association of Chiefs of Police (IACP) with support from the National Highway Traffic Safety Administration (NHTSA).
- B. The MSP DRE program structure includes the following chain of authority:
 - 1. The Investigative Services Section (ISS) Commander oversees the DRE Lieutenants, Coordinator and the program in general.
 - 2. The ISS Commander or his/her designee will supervise the DRE instructors and students during active training.
 - 3. The DRE Coordinator coordinates the DRE program, including the training and certification of the evaluators. The coordinator supervises instructors and students of the program. The DRE coordinator will also annually review the Computer-Aided Dispatch (CAD) skill roster to ensure that it is current.
 - 4. DRE lieutenants and DREs are those trained and certified in the DRE program.
 - 5. Any Trooper who wishes to become a DRE must have at two years of experience with the MSP. Selection to attend the DRE Training will be made jointly between the District Commanders and the DRE Coordinator.
 - 6. DRE instructors are DREs who have completed instructor training and certification.

IV. TRAINING AND CERTIFICATION

- A. The DRE coordinator will track and update the statewide DRE list. The coordinator will assess needs for additional DREs and/or DRE Instructors. The DRE coordinator will also annually review the CAD skill roster to ensure that it is current.
- B. The DRE coordinator will arrange and provide training via funding by the Office of Traffic Safety.
- C. All Troopers who wish to become DREs must complete the DRE Pre-School, DRE School, and Field Certification Training as required by IACP/NHTSA (<https://www.theiacp.org/dre-training>), along with any state or federal re-certification requirements.

A MSP Supervisor shall be present and supervise the DRE training and field certification trips, and will ensure local protocols, laws and ordinances are adhered to. The DRE Coordinator and instructors will supervise the use and maintenance of training facilities.
- D. Field certification will occur at an approved DRE certification site, with approval from the Chief.

- E. Troopers participating in training and certification shall not:
 - 1. Possess illicit drugs or paraphernalia unless it is being secured as evidence of a crime and documented appropriately.
 - 2. Provide illicit items to participants volunteering for evaluations.
 - 3. Permit, and shall prevent, the use of illicit drugs for any reason.
 - 4. Offer alcohol as an incentive to participate in evaluations.
- F. The DRE Coordinator and/or attending MSP Supervisor will convey to DRE students from allied agencies the provisions of Section IV(E) and advise them of the chain of authority defined in Section III for use during training.
- G. All participants in the DRE training and certification are expected to conduct themselves professionally and bring no discredit to the program. If the DRE coordinator or DRE supervisors observe or learn of any behaviors that are disruptive or violate this policy, or any statute or professional standard, he/she will:
 - 1. Immediately address the behavior if observed, or investigate to determine if reported misconduct occurred.
 - 2. Dismiss the person from the training day, or the training session, if warranted.
 - 3. For MSP personnel, follow the procedure for internal complaints.
 - 4. For allied agency personnel, notify the person's supervisor of the conduct and communicate the dismissal, if applicable.
 - 5. In all cases, notify the DRE Coordinator and the ISS Commander, who will be responsible for notifying the On-call Major.

V. DECERTIFICATION

The following situations shall be sufficient cause for a DRE to be removed and decertified from the DRE program:

- A. Substandard performance.
- B. Improper and inaccurate documentation of DRE evaluations.
- C. Refusing to perform DRE evaluations.
- D. Insufficient use of DRE skills.
- E. Failure to successfully complete biennial recertification.
- F. Any inappropriate acts on the part of the DRE that bring discredit upon the DRE program.

VI. DRE EQUIPMENT

Each DRE will be issued and is responsible for the following equipment:

- A. Stethoscope
- B. Sphygmomanometer (blood pressure cuff)
- C. Pupilometer cards
- D. Digital thermometer and covers
- E. Penlight
- F. DRE kit bag
- G. UV Light
- H. Magnifier
- I. Clip Board

In the event of DRE decertification or other separation from the program, all issued DRE equipment shall be returned to the DRE Coordinator. When issued, DRE manuals shall also be returned to the DRE coordinator and forwarded to the ISS section.

VII. PROCEDURE FOR REQUESTING A DRE

- A. When a Trooper makes an arrest for DWI and determines that the subject's level of impairment is not consistent with alcohol use, a DRE should be notified to determine if impairment is due to another substance. A Trooper requesting a DRE should document the request within the paper ICR or CAD event, regardless of whether the DRE actually responded.

- B. In the event of a serious injury or fatality crash where drug impairment is suspected, troopers should request a DRE and if possible, the DRE shall complete an evaluation on the suspected impaired driver.
- C. Radio operators who receive an internal request for a DRE shall create a CAD event using event type DRE. For external requests, AOA/DRE.
- D. When locating a DRE, radio operators should determine whether there is one on duty in the district and, if not, adjacent districts. If none, one may be called out when necessary for successful prosecution. Consideration should be given to location of the request, proximity of the DRE, and proximity to shift change. For allied agency requests for which no DRE is available, the requesting agency should be referred to another agency with DRE-trained officers.

VIII. DRE RESPONSE AND REPORTING

- A. A DRE shall respond to calls for service within a reasonable distance of his/her location if available for service.
- B. If response by the DRE is not an option due to weather, travel distance, or previously assigned duties, at a minimum, a telephone call to the requesting Trooper, officer or deputy should be made to provide guidance in the matter.
- C. A DRE shall make valid and fair assessments of the suspected impaired person and document findings factually following IACP/NHTSA DECP protocol.
- D. The DRE shall enter the evaluation onto the DRE Website within 30 days of the incident.

IX. RECORDS MANAGEMENT

- A. The MSP DRE Coordinator shall maintain original certification records, recertification records, and all other training records pertaining to this program. The DRE Coordinator shall follow the requirements set by the IACP. The coordinator's files on all agency DREs shall minimally contain:
 - 1. Copies of Rolling Evaluation Logs
 - 2. Student Certification Progress Logs
 - 3. Instructor Certification Progress Logs
 - 4. Copies of Curriculum Vitae
 - 5. Current Recertification Assurances Form
- B. MSP DRE/DRE instructors shall maintain the following records regarding certification/re-certification:
 - 1. Digital copies of all drug evaluations done/received.
 - 2. Evaluation rolling logs
 - 3. A current Curriculum Vitae, which will be submitted to the DRE Coordinator annually.
 - 4. Certification and Re-Certification Progress Logs
 - 5. Certificates
- C. DRE instructors shall additionally maintain records of:
 - 1. Instructor ratings and summaries of student critiques
 - 2. Records of classes taught by each instructor
- D. Records will be kept current at all times.
- E. The DRE coordinator will provide requested records to the Office of Traffic Safety.

Approved:

SIGNED 6/28/2021

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER



Effective:	July 27, 2018	Number:	18-25-014
Subject:	MOBILE RESPONSE TEAM (MRT)		
Reference:	Minn. Stat. sec. 299D.03		
Special Instructions:	Rescinds General Orders 11-25-012 and 16-25-014	Distribution:	A,B,C,E

I. AUTHORITY

The authority of the State Patrol Mobile Response Team (MRT) shall be consistent with the provisions of Minnesota Statute Chapter 299D and/or any Executive Directive issued by the Governor of Minnesota, the Commissioner of Public Safety, or their designees.

II. PURPOSE

The MRT supports the mission of the State Patrol and assists other law enforcement agencies by:

- A. Providing initial response services in a rapid deployment to assist at an event, situation, disaster, or emergency and to contain it or bring it under control.
- B. Providing troopers trained to assist with incidents of civil unrest, riotous behavior or other similar events in order to effectively contain or control dynamic and unpredictable crowd situations in a safe manner.
- C. Providing assistance with security and protection of the State Capitol, state buildings or other government facilities and ensuring the safe and efficient movement of vehicular traffic on Minnesota roadways.
- D. Responding to any incident, disaster, or emergency within the State of Minnesota or elsewhere as directed by the Commissioner of Public Safety or designee, including as a support unit to federal, state, county, or municipal law enforcement agencies (i.e. prison disturbances, national security events, etc.).

III. MEMBERSHIP

When the need for additional members arises, the Chief will issue a memo soliciting interest for MRT membership. The Chief may elect to authorize membership outside of a memo at his/her discretion to maintain an effective MRT unit level. Final selection of all members shall be approved by the Chief.

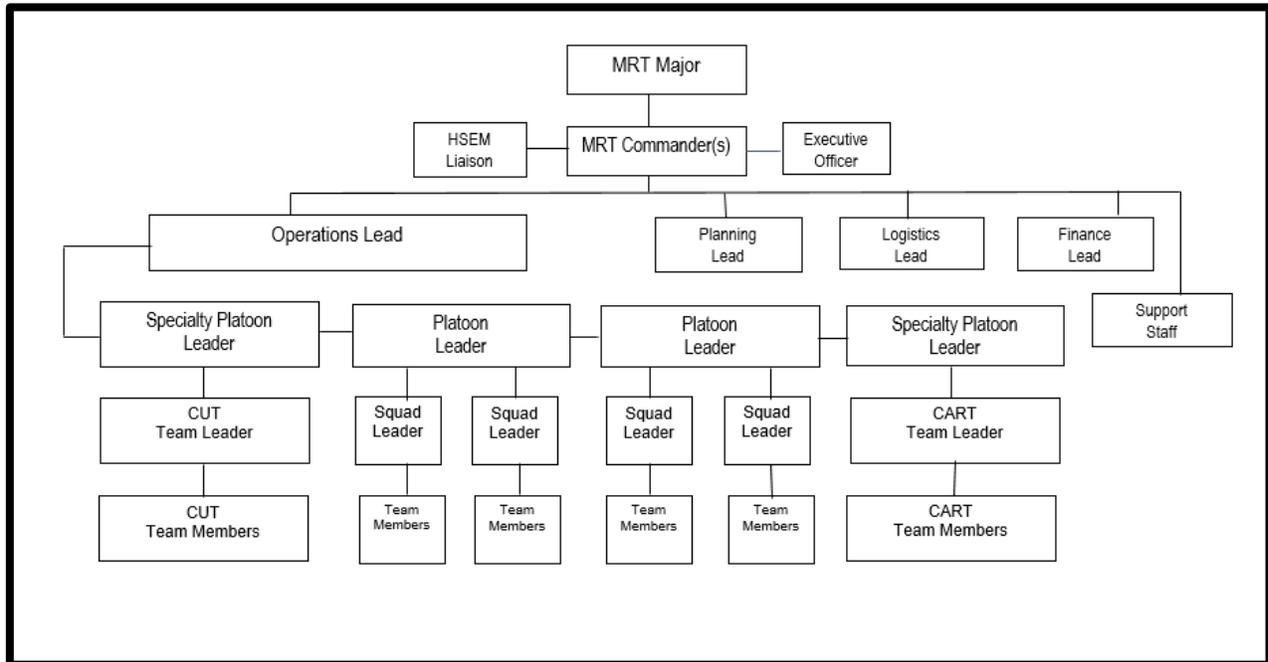
IV. ACTIVATION PROCEDURES

When a situation listed in section II requires assistance beyond the capability of the affected district(s), a request for the MRT activation can be made through the chain of command or from an allied agency via the patrol district supervisors to the State Patrol on-call Major. Request for pre-planned events shall be made through the chain of command to the regional Major and MRT Major. Requests should include the nature of the request and any other pertinent information. Activation of the MRT team may also occur at the direction of the Chief or the DPS Commissioner's Office.

VI. ORGANIZATIONAL STRUCTURE

A. Structure

Commanding officer (s), Executive Officers, Homeland Security Emergency Management (HSEM) section leader (s), Platoon Leaders, CART Team Leaders, CART Team Members, CUT Team Leader, CUT Team Members, Squad Leaders, Support Staff, and Line Troopers.



- B. Selection of the MRT commander is at the discretion of the Chief or Major in charge of the MRT team. Team leaders (i.e. executive officers, platoon, CART, CUT, and squad leaders) and support staff will be selected by the MRT commander. The commanding officer may modify the MRT organizational structure and the number of members assigned to each position at his/her discretion, in order to meet organizational needs.
- C. Selection of the MRT HSEM liaison is at the discretion of the Chief or Major in charge of the MRT team. MRT HSEM leaders shall have specialized training in homeland security and emergency management, including, but not limited to training in response to major emergency/disasters, staffing the State Emergency Operations Center (SEOC), post-Presidential disaster declaration-related activities, and nuclear power incident management.
- D. Upon deployment in response of a natural, man-made, or technological disaster the MRT should use the Incident Command System (ICS). The MRT commander will designate members to serve as section leads as dictated by need or the mission of the deployment. Section leads include, but are not limited to operations, planning, logistics, and finance. The MRT commander should also consider utilizing the positions of safety officer, public information officer, and liaison officer.

VII. RESPONSIBILITIES

- A. On-Call Major
1. Determine what type of response is appropriate
 2. Consult with the MRT commander to discuss details of the deployment
 3. Notify the Chief and Assistant Chief of the activation
- B. Mobile Response Team Commander (or Designee)
1. If possible, dispatch MRT supervisor or designee to the location to make preliminary deployment assessments and coordinate with district personnel.
 2. Coordinate with MRT supervisors on a deployment response plan.
 3. Coordinate with the State Duty Officer, HSEM, and assist with FEMA reporting requirements, if necessary.
 4. Coordinate a call out of MRT members.
 5. Determine the number of MRT members to be called out and from which districts.
 6. Keep the MRT members' district supervisor(s) informed so station coverage can be addressed.
 7. Provide the following information to MRT members when they are called out:

- a. Type of event
 - b. Approximate length of deployment
 - c. Location of staging area
 - d. Coordinate equipment that will be needed (i.e., pickup truck pulling trailer with gear)
 - e. Type of response (emergency or routine)
 - f. Area to avoid when responding
 - g. CAD sign on instructions (i.e., 2590, DTL, etc.)
8. Ensure the following is recorded during the call out:
 - a. Trooper name, badge number, and district
 - b. Estimated time of arrival
 9. Determine other personnel and equipment needs
 10. Flight section notification
 11. Communications Center notification; request mobile command center if needed
 12. Request a dedicated talkgroup(s) if necessary
 13. Keep the on-call Major informed on the progress and operation of the MRT deployment with regular and concise updates.
- C. MRT Supervisor(s)
1. MRT supervisor(s) that are sent to the event ahead of the team should determine the extent of the incident and identify a staging area. He/she shall report back to the MRT commander the mission and possible length of deployment along with any other important information. A briefing time should be established and preparations made to advise arriving troopers of their assignments.
 2. MRT supervisors should also secure nearby lodging for troopers and check on the availability of food service for a prolonged event or incident.
 3. Establish a schedule for responding troopers, and possible rotation of shifts of troopers for prolonged events or incidents.
 4. Keep in contact with the MRT commander for updates and changes in the situation.
 5. Find suitable locations for the State Patrol Mobile Command Center and State Patrol helicopter, if necessary.
- D. District/ Section Commanders
- Cooperate with a call out of MRT troopers and assist with call out if necessary. Unless otherwise communicated, commanders may backfill as necessary to continue essential district functions.
- E. MRT Troopers
1. Respond to the MRT commander and leadership as instructed
 2. Bring all issued equipment that is normally carried in the squad and personal items that may be needed for the deployment. Troopers will be notified of any special needs.
 3. Troopers should be prepared for a possible deployment of 12 to 24 hours whenever there is a call-out unless otherwise informed.
- F. Radio Communications Staff
1. Provide dispatch duties
 2. Assist with the call out of MRT troopers as requested.
- G. MRT Support Staff
- Provide logistical and clerical support to MRT supervisors as needed.

VIII. EQUIPMENT

- A. Any equipment assigned to members of the MRT shall be returned to the MRT commander when membership on the MRT ends.
- B. A record of all issued equipment will be maintained by the MRT commander or designee.
- C. Platoon leaders shall conduct periodic inspection/inventory of all MRT equipment supplied to their team.
- D. The MRT commander, in conjunction with the training and development section (ie, use of force coordinator) shall arrange for secure storage of all non-issued MRT gear.

- E. Members assigned to the MRT team shall be issued the following items, in addition to the basic equipment issue for all troopers' (i.e., helmet, gas mask, baton).
1. Upper Body & Shoulder Protection (Turtle Suit)
 2. Groin Protector
 3. Gloves
 4. Knee/Shin Pads
 5. Elbow Pads
 6. Camelback water pack
 7. Mobile Field Force uniforms – 2 sets
 8. Duffel bag
 9. Hard hat/helmet (optional)
 10. Rubber boots (optional)
 11. Nebulus flotation device (optional)
 12. Cutting tool (optional)

IX. TRAINING

- A. MRT members will be scheduled for full-team training annually. Scheduled training dates will be sent out by the Training and Development section, in conjunction with the MRT commander in the form of a Chief's Memo. Prior to the training, a memo soliciting interest may be sent out to maintain an adequate number of MRT team members.
- B. In addition to the full-team annual training, MRT members assigned to specialized units, (i.e. CART, CUT) shall conduct one training sessions per year that is specific to their duties.

X. REPORTING

- A. After an event is cleared, the MRT commander shall complete an after-action report and submit it to the on-call Major and the Major in charge of the MRT team.
- B. Time and expense reports shall also be prepared and submitted to the district commander, who will forward them to State Patrol headquarters for processing.
- C. District support staff shall track all applicable overtime and related costs for MRT activation.

Approved:

SIGNED 7/27/2018

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER



Effective:	January 4, 2022	Number:	22-25-015
Subject:	SCHOOL BUS INSPECTIONS		
Reference:	Minn. Stat. Secs. 169.435, 169.4501-169.4504, 169.451, 169.454, 299D.03; 49 CFR 390-399; CVSA Out of Service Criteria; NCST Out of Service Criteria		
Special Instructions:	Distribution: C, F		

I. PURPOSE

Minn. Stat. secs. 299D.03 and 299D.06 grant authority and power to the Minnesota State Patrol (MSP) to inspect school buses anywhere in the state for the purpose of determining compliance with applicable laws. The purpose of this General Order is to provide guidance on these inspections.

II. ANNUAL SCHOOL BUS INSPECTIONS

- A. MSP shall annually inspect every school bus and every Head Start bus to ascertain whether its construction, design, equipment, and color comply with all provisions of law. MSP is responsible for preparing and maintaining the "School Bus Inspection" manual that outlines school bus inspection criteria. Annual inspection results are to be made available for public viewing on the MSP's School Bus Safety Website.
- B. Commercial Vehicle Inspectors (CVIs) assigned to school bus inspection duties will systematically schedule and conduct annual school bus inspections in their designated regions in accordance with Minn. Stat. sec. 169.451.
- C. Annual school bus inspections will be performed in accordance with the applicable inspection criteria prescribed in Minn. Stat. secs. 169.4501 to 169.4504, 169.451, and 169.454. Inspection certificates or rejection stickers will be affixed in the lower left corner of the main windshield per Minn. Stat. sec. 169.451.

III. UNANNOUNCED SCHOOL BUS SPOT INSPECTIONS

- A. MSP has authority to conduct unannounced spot inspections of any school bus and driver, or Head Start bus and driver, being operated within the state to ensure it complies with applicable provisions of law. This includes the Minnesota school bus equipment standards in Minn. Stat. secs. 169.4501 to 169.4504 and 169.454, subject to the procedures approved by the commissioner. These school bus inspections shall be conducted in one of three settings: Carrier facility, destination or on-route.
- B. Carrier facility inspections are performed at the carrier or school district's facility (also called a terminal inspection.) Members will ensure that:
 1. School buses meet the applicable standards prescribed and/or adopted per Minn. Stat. secs. 169.4501 to 169.4504, 169.454 and the School Bus Inspection Manual.
 2. The inspection is documented using the appropriate Commercial Vehicle Safety Alliance (CVSA) inspection level based on the circumstances surrounding the random inspection. All defects shall be documented on the driver/vehicle examination report, and appropriate enforcement action shall be taken.
 3. If the vehicle fails the inspection, the school bus rejection sticker prescribed in Minn. Stat. sec. 169.451 shall be placed above the current annual inspection decal. An effort should be made to re-check the vehicle within 14 days of the random inspection to ensure the defects were corrected. Only a CVI or trooper who has determined the defects have been corrected may remove the rejection sticker. The current annual inspection certificate should not be removed.
 4. A school bus displaying Minnesota BY-class license plates, or a school bus known to be used in charter or contracted services other than school transportation, that received a CVSA Level I or Level V inspection and was found to be free of critical item defects per CVSA guidelines, shall be issued a CVSA inspection decal.
- C. Destination inspections are performed at an attraction such as an athletic event, amusement park, museum, or other venue. Member will ensure that:

1. Prior to conducting destination inspections on vehicles, all passengers shall be offloaded and personnel conducting the inspection must ascertain that the destination location is safe for conducting such inspections.
 - a. Factors in selecting a safe inspection site include but are not limited to: level inspection surfaces, safe traffic flow through the site, adequate lighting when required, and a safe location for parking out of service vehicles.
 2. If on private property, permission to conduct inspections on the premises is obtained from the property owner/manager.
- D. On-route:
1. State Patrol members are discouraged from performing on-route inspections while passengers are on board.
 2. On-route inspections should only take place when an imminent or obvious safety hazard or moving violation is observed.
 3. The on-route inspection procedure is the same as the destination procedure, with the exception the passengers will remain on the bus unless able to be delivered to a place of safety.
 4. Effort shall be made to stop the bus in a location that will allow the safe transfer of passengers to another bus when necessary.
- E. In order to apply the appropriate inspection standards, members must determine if the school bus is being operated to transport students for a school-related activity or being operated for other passenger transportation under charter or other agreement.
1. School-related activities
 - a. The current annual inspection certificate shall not be removed.
 - b. School buses must be inspected in accordance with the provisions of Minn. Stat. secs. 169.4501 to 169.4504 or 169.454, whichever is applicable, and the School Bus Inspection Manual.
 - c. One or more defects that would render the vehicle out of service during an annual inspection, will not place the school bus out of service, unless a similar defect is listed in the CVSA Out-of-Service Criteria. In such case, a completed out-of-service decal (Form PS-18087-02) shall be affixed to the exterior of the driver side windshield. The driver may remove the out of service decal once all out of service items have been corrected.
 2. Other passenger transportation
 - a. The current annual inspection certificate shall not be removed.
 - b. The vehicle and driver are subject to the Federal Motor Carrier Safety Regulations as adopted per Minn. Stat. Chap. 221. The inspection should be conducted in conformance with FMCSA and CVSA guidelines for passenger carrier vehicles.

IV. SCHOOL BUS POST-CRASH INSPECTIONS

Minn. Stat. sec. 169.4511 requires a school bus post-crash inspection to be completed when the incident involved a fatality, bodily injury requiring immediate medical treatment away from the scene, or one or more motor vehicles involved incurred disabling damage requiring a tow. This does not preclude an inspection on a vehicle if the inspection is being done as part of the crash investigation, even if the inspection is not required by statute.

- A. Members should consider the circumstances surrounding the incident when deciding the appropriate level of inspection, including but not limited to crash severity, witness statements, crash causation, recommendation of the agency or law enforcement officer leading the crash investigation, and weather.
- B. All violations should be documented in the appropriate driver/vehicle examination report, and in accordance with this policy. All violations noted during the inspection that are a direct result of the crash incident should be properly coded as such. A copy of the completed driver/vehicle examination report shall be provided to the investigating officer/agency.

- C. For vehicles being operated as a school bus, as defined in Minn. Stat. sec. 169.011, the out-of-service criteria adopted in Minn. Stat. sec. 169.451 shall be applied.
- D. For all other operations, the CVSA Out of Service criteria applies.
- E. A field report shall be completed as a supplement to the driver/vehicle examination report. The field report should provide, at a minimum, details regarding the circumstances surrounding the request for the post-crash inspection, the role the member had in the overall investigation, and any other pertinent facts not detailed in the driver/vehicle examination report.

V. SCHOOL TRANSPORTATION PROVIDER AUDITS

- A. In accordance with Minn. Stat. sec. 169.435, MSP shall conduct periodic audits of school transportation providers to determine compliance with federal and state statutes concerning school bus driver requirements and driver employee background and license checks, controlled substance and alcohol testing requirements and duty to report violations to the commissioner of public safety.
- B. Staff shall review school bus driver training files to ensure compliance with Minn. Stat. secs. 171.321 and 171.02, subds. 2a and 2b, for school bus driver training record requirements.
- C. A field report shall be completed upon completion of an audit. At a minimum the report should contain: the specifics of why the audit was conducted, who was present, what files were reviewed and what was found.

VI. RESPONSIBILITIES

Upon completion of an inspection, a printed or electronic copy of the completed driver/vehicle examination report must be provided to the carrier or driver with an explanation of the contents. When applicable, the person making repairs should sign the report indicating the repairs have been made. The report must be retained by the carrier at the carrier's principle place of business for 12 months following the inspection.

Approved:

SIGNED 1/4/2022

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER



Effective:	June 3, 2022	Number: 22-25-018
Subject:	CONFIDENTIAL INFORMANTS (CIs)	
Reference:	Minn. Stat. sec. 626.8476	
Special Instructions:	This policy is mandated by statute	Distribution: A,B,C

I. POLICY

It is the policy of the Minnesota State Patrol (MSP) to not use confidential informants (CIs) unless pre-approved by the Chief and in full compliance with the following procedures. Minnesota statute/the POST Board require this policy.

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 member primarily responsible for supervision and management of a confidential informant.

IV. PROCEDURE

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. A member 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 circumstances may 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 in the interest of public safety, 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 investigator 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, oversight 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 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. Members 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 member 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, members 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 member 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 members 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 member must submit a written request explaining the need for review. A copy of this request, with the member's name, must be maintained in the individual's CI file.
 - c. Members 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 member 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 member in charge of confidential funds.
3. Members 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 members 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.

Approved:

SIGNED 6/3/2022

**Colonel Matthew Langer, Chief
Minnesota State Patrol**

GENERAL ORDER



MSP PHLEBOTOMY PROGRAM

Policy Number	24-25-019
Effective Date	09/25/2024
Last Review Date	09/25/2024
Distribution	G

Related Policies GOs 25-013 (Drug Recognition Evaluator Program) and 70-007 (Impaired Driving)

I. POLICY

It is the Minnesota State Patrol's (MSP) policy to utilize members trained in phlebotomy to further the ability to investigate and prosecute violations of impaired driving laws.

II. PURPOSE

- A. To promote safety on Minnesota roadways by collecting blood evidence during DWI and Criminal Vehicular Operation/Homicide investigations.
- B. To establish uniform guidelines for members of the MSP Phlebotomy program when conducting blood draws.
- C. To ensure blood draws are conducted within legal requirements and according to appropriate law and practices as trained by an approved educational institution.

III. ORGANIZATION AND SELECTION

- A. The MSP Phlebotomy program structure is as follows:
 1. The Investigative Services Section (ISS) Commander oversees the MSP Phlebotomy program.
 2. The MSP Drug Recognition Evaluator (DRE) Coordinator coordinates the program, including the training and qualification of phlebotomists. The DRE Coordinator will also annually review the roster to ensure the list of State Patrol phlebotomists is current.
 3. The selection to attend phlebotomy training will be made jointly between the District Commanders and the DRE Coordinator based on the needs of the agency.

IV. TRAINING AND CERTIFICATION

- A. The DRE Coordinator will track and update the statewide phlebotomist list and will assess the needs for additional phlebotomists.
- B. The DRE Coordinator will arrange and provide phlebotomy training using funding provided by the Office of Traffic Safety, unless other funding has been approved by the Chief.
- C. All troopers who wish to become phlebotomists must complete all three phases of the following training, as well as any state requalification requirements:
 1. Phase I: Online lecture/learning – an 8-hour online course completed at the student's own pace.
 2. Phase II: Laboratory – 30 hours of hands-on practical training.
 3. Phase III: Clinical – complete 50 successful blood draws that are witnessed and approved by a certified phlebotomist at a clinical location determined by the educational institution.
 4. Requalification – phlebotomists must attend a yearly requalification course at an educational institution approved by the DRE Coordinator.
- D. Training will be conducted under the direction of the DRE Coordinator by an institution meeting the requirements of Minn. Stat. sec. §169A.51.

V. DECERTIFICATION

Members will be decertified from the phlebotomy program under the following circumstances:

- A. Documented substandard performance or violations of the phlebotomy policy.
- B. Improper and inaccurate documentation of legal blood draws.

- C. Refusing to perform legal blood draws.
- D. Insufficient use of phlebotomy skills.
- E. Failure to successfully complete the annual recertification.
- F. Any inappropriate acts on the part of the phlebotomist that bring discredit to the program.
- G. In other circumstances as determined by the Chief.

VI. PHLEBOTOMIST EQUIPMENT

Each phlebotomist will carry a phlebotomy kit in their patrol unit. The kit will consist of:

- A. Minnesota Bureau of Criminal Apprehension blood kit(s)
- B. Rubber tourniquets
- C. Bandages and/or Coban
- D. Gauze pads
- E. Medical gloves
- F. Sharps container
- G. 21 or 23 gauge butterfly needles (optional)

VII. PROCEDURE FOR REQUESTING PHLEBOTOMIST

- A. When a trooper makes an arrest for DWI/CVO/CVH and determines a blood draw is required, a phlebotomist should be notified to conduct the blood draw.
- B. Radio operators who receive a request for a phlebotomist shall create a CAD event using event type Blood Draw (BD). For assists to other agencies (AOA), the event should be AOA/BD.
- C. When locating a phlebotomist, radio operators should determine if a phlebotomist is on duty in the station where the blood draw will take place. A list of current phlebotomists will be kept in the Phlebotomy folder on the L: Drive. If a phlebotomist is not available in the station, then an attempt should be made to locate a phlebotomist in the district or adjacent districts. If a phlebotomist is still not available, with State Patrol supervisor approval, one may be called out if deemed necessary. Consideration should be given to location of the request, proximity of the phlebotomist, staffing levels, and proximity to shift change.
- D. Phlebotomists may be utilized from other agencies.

VIII. PHLEBOTOMIST RESPONSE AND REPORTING

- A. A phlebotomist shall respond to calls to assist with blood draws within a reasonable distance of his/her location, if available.
- B. Phlebotomists performing a legal blood draw shall complete a TraCS field report to include the minimum information:
 - 1. MSP case number and allied agency case number, if applicable
 - 2. Date, time, and location of collection
 - 3. Location on the body where blood draw occurred
 - 4. Requesting Trooper/Officer/Deputy Name and Badge Number
 - 5. Subject name and date of birth
 - 6. Blood kit number and expiration date
 - 7. Indicate if blood kit was sealed prior to collection
 - 8. Indicate if white powder was present in vials
 - 9. If a medical professional (another phlebotomist, nurse or Doctor) at a medical facility assisted with the blood draw, the name of the medical professional.
- C. Phlebotomists shall submit a Phlebotomy Log of Blood Draws to the DRE Coordinator at the end of each calendar year.

- D. A Phlebotomist should complete and sign documentation contained in the BCA blood kit that pertains to the phlebotomist (labels on vials and medical certificate) and turn the completed kit and documentation over to the arresting officer.
- E. All contents used to perform the legal blood draw should be disposed of properly and safely.
- F. Blood draws shall be recorded on the Body Worn Camera.

IX. PROCEDURE

- A. In all cases, a search warrant shall be obtained, unless exigent circumstances exist, prior to conducting a blood draw.
- B. Blood draws shall be conducted in a controlled, clean and appropriate environment as determined by the phlebotomist. The location should ensure the subject is safe and in a secure position prior to drawing blood.
- C. A phlebotomist may draw blood on a suspect he/she has personally arrested for DWI, or may choose to contact another qualified phlebotomist (refer to Minnesota State Statute §169A.51, subd.7 for qualification requirements).
- D. If probable cause exists to believe a subject has committed Criminal Vehicular Operation or Homicide (CVO/H), a test may be required and forcibly obtained despite the person's refusal. Only force that is reasonable and necessary should be used to conduct a blood draw.
- E. A phlebotomist should not exceed two attempts to make a successful blood draw and should offer alternative testing after two unsuccessful draw attempts, unless exigent circumstances exist. An attempt is defined as a needle insertion that pierces the outer skin for the purpose of locating a vein and withdrawing an adequate blood sample.
- F. In the event of an exposure to blood borne pathogens, phlebotomists should refer to General Order [10-039](#).

RELATED RESOURCE OR FORM

RESOURCE	TITLE
Minn. Stat. sec. 169A.51	Chemical Tests for Intoxication
GO 10-039	Blood-Borne Pathogens

APPROVAL

NAME	Colonel Christina Bogojevic
TITLE	Chief, Minnesota State Patrol
DATE	September 25, 2024