

Multijurisdictional Task Force

Operating Procedures and Guidelines Manual

Adopted by the Violent Crime Coordinating Council on June 12, 2013

Introduction to Use

This manual is for the use of multijurisdictional task forces and multijurisdictional task force advisory boards who receive state and/or federal funds through grant agreements with the Department of Public Safety, Office of Justice Programs (OJP). Recipients of grant funds and task force personnel should review the topics addressed in this manual and keep the manual handy for reference.

This manual is an operational guide. The operating procedures and guidelines in this manual serve as a baseline for gang and narcotics task forces. If task forces or affiliate agencies have higher standards, those higher standards must be adhered to.

This is a best practices reference guide and sets minimum professional standards for the operations of task forces. All sections of this manual may not apply to all cases. Adherence to or separation from the best practices set forth in this manual may impact future funding from OJP.

Lastly, funding recipients are expected to comply with all applicable federal, state and local laws, rules and regulations.

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Administrative Chapter

1-01 Organizational Structure

A Task Force is comprised of law enforcement officers from agencies within the multi-jurisdictional approved area. A Task Force is established to provide coordinated joint investigation of controlled substance violations, gang activity and other felony-level criminal activity within the jurisdictional boundaries of Task Force communities.

The mission of the Task Force is to provide a comprehensive and multi-jurisdictional effort to reduce felony-level criminal activity through the coordination of the law enforcement agencies.

Each Task Force shall have a prosecutor, designated by the county/city attorneys of the participating jurisdictions, who is an advisor to the Governing Board on matters relating to the administration of the Task Force. Investigators shall be licensed peace officers. Task Force investigators will have discretionary powers of arrest in all of the jurisdictions within the Task Force area. A Task Force shall consist of at least one full-time officer with additional officers from more than one jurisdiction. If at all possible, the Task Force investigators should be co-located and in all cases under the operational direction of a full-time Task Force Commander.

Task Force investigations should focus on structured criminal organizations operating within the multi-jurisdictional boundaries of the Task Force, identifying the members of the organization and using available law enforcement resources to investigate the criminal activity and prosecute the members of the organization. Liaison should be established with other Task Forces and law enforcement agencies with federal, state and county jurisdiction that have information and resources that enhance a Task Force investigation.

Investigators may be available to assist in local investigations, provide technical advice and support, and provide needed equipment.

1-02 Operational Authority

1-02.1 Joint Powers Agreement: All participating agencies shall abide by the requirements set forth in the Joint Powers Agreement. A Joint Powers Agreement shall:

- List the participating agencies;
- Establish a Governing Board;
- Require that each governing board have a designated prosecutor who serves as an advisor;
- Designate a coordinating law enforcement agency;
- Designate a fiscal agent (this may be the same as the coordinating agency);
- Address how Task Force investigators will be selected, supervised and equipped;
- Determine agency insurance coverage for participating Task Force investigators and specific task force actions and operations for the purpose of insurance, worker's compensation, etc;

- Address the authority of all Task Force investigators in all participating jurisdictions;
- Explain how forfeited property and proceeds are to be utilized and address the issue of the disbursement of assets among participating agencies;
- Address how amendments to the Joint Powers Agreement will be handled;
- Establish a plan for disbursement of any match resources and equipment among participating agencies and payment of outstanding financial obligations;
- Provide details and conditions under which the Joint Powers Agreement may be terminated;
- Comply with the provisions of Minn. Stat. § 471.59

1-02.2 Governing Board: The Governing Board shall consist of chief law enforcement officers, or designees, from each participating agency, as well as a prosecutor from one of the participating jurisdictions, and shall be responsible for the overall management and budget of the Task Force. The Governing Board shall establish the mission and goals of the Task Force and, through the Task Force Commander, monitor progress toward Task Force goals.

1-02.3 Executive Director: A member of the Governing Board shall be selected to serve as the Executive Director of the Task Force on an annual basis. The Executive Director shall be responsible for conducting business meetings, documenting meeting minutes, and maintaining frequent communication with members of the Governing Board and the Task Force Commander.

1-02.4 Business Meetings: The Executive Director shall conduct business meetings of the Governing Board. Meetings of the Governing Board must be held at least quarterly. The Governing Board will review operational activities and expenditures, and discuss issues relevant to Task Force operations. Action shall be determined by a majority vote of those present. The Governing Board shall implement a policy describing who has voting rights. Associate Task Force members, who are not seated on the Governing Board and maintain no voting authority, may participate in the discussion of issues relevant to the Task Force.

1-02.5 Chain of Command: The chain of command is as follows, in descending order:

- 1) Governing Board;
- 2) Executive Director;
- 3) Task Force Commander or designee;
- 4) Supervisor;
- 5) Investigator

1-02.6 Task Force Commander Defined: The Task Force Commander is the Agent-in-Charge who has been assigned by the Governing Board with the responsibility for the day-to-day operations of the Task Force and the overall direction and supervision of the Task Force Agents. Therefore, Task Force Commander shall be the title used to make reference to that Agent-in-Charge regardless of individual titles Task Forces may assign.

1-03 Budget & Fiscal Management

1-03.1 Grant: The Task Force shall be funded in part through federal and/or state grants administered by Minnesota Department of Public Safety/ Office of Justice Programs. The Task Force shall comply with all reporting requirements of a grant recipient.

1-03.2 Matching Funds: Participating agencies may each make financial contributions to be administered by the Task Force. The amount of contribution shall be determined by the Governing Board and shall be reviewed annually.

1-03.3 Forfeiture Funds: Forfeited assets, less the portions payable to the state general fund and to the prosecuting authority, shall be Task Force assets and must be used for the benefit of Task Force operations. Any deviation from this policy must be in accordance with federal and state regulations. If the prosecuting authority opts to forego its share, the funds must be paid out in accordance with the law and subsequently donated back by the prosecuting authority.

This policy does not prohibit the equitable sharing of forfeited assets with law enforcement agencies who contributed to an investigation conducted by the Task Force. Any conflicts regarding the sharing of forfeited assets should be presented by the Task Force Commander to the Governing Board for resolution.

The seizing, tracking and disbursing of assets must be carried out in compliance with state and federal forfeiture guidelines.

1-03.4 Budget: The Task Force Commander shall be responsible for developing the Task Force budget. The proposed budget must go through a budget approval process as developed by the Governing Board before any expenditure may be made.

1-04 Facility Location

Co-location of Task Force investigators is preferred. Co-location provides for a central location of case files, informant files, confidential funds, equipment and Task Force command. It promotes the sharing of data and efficient assignment of investigators and planning of major investigations and enforcement activities. The agency that employs the current Task Force Commander shall be considered the “central clearing house” for all information, coordination of all investigator activities, as well as all financial records. This agency will remain the central location for the duration of the Commander’s assignment to the Task Force.

1-05 Records Management

1-05.1 Investigative Files: The Governing Board shall be responsible for obtaining and maintaining a records management system that contains information relevant to ongoing criminal investigations

It is the responsibility of officers from each member agency to ensure prompt entry of relevant information in the appropriate file(s).

1-05.2 Statistical Records: The Governing Board shall maintain a statistical record keeping system that contains information relevant to arrests, property seizures, controlled substance seizures, and forfeitures. The Commander shall be responsible for reporting the

Task Force statistical data to the Office of Justice Programs as part of the grant requirement.

1-05.3 Financial Reporting: The Governing Board shall maintain financial records. These records shall detail Task Force income and expenditures. The Governing Board shall designate the agency responsible for daily monitoring and maintenance of Task Force financial matters. The Governing Board shall be responsible for arranging an audit annually of all of the Task Force's financial accounts.

1-05.4 Informant Files: See Section 3-12 of this Operating Procedures and Guidelines Manual. Informant files shall be maintained in compliance with Minn. Stat. § 13.82.

1-06 Training

When an investigator is approved for assignment to a Task Force by the Governing Board, the Task Force Commander shall assess the training needs for that investigator. Training in the following areas must be considered:

- Conspiracy and Major Case Investigative Approaches;
- Covert Operations/Plainclothes/Undercover Operations;
- Narcotics Investigative Techniques;
- Gang Investigative Techniques and Protocols Including Available Databases, Gang Criteria and Related Matters;
- Informant Control;
- Physical Surveillance Techniques/Counter Surveillance Awareness;
- Electronic Surveillance/Capabilities/Limitations;
- Search Warrants/Entries/Raid Planning and Execution;
- Crime Scene Management;
- Evidence Collection/Testing/Handling/Packaging/Documentation;
- Interview/Interrogation/Statements;
- Formal Complaints/Charging/Grand Juries;
- Civil Process/Forfeiture Procedures;
- Trial Preparation Strategies and Testimony Skills.

As part of the training needs assessment, the Task Force Commander shall consider the prior experience, prior training and specific Task Force duties of the newly assigned investigator. The Task Force Commander shall keep training records for all Task Force investigators.

1-07 Equipment Issuance

Each participating Task Force investigator shall be issued or have access to equipment to be used in investigations. Participating agencies shall have access to Task Force equipment through one of the investigators when it is available.

1-07.1 Use & Maintenance: All investigators shall be required to properly use, protect, and maintain all equipment and supplies issued to or used by them. Task Force property and equipment shall be used only for official purposes.

1-08 Forfeiture Disbursements

The Task Force Commander shall ensure prompt disbursement of forfeiture funds. Disbursements shall comply with federal and state laws. See also the Administrative Forfeiture Chapter and other provisions in this Operating Procedures and Guidelines Manual.

1-09 Budget Revisions All budget revisions shall be approved by the Governing Board prior to submission to the Office of Justice Programs.

1-10 Strategic Enforcement Plan

The Governing Board shall develop for the Task Force a strategic enforcement plan, to be executed by the Task Force Commander, that identifies criminal patterns of activity and targets the persons responsible for organizing, directing and managing criminal enterprises. The strategy should include short- and long-term goals and the ability to measure progress in accomplishing the goals of the Task Force. Establishing case priorities and case selection criteria are important to achieve the mission of the Task Force. Multi-jurisdictional Task Force cases should usually be more complex, involving higher levels of criminal activity.

Development of the plan should include informant debriefing information, intelligence information from federal, state and local law enforcement sources, Task Force investigators' information, arrest data, historical information and citizen information.

Non-member agencies interested in Task Force assistance shall be advised of the case selection criteria set by the Task Force.

1-11 Supervision

1-11.1 Commander: The Task Force Commander is assigned to the Task Force by his/her agency CLEO and approved by the Governing Board. The Task Force Commander or designee has the authority and responsibility to: direct all investigator activities, assign work, transfer investigators, develop best practices and policies, reward investigators by writing letters of commendation, temporarily suspend investigators from Task Force duties as described in Section 1-10.3, recommend to the Board cancellation of an investigator's assignment, evaluate the performance of investigators and report the results of that evaluation, at least annually, to the Governing Board and the investigator's CLEO. The Commander shall be responsible for working with the appointed fiscal agent of the Task Force, managing operational disbursements, and applying for and managing any grants used by the Task Force.

The Commander shall ensure that Task Force members are aware of Task Force policies and procedures and all policies and procedures that have been implemented or adopted by the Governing Board. All members of the Task Force will be provided with a copy of the Multi-Jurisdictional Task Force Operating Procedures and Guidelines Manual.

1-11.2 Investigator: The Task Force Commander shall supervise the daily activities of the Task Force investigators as they relate directly to the operations of the Task Force. The investigators are also supervised by their respective employing agencies and any disciplinary action will be handled by the employer as described in Section 1-10.3.

1-11.3 Disciplinary Action/Suspension From Task Force Duty: The Task Force Commander shall have the authority to temporarily suspend an investigator from Task Force duties when the investigator commits an infraction of policy, procedures, laws, directives or unsafe/unauthorized practices. Upon the start of the temporary suspension, the Commander shall direct the investigator to report back immediately to his/her employing agency and will contact the CLEO or designee of the investigator's home agency and the Executive Director of the Task Force Governing Board to advise them of the situation. The Commander shall have the authority to recommend to the Governing Board the removal of an investigator from the Task Force. Cancellation of an assignment to the Task Force by the Board is not a punitive action as assignment to the Task Force is a privilege extended to the investigator through his/her home agency. Disciplinary actions such as reprimands or suspensions shall remain the responsibility of the members' employer and licensing authority.

1-12 Monitoring

1-12.1 Financial: Task Forces shall comply with all policies, procedures and provisions applicable to each source of funding received. Task Forces shall comply with the current Office of Justice Program's Grant Manual. No funds will be disbursed for activities not identified in the goals and objectives or work plan submitted on the grant application forms provided by the State. No funds from a specific funding source will be disbursed for activities that do not meet the requirements of that funding source.

1-12.2 Performance: Task Forces shall use forms prescribed by the State to submit quarterly progress detailing progress achieved towards the accomplishment of the program goals and objectives within 30 days after the end of the reporting period. Task Forces shall submit other reports and attend meetings and trainings as the State shall reasonably direct. The State shall have the authority, during the course of this grant period, to conduct an evaluation of the performance of Task Forces.

1-13 Policy Conflict

1-13.1 Responsibility: An investigator assigned to the Task Force must comply with the provisions of his/her home agency's policy and procedure manual. Further, Task Force investigators must also comply with this Operating Procedures and Guidelines Manual and any policies approved by the Governing Board.

1-13.2 Conflict: In the event of a direct conflict, the policies and procedures of the home agency shall govern. However, the Task Force Commander or designee shall work with the investigator's CLEO and the Governing Board to resolve any known conflicts that exist between the policies.

Personnel Chapter

2-01 Investigator Selection

2-01.1 Employment Status: Investigators assigned to the Task Force shall be licensed peace officers employed full-time by one of the member agencies. The investigator's employment status shall be in good standing and s/he shall have successfully completed a probationary period with his/her home agency.

2-01.2 Selection: The Governing Board shall promulgate an investigator selection process. The process shall consist of a recommendation by the CLEO of the person nominated to the Task Force and other conditions as determined by the Governing Board.

2-02 Drug/Alcohol Testing

Any testing to determine alcohol or drug use by a Task Force investigator must be conducted in compliance with applicable policies and contract provisions from that investigator's home agency.

2-03 Duration of Assignment

2-03.1 Investigator: The Governing Board shall implement a policy regarding the duration of time that investigators selected and assigned to the Task Force will remain at the Task Force. A minimum assignment of two years of service is recommended. With Governing Board approval, an investigator's assignment may be extended, subject to reevaluation annually.

2-03.2 Commander: The Governing Board shall work to ensure that persons selected as Commander be available for a prescribed minimum assignment. A minimum assignment of two years is recommended. The Governing Board and Commander may review the assignment and extend the duration of the assignment.

2-03.3 Task Force Assignments: It is understood that emergencies arise within participating Task Force agencies. These emergencies may require the temporary re-assignment of Task Force investigators to assist with investigations unrelated to the Task Force. The Governing Board may adopt a general policy to address temporary re-assignments or address each emergency on a case-by-case basis. The Governing Board shall have the authority to accept a replacement investigator for the duration of a Task Force investigator's absence.

2-03.4 Special Duty/Overtime/Part Time: Nothing in this policy manual prevents an investigator from working extra assignments or overtime details with his/her home agency, as long as the duties do not conflict with the investigator's duties as they relate to the Task Force. Investigators working in undercover assignments shall not work overtime, part-time assignments or off-duty jobs that may compromise an investigation.

Operational Chapter

3-01 Case Initiation

Investigative information may come from many sources (*e.g.*, police agencies, citizens, informants, and arrested parties). All pertinent investigative information shall be entered into a database maintained by the Task Force and accessible to all Task Force investigators.

3-02 Coordination with Other Agencies

The Task Force Commander or designee shall ensure timely communications and full cooperation with the Violent Crime Coordinating Council's Statewide Coordinator, with other Task Forces and with law enforcement agencies statewide.

The Task Force Commander or designee shall be notified if investigators seek to pursue an investigation outside the Task Force's jurisdiction and shall report those investigative activities to the Task Force that serves the area where the target of the investigation is located. When practical, no enforcement activity (arrests, undercover activity, surveillance, etc.) will be conducted without first notifying the affected jurisdiction. No search warrant shall be executed without first notifying the affected jurisdiction. The Task Force investigator shall determine if another agency is already conducting an investigation into the suspect's activities. In such cases, the Task Force investigator shall coordinate the efforts of the agencies involved in the investigation. This coordination will ensure that the efforts of one agency will not adversely affect the operations of another agency.

All Task Forces that receive Federal and/or State funds from the Violent Crime Coordinating Council shall execute a RISSafe Participant MOU with the BCA and RISS authorizing access to the RISSafe Officer Safety Event Deconfliction System. The primary purpose of the RISSafe Officer Safety Event Deconfliction System is to enhance officer safety. The success of the RISSafe System is dependent upon the timely submission of information relative to law enforcement street activities including undercover operations, surveillance activities, warrant executions and SWAT activities. Events should be submitted into the RISSafe System at least two (2) hours prior to the initiation of any street operation. Under no circumstances will any event be entered into the RISSafe System less than thirty (30) minutes before any street operation commences.

The Task Force Commander shall maintain contact with the County Attorneys or designee in the participating jurisdictions and shall seek legal counsel as appropriate on investigative matters.

3-03 Report Forms

The Commander or designee shall develop and maintain report forms to document investigative activities and expenditures. The approved Task Force confidential informant documentation package will be completed when utilizing confidential informants (CIs).

Investigators are responsible for the timely filing of all required reports, documents and other administrative and/or case work as required by law, the Commander or designee or asset forth in the policy manual. All files are the property of the Task Force and will be

supervised by the Commander or designee. The Commander or designee shall establish a record keeping system that tracks all task force cases and other appropriate information. Complete case files shall be maintained by the Task Force, even if the investigator uses his/her parent agency's record management system. It is recommended that the Task Force Commander or designee review investigative reports.

3-04 Search Warrants

3-04.1 Policy: A Task Force investigator will be identified for the purpose of having one person in overall command at a search warrant execution. All Task Force investigators participating in serving a search warrant shall:

- Maintain the proper resources and use techniques to accomplish a thorough and legal search;
- Observe the constitutional rights of the person(s) the warrant is being served upon;
- Minimize the level of intrusion experienced by those who are having their premises, property or person searched;
- Provide for the highest degree of safety for all persons concerned; and
- Establish a documented record of the entire warrant execution process.

3-04.2 Uniform & Equipment: A uniformed officer shall be present throughout the warrant service and, when practical, shall be visible during entry procedures. All non-uniformed licensed personnel shall be clearly identified as law enforcement. All investigators shall be equipped with appropriate weapons and safety equipment.

3-04.3 Time Limitations: A search warrant shall be served as soon as reasonably practical and within the conditions set forth in Minn. Stat. ch. 626.

3-04.4 Preparation: The case investigator shall prepare an Operational Plan and conduct a pre-operational briefing. The briefing shall include a review of available intelligence, an order of operations and procedures the search team(s) will follow, a description of the premises to be searched (*e.g.*, photos, maps, sketches), tactics and equipment to be utilized and other information related to officer safety and the effectiveness of the operation.

3-04.5 Entry: The case investigator shall ensure that the search warrant is valid and the property about to be searched is the property listed on the search warrant. Persons not at the pre-operational briefing should not be members of the entry team. The search team shall use sound tactics upon approach and entry. If an entry team such as a SWAT- or CERT-type team is to make entry, or there is a potential for the use of deadly force, the law enforcement agency with jurisdiction where the search warrant will be executed shall have the primary responsibility for making entry. If that jurisdiction relinquishes that responsibility, other entry teams may be utilized.

3-04.6 Notification: Unless a no-knock entry is authorized, the case investigator shall ensure that at least one person within the search team knocks on the door and announces their authority and purpose in a loud, clear voice before forcing entry into the residence. The amount of time between knocking and making entry should be noted and reflected in the report detailing the execution of the search warrant.

No-knock entries shall only be made in accordance with the law. A threshold re-assessment shall be made before implementation of the no-knock provision. The investigative report should clearly indicate the precise nature of the circumstances.

3-04.7 On-Premise Activities: The case investigator shall ensure that a security sweep of the search site is conducted before the search begins. The case investigator shall develop a prioritized search strategy to ensure evidence is not overlooked and to ensure timeliness of the search. Generally, two investigators shall work together in areas where drugs, cash, or valuables are likely to be found.

If damage occurs during entry to premises that will be left vacant, and the damage leaves the premises vulnerable to security problems, the case investigator shall take reasonable efforts to secure the premises and minimize the potential for theft or additional damage. The case investigator shall document the damage and actions taken to secure the premises.

3-05 Operational Plans & Pre-operational Briefings

The case investigator managing any significant investigative operation (*e.g.*, search warrant, controlled buy, undercover operation) shall complete an Operational Plan and shall brief all personnel involved in the operation. The Operational Plan shall be in written form whenever practical.

3-05.1 Operational Plan: All anticipated enforcement activity requires an Operational Plan. The Operational Plan shall be in written form, whenever practical, and shall identify the overall Commander or supervisor for the planned activity and team leaders if applicable. The primary consideration when planning and executing any enforcement activity shall be officer safety. The plan may include but is not limited to:

- Primary and secondary addresses;
- Descriptions of vehicles;
- Photos of suspect(s);
- Closest hospital;
- Potential for counter-surveillance;
- Maps;
- Diagrams;
- Undercover scenario;
- Suspect's violent history;
- Criminal history of suspect(s);
- Arrest and trouble signals (visual and audio) and UC rescue plan;
- Investigator assignments;
- Full description of undercover investigator and/or informant;
- Description of undercover vehicle;
- A list of all law enforcement participants, call signs, telephone numbers, etc;
- Arrest team assignments.

~~A copy of the Operational Plan shall be made a part of the investigative file.~~

3-06 Operational Techniques - Surveillance

Generally, moving surveillance requires significant coordination of multiple investigators to maintain sufficient visual observation of the suspect. Investigators participating in moving surveillance shall attempt to abide by all traffic laws while conducting the surveillance. Scheduled surveillance shall have an Operational Plan.

3-06.1 Surveillance categories: Surveillance can be categorized according to function:

- 1) Information-gathering surveillance;
- 2) Pre-purchase surveillance;
- 3) Cover Surveillance;
- 4) Post-purchase surveillance.

3-06.2 Surveillance objectives: The objective of the surveillance should be part of the Operational Plan. The following are some of the objectives of conducting surveillance:

- To protect undercover officers or informants;
- To corroborate information, activities and observations of undercover officers or informants;
- To obtain evidence of a crime;
- To establish patterns of activity;
- To locate hidden property or contraband;
- To obtain probable cause for search warrants;
- To prevent the commission of a crime;
- To obtain admissible evidence for court;
- To develop leads received from other sources;
- To apprehend a subject or a fugitive.

3-06.3 Pre-purchase surveillance: This surveillance is utilized to gather tactical intelligence that will assist the undercover investigator and cover surveillance in assessing the potential officer safety issues. Pre-purchase surveillance may also identify additional suspects and vehicles, storage locations, sources of supply, counter-surveillance and develop probable cause for search warrants.

3-06.4 Cover surveillance: This surveillance is used primarily for the protection of the undercover officer. It may also be used to corroborate the undercover officer's testimony and identify additional suspects. Cover surveillance may also witness and record the transaction.

3-06.5 Post-buy surveillance: This surveillance can be used to establish probable cause for search warrants and allows for surveillance to follow the seller and buy money. This may be important for future purchases. Post-buy surveillance should also be used after a purchase until a determination can be made that the buy was successful and the purchase was a controlled substance.

3-06.6 Garbage Searches: Investigators may collect a suspect's garbage to be searched for evidence. Investigators using this technique shall ensure that the suspect's expectation of privacy is not breached (*i.e.*, the garbage must be abandoned). Investigators may pay contracted waste disposal personnel to collect and deliver a suspect's garbage to the case investigator. It is important for the waste hauler to collect the garbage from the

standard/usual collection site (*i.e.*, if the hauler only picks up curbside garbage, then s/he may not collect the garbage from next to the residence). An investigator paying for this service shall abide by all policies and procedures relating to the use of confidential funds.

3-07 Undercover Investigations

Definitions: For purposes of this policy, “undercover” means a short duration of time wherein an investigator temporarily conceals his/her identity for purposes of conducting an investigation.

3-07.1 Responsibilities: The case investigator shall be responsible for operational planning, tactical aspects of the investigation, officer safety, and proper case management. Operational Plans must, whenever practical, be reviewed and approved by the investigator’s supervisor before the operation begins.

Generally, the case investigator shall not perform the undercover operation personally. Another investigator shall be selected for the undercover work or management of the case shall be relinquished to another investigator.

3-07.2 Plan Formulation: The case investigator should consult with officers involved in the operation to develop the Operational Plan.

3-07.3 Logistics: The case investigator shall determine whether any specialty officers (*e.g.*, K-9 handlers, clan lab personnel, etc.) or tactical personnel will be needed. Jurisdictional issues shall be considered when calling for specialty officers or tactical teams.

The case investigator shall ensure that all equipment needs are met and the equipment is functioning properly

The case investigator shall prepare a case history of the suspects involved. The case investigator shall make a determination as to the suspect’s potential for violence, propensity for being armed, and the potential for counter-surveillance.

3-07.4 Location: The undercover investigator shall negotiate to meet with the suspect in a safe location. Generally, investigators shall not perform undercover operations inside an uncontrolled residence (*e.g.*, the suspect’s house).

3-07.5 Briefing: The case investigator shall coordinate a pre-operational briefing to discuss the purpose and logistics of the operation with personnel involved in the operation. Arrest and trouble signals (visual and audio) shall be designated. Once the plan has been established and all parties have been briefed, law enforcement personnel shall not deviate from the plan without prior supervisor approval, except in emergencies.

3-07.6 Notification: The communications center having jurisdiction in the area of the undercover operation shall be notified of the operation when practical and prudent. The case investigator shall ensure that personnel involved are aware of a primary and alternate radio frequency. If an arrest is to occur, the case investigator shall coordinate use of radio frequencies with appropriate local law enforcement agencies.

3-07.7 Arrests: The investigator shall arrange to have uniformed personnel, with jurisdictional authority, present during the arrest. If uniformed personnel are unavailable,

the investigator's supervisor shall review the situation and shall make the decision of whether to proceed with the operation as planned.

The arrest team shall have primary responsibility for arresting the suspect after the undercover investigator gives the arrest signal. The undercover investigator shall not be directly involved with the arrest of the suspect unless the situation absolutely dictates his/her involvement.

3-07.8 Debriefing: Generally, the case investigator shall host an operational debriefing with all participants to conduct a thorough, objective review of the operation. Suggestions for improvement are encouraged and should be shared with other Task Force personnel.

3-07.9 Controlled Substance Consumption Prohibited: The operation shall be terminated if it is contingent upon the undercover investigator consuming controlled substances.

3-07.10 Potential Danger Signs: Investigators shall be alert for potential danger signs indicating a robbery, assault, or theft. The following list outlines some of the potential danger signs, but is not to be considered all-inclusive:

- Suspect's eagerness to complete the transaction;
- Suspect's preoccupation with flash roll or weapons;
- Last minute changes in the transaction by the suspect;
- The suspect suddenly involves unknown or unseen parties into the transaction;
- The suspect's obvious inability to complete the transaction;
- The suspect refuses to supply a small sample of the contraband, provides a poor sample, or delivers a quantity less than had been agreed upon;
- Eagerness to move the agreed upon transaction location or the location arranged by the target or informant is unacceptable;
- The suspect or the informant possesses a weapon;
- The suspect imposes excess conditions on the undercover officer;
- The price negotiated for the controlled substance is suspiciously low.

3-07.11 Trouble Signal: Any undercover investigator in immediate need of assistance shall give the designated trouble signal(s), or otherwise make it known to cover personnel that s/he is in need of immediate assistance, and shall allow cover personnel to take appropriate action(s).

3-07.12 Informant Involvement: Generally, informants may be present during a transaction, but should not be active participants in the transaction. The preference should be to keep the informant removed from the operation. The informant shall not be allowed to control an operation. If the informant is a witness to, or participates in the transaction, that activity must be documented. This information will later be disclosed to defense counsel per Minn. R. Crim. P. 9.01. (Informants are covered in Section 3-12 of this Operating Procedures and Guidelines Manual.)

3-07.13 Confidential Funds: The case investigator shall ensure adherence to all confidential funds policies. All confidential funds shall be marked or recorded before the operation. The undercover investigator shall not front any portion of the confidential funds to the suspect or informant without prior approval from the Task Force Commander or designee.

3-07.14 Undercover Operations: All other policies governing undercover investigations apply in each of the listed operations.

3-07.14.1 Support Surveillance: All undercover operations require sufficient surveillance to provide reasonable levels of protection for the undercover investigator. At a minimum, surveillance shall not be less than two support officers for each undercover investigator involved in the operation.

3-07.14.2 Walk-Away Buy: A walk-away buy protects the investigator's identity as well as informant involvement in the case. Investigators electing to utilize a walk-away buy technique need to consider three factors before proceeding with the operation:

- 1) Is the suspect's identity known and can s/he be found later to make an arrest?
- 2) Can the agency afford to sacrifice the funds used in the purchase?
- 3) Can the agency afford the staffing to locate and arrest the suspect later?

3-07.14.3 Buy/Bust: A buy/bust operation allows for immediate apprehension of the violator and recovery of confidential buy funds.

3-07.14.4 Flash Roll: Displaying the money (*i.e.*, flash roll) to the suspect to illustrate that the undercover has the means to complete the transaction is occasionally necessary in furtherance of the investigation. Investigators conducting a flash roll should attempt to:

- 1) Meet the suspect in a controlled environment or well lighted area;
- 2) Ensure surveillance personnel have a good view of the flash scene and ready access to it;
- 3) Ensure the suspect's escape routes are easily blocked if necessary; and
- 4) Take reasonable precautions to avoid counter-surveillance.

If the "flash" is something other than money, such as firearms or other items, the investigator shall:

- 1) Receive approval from the prosecutor verbally or in writing;
- 2) Fully identify all targets;
- 3) Resolve any issues regarding the suspect's handling or testing the items that are the "flash" such as operational firearms, vehicles, "stolen property," etc.; and
- 4) Prepare a written Operational Plan.

3-07.14.5 Sell/Bust: A sell/bust, commonly called a reverse undercover operation, is used when the investigator poses as a seller, instead of the traditional buyer. Posing as a large-scale trafficker is a legitimate investigative option in

limited, controlled situations for an undercover investigator. Generally, before using this technique, investigators should be certain that other investigative means are not or would not be effective with this suspect. The Governing Board shall set thresholds as to the minimum amount of controlled substance utilized.

Before commencement of this type of investigation the supervisor or case investigator shall:

- Receive verbal or written approval from the County Attorney or designee within whose jurisdiction the investigation is occurring;
- Identify all targets as fully as possible;
- Resolve potential entrapment issues with the prosecutor;
- Ensure that issues of “outrageous government conduct” have been resolved; and
- Prepare a written Operational Plan that ensures that the controlled substance remains under the control of law enforcement.

If no other investigative method is likely to work and the investigator elects to proceed with a sell/bust operation, the case investigator shall:

- Check with federal, state, and local agencies to ensure the suspect is not an undercover officer or informant from another agency or that the suspect is not currently being investigated by another agency;
- Determine that the suspect is a documented violator of controlled substance laws either through convictions or intelligence files;
- Receive prior written Commander’s approval before providing the suspect with a small sample of the product;
- Ensure that no samples of controlled substance are released to a suspect without approval from the prosecuting attorney;
- Provide for constant physical or electronic surveillance, depending on the location of the transaction;
- In the event the controlled substance to be used belongs to another law enforcement agency, that agency should participate in the transaction and approve of the Operational Plan;
- Ensure that if the prosecuting authority approves the release of a sample of controlled substance to a suspect, the amount released is also approved by the prosecuting authority; and
- Ensure that the controlled substance is returned intact to the proper evidence custodian of the agency that supplied the controlled substance.

3-08 Operational Equipment

The case investigator shall ensure that all the necessary operational equipment (*e.g.*, search warrant kit, field test kits, breaching tool, etc.) is available and functional before beginning an operation.

3-08.1 Firearms: Persons assigned to the Task Force shall comply with the firearms policy of their home agencies. This includes the type and number of weapons. Each Task Force investigator is responsible for meeting departmental qualification standards for

each authorized weapon, including any weapon issued by the Task Force or any weapon authorized by the Governing Board.

3-09 Body Armor

All Task Force personnel shall, when practical, wear body armor while taking enforcement actions or when enforcement action is likely (*e.g.*, search warrant entries, buy/bust operations, surveillance of undercover operations, etc.). It is also recommended that undercover investigators and surveillance investigators wear concealed body armor when practical.

3-10 Notification of Local Police/Dispatch

When practical and prudent, the investigator shall notify the police having jurisdictional authority and the appropriate communications center before conducting an operation where enforcement action is probable.

3-11 Out-of-Jurisdiction Investigations

Generally, cases requiring out-of-jurisdiction investigation shall be referred to the appropriate agency. The Task Force Commander or designee must approve any out-of-jurisdiction investigation before the investigation begins. The Commander or designee may authorize an out-of-jurisdiction investigation if it can be determined that the alleged criminal activity influences criminal activity within the Task Force service area. The case investigator shall contact the agency having jurisdictional authority to coordinate joint enforcement and ensure no duplication of efforts.

3-12 Confidential Informant Management

3-12.1 Informant Definitions:

Confidential informant (CI) – a person who furnishes information regarding criminal activity or, under the specific control of an investigator, performs an investigative activity.

Confidential Reliable Informant (CRI) – a person who has furnished reliable information regarding criminal activity or, under the specific control of an investigator, performed an investigative activity.

Cooperating Defendant (CD) – a person who has been arrested or is subject to arrest and prosecution for a federal or state offense, and who furnishes information regarding criminal activity or, under the specific control of an investigator, performs an investigative activity. This person may or may not expect future consideration for his/her cooperation in the form of judicial or prosecutorial consideration or assistance. If not signed up immediately, a CD may be used within 12 hours of the arrest or the event justifying arrest to conduct an operation before complying with the requirements of sections 3-12.4 through 3-12.6.

Source of Information (SOI) – a person who, without compensation, furnishes information regarding criminal activity. An SOI is not subject to the informant requirements described in section 3-12.

A person who is paid for a limited service and is not criminally associated with the target of an investigation, *e.g.*, a garbage hauler paid to pull garbage, is not a “confidential

informant” and therefore is not subject to the informant requirements described in section 3-12.

3-12.2: Informant Management: Members of a Drug Task Force are authorized to work with confidential informants to aid in successful case conclusion.

Informant criteria: An investigator must consider these three criteria when deciding whether to use a person as an informant: (a) The person is in a unique position to help law enforcement regarding past, present or future investigations; (b) The person will not compromise law enforcement interests, activities or investigations; and (c) The person agrees to the direction necessary to effectively use his/her services.

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.

Whenever possible, informants shall not be provided with knowledge of Operational Plans or planned enforcement activities.

If the informant is involved in a meeting, transaction or controlled purchase, only limited, necessary information for officer and informant safety and success of the operation will be provided to the informant. Minimal contact with other law enforcement personnel, including surveillance teams, should be the rule.

Under no circumstances shall an informant be allowed access to restricted areas or investigators’ work areas within a law enforcement agency.

3-12.3 Interviewing & Negotiations: Investigators wishing to use an informant shall conduct an extensive, detailed, initial interview. Documentation of the interview shall be placed in the informant file. The interview location should minimize the potential for discovery of the informant’s cooperation and provide sufficient space to complete necessary administrative duties. Officers may want to include prosecutors and defense attorneys during negotiations regarding the informant’s understanding as to the agreement regarding cooperation, testimony, immunity, relocation, payments, etc. However, the prosecutor and the defense attorney should not be present when the in-depth interview about criminal activity and identification of criminals takes place.

The informant interview shall include a detailed account of the informant’s knowledge regarding past involvement in any criminal activity, including dates, times, places, amounts, methods of operation, who was present, and any other pertinent information. An attempt should be made to verify, if possible, the information provided and identity of persons mentioned.

Informant information regarding criminal activity unrelated to a Task Force investigation should be provided to the appropriate law enforcement agency at a time and in a manner so as not to compromise an investigation and/or reveal the identity of the informant.

3-12.4 Informant File System: The Task Force shall maintain a complete set of informant files that contain the required documentation and information relating to all Task Force informants that they have used or are currently being used by the Task Force. The Commander will approve each informant file and ensure the file is complete. Each file shall be regularly reviewed by the Task Force Commander or designee to ensure compliance with Task Force policies and procedures. Those reviews must be

documented. Investigators are responsible for the timely filing of all reports, documents, and other administrative and /or case work required by law, the Commander, and/or set forth in the policy manual. All files are the property of the Task Force. The Commander or designee shall establish a record keeping system that tracks CIs, the cases on which they have worked, and other appropriate information.

Each file shall be coded with an assigned informant control number and shall contain the following confidential information:

- Informant's name, date of birth, address, telephone number(s), physical description, and description of vehicles owned/driven/used;
- Name of initiating investigator;
- Informant's photograph;
- Informant's criminal history;
- Briefs of information provided by the informant and its subsequent reliability;
- Signed and initialed informant agreement.

Informant files shall be maintained in a secured area. No informant files, or portions thereof, may leave the office without a Court order or supervisory approval. Co-located Task Forces shall maintain a centralized informant filing system with limited access.

3-12.5 Informant Agreement: Each informant shall abide by the provisions set forth in the informant agreement. Failure of the informant to abide by the agreement may result in the immediate termination of using the informant. No payments shall be made to an informant failing to comply with the informant agreement, regardless of information received, without prior approval from the Commander or designee.

The investigator shall discuss the provisions of the agreement with the informant, adding particular emphasis to the following:

- The informant is not part of law enforcement. S/he may not carry any weapons, conduct searches or seizures, and has no arrest authority beyond that of a citizen;
- Informants will receive no special legal consideration and may be arrested if they are found engaging in any criminal activity;
- The informant shall not take any actions in furtherance of an investigation without receiving specific instruction(s) from the investigator;
- The informant agrees that he/she may be subject to a full body search before and after any operation.

3-12.6 Use of Informants: Informants are assets of the law enforcement agency or Task Force that utilizes their services. As such, informants are not the assets of any one individual or specific person. The initiating investigator shall compile sufficient information through background investigation to determine the reliability and credibility of the informant. In addition to verification of information provided by an informant during debriefings, a controlled buy may be performed to help establish reliability and determine the amount of management controls needed for the informant.

3-12.7 Informant Meeting Documentation: All informant meetings should be documented in the CI file and in the appropriate case file.

3-12.8 Informant Relationship: No investigator shall maintain a social relationship with an informant while off-duty, or otherwise become personally involved with an informant.

Investigators shall not solicit or accept gratuities, or engage in any private business transaction with an informant.

Two investigators will be present when meeting with an informant, at least one of the same sex, except when not practical.

3-12.9 Juvenile Informants: Generally, juveniles shall not be used as informants. An investigator choosing to use a juvenile informant shall receive prior authorization from the Commander or designee, the prosecutor, the juvenile's parents or guardian (written consent), and judicial or probation officials, if applicable.

3-12.10 Payments to Informants: Payments to informants shall be made in a manner and amount commensurate to the location, scope, and nature of the investigation; value of forfeited or recovered contraband or property; level of arrest; and past performance of the informant. The Governing Board shall establish prior approval guidelines. The guidelines should include provisions for unusual or extraordinary circumstances. The Task Force Commander or designee must authorize all informant payments. When practical, that authorization should be obtained prior to payment being made.

The paying investigator shall prepare a receipt for all payments made to informants. The receipt shall be signed by the investigator, the recipient, and a witness officer unless unusual or extraordinary circumstances prevent the investigator from obtaining one or more of the required signatures. This receipt shall be forwarded to the Commander or designee for approval within 10 days. In the case of unusual or extraordinary circumstances preventing the investigator from obtaining one or more of the required signatures, the investigator shall describe the circumstance on the receipt prior to approval by the Commander or designee.

3-12.11 Controlled Buy: An informant may be used to conduct controlled purchases of evidence only if documented and approved. During controlled buys, the controlling agent must take reasonable steps to ensure the integrity of the investigation and prevent tampering with any evidence.

A thorough pre-transaction search of the informant, his/her immediate area, and vehicle (if applicable) shall be performed before conducting a controlled buy. The controlling agent shall ensure that the informant does not possess any contraband or money that could get mixed with marked Task Force confidential funds.

The informant shall be surveilled closely from the time of that pre-transaction search until the informant meets with his/her controlling investigator after the undercover meeting. Afterwards, the controlling investigator shall ensure that the informant, his/her immediate area, and vehicle (if applicable) are again thoroughly searched for contraband and Task Force confidential funds.

The controlling investigator shall provide sufficient surveillance during a controlled buy to minimize potential risks to the informant. At a minimum, two investigators shall provide surveillance for each informant involved in the operation.

The informant shall be debriefed to collect intelligence about occupants, firearms, dogs, children present, interior layout, evidence storage locations, and other pertinent information.

A written report will be authored describing the events of the controlled buy. The informant's involvement shall be documented in a recorded statement.

Investigators must have prior approval of the Task Force Commander or designee for evidence purchases or informant expenditures that exceed normal purchases. Extraordinary expenditures or purchases by an informant should be reviewed and approved by the Executive Director.

3-12.12 Informants-Supervisory responsibilities: At least semiannually, the supervisor or Commander responsible for the informant files shall review each informant file to ensure that the file complies with Task Force policy and to monitor informant activity. The person who is designated to review the files will have the following responsibilities:

- Ensure that the informant is properly documented;
- Prohibit the use of informants who are not properly controlled;
- Compare informant signatures for payments received with the informant's known handwriting exemplar;
- Restrict the use of informants involved in unlawful or undesirable activity;
- Review and approve all payments to informants;
- Ensure that payments to informants are not excessive;
- Review the file for proper signatures of the informant and witnesses;
- Ensure that the investigator takes the appropriate action if an informant is wanted or the subject of a pick-up order from another agency; and
- Make proper notification to the Task Force Commander and/or the Governing Board when irregularities or discrepancies are found in an informant file.

3-12.13 Cooperating defendant who has been charged: A cooperating defendant who has been charged should be thoroughly debriefed regarding past criminal activity. A charged cooperating defendant may be debriefed about current charges pending only if a waiver of rights has been documented. If the defendant is represented by counsel, any contact with the defendant must be approved by the defendant's lawyer. A cooperating defendant post-charging may work as an informant so long as any conditions of release or bail are not violated and, if required by the jurisdiction, pre-trial supervision personnel and the court are aware of and approve the cooperation. Federal rules require that a person under federal court supervision cannot work as an informant without prior written approval from the court.

3-12.14 Promises to witnesses, informants and defendants: It is not proper or legal for an investigator to promise confidentiality or any degree of immunity at any time to a witness, defendant or informant. The only promise an investigator can make to any defendant or person under investigation is that the investigator will make known to the prosecutor and the court the full extent of any cooperation provided to law enforcement. At the same time, a defendant or person under investigation should be advised that any

behavior that violates any agreements with investigators and the prosecution will be forwarded for consideration by the court and may render any agreements as non-binding by investigators and prosecutors.

3-13 Confidential Fund Management

3-13.1 Policy: Each investigator assigned to the Task Force shall have access to confidential funds to be used in furtherance of investigative efforts. These funds shall also be available to participating agencies through Task Force personnel. The Confidential Fund Management policy shall conform to all conditions set forth in the current edition of the Office of Justice Policy's Financial Guide. The Governing Board shall determine any additional policy regarding access to confidential funds.

3-13.2 Commander Responsibilities: The Commander or designee shall be responsible for the following:

- Maintenance of confidential funds in accordance with all applicable laws, policies and procedures;
- Proper disbursements and deposits;
- Bookkeeping and internal audits;
- Maintaining a file(s) containing copies of relevant fund transaction documents.

3-13.3 Audits: The Governing Board shall arrange for an annual audit of confidential funds. The Task Force Commander or designee should conduct frequent internal audits of confidential funds.

3-13.4 Disbursement of Funds: Investigators may be issued confidential funds to be used in furtherance of investigative purposes. Investigators may use confidential funds for the following purposes:

- Payments made directly to informants;
- Purchases of illegal drugs, contraband, or other evidence of criminal activity;
- Expenditures for authorized undercover operations;
- Payments of investigative expenses (*e.g.*, hotel rooms, rental equipment);
- Flash money;
- Purchases of services, equipment or information.

The Commander shall not make disbursement of confidential funds to him/herself. Such disbursement shall be handled in conjunction with the Executive Director of the Governing Board or his/her designee.

3-13.5 Storage of Confidential Funds: Confidential funds shall be stored in a secure, locked area with access limited to only those persons who are required to have access. The amount of cash on hand should be a reasonable amount, *e.g.*, funds necessary to conduct anticipated operations for the next thirty days.

3-13.6 Accounting for Confidential Funds: All investigators making payments from confidential funds shall document the transaction on an expense report, accounting for all money withdrawn from the fund. The investigator making the payment shall ensure that

an appropriate receipt is obtained, unless such an action would jeopardize the transaction or operation. The expense report shall include the following:

- Item or informant control number on which the money was spent;
- Date, time, and location of expense;
- Originals or copies of any supporting documentation (*e.g.*, receipts);
- Type of investigation;
- Case number.

The written expense report and supporting documentation shall be forwarded to the Commander, or designee, for review and final authorization.

It is recommended that each investigator maintain personal records relating to confidential fund expenditures, and copies of receipts and expense reports that could be verified during audits.

3-14 Evidence/Property Handling

3-14.1 Policy: The investigator shall maintain proper documentation, chain of custody, storage, safekeeping and disposal of all evidence/property that is received. In the case of a Task Force that is not co-located and uses an evidence system allowing for the storage and maintenance of evidence by individual investigators, each investigator is responsible for storing his/her own evidence within the evidence/property room of the investigator's home agency. All items of evidence are to be dealt with according to each home agency's rules and policies with regard to storage, disposal, or return of evidentiary items.

3-14.2 Processing Evidence: Any items seized as evidence shall be properly handled for fingerprint or forensic examination (if needed), bagged, sealed, labeled, and inventoried before being secured in evidence storage at the investigator's employing agency or the designated Task Force storage facility.

3-14.3 Impounding Evidence: The evidence custodian of the investigator's home agency shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence in accordance with established agency policy.

The investigator shall complete an evidence report before turning over evidence to the evidence custodian. The evidence report shall include all information necessary to both document and ensure the integrity of chain of possession. All drugs shall be weighed and money counted and the results recorded on the evidence report.

If the Task Force has an evidence custodian, the custodian shall be responsible for developing and maintaining a master file of all evidence reports and evidence inventories. This file may be either manual or automated and shall be cross-indexed with the case file.

3-14.4 Storage of Evidence: The evidence custodian shall assign a storage location to each item of evidence and record this information on the evidence receipt and/or chain of possession. The evidence receipt shall be made part of the investigative file.

Evidence requiring added security (*e.g.*, cash, precious metals, jewelry, gemstones, weapons, narcotics) shall be stored in a separate secured area. Perishable items shall be

stored in a refrigerator or other suitable container. Non-evidentiary items should be safeguarded and returned to the owner in a timely manner.

3-14.5 Currency:

3-14.5.1 Discovery: The investigator locating the currency to be seized shall advise another investigator of the discovery. If possible, the investigator being advised should be a supervisor. If possible, investigators shall photograph currency to be seized as said currency is located. All seizures must also be described in the incident report. This report should be detailed enough so that anyone reading it could determine what was seized, who seized it, where it was seized, condition at the time of seizure, and any other information which may be important to a criminal prosecution or other legal action. The suspect shall receive a receipt for the seized currency or the amount must be recorded on page 5 of the search warrant.

3-14.5.2 Inventory/Documentation: In all cases, a Seized Evidence Currency Log shall be completed. At the scene, two (2) investigators shall count the currency independently and provide their signatures in this log to verify the currency amount against one another. This log shall contain the following information:

- Subject Name
- Case File #
- Date Seized
- Location
- Number of Bills By Denomination
- Total by Denomination
- Whether or not this currency was counted at the scene and, if not counted at the scene, the exigent circumstances for not counting the currency at the scene and supervisor/lead investigator authorization
- Name, Title, and Signature of Investigators Counting the Currency
- Name, Title, and Signature of Investigators Documenting the Sealing of the Evidence Envelope

The original copy of this log shall be placed in the transparent evidence bag for viewing from the outside. A copy of this log shall be placed in the case file. Investigators shall take steps to ensure that all recovered buy money is accounted for and is appropriately documented.

3-14.5.3 Handling Of Currency: The currency shall be secured in a sealed transparent evidence bag with a listing on the outside of the bag to include the amount of currency, case file number, and subject's name as well as the initials of the counting parties. This evidence bag should promptly be turned over to the Task Force Commander or designee. Until the funds can be deposited into a financial institution, the seized currency shall be placed into evidence where it will be kept in a safe. All seized currency shall be photographed, photocopied or scanned if needed for evidentiary purposes (duplication of currency must comply with 18 U.S.C. § 504). The chain of custody shall be maintained for all seized monies and must be complete through the ultimate disposition of the currency.

Any unusual factors that extend the delivery to the custodian shall be documented.

3-14.5.4 Notice Of Seizure: If currency is to be forfeited, a copy of the Notice of Seizure and Intent to Forfeit Property form should accompany the evidence bag. If the case agent has not served the notice of seizure of forfeiture in three days the Task Force Commander shall be notified

3-14.5.5 Verification And Deposit: Unless the currency has evidentiary value that is dependent on its retaining its original form, the Commander or designee shall, as soon as possible, verify the amount and deposit the currency into an account for the purpose of holding the seized currency until a final disposition can be reached regarding this currency. The Commander or designee will attach the appropriate deposit receipt and other appropriate documents to the case file, indicating the deposit of these funds into the financial account. This documentation will also be held for audit purposes.

3-14.5.6 Currency Kept As Evidence: An investigator should promptly obtain written approval from the prosecutor when deciding to retain cash as evidence. Currency kept as evidence shall be stored in a separate, secured area as described in Section 3-14.4.

3-14.5.7 Successful Forfeiture: Upon receiving notification of a successful forfeiture, the designated person will take the steps necessary to have the seized funds transferred from the holding account to the program income account. Funds will be disposed of in a manner consistent with state statute and the rules and policies of the Task Force. Required distributions will be made at this time.

3-14.5.8 Unsuccessful Forfeiture: In the event the forfeiture is unsuccessful, the designated individual will ensure that a check is issued to the owner of the currency. Contact with the original owner must begin within 7 business days of receiving the notice of unsuccessful forfeiture.

3-14.6 Firearms: All firearms seized or recovered shall be traced using ATF form 3312.1: National Tracing Center Request. The completed form should be faxed to 1-800-578-7223. If the serial number is obliterated, use form BATF form 3312.2 and fax the form to the same number.

The National Training Center will respond via fax. The request form and the faxed response shall be made part of the investigative file.

3-14.7 Hazardous Evidence: Evidence of a hazardous nature shall be documented, handled, packaged, stored, and/or disposed of in accordance with established state and local protocols.

3-14.8 Access to the Evidence Room: Only authorized personnel shall have direct access to the evidence storage area. An authorized person shall escort all other personnel.

3-14.9 Inspections of the Evidence Room: The supervisor of the evidence custodian should conduct random inspections of the evidence storage area to ensure adherence to policies and procedures. Inspections must be conducted at least once per year.

The Commander or designee may request an audit of Task Force evidence. The audit shall be performed by someone not directly or routinely associated with evidence control. The results of the audit shall be reported to the Governing Board.

3-14.10 Transfer of Custody: The evidence custodian shall be responsible for developing and maintaining a file that documents all changes in custody of physical evidence. The file shall be capable of readily identifying the individual or organization currently maintaining custody of each item of evidence.

A written record shall be made for all transfers of physical evidence.

3-14.11 Disposal of Evidence: When no longer needed for evidentiary purposes, all evidence, except contraband and forfeited property, shall be returned to the owner unless title to the evidence has been transferred by court order or in another lawful manner, or the lawful owner fails to claim the evidence within sixty (60) days of notification. In such cases, the Task Force may:

- Destroy it;
- Dispose of it at public auction;
- Retain it for use by the appropriate jurisdiction.

Generally, firearms shall be disposed of in a manner consistent with Minnesota state statute unless:

- A court order requires the firearm be returned to the lawful owner;
- The firearm is to be used by the Task Force or the BCA's Forensic Science Laboratory; or the firearm is otherwise destroyed according to a written policy adopted by the Governing Board.

3-14.12 Evidence Destruction: The evidence custodian's supervisor should monitor the entire evidence destruction process, and:

- Document the destruction process by retaining an inventory of items destroyed and recording the date, time, location and method of destruction;
- Forward destruction documentation to the Commander or designee so that Task Force files can be updated;
- If any discrepancies are discovered, immediately notify the Commander or designee and the Executive Director who shall initiate an appropriate investigation.

3-15 K-9 Drug Detection Teams

3-15.1 Policy: Narcotics investigators may use a K-9 drug detection team during an investigation. The K-9 and handler shall be current in drug detection certifications.

3-15.2 Training Drugs: The evidence custodian shall provide training drugs to a K-9 handler requesting training drugs. The evidence custodian shall record the type and weight of the drugs distributed to the K-9 handler. The evidence custodian shall maintain

a written record of the transaction, including signatures from the K-9 handler, evidence custodian, and a witness.

3-16 Electronic Devices

Investigators may use electronic devices (*e.g.*, body bug) to intercept communications, if at least one party involved in the communication consents to the use of the device. The communication shall be continuously monitored and may be recorded for evidentiary purposes. The use of electronic devices shall be used only in furtherance of official Task Force investigations.

Member agencies may borrow Task Force equipment to be used in criminal investigation(s). It should be made clear to the agency borrowing the equipment that if the equipment is lost, stolen, damaged or otherwise rendered inoperable who shall be responsible for replacement or repair of the equipment.

3-17 Alcohol Usage

Generally, alcohol usage while on-duty is prohibited. Exceptions may be made during operations where failure by the investigator to consume alcohol may draw attention to and jeopardize an operation. In no event shall a working investigator consume more than one drink per hour, or a maximum of two drinks per shift.

3-18 Controlled Substance Usage

Consumption of controlled substances not prescribed to the investigator is strictly prohibited.

Any investigation contingent upon an investigator consuming a controlled substance shall be immediately terminated.

If an investigator is placed in a life-threatening situation wherein consumption of a controlled substance is necessary, the following shall occur:

- 1) The investigator shall be transported as soon as practical to a medical facility for medical care;
- 2) The Task Force Commander or designee shall be immediately notified. The Commander or designee shall in a timely manner notify the Executive Director and the investigator's agency;
- 3) The involved investigator shall document the details of the incident. If the investigator is unable to complete the report, the Commander or designee shall complete the report. All surveillance personnel will also file a written report.

3-19 Clandestine Laboratories

Clandestine laboratories require special education and training to safely collect evidence and dismantle the laboratory. Therefore, investigators locating a clandestine laboratory or anticipating the discovery of a laboratory during an investigation shall contact a certified clandestine laboratory technician as soon as a laboratory is discovered, or, in the case of anticipating discovery, before beginning the operation. All clean-up or disposal of clandestine laboratories will conform with federal, state and local requirements.

Administrative Forfeiture Chapter

4-01 Purpose

The administrative forfeiture of property is a useful and necessary tool in criminal investigations. The Task Force recognizes the gravity of seizing personal and business property connected to criminal investigations. To ensure the integrity of forfeiture proceedings, standards must be established to ensure a just and lawful disposition of property seized in criminal investigations.

Seized property which has no rightful owner and is not subject to forfeiture, or property that has been forfeited, may be put to Task Force use rather than auctioned or disposed of in some situations. Standards must be established to ensure that property is converted rightfully to Task Force usage and that appropriate inventory and inspection procedures are followed.

4-02 Policy

It is the policy of the Task Force that all investigators and other employees assigned to the Task Force shall follow all state and federal laws pertaining to the processing of property seized for forfeiture.

Forfeited or seized property may be utilized for official Task Force business by investigators with the written approval of the Commander or designee and must be used in accordance with the following procedures.

This policy applies to investigators forfeiting items in state or federal forfeiture proceedings, unless other applicable federal laws and/or policies and procedures are controlling.

4-03 Definitions

Cash: money in the form of bills or coins, traveler's checks, money orders, checks or other forms of electronic money or stored value cards, including but not limited to gift cards, debit cards, gift cards/certificates or other negotiable financial instruments.

Conveyance Device: a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane or vessel and any equipment attached to it. The term "conveyance device" does not include property that is, in fact, itself stolen or taken in violation of the law.

Firearms/ammunition/firearm accessories: a device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include but are not limited to holsters, gun cases, fire arm optics, suppression devices, cleaning supplies, etc.

Forfeiture: the process by which legal ownership of an asset is transferred to a government or other authority.

Precious Metals/Precious Stones: The term “precious metals/precious stones” includes items of jewelry such as rings, necklaces and watches that reasonably appear to be made of precious metals or precious stones. Precious metals include but are not limited to gold, silver, platinum, iridium and palladium. Precious stones, often referred to as gemstones, include but are not limited to diamonds, emeralds and rubies.

Forfeiture/Seized Property Reviewer: an Agency employee responsible for reviewing all forfeiture cases and is the liaison between the Agency and prosecutor’s office.

Seizure: the act of law enforcement officials taking property, including cash, vehicles, etc., that has been used in connection with or acquired by illegal activities.

4-04 Administrative Forfeiture Proceedings

4-04.1 Seized Property Subject To Administrative Forfeiture: The following property may be seized and is presumed under Minn. Stat. § 609.5314 to be subject to administrative forfeiture if the item has a retail value of \$50,000.00 or less:

All money, precious metals and precious stones found in proximity to:

- controlled substances;
- forfeitable drug manufacturing or distributing equipment or devices; or
- forfeitable records of manufacture or distribution of controlled substances.

All conveyance devices containing controlled substances with retail value of \$100 or more if possession or sale of the controlled substance would be a felony under Minn. Stat. ch. 152.

All firearms, ammunition and firearm accessories found:

- in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
- on or in proximity to a person from whom a felony amount of controlled substance is seized; or
- on the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minn. Stat. ch. 152.

Seizure of property not listed above must be processed, reviewed and approved by the Commander or designee.

4-04.2 Processing Seized Property For Forfeiture Proceedings:

4-04.2.1 Preparation of Forms: When any property as described in the above section is seized, the investigator making the seizure must prepare the following:

- The proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following: a list describing each item seized, the name of the individual served with the notice, location, and the date of seizure. Administrative forfeiture notices are NOT to be given for assets seized under Minn. Stat. § 609.5314 if the retail value of the asset exceeds \$50,000.00.
- A receipt for the item(s) seized.

4-04.2.2 Information To Be Included on Forms: The Notice form also contains information in English, Hmong, Somali and Spanish concerning the right to obtain judicial review and the procedure under Minn. Stat. § 609.5314 to follow to obtain it. The form must be dated and signed by the investigator conducting the seizure. An agency case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person refuses, the investigator conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the seizure form must be given to the individual served.

4-04.2.3 Service of Forms: Forfeiture forms should be served on defendants while they are still in custody or under investigator control. Copies of forfeiture forms shall be sent to the appropriate county attorney's office immediately after service, or within 5 business days, even if criminal charges are not filed at the same time. Forms must be served within 60 days upon all persons known to have an ownership interest.

4-04.2.4 Custody of Property: All property subject to and being processed for forfeiture through the Task Force must be held in the custody of the Task Force or the investigator's home agency. Reports shall document where the property is being held and shall contain all appropriate case numbers and property inventory identification numbers.

4-04.2.5 Timing of Report: The investigator conducting the seizure shall forward the original and pink copy of the seizure notices, seized property processing worksheets, property receipts and reports to the investigator's supervisor within 5 days of seizure.

4.04.2.6 Information Reported to Supervisor: The investigator conducting the seizure shall inform the investigator's supervisor of the estimated retail value of drugs found in proximity to the asset seized.

4-04.3 Cash: Each Task Force shall establish a policy regarding minimum thresholds for cash seizure. Investigators shall not seize cash having an aggregate value less than that Task Force's threshold level, unless pre-recorded buy funds are included in the cash seized or not seizing lesser funds would be detrimental to the investigation. Cash shall be recounted and the amount verified by another employee of the Task Force. The property bag and/or inventory receipt shall then be co-signed when cash is involved.

All forfeitable cash seized will be turned over to the investigator's supervisor or property/evidence room as soon as practicably possible after the seizure.

Prior to deposit, investigators shall examine all cash seized to determine whether it contains any buy funds. Investigators shall document, in writing and visually, by photograph or otherwise, the recovery of all buy funds and deposit those funds with the investigator's supervisor to be returned to the Task Force's buy fund account. Prior to this deposit, investigators shall obtain approval of the appropriate prosecutor.

Investigators seizing cash shall also prepare a property inventory. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the total amount of cash seized from each individual. The agency property inventory shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

The investigator conducting the seizure shall provide a copy of the completed property inventory receipt to the investigator's supervisor.

It is the seizing investigator's responsibility to secure the cash consistent with the Task Force's policy and procedure.

4-04.4 Jewelry/Precious Metals/Precious Stones: Investigators seizing precious metals and/or precious stones, including in the form of jewelry, will write a detailed description of each item on the property inventory receipt prior to inventorying the items. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the investigator's supervisor.

Investigators seizing precious metals and/or precious stones shall deliver those items to the property/evidence room as soon as practicably possible.

4-04.5 Conveyance Device: Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an Task Force-approved impound facility.

Investigators shall inventory the conveyance device and its contents in accordance with Task Force policy. Investigators shall also complete applicable report forms and distribute them appropriately.

4-04.6 Firearms/Ammunition/Firearm Accessories: When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the property/evidence room per Task Force policy and procedure.

4-04.7 Case File Status: The investigator's supervisor shall forward all changes to forfeiture status to the investigator who initiated the case.

4-04.8 Report Writing: Investigators seizing property must complete a report. All reports must include a description of the items seized, where the property is turned-in/inventoried, the name of the individual served, the date the seizure form was served, the name of the serving investigator, and whether or not the individual signed the Notice of Seizure and Intent to Forfeit Property form.

All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible.

4-05 Procedures for Task Force Use of Seized Property

4-05.1 Limitations: Seized property may not be converted to Task Force usage unless: (a) its return to a known, rightful owner is contrary to law, impossible, impractical or unjustified, and (b) its usage has been authorized by the Commander or designee.

4-05.2 Approvals: An investigator wishing to use an item of forfeited or seized property subject to forfeiture in the course of the investigator's duties must receive approval from the Task Force Advisory Board after showing a need for the item.

4-05.3 Receipt: Once the above standards and approvals are met, the agent must secure a copy of the original evidence receipt, secure transfer signatures, and the signature of the Commander or designee. The evidence room shall indicate that the property is to be used by the Task Force. The original receipt will be filed with the criminal case file.

4-05.4 Documentation: In cases of property to be used in undercover operations, the serial number, a photograph of the property, and a documentation memo must be filed in the agent's or section's inventory file. All items must be inventoried on an agent's individual inventory or the inventory of the appropriate section if put into general use.

4-05.5 Firearms: If the property is a firearm, established protocol as set forth in Section 3-14.6 must be followed before issuing the firearm as an authorized weapon.

4-05.6 Permanent file: The Commander or designee will maintain a permanent file of all forfeited and seized property put into Task Force use. That file will include a copy of the evidence receipt, a memo or justification for usage, and verification that the evidence is properly inventoried.

Impartial Policing Chapter

5-01 Purpose

This policy affirms the Task Force's commitment to impartial, unbiased policing and reinforces procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner.

5-02 Policy

Task Force Investigators will conduct investigations in an impartial, unbiased manner and in compliance with the laws and Constitutions of Minnesota and of the United States of America.

5-03 Procedures

5-03.1 Policing impartially:

- Investigative detentions, pedestrian and vehicle stops, arrests, searches and seizures by investigators will be based on reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Investigators must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, and nonconsensual searches and seizures.
- Except as provided in the paragraph that immediately follows, investigators shall not consider race, ethnicity, national origin, gender, sexual orientation or religion in establishing either reasonable suspicion or probable cause.
- Investigators may take into account the descriptors in the immediately preceding paragraph of a specific suspect(s) based on information that links specific suspects, unlawful or suspicious activity to a particular individual or group of individuals. This information may be used by investigators in the same manner that age, height, weight, clothing, etc., are used as descriptors of specific suspects in particular cases.

5-03.2 Preventing perceptions of biased policing: In an effort to prevent the perception of biased law enforcement, investigators shall follow these guidelines:

- Be respectful, courteous and professional;
- Introduce or identify yourself to the citizen, provide your badge number when requested, and state the reason for the contact as soon as practical, unless providing this information will compromise officer or public safety;
- Ensure that the detention is no longer than necessary to take the appropriate action for the known or suspected offense;
- Attempt to answer any relevant questions a citizen may have regarding the investigator/citizen contact, including referrals to others at the Task Force when appropriate;
- If it is determined that the initial reasonable suspicion for the investigatory stop was unfounded, explain this to the person(s) so as to help them understand the basis for your actions, provided that the information will not compromise officer or public safety.

5-03.3 *Supervision and Accountability*: Supervisors shall ensure that all personnel in their command are familiar with and comply with the content of this policy.