DEPARTMENT OF CORRECTIONS

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| **Policy Number:** | **107.052** |
| **Title:** | **Racial Profiling** |
| **Effective Date:** | **9/3/19** |

**PURPOSE:** To establish written procedures for the Minnesota Department of Corrections' (DOC), office of special investigations' (OSI), fugitive apprehension unit (FAU) to follow in all investigations and fugitive apprehensions that reaffirm the department's commitment to impartial policing and to reinforce procedures to assure OSI is providing service and enforcing laws in a fair and equitable manner to all.

**APPLICABILITY:** Office of special investigations, fugitive apprehension unit members

**DEFINITIONS:**

Racial profiling – pursuant to Minn. Stat. Sect. 626.8471, any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than the behavior of that individual; or information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

**PROCEDURES:**

A. Policing impartially

1. Fugitive apprehensions, investigative detentions, pedestrian and vehicle stops, arrests, searches, and property seizures by FAUMs must be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. FAUMs must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for fugitive apprehensions, investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches, and property seizures.

2. Except as provided in procedure A.3 (below), FAUMs must not consider race, ethnicity, national origin, gender, sexual orientation, or religion in establishing either reasonable suspicion or probable cause.

3. FAUMs may take into account the descriptors in procedure A.2 (above) of a specific suspect or suspects based on information that links specific, suspected, unlawful, or suspicious activity to a particular individual or group of individuals. This information may be used in the same manner FAUMs use specific information regarding age, height, weight, etc. about specific suspects.

B. Preventing perception of biased policing – procedural guidelines

In an effort to prevent the perception of biased law enforcement, FAUMs utilize the following guidelines. FAUMs must:

1. Be respectful and professional.

2. Introduce or identify themselves to the citizen and state the reason for the contact as soon as practical, unless providing this information compromises the FAUM or public safety.

3. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense.

4. Attempt to answer any relevant questions the citizen may have regarding the citizen/FAUM contact, including relevant referrals to other agencies when appropriate.

5. Provide name and badge number when requested, preferably in writing or on a business card.

6. Explain and/or apologize if they determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop).

C. Supervision and accountability
Annual reports must be made to the Minnesota Peace Officer Standards and Training (POST) by the director of OSI. The director of the OSI (department's chief law enforcement officer) ensures all personnel in their command are familiar with the content of this policy and are operating in compliance with it.

**INTERNAL CONTROLS:**

A. Annual reports are made to the Minnesota Peace Officer Standards and Training (POST) Board by the director of OSI.

B. Reports made by the director of OSI are stored in the ACISS report system.

**ACA STANDARDS:** None

**REFERENCES:** Minn. Stat. § 626.8471.
Minnesota Peace Officers Standards and Training Board

**REPLACES:** Policy 107.052, "Racial Profiling," 5/1/18.
All memos or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:** None

**APPROVALS:**
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services