

**MINNESOTA DEPARTMENT OF NATURAL  
RESOURCES  
DIVISION OF ENFORCEMENT  
DIRECTIVE**

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**DIRECTIVE NUMBER: A-14-24**

**SUBJECT: IMPARTIAL POLICING**

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EFFECTIVE DATE: 5-22-2024

SPECIAL INSTRUCTIONS: Replaces A-14-16

APPENDIX: None

REFERENCE: Minnesota Statute 626.8471; MN POST Board Model Policy

DISTRIBUTION: All Conservation Officers

NUMBER OF PAGES: 3

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This directive is for division use only and does not modify or supersede any law. Violations of this directive may form the basis for departmental administrative action. This directive should not be viewed as creating a higher standard of safety or care in any evidentiary sense and should not apply to any criminal or civil proceeding except civil proceedings related to departmental administrative action.

**I. PURPOSE**

The purpose of this directive is to reaffirm our division's commitment to impartial policing, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner to all.

**II. POLICY**

It is the policy of this division to comply with the requirements of Minn. Stat. 626.8471, thereby providing the basis for impartial enforcement of laws by officers.

**III. DEFINITION**

Racial profiling has the meaning given to it in Minnesota Statute 626.8471, Subd. 2 which states:

**“Racial profiling”** means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

- A. The behavior of that individual; or
- B. The 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.

#### **IV. PROCEDURES**

- A. Policing impartially, not racial profiling, is standard procedure for this division, meaning:
  - 1. Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution and officers 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, nonconsensual searches and property seizures, but this section shall not, however, be construed to limit the regulatory inspection authority or confiscation authority of officers under the game and fish laws.
  - 2. Except as provided in paragraph 3 and 4 of this section, officers shall not consider race, ethnicity, national origin, gender, sexual orientation, and religion in establishing either reasonable suspicion or probable cause, or in making decisions to exercise regulatory inspection authority or confiscation authority of officers under the game and fish laws, and;
  - 3. Officers may consider the descriptors in paragraph 2 based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals and this information may be used in the same manner officers use specific information regarding age, height, weight, etc. about specific suspects.
  - 4. Officers may consider an individual’s race, ethnicity, and national origin when necessary to address tribal hunting, fishing, and gathering treaties and court decisions.

- B. In an effort to prevent the perception of biased law enforcement, officers shall:
1. Be respectful and professional;
  2. Introduce and identify themselves and state the reason for the contact as soon as practical unless providing this information will compromise officer or public safety;
  3. Ensure the contact is no longer than necessary to conduct a regulatory inspection, or take action for the known or suspected offense;
  4. Attempt to answer any relevant questions the person may have regarding the contact including relevant referrals to other agencies when appropriate;
  5. Provide their name and badge number when requested, preferably in writing or on a business card; and
  6. Explain if it is determined the reasonable suspicion was unfounded (e.g., after an investigatory stop).

#### **V. DUTY TO REPORT AND INTERVENE**

Officers shall perform their duties in a fair and objective manner and are responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Officers should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### **VI. VIOLATIONS**

Alleged violations of this policy must be reported to POST in accordance with the reporting requirements in Minn. Stat. 626.8457 and in accordance with directive A-4.

**By Authority of:**

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**COL Rodmen Smith**  
**Division Director**