

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

DIRECTIVE NUMBER: A-14-16

SUBJECT: IMPARTIAL POLICING

EFFECTIVE DATE: 08-01-2016

SPECIAL INSTRUCTIONS: Rescinds A-14-01

APPENDIX: None

REFERENCE: Minnesota Statute 626.8471; MN POST Board Model
Policy Rev. 01/2011

DISTRIBUTION: All Conservation Officers

NUMBER OF PAGES: 3

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 State Conservation 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 conservation 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 conservation 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 conservation officers under the game and fish laws.
 - 2. Except as provided in paragraph 3 and 4 of this section, Conservation 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 Conservation Officers under the game and fish laws, and;
 - 3. Conservation Officers may take into account 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. Conservation Officers may consider an individual’s race, ethnicity, and national origin where necessary to effectively address the unique circumstances of the various Indian hunting, fishing, and gathering treaties and court decisions and

laws governing hunting, fishing, and gathering that are based on race, ethnicity, or national origin.

- B. In an effort to prevent the perception of biased law enforcement Conservation Officers shall:
 - 1. Be respectful and professional;
 - 2. Introduce and identify themselves to the citizen and state the reason for the contact as soon as practical unless providing this information will compromise officer or public safety;
 - 3. Ensure 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/officer 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 and/or apologize if it is determined the reasonable suspicion was unfounded (e.g. after an investigatory stop).
- C. Supervisors shall ensure all personnel in their command are familiar with the content of this policy and are in compliance.

By Authority of:

COL Rodmen Smith
Division Director