



Edina Police Operations Manual

Policy Number
300.00

Subject:

POWERS AND DUTIES

Effective Date
06/01/1993

Revised Date
03/03/2020

Page 1 of 5

PURPOSE:

To establish guidelines and to ensure that all officers understand and perform within the statutory requirements of Peace Officers.

300.01

GENERAL STATEMENT OF POLICY

Minnesota state statutes list the authority given to police department members. The Chief of Police has the authority to set guidelines in which department members shall perform their duties when acting as an agent of the City.

300.02

MINNESOTA STATE STATUTES

Subd. 1 626.84 Definitions and Scope

Definitions: For purposes of sections 626.84 to 626.863 the following terms have the meanings given them:

- a) "Board" means the board of Peace Officer Standards and Training.
- b) "Director" means the executive director of the board.
- c) "Peace officer" means: an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest.
- d) "Reserve officer" means an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer's duties do not include enforcement of the general criminal laws of the state, and the officer does not have full powers of arrest or authorization to carry a firearm on duty.
- e) "Law enforcement agency" means a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state.

Scope:

Notwithstanding sections [12.03](#), subdivision 4, [12.25](#), or any other law to the contrary, no individual employed or acting as an agent of any political subdivision shall be authorized to carry a firearm when on duty unless the individual has

Subject:**POWERS AND DUTIES****Page 2 of 5**

been licensed under sections 626.84 to [626.863](#). Nothing herein shall be construed as requiring licensure of a security guard as that term is defined in section [626.88](#), subdivision 1, clause (c).

Ref. <http://www.revisor.leg.state.mn.us/stats/626/84.html> (01/14/2009)

Subd. 2 626.862 POWERS OF LAW ENFORCEMENT OFFICERS

Except as specifically provided by statute, only a peace officer, constable, and part-time peace officer may:

- 1) Issue a citation in lieu of arrest or continued detention unless specifically authorized by ordinance;
- 2) Ask a person receiving a citation to give a written promise to appear in court; or
- 3) Take a person into custody as permitted by section [629.34](#).

Ref. <http://www.revisor.leg.state.mn.us/stats/626/862.html> (01/14/2009)

Subd. 3 629.34 WHEN AN ARREST MAY BE MADE WITHOUT A WARRANT**Peace Officers**

- a) A peace officer, as defined in section [626.84](#), subdivision 1, clause (c), who is on or off duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section [629.40](#), may arrest a person without a warrant as provided under paragraph (c).
- b) A part-time peace officer, as defined in section [626.84](#), subdivision 1, clause (d), who is on duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section [629.40](#) may arrest a person without a warrant as provided under paragraph (c).
- c) A peace officer or part-time peace officer who is authorized under paragraph (a) or (b) to make an arrest without a warrant may do so under the following circumstances:
 - 1) when a public offense has been committed or attempted in the officer's presence;
 - 2) when the person arrested has committed a felony, although not in the officer's presence;

Subject:**POWERS AND DUTIES****Page 3 of 5**

- 3) when a felony has in fact been committed, and the officer has reasonable cause for believing the person arrested to have committed it;
 - 4) upon a charge based upon reasonable cause of the commission of a felony by the person arrested;
 - 5) under the circumstances described in clause (2), (3), or (4), when the offense is a gross misdemeanor violation of section [609.52](#), [609.595](#), [609.631](#), [609.749](#), or [609.821](#); or
 - 6) under circumstances described in clause (2), (3), or (4), when the offense is a non-felony violation of a restraining order or no contact order previously issued by a court.
 - 7) under the circumstances described in clause (2), (3), or (4), when the offense is a gross misdemeanor violation of section [609.485](#) and the person arrested is a juvenile committed to the custody of the commissioner of corrections; or
 - 8) if the peace officer has probable cause to believe that with the preceding 72 hours, exclusive of the day probable cause was established, the person has committed non-felony domestic abuse, as defined in section [518B.01](#), subdivision 2, even though the assault did not take place in the presence of the peace officer.
- d) To make an arrest authorized under this subdivision, the officer may break open an outer or inner door or window of a dwelling house if, after notice of office and purpose, the officer is refused admittance.

Ref: <http://www.revisor.leg.state.mn.us/stats/629/34.html> (03/02/2020)

Subd. 4 Refer to Appendix C of the Criminal Elements Handbook for a complete list of warrantless misdemeanor and gross misdemeanor arrests.

Subd. 5 **629.40 Allowing Arrests Anywhere in State**

Definition

In this section "peace officer" has the meaning given it in section [626.84](#), subdivision 1, paragraph (c).

Subject:**POWERS AND DUTIES****Page 4 of 5****Out of jurisdiction arrests**

In any case in which a person licensed under section [626.84](#), subdivision 1, may by law, either with or without a warrant, arrest a person for a criminal offense committed within the jurisdiction of the officer, and the person to be arrested escapes from or is out of the county, statutory or home rule charter city, or town, the officer may pursue and apprehend the person to be arrested anywhere in this state.

Authority for outside of jurisdiction arrests

When a person licensed under section [626.84](#), subdivision 1, in obedience to the order of a court or in the course and scope of employment or in fresh pursuit as provided in subdivision 2, is outside of the person's jurisdiction, the person is serving in the regular line of duty as fully as though the service was within the person's jurisdiction.

Off-duty arrests outside jurisdiction

A peace officer, as defined in section [626.84](#), subdivision 1, clause (c), who is off duty and outside of the jurisdiction of the appointing authority but within this state may act pursuant to section [629.34](#) when and only when confronted with circumstances that would permit the use of deadly force under section [609.066](#). Nothing in this subdivision limits an officer's authority to arrest as a private person. Nothing in this subdivision shall be construed to restrict the authority of a political subdivision to limit the exercise of the power and authority conferred on its peace officers by this subdivision.

Ref: <http://www.revisor.leg.state.mn.us/stats/629/40.html> (01/14/2009)

300.03 PROCEDURES**Subd. 1 Off Duty, Inside Jurisdiction**

Anytime an off-duty officer exercises arrest authority within the city limits, the on-duty supervisor should be notified and advised of the incident.

Subd. 2 Off-Duty, Outside Jurisdiction

When an Edina officer represents himself or herself as a peace officer while off-duty, appropriate reports shall be written within 24 hours of the incident.

Subd. 3 On-Duty, Outside Jurisdiction

When taking enforcement action outside the City of Edina while on duty, officers shall limit their actions to those circumstances that have a need for immediate

Subject:**POWERS AND DUTIES****Page 5 of 5**

intervention. In such situations, the on-duty supervisor should be notified immediately. The agency that has the jurisdiction over the location where the incident took place should be advised of the circumstances in the event the agency wants to take jurisdiction over the incident. If so, the officer should complete any reports requested by the other agency. When the other agency does not request to take jurisdiction, the Edina officer will process the violator. In this situation, follow all booking procedures with the exception the reports and documents that would normally be sent to the Edina Prosecuting Attorney should be sent to the Prosecuting Attorney where the incident occurred.

300.04 FIREARMS AND PERMITS

- Subd. 1** By granting off-duty, full-time peace officers greater arrest authority than that of an ordinary citizen, MN Statute [624.714](#) effectively exempts officers from the firearm permit requirement.
- Subd. 2** The carrying of a firearm while off-duty is neither prohibited nor encouraged. When carrying a firearm off-duty, the following self-imposed limitations include:
- a) Properly identifying oneself when not in uniform.
 - b) When not in uniform, carrying the firearm in an unobtrusive manner so as not to alarm the general public.
 - c) The use of a safe, reliable, and unaltered firearm with which the officer is familiar and can use properly.
 - d) Refraining from the use of intoxicants.