



Minneapolis Police Department Policy and Procedure Manual

Number:
2-100

Volume Two – Personnel Administration

Misconduct Prevention, Reporting and Investigation

2-101 Duty to Report

(09/26/22) (xx/xx/25)

Revisions to prior policies: (06/24/88) (12/21/04) (08/17/05) (07/11/07) (01/15/08)
(12/30/10) (04/05/16) (06/14/16) (06/16/20)

I. Purpose

MPD members have a moral, ethical, and in some cases legal duty to report actions or conduct by any member that violates or may violate law or policy. When any law enforcement officer exceeds their authority, it reflects on every law enforcement officer and it is the Department's collective responsibility to hold one another accountable.

II. Policy

A. Affirmative Duty to Report Misconduct

1. Members shall report any misconduct that they observe or that comes to their attention per the requirements below, regardless of the alleged violator's assignment, tenure or rank within the Department, and subject to the specified exceptions when the alleged violator is in the reporting chain of command.
2. This includes apparent violations discovered through a review of body worn camera video or other documentation.
3. Making an anonymous report of alleged member misconduct does not relieve a member of the duty to report specific conduct under MPD and City policies and any requirements under law.
4. Members who engage in a good faith act of reporting violations shall not be subject to retaliation. Acts of retaliation are forms of serious misconduct and will result in investigation and may result in disciplinary action, up to and including discharge. (P&P 2-105)

B. Chain of Command and Internal Affairs Notifications

1. Making immediate notification

In situations requiring immediate notification, members have an affirmative duty to do all of the following, as soon as it is safe to do so:

- a. When the reporting member is on scene, the reporting member shall notify the on-scene supervisor in person.
- b. When the reporting member is off scene, the reporting member shall notify their supervisor directly by phone. If their immediate supervisor is unavailable, the member shall notify an on-duty supervisor in their assigned precinct or division.
 - i. The supervisor will make notifications as specified under the section on supervisor responsibilities [II-A-4].
 - ii. If the focus member is the member's supervisor, the member shall make the direct phone notification to the Internal Affairs Commander, which shall consist of personal telephone communication (no voicemail messages or text messages) or in-person contact.
 - aa. If the Internal Affairs Commander is unavailable, the supervisor shall contact the Internal Affairs Lieutenant. If the Internal Affairs Lieutenant is unavailable, the supervisor shall contact the Force Investigations Team Lieutenant.
 - ab. If the supervisor cannot reach the Internal Affairs Commander or either Lieutenant, the supervisor shall send a text message to all three with the notification information.
- c. The reporting member shall also send an email to the Internal Affairs intake email address (IADcomplaintreferral@minneapolismn.gov) detailing the situation requiring notification (including any apparent misconduct).
 - i. The member shall document in the email the supervisor they notified and when they made the notification.
 - ii. The member shall include the reporting member's Inspector or Commander as a recipient. If the alleged violator is the Inspector or Commander, the member shall include their Bureau head instead.

2. Making non-immediate notifications

- a. In situations that do **not** require immediate notification, the reporting member shall send an email to Internal Affairs detailing the situation requiring notification (and any apparent violations), and shall include the reporting member's supervisor as a recipient. If the focus member is the reporting member's supervisor, the reporting member shall include the supervisor's supervisor instead (e.g. the Lieutenant instead of the Sergeant).
- b. When the situation requiring notification (and any apparent violations) is observed while working on-duty as an MPD member or while working off-duty in a law

enforcement capacity, the member shall make the notification prior to the end of their shift.

- c. When the situation requiring notification (and any apparent violations) is observed while not working on-duty as an MPD member or while working off-duty in a law enforcement capacity, the member shall make the notification at the beginning of their next on-duty shift. If the member will not be working an on-duty shift for three or more days, the member shall make the notification as soon as possible and no later than the day after the situation requiring notification.

C. Situations Requiring Immediate Notification

Members shall make immediate notification for the following situations if any of the following apply:

- A person alleges that the member was involved in the conduct (the member shall make the notification themselves).
- The member observes another member engage in the conduct.
- The member becomes aware that another member engaged in the conduct and it was not reported.

1. Firearm discharges

The following situations require immediate notification, as described in [II-A-2]:

- a. A member discharges a firearm, whether on or off duty, other than during training, testing or legal recreation purposes with no injury to a person.

2. Use of force or other injuries

The following situations require immediate notification, as described in [II-A-2]:

- a. A member is involved in a critical incident as defined by P&P 7-810.
- b. A member used force resulting in substantial bodily harm or greater.
- c. A member is alleged to have used prohibited force (including any force that was not objectively reasonable, necessary and proportional).
- d. A member failed to use de-escalation techniques and tactics when feasible.
- e. A person in the member's custody is admitted to the hospital.
- f. A person is admitted to the hospital for injuries sustained during or as a result of a foot pursuit, vehicle pursuit, or emergency driving.

3. Discriminatory conduct

The following situations require immediate notification, as described in [II-A-2]:

- a. An MPD member engaged with a person in a manner reasonably believed to be discriminatory conduct (P&P 2-105, P&P 5-102, P&P 5-104).

4. Criminal conduct

The following situations require immediate notification, as described in [II-A-2]:

- a. A member is arrested, whether the event occurs in Minneapolis or another jurisdiction.
- b. A member is believed to have committed a criminal offense or believed to be a suspect in a criminal offense.
- c. A member is notified that an Order for Protection (OFP) or a Harassment Restraining Order (HRO) has been filed against the member.

5. Other misconduct

The following situations require immediate notification, as described in [II-A-2]:

- a. A member is alleged to have committed a Truthfulness violation (P&P 5-102), such as making, orally or in writing, any false statement, or misrepresentation of any material fact.
- b. A member is alleged to have falsely or maliciously arrested or searched a person, or otherwise knowingly disobey the laws or rules of criminal procedure (P&P 5-102).
- c. A member is alleged to have committed misconduct in a high-profile incident.
- d. Acts of retaliation by a member (P&P 2-105).

6. Other situations requiring immediate notification

The following situations require that Internal Affairs be immediately notified:

- a. A member who is required to drive a department vehicle as part of their official duties and has a loss or limitation of their driving privileges.
- b. A member is involved in any other event or circumstance that immediately affects their fitness for duty. This includes when a member cannot perform their job duties due to impairment or intoxication.
- c. A member terminates their employment in the middle of a shift.

D. Notifications by the Supervisor

1. Notification to Internal Affairs

- a. The notified supervisor is responsible for notifying the Internal Affairs Commander or their designee about the situation that required immediate notification ([II-A-2]).
 - i. If the Internal Affairs Commander is unavailable, the supervisor shall contact the Internal Affairs Lieutenant.
 - ii. If the Internal Affairs Lieutenant is unavailable, the supervisor shall contact the Force Investigations Team Lieutenant.
 - iii. If the supervisor cannot reach the Internal Affairs Commander or either Lieutenant, the supervisor shall send a text message to all three with the notification information.
- b. Notifications shall consist of personal telephone communication (no voicemail messages or text messages) or in-person contact.
- c. The supervisor shall also follow up with an email to the Internal Affairs intake email address (IADcomplaintreferral@minneapolismn.gov) documenting the situation requiring notification (and any apparent misconduct) and the phone notification efforts they made to Internal Affairs.

2. Notification to the Watch Commander

The supervisor shall also notify the Watch Commander if outside of normal business hours, and if the event occurred in Minneapolis.

E. Focus member is Assigned to Internal Affairs or is the Chief

The following clauses apply to any required direct (phone or in-person) and email notification:

1. Focus member is assigned to Internal Affairs

If the situation requiring notification includes a focus member who is part of Internal Affairs, the reporting member shall make the notifications to the member's Bureau head instead of Internal Affairs. If the focus member is the Internal Affairs Commander, the reporting member shall make the notification to the Chief. Upon notification, the Chief is responsible for determining the next steps explained in P&P 2-104.

2. Focus member is the Chief

If the situation requiring notification includes a focus member who is the Chief, the reporting member shall make the notifications to the Office of the Community Safety (OCS) instead of any MPD members. Upon notification, OCS is responsible for determining the next steps explained in P&P 2-104.

F. Failure to Report Force Misconduct

Any member who observes another MPD member use prohibited force (including force that is not objectively reasonable, necessary and proportional) and fails to report it as required above may be subject to discipline to the same severity as if they themselves engaged in the prohibited force.

G. Failure to Report Bias-Based Policing or Discriminatory Conduct

Any member who observes another MPD member engage with a person in a manner reasonably believed to be discriminatory policing (P&P 5-104) or discriminatory conduct (P&P 2-105, P&P 5-102) and fails to report it as required above may be subject to discipline to the same severity as if they themselves engaged in the discriminatory policing or discriminatory conduct.

III. Definitions

Focus Member: The member whose actions require notification under the Duty to Report policy P&P 2-101.

High-Profile Incident: A significant event or situation involving law enforcement that garners media attention and public interest due to its scale, severity, or involvement of prominent people or organizations. These incidents often require a coordinated, visible police presence. The response by law enforcement is typically scrutinized by the public and the media, making it a focal point of attention. Examples can include large-scale public disturbances, officer-involved shootings, incidents where members were shot, fatal pursuits, incidents with a child victim, homicides or shootings with multiple victims, homicides with high-profile victims, fatal vehicle accidents, multiple armed robberies, barricaded suspects, etc.

Impairment: A physical, psychological, medical, or emotional condition that may impair the focus employee's ability to perform essential job functions.

Intoxication: The state of being under the influence of any drugs or alcohol that may impair the focus employee's ability to perform essential job functions and is prohibited by MPD P&P and labor agreements.