



Minneapolis Police Department Policy and Procedure Manual

Number:
2-100

Volume Two – Personnel Administration

Misconduct Prevention, Reporting and Investigation

2-105 Corrective Actions System

(12/31/20) (09/26/22) (xx/xx/25)

I. Purpose

- A. An effective discipline system supports the success of the Department and the members in carrying out the mission by promoting public trust through accountability, individual responsibility, and high standards of professionalism.
- B. Both the public and members should have confidence that when Department policy is alleged to have been violated, the Department has mandated that fair, timely, and thorough investigations are completed and when Department policy is violated, fair and consistent discipline based on the facts and circumstances will be imposed.

II. Misconduct-Related Investigative Entities

A. Internal Affairs

1. Overview

The Internal Affairs is an impartial division within the MPD. Internal Affairs is mandated to investigate complaints generated from City of Minneapolis employees alleging police misconduct by MPD members, both sworn and non-sworn. City of Minneapolis employees include MPD members and all other employees within the enterprise. External Investigators may be utilized to conduct investigations on behalf of Internal Affairs.

2. Mission

Internal Affairs commits to conducting timely, fair, impartial, and thorough investigations into misconduct allegations and ensuring all members adhere to the Department's policies, procedures, and legal standards. Internal Affairs upholds the Department's highest standards of integrity, transparency, accountability, and professionalism.

3. Purpose and objectives

- a. Internal Affairs is responsible for reviewing and investigating internal complaints alleging misconduct made against MPD members.
- b. Key objectives include:

- i. Providing fair, impartial, accurate, and timely investigations that enhance accountability and transparency for the Minneapolis community members and visitors to the extent permitted by law.
- ii. Ensuring enhanced accountability and transparency by providing transparent, accessible data regarding police misconduct to inform City of Minneapolis stakeholders.

B. Office of Police Conduct Review (OPCR)

1. Overview

The Office of Police Conduct Review (OPCR) is an impartial division within the Minneapolis Department of Civil Rights. OPCR is mandated to investigate complaints generated by members of the public alleging police misconduct by sworn members of the MPD. External Investigators may be utilized to conduct investigations on behalf of OPCR.

2. Mission

OPCR works to ensure police accountability and community trust by completing fair, accurate, and timely investigations, research studies, and policy reviews.

3. Purpose and Objectives

- a. OPCR is responsible for reviewing and investigating external complaints alleging misconduct made against MPD sworn members.
- b. Key objectives include:
 - i. Providing fair, impartial, accurate, and timely investigations that enhance accountability and transparency for the Minneapolis community members and visitors to the extent permitted by law.
 - ii. Ensuring enhanced accountability and transparency by providing transparent, accessible data regarding police misconduct to inform City of Minneapolis stakeholders.

C. Human Resources Department

1. Overview

- a. The Minneapolis Human Resources Department investigates workplace concerns, including issues related to employee conduct, discrimination, and policy violations. It conducts thorough investigations, gathers evidence, and interviews involved parties to ensure a respectful and compliant work environment within the city's workforce. External Investigators may be utilized to conduct investigations on behalf of Human Resources.

- b. The Human Resources Department is the main investigative authority for all complaints alleging a violation of the City's ADH&R Policy, and is obligated to promptly and thoroughly investigate all such claims of discrimination, harassment, and ADH&R-related retaliation.
- c. MPD Internal Affairs may investigate a complaint involving MPD members as requested by, in conjunction with, or separately from the City's Human Resource Department.
- d. The Commander of Internal Affairs or the Commander's designee shall serve as the MPD's liaison to Human Resources for complaints which are based on an alleged violation of the City's ADH&R policy.
- e. Other members may assist the Human Resources as requested by Human Resources or as determined by the Chief of Police.

D. Minneapolis Community Safety Commissioner

1. Overview

The Minneapolis Office of Community Safety (OCS) addresses complaints made against the MPD Chief of Police. As necessary, the OCS is responsible for effecting investigations of these complaints. External Investigators may be utilized to conduct investigations on behalf of the OCS.

III. Compliance with Investigations and Results

A. Compliance with Investigations

1. Members shall comply with investigations including providing compelled statements as detailed below and producing information requested by the investigating entity pertaining to the investigation to the extent consistent with the member's protected rights.
2. Members shall attend scheduled interviews. Members shall communicate any conflicts with the scheduled interview as soon as the conflict is known.
3. Members shall not willfully destroy or conceal pertinent information to the investigation. A member may be ordered to archive or save a copy of information that is pertinent to the investigation to prevent continued ongoing misconduct but retain the original evidence for the investigation.

B. Compliance with Imposed Non-Disciplinary Corrective Action

1. If a case has been routed for non-disciplinary corrective action, the non-disciplinary corrective action shall be completed accordingly.
2. Failure of a directed supervisor or trainer to conduct the imposed designated non-disciplinary corrective action may be considered as insubordination under P&P 1-403.

3. Failure of a member to participate in good faith in non-disciplinary corrective action may be subject to further corrective action, including discipline.

C. Compelled Statements in Complaint Investigations

1. MPD members may make voluntary statements, including making complaints.
2. MPD members are required to give a statement when ordered to do so by any of the investigative entities listed above, regarding matters pertaining to the scope of their employment.
 - a. These statements or the fruits thereof, compelled as a condition of employment, are granted use immunity under Garrity and cannot be then used in any criminal proceedings against the member, except in cases of alleged perjury by the member giving the statement.
 - b. All members shall answer all questions truthfully, and fully render material accessible to them and fully render relevant statements to a competent authority in an MPD investigation when compelled by a representative of the Employer, to the extended permitted consistent with the legal rights of the members.
3. All statements of involved MPD members shall be signed and sworn. Any member found to have intentionally given a false statement may be subject to MPD disciplinary procedures, up to and including discharge.
4. Potential criminal violations shall be referred to the appropriate prosecuting authority for review, in accordance with P&P 2-104. The administrative case involving alleged policy and procedure violations may proceed independent of the criminal case.

D. Retaliation Prohibited for Reporting Violations or Participating or Complying with Investigations

1. Scope
 - a. Retaliation under this policy means: The imposition of adverse job consequences on an employee because the employee engaged in a good faith act of reporting violations of policy, a good faith act of intervention, or participated in an investigation regarding misconduct.
 - b. Good faith interventions and reporting are considered a protected activity. This commitment is part of MPD's commitment to providing a culture in which members are free from harassment and retaliation of any kind.
2. Retaliation prohibited
 - a. Members who engage in a good faith act of intervention to promote employee health or wellness shall not be subject to retaliation.

- b. Members who engage in a good faith act of reporting violations shall not be subject to retaliation.
 - c. Acts of retaliation are forms of serious misconduct and will result in investigation and may result in disciplinary action, up to and including discharge.
3. Reporting retaliation
- a. Managers, supervisors and all other members shall immediately refer any threats, complaints of a criminal nature, or other attempts at retaliation to Internal Affairs in accordance with P&P 2-101.
 - b. If an Internal Affairs investigator is not available, the Watch Commander shall be notified.
 - c. Watch Commanders shall take immediate action (e.g. separate parties) if the situation warrants. The Watch Commander shall document the incident and their response, and forward the documentation to Internal Affairs prior to the end of their shift.

IV. Complaint Data Practices

The Minnesota Government Data Practices Act (MGDPA) governs the information concerning investigations of alleged misconduct by MPD members.

V. Discipline

- A.** The MPD Discipline Matrix was developed through research and review of discipline matrix documents from other police agencies, and with input from the Police Officers Federation of Minneapolis. The Discipline Matrix is periodically updated to better align the operation of the discipline process with leadership expectations, community expectations, and best practices, to further the Department mission, and to establish expectations for all those involved in the process.
- B.** The MPD discipline system strives to encourage respect among Department members as well as with the community the MPD serves and protects.
- C.** The imposition of discipline should reflect the values of the Department while protecting the rights of both MPD members and members of the public.
- D.** Proportionality requires that the discipline imposed for a violation reflect the seriousness of the harm or risk created by the misconduct.
- E.** The MPD Discipline Matrix is one element of the disciplinary process, which is designed to further the following goals:
 - 1. Correct inappropriate behavior and return the employee to performance that meets Department expectations.

2. Support the mission and values of the Department.
 3. Educate Department members and the public regarding standards of conduct and the discipline process.
 4. Provide notice that harm and the risk of harm arising from misconduct will be used to evaluate the seriousness of the violation.
 5. Establish a culture of accountability, personal responsibility, and professionalism.
 6. Ensure the good order and efficiency of Department operations.
 7. Deter future misconduct.
 8. Provide the framework for fair and consistent discipline.
 9. Impose consequences that are proportional to the seriousness of the violation.
- F.** When investigations have concluded and when allegations have been sustained, the determination regarding discipline, if any, is made by the Chief of Police or the Chief's designee.
- G.** The Chief retains the right to vary from the MPD Discipline Matrix as the unique circumstances of the violation may warrant. The Chief will document the basis for the decision in the discipline memo.