



# Minneapolis Police Department Policy and Procedure Manual

Number:  
2-100

## Volume Two – Personnel Administration

### Misconduct Prevention, Reporting and Investigation

## 2-106 Complaint Investigations Processes Overview

(xx/xx/25)

### I. Internal Affairs and OPCR

#### A. Complaint Filed

1. Any person who has knowledge of alleged misconduct by a Minneapolis sworn member may file a complaint with the City by means of any readily available method approved by the Civil Rights Department or Police Department. The Civil Rights Department and the Police Department shall endeavor to facilitate the complaint filing process by providing multiple accessible avenues for the filing of complaints.
2. Complaints are accepted by Internal Affairs and the Office of Police Conduct Review (OPCR) via email, mail, phone, in-person, online public portals, or online internal portals. Each investigative entity receiving complaints or referrals conducts its own independent complaint filing process.
  - a. Complaints may also come in via police precinct, 311, and community intake sites as established in partnership with the City or MPD.
3. At any point that a complaint, if taken as true, could result in an allegation of serious or egregious misconduct as defined in the Minneapolis Police Misconduct Investigation Manual, the investigative entity shall notify the MPD Chain of Command.

#### B. Administrative Closures

After a complaint is filed, cases that are not within the jurisdiction of Internal Affairs or OPCR shall be administratively closed.

##### 1. Lack of Jurisdiction

Cases that are not regarding an MPD member and include an involved outside agency that is unable to be identified by the intake investigator, shall be administratively closed. OPCR and Internal Affairs do not have appropriate jurisdiction to handle these matters.

##### 2. Failure to State a Claim

Cases when all allegations (taken as true) and obtainable information fail to indicate potential violation of a City policy or a MPD policy shall be administratively closed.

### 3. Duplicate

A duplicate of a previously received complaint. New information from the duplicate complaint will be added to the original file.

## C. Intake

Minneapolis Code of Ordinances has empowered the Civil Rights Department, which houses OPCR, and the MPD, which houses Internal Affairs, to investigate complaints of police misconduct. Each investigative entity processing a complaint conducts its own independent intake process.

1. The intake process consists of evidence gathering and review in order to make a supervisory initial routing decision for a complaint received.
2. During the intake process, intake staff will identify the most specific, appropriate allegations, that cover the alleged incident and identify all parties involved, including non-member witnesses, witness MPD members and focus members.
3. Intake staff will locate all readily available and perishable accessible evidence. The entire intake process shall be completed within a maximum of 30 calendar days from the date of receipt. Cases classified as serious misconduct will be prioritized and have a goal to complete intake within 14 calendar days, when feasible.

## D. Routing Decision

### 1. Independent process

Each investigative entity processing a complaint conducts their own independent routing decision process.

### 2. Case routing

After the completion of the intake process, a case can be routed in the following ways:

#### a. Administrative Investigation

Cases where the outcome could lead to disciplinary action shall be routed for an administrative investigation, unless routed for Expedited Disposition.

#### b. Expedited Disposition

- i. Cases where the facts are not in dispute and the MPD officer agrees that they have violated MPD policy or procedures are available to be routed for expedited disposition.
- ii. If a complaint has any of the following allegations listed in their case, the complaint is not eligible for expedited disposition:

- aa. Truthfulness, including requirements for truthful answers in P&P 1-403 and 2-104.
  - ab. Use of force in P&P 5-300, except those involving use of force reporting and notifications to a supervisor.
  - ac. Bias and discrimination, including the City's ADH&R requirements in P&P 2-107, conduct requirements in P&P 5-102, and other anti-discrimination requirements such as P&P 7-3001.
  - ad. Failure to report potential misconduct or intervene, including requirements in P&P 2-101 and P&P 2-102.
- c. Non-Disciplinary Corrective Action

This section applies to cases that only contain a Level A policy allegation(s).

Category A is the lowest category on the discipline matrix which solely includes conduct that, while against policy, is isolated in nature and has or risks a minimal negative impact on public safety or on MPD's overall operations or professional image. Category A may include violations that are not willful, meaning unavoidable infractions, inadvertent infractions, or infractions where the member reasonably believed either that they were complying with policy or that they were acting in the best interest of the public and consistent with MPD's mission. These violations may include, for example, violations concerning improper attire or appearance or failure to properly inspect a vehicle. Category A shall not include policy violations that involve the use of force, untruthfulness or false statements of any material facts, unlawful stops, searches, or arrests, acts of bias, discrimination or retaliation as described in MPD policy, policy violations with respect to members of the public at First Amendment Events or violations of policy that are knowing or repeated.

i. Coaching

Cases that only contain a Level A policy allegation(s), according to the active MPD Discipline Matrix in effect at the incident date are eligible for coaching.

ii. Training

Cases that only contain a Level A policy allegation(s), according to the active MPD Discipline Matrix in effect at the incident date are eligible for training.

iii. Mediation

Cases that only contain a Level A policy allegation(s), according to the active MPD Discipline Matrix in effect at the incident date are eligible for training.

d. Dismissal

i. No Basis

Cases that all allegations are established as false by irrefutable evidence. If no clear evidence exists to show that the allegations are unsubstantiated the investigation will continue.

ii. Cleared by Exception

Cases can be dismissed as cleared by exception when the focus employee is no longer employed by MPD and the only allegations for that focus employee are Level A-B allegations.

If the case contains any of the following allegations, the case is ineligible to be dismissed as cleared by exception:

- aa. Unreasonable uses of force.
- ab. Discriminatory policing.
- ac. On-duty impairment or intoxication.
- ad. Pursuit or emergency driving conduct that results in injury.
- ae. Failure to report level 2 or 3 reportable uses of force.
- af. Untruthfulness.
- ag. Negligent or reckless handling of a firearm resulting in a discharge likely to cause bodily injury or death.
- ah. False arrest.
- ai. False search or planting evidence.
- aj. Unwarranted threats of harm.
- ak. Work-related sexual misconduct.
- al. Improper handling of money, narcotics, or evidence.
- am. Work-related sexual harassment, protected class harassment and related retaliation.
- an. Criminal conduct in the course of duty.

- ao. Policy violations with respect to members of the public at First Amendment Events.
- ap. Failure in duty to intervene or duty to report related to any above-listed allegation.

## **E. Investigation**

1. During this phase, a primary case investigator shall be assigned to the case to conduct a comprehensive investigation. Each investigative entity processing a complaint conducts its own independent investigation process. The investigation process consists of evidence gathering and review, creating the investigation checklist and witness matrix, interviewing involved parties, and drafting an investigative summary report. During the investigation process, the case investigator will review all previously collected evidence, gather additional evidence if needed, identify all involved parties (including witnesses) and conduct interviews, include all non-duplicative policy violation allegations including ones that are found during the investigation process, and lastly, draft the investigative summary report recapping the entire investigation process.
2. All investigations shall be completed within 180 calendar days of the receipt of complaint. Investigations will be assigned to a primary case investigator around day 30 of the complaint timeline, or after intake is completed, in the 180-day timeline.
3. Timeline extensions may be granted by the Deputy Chief of Internal Affairs or OPCR Director, or their designee, and will be documented properly in the case file. Examples of reasons for extensions may include, but are not limited to, the following:
  - a. The witness or focus member is on statutorily protected leave.
  - b. An unforeseen delay (with explanation).

## **F. Supervisory Review**

### **1. Timeline**

The entire supervisory review process shall take a maximum of 15 calendar days from the completion of the drafted investigative summary report.

### **2. Case routing**

After supervisory review, the case can be routed in the following ways:

#### **a. Further Investigation Needed**

The unit head may request the primary case investigator to conduct further investigation if the investigative summary report and case file are deficient. This returns the case back to the investigation process. The unit head must clearly explain to the primary case investigator in writing what further investigation is needed. This does not grant the case

a new 180 calendar day timeline and reverts the case back to the original 180 calendar day timeline. If further investigation is needed and will likely go past the original 180 calendar day timeline, a timeline extension request shall be requested by the investigator.

b. Refer to Review Panel

The unit head may determine that the investigative summary report and case file are sufficient, complete, and ready for review by the Review Panel. This advances the case to the Review Panel process.

c. Refer to Chief

For non-sworn members, the unit head may determine that the investigative summary report and case file are sufficient, complete and ready for review by the Chief.

### **G. Review Panel**

1. The Review Panel process aims to provide a fair and thorough examination of police misconduct complaints, involving both civilian oversight and internal police review to maintain public trust and integrity in law enforcement. OPCR is responsible for completion of the review panel steps, unless otherwise noted below.
2. These panel members review each administrative case in its entirety before convening to discuss the case and issue their recommendations. Every panelist must provide their own recommendation along with a short narrative describing their decision within 3 business days of the review panel session. Their work product and majority vote are memorialized in a review panel document and uploaded to the case file. The completed file is then sent to the Internal Affairs Commander and the MPD Chief for review.

### **H. Chief's Office**

1. Overview
  - a. The MPD Chief is the ultimate decision-maker regarding final decisions for complaint investigations. The MPD Chief shall consider the entire case file, the Review Panel recommendations, the focus member's complaint history, the MPD Discipline Matrix active at the incident date, and the mission and goal of the Department when making final decisions.
  - b. The Final Decision Process includes the Loudermill (pre-determination) hearing(s), MPD Chief's Decision, grievance, and arbitration process.
  - c. A case only becomes "final" when all steps in the Final Decision Process are completed.

- d. Cases that have discipline imposed by the MPD Chief and have been finalized will be posted publicly with redactions as necessary to comply with state law.
2. Remand for further investigation
    - a. The MPD Chief has 15 calendar days from the day the MPD Chief receives the Review Panel Recommendations and entire case file to remand the case for further investigation, if needed.
    - b. The MPD Chief shall explain the reasons for the remand in writing and inform the unit head via email.
    - c. The reasons shall be written clearly and with a full explanation of thought process so the unit head and case investigator understand what the purpose and scope of the additional investigation will be.
  3. Loudermill Hearing (if necessary)
    - a. After the case is received by the MPD Chief's Office and has a merit recommendation from the review panel, a Loudermill hearing will be scheduled.
    - b. The Loudermill hearing is meant to serve as a venue for the focus member or the focus member's federation representative to address the allegations of misconduct prior to any possible discipline being imposed.
  4. Final decision
    - a. If the MPD Chief does not remand the case for additional investigation, then within 30 calendar days of receiving the Review Panel Recommendations and the entire case file, the MPD Chief shall issue a final decision.
      - i. Final decisions include the final disposition of the case as well as the discipline that will be imposed on the focus employee in the cases that are deemed sustained by the MPD Chief.
      - ii. Final dispositions include the following:
        - aa. Sustained.

The investigation determines by a preponderance of the evidence that alleged misconduct occurred.
        - ab. Not sustained.

The investigation is unable to determine by a preponderance of the evidence whether the alleged Misconduct occurred.
        - ac. Unfounded.

The investigation determines by clear and convincing evidence that alleged conduct did not occur or did not involve the accused member.

ad. Exonerated.

The investigation determines by a preponderance of the evidence that alleged conduct occurred but did not violate policy.

- b. The MPD Chief shall issue a Chief's Memo that includes the findings decision for each allegation, a short summary of the incident and allegations, and the MPD Chief's reasons for the final decision.
- c. Chief's Memos will be issued for all cases where the MPD Chief imposes discipline or determines merit.
- d. For cases that the Chief determined no merit, an outcome letter will be issued.
- e. Expedited Dispositions will not have Chief's Memos since there is a settlement agreement generated between the Federation and the MPD Chief.

## **I. Grievance/Arbitration**

The Grievance process is dictated by the collective bargaining agreement (agreement) between the city and the Police Officers' Federation of Minneapolis (Federation).

## **J. Final Disposition**

- 1. After all steps and process are completed, the complaint has reached the status of final disposition.
- 2. If discipline is imposed, the basis for the MPD Chief of Police's decision is made public.
- 3. If discipline is not imposed, the decision is not made public according to applicable state laws.
- 4. If non-disciplinary corrective action is imposed, the decision is not made public according to applicable state laws.

## **II. Human Resources**

### **A. Overview**

Complaints that fall under the City's ADH&R policy generally investigated by the Human Resources Department and in coordination with Internal Affairs.



**B. Investigative Process**

1. The Human Resources Department investigative process will comply with procedures established by the Human Resources Department and the City’s ADH&R policy, which may not include the Review Panel or other Internal Affairs or OPCR processes listed above.
2. The complainant will be notified by Human Resources when their complaint is closed.

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