



Minneapolis Police Department Policy and Procedure Manual

Number:
5-100

Volume Five – Code of Conduct and Use of Force

Code of Conduct

5-104 Non-Discriminatory Policing

(06/27/01) (12/24/01) (12/01/08) (07/24/15) (11/17/15) (09/26/22) (xx/xx/24)

I. Purpose

- A. The reality or public perception of profiling based on a person's protected class, including racial profiling, alienates people from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people law enforcement is sworn to protect and serve.
- B. This anti-profiling policy is established in accordance with MN Statute section 626.8471 Subd. 4 to govern the conduct of peace officers engaged in stops of community members and other law enforcement actions.

II. Policy

It is the policy of the Minneapolis Police Department (MPD) to reaffirm our commitment to non-discriminatory policing and to reinforce procedures that assure the public the MPD is providing service and enforcing laws in a fair and equitable manner to all.

- A. Every member of the MPD shall perform their duties in a fair and objective manner.
- B. Discrimination on the basis of protected class status is prohibited.
- C. Members shall not use language or take actions to taunt or denigrate a person, including using racist or otherwise derogatory language (P&P 5-102).

III. Procedures/Regulations

A. Non-Discriminatory Policing

Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by members will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution and Article 1, Section 10 of the MN Constitution, and members 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.

Policing impartially, not racial profiling, is standard procedure for the MPD, meaning:

1. Except as provided below, members shall not consider a person's protected class status when taking, or refraining from taking, any law enforcement action. This includes when conducting pedestrian or vehicle stops, investigations, arrests, using covert social media investigative techniques, using force, and establishing either reasonable suspicion or probable cause.
 - a. Members may take into account the reported descriptors above of a specific suspect or suspects using credible, reliable, recent, locally-based information that links specific, suspected, unlawful or suspicious activity to a particular person or group of people, as part of an ongoing criminal investigation.
 - b. This information may be used in the same way members use specific information regarding height, weight, clothing, etc. about specific suspects.
2. Members of all ranks and titles shall not engage in or tacitly or explicitly approve of discriminatory policing.

Interactions are prohibited that demonstrate a discriminatory motive or impact as evidenced by a member's language or conduct, taking into account the totality of the circumstances.

B. Duty to Intervene

Employees shall intervene, when reasonable to do so, to prevent any discriminatory conduct by another employee (P&P 2-102).

C. Duty to Report

Regardless of tenure or rank, any member who observes another MPD member engaging with a person in a manner that they reasonably believe amounts to discriminatory policing, shall report that incident as soon as it is safe to do so, in accordance with P&P 2-101, and if they do not do so, may be subject to discipline as if they themselves engaged in the discriminatory conduct.

D. Retaliation Prohibited

Members shall not retaliate against a person who claims that an MPD member discriminated against that person or another person (P&P 2-104, P&P 2-105, P&P 2-106, and the Minnesota Human Rights Act).

E. Accountability

As with all policies, members shall be responsible for knowing and complying with the requirements of this policy, and members who violate this policy will be held accountable and may be subject to discipline.

F. Supervisor Responsibility

1. Supervisors shall ensure all members in their command are familiar with the content of this policy and are in compliance.
2. When reviewing members' reportable use of force and other enforcement related contacts (such as investigatory stops, vehicle stops, detentions, searches, citations, and arrests), supervisors must identify whether the members violated the non-discriminatory policing policy (P&P 1-406).
3. Supervisors will be held accountable for the completeness and accuracy of their reviews (P&P 1-406).

G. Report Violations to POST

1. Alleged violations of this policy shall be reported to POST in accordance with the reporting requirements in MN Statute section 626.8457.
2. Internal Affairs shall coordinate the required reporting to POST.

H. Training

Members shall receive training, at least annually, on the requirements of this policy, and that emphasizes that discriminatory policing in the form of either selective enforcement or non-enforcement of the law, including the selection of enforcement or non-enforcement practices based upon stereotypes or bias, is prohibited by the law and MPD policy.

I. Transparency

As part of the MPD's commitment to transparency and accountability, the MPD will publish in a conspicuous place on its publicly accessible webpage an analysis of aggregate data for the preceding month that includes at a minimum:

- The number of members who MPD found to have violated the non-discriminatory policing policy.
- The number of members who received coaching for violations of the non-discriminatory policing policy.
- The number of members who received formal discipline for violations of the non-discriminatory policing policy.
- Aggregate demographic information about the race or ethnicity, age, and gender of people subjected to treatment in violation of the non-discriminatory policing.

IV. Definitions

Discriminatory Policing: Discriminatory or bias-based policing, means taking law enforcement actions that demonstrate a discriminatory motive or impact as evidenced by the member's language or conduct, taking into account the totality of the circumstances.

Discrimination: Any act, attempted act, policy or practice, which results in the unequal treatment, separation or segregation of or which otherwise adversely affects any person, based on the person's protected class status.

Non-Discriminatory Policing: Impartial or non-discriminatory policing means making law enforcement decisions without consideration of a person's individual demographics (except in the limited instances described in this policy), treating people in a fair, impartial and equitable manner, and applying the law in an objective manner.

Protected Class Status: Protected classes and statuses include race, ethnicity, color, national origin, ancestry, immigration status, gender identity or expression, age, creed, religion, sexual orientation, marital status, parental status, disability (including pregnancy), genetic information, veteran's status, status with regard to public assistance, and any other protected class status under state, federal, and local laws.

Racial profiling: has the meaning given to it in MN Statute section 626.8471, Subd. 2. which states:

1. "Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of a person rather than either of the following:
 - a. The behavior of that person.
 - b. Information that leads law enforcement to a particular person who has been identified as being engaged in or having been engaged in criminal activity.
2. Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search.
3. 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.