

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

DATE ISSUED: xx xx, 2025	DATE EFFECTIVE: xx xx, 2025	NUMBER: SO25-0xx	PAGE: 1 of 38
TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 2-100 Internal Affairs Process <u>Misconduct Prevention, Reporting, and Investigation</u> 2-101 Duty to Report 2-102 Duty to Intervene <u>2-103 External and Internal Member Compliments</u> 2-104 MPD Complaint Reporting <u>2-105 2-103 Corrective Actions System Complaint, Coaching and Disciplinary System</u> <u>2-106 Complaint Investigations Process Overview</u> <u>2-107 2-105 Anti-Discrimination, Harassment and Retaliation</u> 2-106 Retaliation 2-107 Office of Police Conduct Review (OPCR) <u>2-108 Member Complaint and Disciplinary History</u> <u>2-109 2-108 Internal Affairs Response and Call-Out</u>			APPROVED BY:

MP-8806

Introduction:

Effective with the issuance of this Special Order, Section 2-100 of the MPD Policy and Procedure Manual shall be amended as follows:

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~~ employees have a moral, ethical, and in some cases legal duty to report actions or conduct by any ~~member-employee~~ that ~~would~~ 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. ~~Report violations~~ Affirmative Duty to Report Misconduct

1. ~~Employees~~ Members shall report any misconduct violation of rules, regulations, or laws that they observe or that comes to their attention to their supervisor or to Internal Affairs (or other entity as required) 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. Notify supervisor

~~If an employee is involved in a situation requiring notification, the involved employee shall make direct contact with their supervisor or an on-duty supervisor in their assigned precinct or division if their immediate supervisor is unavailable. Notification shall consist of personal telephone communication (no voicemail messages) or in-person contact.~~

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.

b. Employee notification to Internal Affairs

~~In situations not requiring immediate notification as stated above, employees shall notify Internal Affairs of the violation directly, at the start of the employee's next shift.~~

C. 4. 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. a-Firearm discharges

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

- a. i. All firearms discharges by MPD employees, whether on or off duty, shall require notification to Internal Affairs, 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 discharges listed in the exception below.
- ii. Firearms discharges in the following situations shall not require notification unless they result in injury to a person:
 - ~~During training, testing or legal recreation purposes.~~
 - ~~When discharging a firearm with the intention of dispatching an animal.~~
 - ~~Breaching rounds, specialty impact and chemical munitions discharges by SWAT during the course of duty.~~

2. Use of force or other injuries

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

- a. i. An employee A member is involved in a critical incident as defined by P&P 7-810.
- b. v. An employee A member is alleged to have used force resulting in substantial bodily harm or greater great or substantial bodily harm.
- 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. vii. A person suspect in the member's police custody is admitted to the hospital.
- f. vi. An employee's actions result in a person being hospitalized. 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]:

- iv. An employee is alleged to have engaged in bias-based policing (P&P 5-104).

- a. An MPD member engaged with a person in a manner reasonably believed to 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. ~~ii. An employee-A member~~ is arrested, whether the event occurs in Minneapolis or another jurisdiction.
- b. ~~iii. An employee-A member is alleged to have committed serious misconduct or believed to have committed a criminal offense or believed to be a suspect in a criminal offense.~~
[Serious misconduct replaced by specific violations]
- c. ~~xi. An employee-A member~~ is notified that an Order for Protection (OFP); Restraining Order (RA), or a Harassment Restraining Order (HRO-HA) has been filed against the ~~employee member~~.
 - aa. ~~The employee shall immediately notify Internal Affairs and provide a copy of the OFP, RA, or HA, and the date scheduled for hearing the allegations made in support of the request for the order.~~
 - ab. ~~The information is required for Department compliance with Federal Law 18 U.S.C. Sec. 922 (g)(8).~~

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.
- a. 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).
- b. ~~viii. An employee-A member~~ is alleged to have committed misconduct in a high-profile incident.
- c. Acts of retaliation by a member (P&P 2-105).

6. ~~b.~~ Other situations requiring immediate notification

The following situations require that Internal Affairs be immediately notified:

- a. ~~x. An employee-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. ix. An employee 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.~~

~~2. Notify supervisor~~

~~If an employee is involved in a situation requiring notification, the involved employee shall make direct contact with their supervisor or an on-duty supervisor in their assigned precinct or division if their immediate supervisor is unavailable. Notification shall consist of personal telephone communication (no voicemail messages) or in-person contact.~~

D. 3. Notifications by the Supervisor ~~Notify Internal Affairs~~

~~a. Supervisor who was notified~~

1. Notification to Internal Affairs

- ~~a. The notified supervisor is responsible for making the notification to Internal Affairs 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 to Internal Affairs 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.

~~b. Employee notification to Internal Affairs~~

~~In situations not requiring immediate notification as stated above, employees shall notify Internal Affairs of the violation directly, at the start of the employee's next shift.~~

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. ~~4. Violator~~ Focus member is assigned to ~~in~~ Internal Affairs

If the situation requiring notification includes a focus member who ~~If the violator is~~ part of Internal Affairs, the ~~employee reporting member~~ shall ~~make the notifications report the violation~~ to the ~~member's Bureau head~~ instead of Internal Affairs Chief or the Chief's designee. 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. ~~5. Violator~~ Focus member is the Chief

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

B. Misconduct at the scene of an incident

1. Non force related misconduct at the scene

All employees, regardless of rank or tenure, must immediately, or as soon as reasonably possible (but prior to leaving the scene), report any misconduct at the scene of an incident to their supervisor or the supervisor at the scene, as well as to Internal Affairs.

2. Force related misconduct at the scene

Regardless of tenure or rank, any employee who observes another employee use any prohibited use of force, or inappropriate or unreasonable force (including applying force when it is no longer required), has an affirmative duty to immediately report the incident while still on scene to an on scene supervisor and by phone or radio to their Inspector or Commander or to their Inspector or Commander's superiors. The employee must also notify Internal Affairs.

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.

2-102 Duty to Intervene (01/17/22) (09/26/22) (xx/xx/25)

I. Purpose

MPD ~~employees~~ members have a moral, ethical, and in some cases legal duty to intervene to prevent another ~~employee~~ member from conduct that would unnecessarily harm others or would 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. Intervention

In addition to the requirements set forth in the Duty to Intervene section in the P&P 5-301 Use of Force policy:

1. ~~Employees~~ Members shall intervene when they are witness to and have a reasonable opportunity to prevent or mitigate harm caused by policy or legal violations.
 - a. This duty applies, regardless of rank, to any ~~employee~~ member working in their capacity as an MPD sworn member ~~police officer~~ or civilian (non-sworn) staff member.

- b. ~~Employees~~ Members should intervene in a manner that protects the safety of the community, their colleagues, and themselves to the greatest extent possible.
2. ~~Employees~~ Members are also encouraged to intervene to assist colleagues in addressing health and wellness concerns, even where those concerns are not currently resulting in policy or legal violations.

B. Failure to Intervene

The MPD will investigate all apparent instances of a failure to intervene when mandatory, whether discovered during the course of any use of force review, misconduct investigation, a community oversight review, or by any other means.

C. Reporting

This policy does not alter the reporting requirements for violations in P&P 5-100, P&P 2-100 and any other policy that requires ~~employees~~ members to report misconduct. The requirements to intervene are in addition to requirements to report.

5. If a member successfully intervenes to prevent misconduct from occurring or prevent a situation from escalating to the point of misconduct, the member is not required to report the intervention under the Duty to Report policy P&P 2-101.
6. If a member attempts to use intervention techniques with another member, but the other member is not receptive to the invention and misconduct occurs, the member shall report the misconduct under the Duty to Report policy P&P 2-101.
7. If a member successfully intervenes to stop ongoing or continuing misconduct, the member shall report the misconduct under the Duty to Report policy P&P 2-101.

2-103 External and Internal Member Compliments (xx/xx/25)

I. Purpose

Engaging in a culture of positive reinforcement is essential for fostering a stronger and healthier police force.

- A. Positive reinforcement generally leads to more significant and long-lasting behavior change compared to negative reinforcement by focusing on encouraging desired behavior.**
- B. Positive reinforcement improves officer morale, enhances recruitment efforts, increases the retention of experienced officers, promotes officer wellbeing, builds and nurtures trust within the Department, and effectively increases desired behavior change outcomes.**

II. Policy

- A. Internal Affairs shall be responsible for ensuring that external and internal compliments are routed to the complimented member's supervisory chain of command.**

- B.** Internal Affairs shall receive and monitor external compliments involving members and refer compliments to the member and the member's supervisor.
1. If the external compliment includes information that would prompt an award recommendation under MPD P&P 2-300, Internal Affairs shall initiate an award recommendation for the complimented member.
 2. A member's supervisor that receives an external compliment regarding the member shall include the compliment in supervisory feedback to the member and during the member's performance evaluation described under MPD P&P 2-200.
- C.** Supervisors that receive external compliments directly shall forward them to Internal Affairs.
- D.** In the regular course of duties, Internal Affairs shall submit internal compliments as deemed appropriate to the member and the member's supervisor.
1. If an internal compliment would rise to the level of an award recommendation under MPD P&P Chapter 2-300, Internal Affairs shall initiate an award recommendation for the complimented member.
 2. A member's supervisor that receives an internal compliment regarding the member shall include the compliment in supervisory feedback to the member and during the member's performance evaluation described under MPD P&P Chapter 2-200.
- E.** Supervisors that receive internal compliments directly shall forward them to Internal Affairs.
- F.** Members in MPD units outside of Internal Affairs who wish to submit an internal compliment may do so by sending the internal compliment to Internal Affairs. Internal Affairs shall review the submission and route the compliment as described in this policy.
- G.** In the regular course of duties, the Office of Police Conduct Review may also submit internal compliments to Internal Affairs. Internal Affairs shall review the submission and route the compliment as described in this policy.

III. Definitions

External Compliment: A compliment made by members of the public on a positive experience with a member.

Internal Compliment: A compliment made by Internal Affairs, the Office of Police Conduct Review, or other MPD members or departments on a member's work, handling of a call or incident, or leadership.

Complimented Member: The complimented member is the member who the compliment is regarding.

2-104

MPD Complaint Reporting

(09/26/22) (01/30/23) (xx/xx/25)

Revisions to prior policies: (01/07/02) (01/15/08) (09/19/08) (11/08/13)

I. Purpose

This policy describes complaint policies and procedures specific to the MPD.

II. Policy

A. Minneapolis Police Misconduct Investigations Complaint Process Manual

1. The Minneapolis Police Misconduct Investigations Complaint Process Manual outlines procedures for receiving complaints made against an employee member or the Department, and for how complaints are processed. The Minneapolis Police Misconduct Investigations Complaint Process Manual is available to all MPD employees members on the MPD internal site, ~~and on the OPCR's public site under Complaint Review Process.~~
2. Complaints shall be processed according to procedures outlined in the Minneapolis Police Misconduct Investigations Complaint Process Manual.

B. Chief may Determine Investigation

1. The Chief of Police may require that a complaint be investigated by Internal Affairs or other command staff that the Chief deems appropriate, except complaints about the Chief.
 - a. Internal complaints regarding the conduct of the Commander of Internal Affairs, a Deputy Chief, or Assistant Chief shall be referred initially to the MPD Chief.
 - i. Within 30 calendar days of complaint receipt, the Chief shall assess and review a complaint, assign potentially implicated policies, and determine whether the matter should be designated for dismissal or non-disciplinary corrective action, set for expedited disposition, or assigned for preliminary or administrative investigation.
 - ii. If designated for investigation, the MPD shall specially assign an investigator of appropriate rank, refer the matter for investigation by the City Attorney's Office, or retain an external investigator to avoid conflicts of interest. All relevant policies relating to investigations, timelines, and document preparation and retention, shall apply to the handling of these complaints, with access to investigation documents limited as required to ensure confidentiality from the subject of the investigation.
2. Complaints about the Chief shall be referred to the Office of Community Safety (OCS) Mayor's Office, who will determine which entity shall investigate the complaint.
 - a. Complaints regarding the conduct of the Chief of Police shall be closed by the investigative entity and referred to the OCS. All relevant policies relating to investigations, timelines, and document preparation and retention, shall apply to the handling of these complaints, with access to investigation documents limited as required to ensure confidentiality from the subject of the investigation.

C. ~~Signed Complaints~~

An officer's formal statement may not be taken unless there is filed with the employing or investigating agency a written complaint signed by the complainant stating the complainant's knowledge, and the officer has been given a summary of the allegations.

1. ~~Complaints stating the signer's knowledge also may be filed by employees of the law enforcement agency.~~

2. ~~Before an administrative hearing is begun, the officer must be given a copy of the signed complaint.~~

C. D. External-Complaint Reporting

1. ~~2-MPD employees members shall never attempt to dissuade any person citizen from lodging a complaint, and [Moved from below]~~

2. ~~MPD members shall not retaliate against any person citizen for filing a complaint or participating in a complaint investigation (P&P 2-105). [Moved from below]~~

3. ~~1-Internal Affairs shall accept any and all citizen complaints of misconduct against any employee-member of the MPD, regardless of the manner in which the complaint is received (anonymous complaints, complaints via email, complaints reported by a third party, etc.). Internal Affairs shall refer complaints to the appropriate investigative agency (such as OPCR or Human Resources) as required by the Minneapolis Police Misconduct Investigations Manual.~~

4. ~~a-Any person (internal or external) not employed by the MPD may make a complaint alleging employee-member misconduct by letter, email, phone, or online or in person to any employee-member in any area of the MPD (including Internal Affairs), OPCR, or Human Resources.~~

a. ~~b-If asked, all employees members shall provide an external person-citizens with a Police Conduct Complaint Form without question.~~

i. ~~i-The complaint forms are physically available at the precincts, at Internal Affairs Room 112 City Hall and at the Office of Police Conduct Review (OPCR), Room 239 City Hall.~~

ii. ~~ii-The complaint form is also available online at:
<https://www.minneapolismn.gov/report-an-issue/police-officer-complaint/>~~

b. ~~e-If it is not feasible to provide the form to the person-citizen, the MPD employee member shall provide the internet website address where the complaint form may be located online.~~

2. ~~MPD employees shall never attempt to dissuade a citizen from lodging a complaint and shall not retaliate against any citizen for filing a complaint or participating in a complaint investigation. [Moved to 1 and 2]~~

4. ~~Members making an internal complaint about another member can use the internal complaint portal to file a complaint with Internal Affairs. Filing an internal complaint~~

does not relieve an employee of their duties to report under P&P 2-101. Members must follow the procedures in P&P 2-101 regardless of whether they file a complaint.

~~5. 3-~~ At no time shall any employee member, including supervisors, handle a complaint about themselves. If someone wants to initiate a complaint about the employee member to whom they are speaking, the complainant shall be immediately referred to the employee's member's supervisor.

~~5. All citizen complaints of misconduct by an MPD employee shall cause an investigation into the misconduct alleged.~~

~~a. The investigation shall continue to its logical conclusion, unless upon initial review by Internal Affairs there is undisputed evidence that the alleged complaint is unfounded and there is no indication of other misconduct in the incident that is unrelated to the original allegation. All cases that are dismissed after initial review shall be documented and filed for future reference.~~

~~b. At no time shall a citizen complaint of misconduct received by Internal Affairs result in an inquiry and not an investigation, unless an exception is made for cause by the Chief of Police.~~

E. Internal Complaint Reporting

~~1. An MPD employee who initiates a complaint of alleged misconduct regarding another MPD employee, per P&P 2-101, should refer to the Complaint Process Manual for appropriate procedures.~~

~~2. If the accused employee is the Internal Affairs supervisor, an Internal Affairs investigator, or MPD administrative command staff, the Chief of Police or the Chief's designee shall determine how the complaint is investigated.~~

~~3. Complaints about the Chief shall be referred to the Mayor's Office, who will determine which entity shall investigate the complaint.~~

D. F. Employees Members as Criminal Suspects

1. If any MPD member is alleged to be a suspect in a police call for service or a criminal case or becomes aware that another member is alleged to be a suspect in a criminal case, they shall immediately make notification to their supervisor as required in P&P 2-101.

2. Following supervisor notification to Internal Affairs, the Commander of Internal Affairs or their designee shall immediately notify the Chief of Police of the allegation.

3. The Commander of Internal Affairs shall determine if an immediate physical response by Internal Affairs is required. Regardless of any immediate physical response, the Commander will ensure an investigation is immediately started.

4. Internal Affairs shall make a preliminary determination about whether the allegations affect the member's ability to complete their job duties in their current assignment or any other assignments as necessary.

5. The Commander of Internal Affairs shall ensure the Chief of Police is updated immediately if it is determined the member's conduct will affect their ability to complete their job duties.
6. ~~4.~~ If any MPD employee-member is a suspect in a criminal case or the development of a case leads to an MPD employee-member being a suspect within the jurisdiction of the MPD, Internal Affairs will investigate the criminal case unless another entity is designated by the Deputy Chief-Commander of Internal Affairs or the Chief of Police. MPD's Internal Affairs will also investigate all potential policy and procedure violations relative to the criminal case.
2. ~~If the criminal case is outside the jurisdiction of the MPD, Internal Affairs will monitor the criminal case and handle the administrative case, unless the Chief of Police designates otherwise.~~
7. Officer-involved shootings will be handled in accordance with P&P 7-810 and the applicable labor agreement.

G. Garrity Decisions in Complaint Investigations

[Moved to 2-105]

1. ~~MPD employees are required to give a statement when ordered to do so regarding matters pertaining to the scope of their employment and their fitness for duty.~~
 - a. ~~These statements or the fruits thereof, compelled as a condition of employment, cannot be then used in any criminal proceedings against the employee, except in cases of alleged perjury by the employee giving the statement (Garrity vs. New Jersey, 1967, U.S. Supreme Court).~~
 - b. ~~All employees shall answer all questions truthfully, and fully render material and relevant statements to a competent authority in an MPD investigation when compelled by a representative of the Employer, consistent with the constitutional rights of the individuals.~~
2. ~~All statements of involved police employees shall be signed and sworn. Any employee found to have intentionally given a false statement shall be subject to MPD disciplinary procedures, up to and including dismissal.~~
3. ~~Criminal violations shall be referred to the appropriate prosecuting authority for review, in accordance with section [F] of this policy. The administrative case involving alleged policy and procedure violations may proceed independent of the criminal case.~~

E. C-ADH&R Complaint Reporting

[Moved from 2-105]

1. The Human Resources Department is the first contact for all discrimination, harassment, and retaliation complaints that fall under the City's Anti-Discrimination, Harassment, & Retaliation Policy ("ADH&R Policy").

2. Supervisors who become aware of a potential ADH&R Policy violation ~~discrimination, harassment, or retaliation, or who receive a complaint of discrimination, harassment, or retaliation~~ shall take immediate action.
 - a. In all cases supervisors shall document the information on the alleged incident and forward it to Human Resources, with a copy to Internal Affairs.
 - b. All documentation shall include, but not be limited to: the complaint activity, time, place, persons involved, witnesses, and supervisor's response.
3. Managers, supervisors and all ~~employees~~ members shall immediately refer any ~~threats, complaints of a criminal nature, or other attempts at retaliation for reporting discrimination or harassment, including threats, complaints of a criminal nature, or other actions,~~ to Human Resources and Internal Affairs.
 - a. Human Resources can be notified by email at HRInvestigativeUnit@minneapolismn.gov.
 - b. ~~a-~~ If the Human Resources Business Partner ~~supervisor~~ or the ~~an~~ Internal Affairs Commander ~~investigator~~ is not available, the Watch Commander shall be notified.
 - c. ~~b-~~ 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 shall forward the documentation to Human Resources and Internal Affairs prior to the end of their shift.

C. Correspondence to Be Kept Confidential

[Moved from 2-105]

4. All correspondence on discrimination, harassment, and retaliation complaints is to be kept confidential with only the involved parties and those determined to have a need to know being notified.

H. Internal Affairs Records and Other Complaint Data

1. ~~All complaint records, case files, and hearing records shall be maintained according to the Complaint Process Manual and the MN Government Data Practices Act (MGDPA).~~
2. The Minnesota Government Data Practices Act (MGDPA) governs the information concerning investigations of alleged misconduct by MPD employees.

[Moved to 2-105]

- a. ~~The specifics of an investigation are not public data and shall not be disclosed, except when authorized and required under the MGDPA or a court order.~~
- b. ~~Information regarding disciplinary action, including the basis or nature of discipline, is not public unless and until it reaches final disposition, and the information shall not be disclosed except when authorized and required under the MGDPA or a court order.~~

~~e. A Final disposition occurs when all the appeal processes afforded an employee have been concluded. This includes a Grievance Procedure, Binding Arbitration, and a Civil Service Commission Hearing Process.~~

~~3. All requests or inquiries for data shall be handled by Records Information and Internal Affairs.~~

III. Definitions

External Complaint: Complaints initiated by members of the public regarding allegations of MPD P&P violations by MPD sworn members.

Internal Complaint: Complaints initiated by MPD members or City of Minneapolis employees regarding allegations of MPD P&P violations by MPD sworn members.

2-105 **2-103 Corrective Actions System-Complaint, Coaching and Disciplinary 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.

~~2-107 Office of Police Conduct Review (OPCR)~~

~~(12/14/07) (01/15/08) (05/03/13) (09/13/18) (09/26/22)~~

I. Purpose

To establish policy regarding responding to requests from the Office of Police Conduct Review (OPCR).

H. Policy

~~OPCR Investigative Authority: Minneapolis Code of Ordinances, Title 9, Chapter 172, Sections 172.10 and 172.20 provides OPCR authority to investigate complaints of misconduct on the part of officers of the Minneapolis Police Department and make recommendations regarding the merits of such complaints to the chief of police.~~

III. Procedures / Rules / Regulations

~~A. In accordance with the Minneapolis Code of Ordinances, Title 9, Chapter 172 Section 172.90, Office of Police Conduct Review staff shall have full, free and unrestricted access, to the extent authorized by law, to the records of the Minneapolis Police Department in order to conduct investigations of police misconduct₂; facilitate research and study projects for the Police Conduct Oversight Commission₂; and conduct special reviews and programmatic reviews at the request of the mayor, city council, internal auditor, city departments, or boards and commissions.~~

~~B. The failure by any official or employee of the Minneapolis Police Department to comply with such lawful requests for information, participation, or access shall be deemed an act of misconduct.~~

~~C. Sworn employees receiving notice from OPCR to arrange for an interview or mandatory mediation shall comply with such requests in a timely and professional manner. (See P&P 3-709 Overtime Policy for OPCR.)~~

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. ~~G. Garrity Decisions~~ Compelled Statements in Complaint Investigations

[Moved from 2-104]

1. MPD members may make voluntary statements, including making complaints.
2. MPD members employees 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 and their fitness for duty.
 - 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-employee~~, except in cases of alleged perjury by the ~~member-employee~~ giving the statement (~~Garrity vs. New Jersey, 1967, U.S. Supreme Court~~).

- b. All ~~members~~ ~~employees~~ shall answer all questions truthfully, and fully render material ~~and 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~~ ~~constitutional~~ rights of the ~~members~~ ~~individuals~~.
3. ~~2-~~ All statements of involved ~~MPD members~~ ~~police employees~~ shall be signed and sworn. Any ~~member~~ ~~employee~~ found to have intentionally given a false statement ~~may shall~~ be subject to MPD disciplinary procedures, up to and including ~~discharge~~ ~~dismissal~~.
4. ~~3-~~ ~~Criminal~~ ~~Potential~~ ~~criminal~~ violations shall be referred to the appropriate prosecuting authority for review, in accordance with ~~P&P 2-104~~ ~~section [F]~~ of this ~~policy~~. 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

~~2-106~~ Retaliation

(09/26/22)

Revisions to prior policies: (01/17/22)

~~The MPD will not tolerate retaliation against an employee for exercising their duty to report, intervene or cooperate in an investigation.~~

1. A. ~~Scope~~

~~1. P&P 2-105 covers retaliation specifically related to the City's ADH&R policy.~~

- a. ~~2-~~ Retaliation under this policy means: The imposition of adverse job consequences on an ~~employee~~ ~~individual~~ 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. ~~3-~~ 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~~ ~~employees~~ are free from harassment and retaliation of any kind.

2. B. ~~Retaliation p~~Prohibited

- a. ~~1-~~ ~~Employees~~ ~~Members~~ who engage in a good faith act of intervention to promote employee health or wellness shall not be subject to retaliation.
- b. ~~2-~~ ~~Employees~~ ~~Members~~ who engage in a good faith act of reporting violations shall not be subject to retaliation.

- c. ~~3.~~ Acts of retaliation are forms of serious misconduct and will result in investigation and may result in disciplinary action, up to and including discharge-termination.

3. C. Reporting ~~r~~Retaliation

- a. Managers, supervisors and all other members-employees 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. ~~1.~~ If an Internal Affairs investigator is not available, the Watch Commander shall be notified.
- c. ~~2.~~ 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

~~2.~~ The Minnesota Government Data Practices Act (MGDPA) governs the information concerning investigations of alleged misconduct by MPD members-employees.

[Moved from 2-104]

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 (such as the Assistant Chief).
- 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.

A. Investigation

1. ~~Sworn Employees~~

~~Complaints of misconduct and allegations of violations of the Policy and Procedure Manual by sworn employees are generally investigated by the Office of Police Conduct Review and by Internal Affairs (based on the nature of the complaint or allegation), in accordance with Minneapolis Ordinance Chapter 172.~~

2. ~~Civilian Employees~~

~~Complaints of misconduct and allegations of violations of the Policy and Procedure Manual by civilian employees are generally investigated by Internal Affairs.~~

3. ~~Both Sworn and Civilian Employees~~

~~Complaints of workplace harassment, discrimination or retaliation are generally investigated by Human Resources and Internal Affairs.~~

B. Minor or lower level allegations

~~Allegations which only describe minor or lower level infractions by sworn employees may be referred directly by the Director of the Office of Police Conduct Review and the Internal Affairs Commander to the employee's supervisor for coaching or may be referred to a program of mandatory mediation instituted by the Office of Police Conduct Review. Such complaints may also be referred for formal investigation.~~

C. Discipline

[Moved to [F] above]

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 (such as the Assistant Chief).

D. Coaching

1. Coaching is an interactive process between an employee and their supervisor. It should be used as a non-disciplinary management tool to assist an employee to identify and use proper workplace processes and procedures to improve the employee's performance and to achieve the goals of the MPD and the City.

a. Coaching is part of everyday work efforts.

b. When coaching is needed to address work quality or quantity standards, the supervisor will schedule a private conversation between the supervisor and employee about performance expectations.

i. The supervisor and the employee may develop a performance improvement plan, following the guidelines and procedures developed by the Human Resources Department.

ii. The supervisor may schedule follow-up meetings as needed.

2. Coaching may be referenced in performance reviews. Coaching is not discipline.

3. Coaching can occur in addition to discipline imposed by the Chief.

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.

2-107

~~2-105~~ Anti-Discrimination, Harassment, and Retaliation

(01/07/02) (01/15/08) (09/19/08) (01/17/22) (09/26/22) (~~xx/xx/25~~)

I. Purpose

The City of Minneapolis and the MPD are committed to providing ~~employees~~ members a work environment free from discrimination, sexual and other forms of harassment, and retaliation.

II. ~~III.~~ Policy

- A. Discrimination, Harassment, and retaliation in the workplace are unacceptable and will not be condoned or tolerated. Every ~~employee~~ member has a responsibility to comply with the City of Minneapolis' Anti-Discrimination, Harassment and Retaliation Policy ("ADH&R Policy").
- B. In addition to violating the City's and MPD's policies, discrimination, harassment, and retaliation may be a violation of Federal and State laws as well as the Minneapolis Civil Rights ordinance, and may expose not only the City, but also ~~members~~ individuals, to significant liability under the law.
- C. Acts of discrimination, harassment, and retaliation are forms of serious misconduct and will result in investigation and may result in disciplinary action, up to and including discharge ~~termination~~.
- D. Supervisors are held to a higher standard of conduct and shall be subject to a higher level of discipline for engaging in any form of discrimination, harassment, or retaliation, or for failing to enforce the Anti-Discrimination, Harassment and Retaliation Policy ("ADH&R Policy").
- E. It is the policy of the City of Minneapolis to encourage ~~employees~~ members who feel they have been subjected to discrimination, harassment, or retaliation, or who have knowledge of, or believe that discrimination, harassment, or retaliation has occurred, or is occurring within City government, to report these concerns to the Human Resources Department.

~~III.~~ Procedures/Regulations

~~A.~~ Investigative Authority

- ~~1. 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.~~
- ~~2. MPD Internal Affairs may investigate the complaint involving MPD employees as requested by, in conjunction with, or separately from the City's Human Resource Department.~~

- ~~3. 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.~~
- ~~4. Other employees may assist Human Resources as requested by Human Resources or as determined by the Chief of Police.~~

~~B. Investigative Process~~

- ~~1. Each investigative body has the responsibility for documenting their own investigative process.~~
- ~~2. The Human Resources investigative process will comply with procedures established by the Human Resources Department and the City's ADH&R policy.~~
- ~~3. The complainant and subject of the investigation will be informed of the status by either Human Resources or the Minneapolis Police Department.~~

~~C. Complaint Reporting~~

- ~~1. The Human Resources Department is the first contact for all discrimination, harassment, and retaliation complaints.~~
- ~~2. Supervisors who become aware of discrimination, harassment, or retaliation, or who receive a complaint of discrimination, harassment, or retaliation shall take immediate action.~~
 - ~~c. In all cases supervisors shall document the information on the alleged incident and forward it to Human Resources, with a copy to Internal Affairs.~~
 - ~~d. All documentation shall include, but not be limited to: the complaint activity, time, place, persons involved, witnesses, and supervisor's response.~~
- ~~3. Managers, supervisors and all employees shall immediately refer any threats, complaints of a criminal nature, or other attempts at retaliation for reporting discrimination or harassment to Human Resources and Internal Affairs.~~
 - ~~a. If the Human Resources supervisor or an Internal Affairs investigator is not available, the Watch Commander shall be notified.~~
 - ~~b. 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 shall forward the documentation to Human Resources and Internal Affairs prior to the end of their shift.~~

~~D. Correspondence to Be Kept Confidential~~

~~All correspondence on discrimination, harassment, and retaliation complaints is to be kept confidential with only the involved parties and those determined to have a need to know being notified.~~

III. H-Definitions

Discrimination: Conduct that interferes with or alters the terms or conditions of a person's employment based on the ~~employee's~~ member's protected class status, unless otherwise permitted or required by applicable law.

Harassment: Any unwelcome communication or other activity that occurs based upon a person's ~~an individual's~~ protected class status which unreasonably interferes with the person's ability to perform their job or creates a hostile, threatening, or intimidating work environment.

Protected class status: A person's ~~An individual's~~ 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.

Retaliation: The imposition of adverse job consequences on a member ~~an individual~~ because the ~~employee~~ member initiated or participated in an investigation of a bona fide discrimination, harassment, or retaliation complaint.

Note: This definition covers ADH&R-related retaliation. P&P-~~2-106~~ 2-105 covers retaliation that falls outside the scope of the City's ADH&R policy.

Sexual harassment: Any unwelcome sexual advances, request for sexual favors, or other verbal or physical acts of a sexual nature when one of the following apply:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's ~~an individual's~~ employment;
- Submission to or rejection of such conduct by a person ~~an individual~~ is used as basis for employment decisions affecting such person ~~individual~~; ~~or~~
- Such conduct has the purpose or effect of unreasonably interfering with a person's ~~an individual's~~ work performance or creating an intimidating, hostile or offensive work environment.

Note: MPD policy includes in its definition of sexual harassment conduct directed at a person ~~an individual~~ because of gender even though no behavior of a sexual nature occurred.

2-106 Retaliation

(09/26/22)

Revisions to prior policies: (01/17/22)

[Moved to 2-105]

The MPD will not tolerate retaliation against an employee for exercising their duty to report, intervene or cooperate in an investigation.

A. Scope

- ~~1. P&P 2-105 covers retaliation specifically related to the City's ADH&R policy.~~
- ~~2. Retaliation under this policy means: The imposition of adverse job consequences on an individual 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.~~
- ~~3. Good faith interventions and reporting are considered a protected activity. This commitment is part of MPD's commitment to providing a culture in which employees are free from harassment and retaliation of any kind.~~

B. Retaliation Prohibited

- ~~1. Employees who engage in a good faith act of intervention to promote employee health or wellness shall not be subject to retaliation.~~
- ~~2. Employees who engage in a good faith act of reporting violations shall not be subject to retaliation.~~
- ~~3. Acts of retaliation are forms of serious misconduct and will result in investigation and may result in disciplinary action, up to and including termination.~~

C. Reporting Retaliation

~~Managers, supervisors and all employees shall immediately refer any threats, complaints of a criminal nature, or other attempts at retaliation to Internal Affairs.~~

- ~~1. If an Internal Affairs investigator is not available, the Watch Commander shall be notified.~~
- ~~2. 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.~~

2-107 Office of Police Conduct Review (OPCR)

~~(12/14/07) (01/15/08) (05/03/13) (09/13/18) (09/26/22)~~

[Replaced by 2-105]

I. Purpose

~~To establish policy regarding responding to requests from the Office of Police Conduct Review (OPCR).~~

H. Policy

~~OPCR Investigative Authority: Minneapolis Code of Ordinances, Title 9, Chapter 172, Sections 172.10 and 172.20 provides OPCR authority to investigate complaints of misconduct on the part of officers of the Minneapolis Police Department and make recommendations regarding the merits of such complaints to the chief of police.~~

III. Procedures / Rules / Regulations

- ~~A. In accordance with the Minneapolis Code of Ordinances, Title 9, Chapter 172 Section 172.90, Office of Police Conduct Review staff shall have full, free and unrestricted access, to the extent authorized by law, to the records of the Minneapolis Police Department in order to conduct investigations of police misconduct; facilitate research and study projects for the Police Conduct Oversight Commission; and conduct special reviews and programmatic reviews at the request of the mayor, city council, internal auditor, city departments, or boards and commissions.~~
- ~~B. The failure by any official or employee of the Minneapolis Police Department to comply with such lawful requests for information, participation, or access shall be deemed an act of misconduct.~~
- ~~C. Sworn employees receiving notice from OPCR to arrange for an interview or mandatory mediation shall comply with such requests in a timely and professional manner. (See P&P 3-709 Overtime Policy for OPCR.)~~

2-108 Member Complaint and Disciplinary History

(xx/xx/25)

I. Purpose

Complaint and discipline history is utilized in a variety of ways including for non-disciplinary corrective action routing, aggravating factors for discipline decisions, consideration for promotion or transfer, consideration for award, Brady requests, and public transparency.

II. Policy/Procedures

A. The routing and conclusion of the case determines what information is available to share on the various member complaint history cards and dashboards.

1. The following routings **shall not** be on the Employee Disciplinary Record, the Police Discipline Decision Dashboard, or the Officer Complaint History Dashboard:
 - a. No Jurisdiction according to P&P 2-106.
 - b. Failure to State a Claim according to P&P 2-106.
 - c. Duplicate according to P&P 2-106.
2. The following routing and dispositions shall be on the internal-facing non-public Employee Disciplinary Record:
 - a. No Basis according to P&P 2-106.
 - b. Unfounded according to P&P 2-106.

- c. Cleared by Exception according to P&P 2-106.
 - d. Sustained according to P&P 2-106.
 - e. Not Sustained according to P&P 2-106.
 - f. Exonerated according to P&P 2-106.
 - g. Non-disciplinary corrective action according to P&P 2-106.
3. The following disposition shall be on the Police Discipline Decision Dashboard:
- a. Sustained according to P&P 2-106.
 - i. This does not include cases that are sustained with non-disciplinary corrective action imposed.
4. The following disposition shall be on the Officer Complaint History Dashboard:
- a. Open.
 - i. This disposition includes any open cases that have not received the final closure status. Cases could be anywhere in the process from intake all the way to grievance.
 - b. Closed- No Discipline.
 - i. This disposition includes the following routings:
 - aa. No Basis Dismissal according to P&P 2-106.
 - ab. Cleared by Exception Dismissal according to P&P 2-106.
 - ac. Not Sustained according to P&P 2-106.
 - ad. Unfounded according to P&P 2-106.
 - c. Exonerated according to P&P 2-106.
 - d. Closed- Final Discipline.
 - i. This disposition includes the following routings:
 - aa. Sustained according to P&P 2-106.

B. All public facing reported shall follow the Minnesota Government Data Practices Act.

III. Definitions

Employee Disciplinary Record: The Employee Disciplinary Record is a record of information concerning complaints against members. The Employee Disciplinary Record is internal-facing as it contains non-public information.

Police Discipline Decision Dashboard: The Police Discipline Decision Dashboard is a public-facing dashboard that contains cases in which the Chief imposed discipline after the conclusion of the investigation. This dashboard only contains discipline imposed for sworn members that have reached their final disposition status. The dashboard complies with the Minnesota Government Data Practices Act.

Officer Complaint History Dashboard: The Officer Complaint History Dashboard is a public-facing dashboard that contains a history of complaints made against a sworn member and the current case status, subject to the Minnesota Government Data Practices Act.

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~~2-108~~ Internal Affairs Response and Call-Out

(12/21/04) (08/17/05) (07/11/07) (01/15/08) (12/30/10) (04/05/16) (06/14/16) (09/26/22)
(xx/xx/25)

A. Supervisor Duties at the Scene

1. The on-duty supervisor who was notified of a violation (P&P 2-101) shall gather all pertinent facts relevant to the allegation(s) and contact the Internal Affairs Commander, or the Commander's designee, through MECC.
2. The on-duty supervisor shall notify the Watch Commander of the incident.
3. If Internal Affairs determines an immediate response is necessary, the on-duty supervisor shall coordinate with Internal Affairs to protect any evidence until an Internal Affairs investigator arrives.
4. If Internal Affairs determines a delayed response is warranted, the on-duty supervisor shall fully document the details of the incident including the supervisor's actions to manage the incident.
5. All documentation shall be forwarded to Internal Affairs via e-mail, as an attachment. The subject of the email should be labeled "Investigative Data". The following language should be noted in the body of the email:

“Non-public and /or Privileged and/or Confidential and/or Private Information:

This electronic message may contain investigative data which is non-public pursuant to Minnesota Statutes section 13.82 subdivision 7, or personnel data which is non-public pursuant to Minnesota Statutes section 13.43 subdivision 4. If you are not the intended recipient of this e-mail: (1) do not read the content of the message; (2) immediately notify the sender that you incorrectly received the message; and (3) do not disseminate, distribute, or copy this e-mail.”

B. Internal Affairs

1. The Commander of Internal Affairs shall assess the situation and determine whether an Internal Affairs call-out is warranted.
2. If a call-out is initiated, ~~the Commander of Internal Affairs shall~~ respond immediately ~~determine whether the response will be immediate or delayed.~~

3. Once Internal Affairs personnel arrive at the scene of any call-out response, Internal Affairs shall be in charge of the event as it relates to the Internal Affairs investigation. All MPD ~~employees~~ members shall fully cooperate with Internal Affairs staff.

DRAFT