



Minneapolis Police Department Policy and Procedure Manual

Number:
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Volume Two – Personnel Administration

Misconduct Prevention, Reporting, and Investigation

2-101 Duty to Report

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I. Purpose

Every Minneapolis Police Department (MPD) member has moral, ethical, and legal duties to report actions or conduct by any member that violates or may violate law or policy. This policy seeks to inform members of their duties to intervene and report, and outlines the complaint reporting process, misconduct investigation process, and misconduct-related investigations. When any member exceeds their authority, it reflects on every member, and it is the Department's collective responsibility to hold one another accountable.

II. Policy

A. Affirmative Duty to Intervene

MPD members have moral, ethical, and legal duties to intervene to prevent another member from conduct that would unnecessarily harm others or would violate law or policy, in accordance with P&P 2-102.

B. Affirmative Duty to Report Misconduct

1. Any member who is involved in, observes, or is otherwise aware of any conduct they know or reasonably should have known to be misconduct, shall report such conduct per the procedures outlined below, regardless of the notification subject's assignment, tenure, or rank within the Department, subject to the specific exemptions in [III].
 - a. This includes apparent violations discovered through a review of body worn camera video or other documentation.
2. 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.
3. 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 2-104)

C. Duty to Report While Working Secondary Employment

In accordance with P&P 3-801, members working secondary employment in a law enforcement capacity are subject to the rules, regulations, ordinances, and the policies and procedures of the City of Minneapolis and Minneapolis Police Department.

D. Chain of Command and Internal Affairs Notifications

1. Making immediate notification

In situations requiring immediate notification ([II-E]), 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 make direct phone notification to an on-duty supervisor in their assigned precinct or division, which shall consist of personal telephone communication (no voicemail messages or text messages) or in-person contact, subject to the exception below.
 - i. If the notification subject is the reporting member's supervisor, the reporting member shall make the direct phone notification to the Internal Affairs duty phone, which shall consist of personal telephone communication (no voicemail messages or text messages) or in-person contact with the Internal Affairs Commander, subject to the exception below.
 - aa. If the reporting member's call to the Internal Affairs duty phone goes unanswered, the reporting member shall leave a voicemail and send a text message to duty phone with the notification information.
- c. For any member who observes the following, the member shall notify their Commander or their Commander's superiors while still on scene via one of the following methods: (1) in-person, (2) phone, or (3) radio:
 - i. A member observes another MPD member using force in manner that they reasonably believe amounts to any prohibited force (including any force that is not objectively reasonable, necessary, and proportional) (P&P 5-301).
 - ii. A member observes another MPD member engaging with a person in a manner that they reasonably believe amounts to a violation of the non-discriminatory policing policy (P&P 5-104).

- d. The reporting member shall also send an email as soon as practical to the Internal Affairs intake email address (IADcomplaintreferral@minneapolismn.gov) detailing the situation requiring a duty to report notification (including any apparent misconduct).
 - i. The reporting member shall document in the email the supervisor they notified, when they made the notification, and method they used to make the notification (in-person, phone call, text, email, etc.).
 - ii. The reporting 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.
- e. When a supervisor is notified, the supervisor shall gather all pertinent facts relevant to the situation requiring notification and make duty to report notifications as specified under section [II-F].

2. Making non-immediate notifications

- a. In situations that do **not** require immediate notification (those not listed in [II-E]), 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 notification subject is the reporting member's supervisor, the reporting member shall instead include their supervisor's next in command (e.g. the Lieutenant instead of the Sergeant).
- b. When the situation requiring notification (and any apparent violations) is observed while on-duty as an MPD member or while working secondary employment 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 off duty and not working secondary employment in a law enforcement capacity, the member shall make the notification within 24 hours after the situation requiring notification occurred.

E. Situations Requiring Immediate Notification

Members shall make immediate notification, as described in [II-D], for the following situations if any of the following apply:

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

1. Firearm discharges

- a. A member's firearm is discharged with an injury to a person, whether on or off duty.
- b. A member's firearm is discharged with no injury to a person, whether on or off duty, other than during training, testing or legal recreation purposes.

2. Use of force or other injuries

- a. A member is involved in a critical incident as defined by P&P 7-810.
- b. A member used level 3 reportable force.
- c. A member used any reportable force against a handcuffed person other than control pressure.
- d. A member is alleged to have used prohibited force (including any force that was not objectively reasonable, necessary and proportional) in accordance with P&P 5-301.
- e. A member failed to use de-escalation techniques and tactics when feasible.
- f. A member failed to report use of force in accordance with P&P 5-302.
- g. A person in the member's custody is admitted to the hospital.
- h. 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

- a. Any member who observes or is otherwise aware of another MPD member (regardless of that member's assignment, tenure or rank) engaging with a person in a manner that they know or reasonably should know amounts to a violation of the non-discriminatory policing policy (P&P 5-104) or involving discriminatory conduct (P&P 2-106, P&P 5-102).

4. Criminal conduct

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

5. Other misconduct

- a. A member is alleged to have committed a truthfulness violation (P&P 5-102), such as making any false statement or misrepresentation of any material fact either orally or in writing.
- b. A member is alleged to have falsely or maliciously arrested or searched a person, or otherwise knowingly violated the law or the rules of criminal procedure (P&P 5-102).
- c. A member is alleged to have engaged in misconduct in a high-profile incident.
- d. Acts of retaliation by a member (P&P 2-104, P&P 2-106, and P&P 2-107).

6. Other situations requiring immediate notification

- a. A member who is required to drive a department vehicle as part of their official duties and has a loss or limitation of their driving privileges.
- b. A member is involved in any other event or circumstance that immediately affects their fitness for duty, other than on-duty injury notifications (P&P 3-502). This includes when a member cannot perform their job duties due to impairment of an MPD member.
- c. Intoxication of an MPD member while on duty.
- d. A member terminates their employment in the middle of a shift.

F. Notifications by the Supervisor**1. Notification to Internal Affairs**

The following requirements apply to situations requiring immediate notification ([II-E]):

- a. The notified supervisor is responsible for notifying the Internal Affairs duty phone or in-person with the Internal Affairs Commander or Internal Affairs Lieutenant about the situation that required immediate notification ([II-E]).
 - i. If the supervisor's call to the Internal Affairs duty phone goes unanswered, the supervisor shall leave a voicemail and send a text message to the duty phone with the notification information.
- b. Notifications shall consist of personal telephone communication (no voicemail messages or text messages) or in-person contact, subject to the exception above [II-F-1-a-i] when Internal Affairs cannot be reached.
- 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.

G. Notification Subject 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. Notification subject is assigned to Internal Affairs

If the situation requiring notification includes a notification subject who is assigned to Internal Affairs, the reporting member shall make the notifications to the reporting member's Bureau Head instead of Internal Affairs. If the notification subject is the Internal Affairs Commander, the reporting member shall make the notification to the Chief. Upon notification, the Chief will follow the procedures outlined in P&P 2-103.

2. Notification subject is the Chief

If the situation requiring notification includes a notification subject who is the Chief, the reporting member shall make the notifications to the Office of the Community Safety (OCS) instead of to any MPD members. Upon notification, OCS will follow the procedures outlined in P&P 2-103.

H. Failure to Report

Any member who fails to make the notifications as required by this policy may be subject to discipline.

1. Failure to report uses of prohibited force

Any member who observes another MPD member use prohibited force (including force that is not objectively reasonable, necessary and proportional) as defined in P&P 5-301 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.

2. Failure to report discriminatory behavior in policing or discriminatory conduct

Any member who observes another MPD member engage with a person in a manner reasonably believed to be discriminatory behavior in policing (P&P 5-104) or discriminatory conduct (P&P 2-106, 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 behavior in policing or discriminatory conduct.

III. Specific Duty to Report Exemptions

- A. When reviewing incidents or other information as part of a Quarterly Review Panel (QRP) (P&P 2-601) or a compliance review conducted by the MPD Implementation Division, duty to report notifications under this policy shall be made as follows:
1. MPD Implementation Division sworn members who prepare incidents for review by the QRP shall make required duty to report notifications in advance of the QRP. If additional policy violations require notification to Internal Affairs during or after the QRP, the notifications shall be made by the QRP Facilitator on behalf of the whole QRP membership.
 - a. Members participating in the QRP are otherwise exempt from duty to report notifications.
 2. For an Implementation Division compliance review, the member conducting the compliance review is exempt from duty to report notifications but shall notify their supervisor and Commander of observed policy violations.
 - a. The Commander shall review the reported policy violations and make any required duty to report notifications.
 3. This provision in [III] does not prohibit any individual member of the QRP or Implementation Division from making their own notification to Internal Affairs.

Glossary

Disciplinary Action: Disciplinary actions are those actions taken to address misconduct that are identified as discipline under the applicable Labor Agreement: written reprimand, suspension, demotion, discharge. Disciplinary actions are based on the facts and circumstances of the situation, reflect the seriousness of the misconduct, and are described in the Corrective Action Matrix.

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 community 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 of an MPD Member: A physical, psychological, medical, or emotional condition that may impair the member's ability to perform essential job functions.

Internal Affairs Notification: Notification made to Internal Affairs via duty phone or in-person to the Internal Affairs Commander or Internal Affairs Lieutenant that involves a situation requiring

notification. Not every notification outlined in this policy is considered misconduct. Some notifications are specifically made to initiate on-scene responses.

Intoxication of an MPD Member: The state of being under the influence of any drugs or alcohol that may impair the member's ability to perform essential job functions and is prohibited by MPD P&P 5-102 and labor agreements.

Misconduct: A violation of MPD Policies or Procedures, including but not limited to, as specified in those Policies and Procedures: violations of federal, state, or local criminal or applicable civil laws, criminal or civil constitutional violations, violations of administrative rules, or violations of regulations.

Notification Subject: The member whose actions require Internal Affairs notification under the Duty to Report policy P&P 2-101.

Retaliation: The action of treating a person differently, or engaging in acts of revenge or intimidation against the person, because the person has engaged in an exercise of rights, has fulfilled their duty to report or duty to intervene, or participated in an investigation. Examples of acts that may be retaliatory include, but are not limited to:

1. Making threats or engaging in verbal or physical abuse.
2. Maliciously or fraudulently filing a complaint or claim of discrimination.
3. Workplace retaliation, including but not limited to:
 - Blocking advancement (e.g., promotion or transfer requests).
 - Giving punitive, demeaning or unnecessary work assignments.
 - Authoring unsupported negative evaluations.
4. Conducting a stop, search, or arrest without basis.
5. Stalking a person or their place of residence.
6. Intimidation.
7. Any other conduct deterring exercises of rights.