



Minneapolis Police Department Policy and Procedure Manual

Number:
2-100

Volume Two – Personnel Administration

Misconduct Prevention, Reporting, and Investigation

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

I. Purpose

Every Minneapolis Police Department (MPD) member has moral, ethical, and legal duties to intervene to prevent conduct that would unnecessarily harm others or would violate law or policy. This duty applies regardless of rank. When any law enforcement officer exceeds their authority, it reflects on every member and it is the Department's collective responsibility to hold one another accountable.

MPD participates in the national Active Bystandership for Law Enforcement (ABLE) Project™. The ABLE Project provides training, technical assistance, and research, all with the aim of creating a police culture in which members routinely intervene as necessary to prevent misconduct, avoid police mistakes, and promote member health and wellness.

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. Members shall intervene when they are witness to and have a reasonable opportunity to prevent or mitigate harm caused by policy or legal violations, by verbally or physically interacting to prevent or alter the course of events.
 - a. This duty applies, regardless of rank, to any member working in their capacity as an MPD sworn member or non-sworn staff member while working on-duty or while off-duty.
 - b. Members shall intervene in a manner that protects the safety of the community, their colleagues, and themselves to the greatest extent possible.
2. Members are also encouraged to assist colleagues in addressing health and wellness concerns. See P&P 3-501, even where those concerns are not currently resulting in policy or legal violations. If apparent signs of stress or wellness concerns are affecting a member's performance, members may contact the Health & Wellness Unit for guidance or inform their supervisor.

A. Duty to Intervene for Excessive Force By Other Agencies

1. When it is apparent to a member that law enforcement officers from other agencies are using clearly excessive force, members shall verbally or physically intervene to stop the excessive force when they have both the reasonably safe opportunity and the means to do so.
 - a. Examples of excessive force could include, but are not limited to, kicking or punching a person in the head when they are compliant or passively resisting, shooting an unarmed person who is not posing a threat, etc.
2. If members witness a law enforcement officer from another agency taking an action the member feels requires intervention, the member shall announce over the radio as soon as possible they are intervening (example: “Squad 320 intervening”).
3. If a member is unclear if they are witnessing or witnessed excessive force by law enforcement agents from other agencies, they shall immediately notify the Watch Commander or designated supervisor for guidance.

B. Retaliation Prohibited

MPD promotes and supports intervention to protect the community and one another, and will not tolerate retaliation against a member for exercising their duty to intervene. Nor will members who engage in a good faith act of intervention to promote member health or wellness be subject to retaliation. Good faith intervention is considered a protected activity. This commitment is part of MPD’s commitment to providing a culture in which members are free from harassment and retaliation of any kind. Acts of harassment and retaliation are forms of serious misconduct and will result in investigation and members should expect appropriate disciplinary action, up to and including termination.

C. Failure to Intervene

1. MPD will investigate all apparent instances of a failure to intervene as required by policy, whether discovered during the course of any use of force review, misconduct investigation, a community oversight review, or by any other means.
2. Regardless of tenure or rank, any sworn member who observes another member using any force that they reasonably believe amounts to any prohibited force (including any force that is not objectively reasonable, necessary and proportional), must attempt to safely intervene by verbal and physical means, and if they do not do so may be subject to discipline of the same severity as if they themselves engaged in the prohibited force. (P&P 5-301)

D. 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 members to report misconduct. The requirements to intervene are in addition to requirements to report.

1. Reporting intervention with another member

- a. 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. If a member successfully intervenes repeatedly in the actions of the same member, the intervening member should consult the Early Intervention System policy (P&P 2-203) for guidance.
- b. If a member attempts to use intervention techniques with another member, but the other member is not receptive to the intervention and misconduct occurs, the member shall report the misconduct under the Duty to Report policy P&P 2-101.
- c. 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. Reporting intervention with another agency

If an MPD member intervenes to stop excessive force by another agency ([II-B]), the member shall document the MPD member's intervention and the reasons for the intervention in a Police Report.

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.

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.

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.