



# Minneapolis Police Department Policy and Procedure Manual

Number:  
2-100

## Volume Two – Personnel Administration

### Misconduct Prevention, Reporting, and Investigation

#### 2-104 Corrective Actions System

(12/31/20) (09/26/22) (xx/xx/xx)

##### I. Purpose

- A. An effective corrective action system- which includes both non-disciplinary and disciplinary action- supports the success of the Minneapolis Police Department (MPD) and its members in carrying out MPD's mission by promoting public trust through accountability, individual responsibility, and high standards of professionalism.
- B. Both the community and MPD members should have confidence that when Department policy is alleged to have been violated, the Department will ensure that fair, timely, and thorough investigations are completed, and if corrective action is imposed, it is fair and consistent based on the facts and circumstances.

##### II. Policy

###### A. Respect for involved people

Members shall treat complainants, witnesses, and focus members with dignity and respect throughout the complaint and investigative process.

###### B. Transparency

MPD recognizes the importance of transparency in operations, including how MPD conducts internal investigations into allegations of member misconduct. MPD will continue to take steps to conduct investigations that are transparent in process as appropriate and permissible under federal and Minnesota law.

###### C. Conflicts of interest

1. Members who participated in, witnessed, or authorized the incident that gave rise to the misconduct complaint shall not conduct, assist, or issue a decision or recommendation on a misconduct investigation arising out of the incident, in accordance with the Minneapolis Police Misconduct Investigations Manual, except where they participate as a witness or focus member.
2. Members who have a conflict of interest as defined in the "Conflicts of Interest" section of the Minneapolis Police Misconduct Investigations Manual shall not participate in any

phase of the complaint investigation or disciplinary process, including conducting, assisting, or issuing a decision or recommendation on the misconduct investigation, except where they participate as a witness or focus member.

3. Members shall not conduct, assist, or review a misconduct investigation if the focus member or complainant is:
  - A supervisor to whom the member directly reports or has reported to in their chain of command.
  - A person who the member directly supervises or has directly supervised.
  - Any party who is or has been in the same squad assignment (called the Work Assignment in Workforce Director) as the member for a significant period of time.
  - A person who is or has been in a relationship with the member, as defined in the Minneapolis Police Misconduct Investigations Manual.

#### **D. Criminal Conduct**

If at any time during the complaint intake process or during an investigation, the misconduct investigative entity determines that there may have been criminal misconduct by an MPD member, that investigative entity shall immediately notify the Deputy Chief of Internal Affairs and refer the matter to Internal Affairs to handle, in accordance with the Minneapolis Police Misconduct Investigations Manual.

#### **E. Confidentiality**

All discussions related to current and prior inquiries, duty to report notifications, complaints, and case investigations shall be considered confidential in nature and shall not be discussed with others outside of the investigative entity, the City Attorney's Office, and need-to-know City employees. Due to the sensitive and confidential nature of the work, all people who would access the information are required to pass an MPD background check and maintain Criminal Justice Information Services (CJIS) certification.

### **III. Misconduct-Related Investigative Entities**

#### **A. Internal Affairs**

##### **1. Overview**

Internal Affairs is an impartial division within 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 and are required to follow the procedures outlined in the Minneapolis Police Misconduct Investigations Manual.

## 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. Purpose

Internal Affairs is responsible for reviewing and investigating internal complaints alleging misconduct made against MPD members.

### b. Objectives

- i. Provide fair, impartial, accurate, and timely investigations and enhance accountability and transparency for MPD members and Minneapolis community members and visitors.
- ii. Ensure enhanced accountability and transparency by providing transparent, accessible data regarding police misconduct to inform the 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 community alleging police misconduct by MPD sworn members, including anonymous complaints. OPCR evaluates all external misconduct complaints and encourages community members to bring sworn member misconduct to the City's attention. OPCR members and external investigators follow the investigation procedures that are outlined in the Minneapolis Police Misconduct Investigations Manual (P&P 2-103).

### 2. Mission

OPCR works to ensure police accountability and community trust. OPCR works to complete fair, accurate, and timely investigations, research studies, and policy reviews.

### 3. Purpose and objectives

#### a. Purpose

OPCR is responsible for reviewing and investigating external complaints alleging misconduct made against MPD sworn members.

#### b. Objectives

- i. Provide fair, impartial, accurate, and timely investigations and enhance accountability and transparency for MPD members and Minneapolis community members and visitors.
- ii. Ensure enhanced accountability and transparency by providing transparent, accessible data regarding police misconduct to inform the City of Minneapolis stakeholders.

## C. Human Resources Department

### 1. Overview

- a. The Minneapolis Human Resources Department investigates workplace concerns, including issues related to employee conduct, workplace discrimination, and City policy violations. The Human Resources Department 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 workplace discrimination, harassment, and retaliation.
- c. If the complaint involves additional potential violations of MPD policy that do not fall within the jurisdiction of the Human Resources Department to investigate, Internal Affairs shall investigate the additional potential violations of MPD policy, in accordance with the Minneapolis Police Misconduct Investigations Manual.
- d. The Commander of Internal Affairs or the Commander's designee shall serve as 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 Human Resources as requested by Human Resources or as determined by the Chief of Police.

**D. Minneapolis Office of Community Safety****1. Overview**

The Minneapolis Office of Community Safety (OCS) addresses complaints made against the MPD Chief of Police. As necessary, OCS is responsible for effecting investigations of these complaints. External investigators may be utilized to conduct investigations on behalf of OCS.

**IV. Compliance with Investigations and Results****A. Compliance with Investigations**

1. All MPD members shall cooperate with lawful requests from personnel conducting misconduct investigations by providing full, free, and unrestricted access to the extent authorized by law to all requested information. The failure by any member to comply with lawful requests for information or access shall be deemed an act of misconduct that may be subject to discipline, unless there is a lawful basis to not comply with the request, such as that the information at issue is subject to the attorney-client or work product privileges, or other privileges or restrictions on access that are recognized under law.
2. 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.
3. Members shall attend scheduled interviews. Members shall communicate any conflicts with the scheduled interview as soon as the conflict is known. Failure to appear for a scheduled interview without communication may result in discipline.
4. 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.
5. Interference with a police misconduct investigation is prohibited, including being untruthful in an investigation into misconduct, destroying evidence, witness tampering, or colluding with other people to undermine such an investigation. Such conduct may result in disciplinary action and may result in a referral to the relevant prosecuting entity for criminal prosecution based on the seriousness of the conduct, regardless of whether the underlying allegation of misconduct being investigated is ultimately sustained.

**B. Review of Files and Evidence Prohibited**

1. Members who have been informed that they are under investigation or are a witness in an investigation are prohibited from reviewing the following files or evidence related to the incident, unless they are in the presence of an OPCR or Internal Affairs investigator:

- Investigative files.
  - Reports (except for reports authored by the member, such as their narrative statement).
  - Body worn camera footage (P&P 4-223).
  - Other evidence.
2. This provision does not apply if the review is necessary to prepare for a criminal or civil proceeding or except as otherwise provided by law.
    - a. In such cases, the focus member or witness member reviewing shall notify the Commander of Internal Affairs of the files or evidence they were required to review and provide a copy of the formal notice they received.

### **C. 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 within 30 calendar days of receiving notice to complete an imposed non-disciplinary corrective action.
  - a. Coaching:
    - i. A case containing only category A violation(s), according to the Corrective Action Matrix in effect at the incident date, may be routed for coaching after the Chief or their designee (ranked Deputy Chief or higher) approves. After the Chief's or their designee's approval, the investigative entity will send the Non-Disciplinary Corrective Action Coaching Form to the focus member's Inspector or Commander. The Inspector or Commander will share the form with the appropriate chain of command to complete the coaching explained below for the focus member.
    - ii. Supervisors shall complete the following steps for matters referred for coaching:
      - aa. Review the incident and any documentation about the incident and document the evidence reviewed in the Non-Disciplinary Corrective Action Coaching Form.
      - ab. Conduct the coaching session with the focus member discussing the allegation, what the supervisor reviewed, and process improvement steps.
      - ac. Document the member's response to the coaching session and the supervisor's recommendations in the form.
      - ad. Complete the form and receive approvals through the supervisor's chain of command.

- ae. Send the completed and approved form back to the investigative unit who referred the case for coaching (MPD Internal Affairs or OPCR) within 30 calendar days of referral.
- iii. The focus member's Inspector or Commander shall require that the focus member's direct supervisor conducts and documents a review as required above, and provides coaching designed to remediate any sustained policy violation.
- b. Training:
  - i. A case containing only category A violation(s), according to the Corrective Action Matrix in effect at the incident date may be routed for training after the Chief or their designee (ranked Deputy Chief or higher) approves. After the Chief's or their designee's approval, the investigative entity will send the Non-Disciplinary Corrective Action Training Form to the Training Division Commander. The Training Division Commander will share the form with the trainer to complete the training explained below for the focus member.
  - ii. Trainers shall complete the following steps for matters referred for training:
    - aa. Review the incident and any documentation about the incident and document the evidence reviewed in the Non-Disciplinary Corrective Action Training Form.
    - ab. Conduct the training session with the focus member discussing the allegation, what the trainer reviewed, process improvement steps, and review related MPD policies.
    - ac. Document the member's response to the training session and the trainer's recommendations in the form.
    - ad. Complete the form and receive approvals through the trainer's chain of command.
    - ae. Send the completed and approved form back to the investigative unit who referred the case for training (MPD Internal Affairs or OPCR) within 30 calendar days of referral
  - iii. The Training Division Commander shall require that the trainer conducts and documents a review and provides training designed to remediate any sustained policy violation.
- 2. Failure of a directed supervisor or trainer to conduct the imposed designated non-disciplinary corrective action may be considered insubordination under P&P 1-403.
- 3. Failure of a member to participate in good faith in non-disciplinary corrective action may subject the member to discipline.

**D. Compelled Statements in Complaint Investigations**

1. MPD members may make voluntary statements. Making a complaint is considered a voluntary statement.
2. MPD members 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.
  - 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, except in cases of alleged perjury by the member giving the statement.
  - b. All members shall answer all questions truthfully and completely, and fully render material 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 extent permitted consistent with the legal rights of the members.
  - c. A focus member's formal statement may not be taken unless there is a signed complaint filed with the employing or investigating agency (see P&P 2-105 [II-B]), and the member has been given a summary of the allegations.
3. Involved MPD members shall review their interview transcription for accuracy. The interviewee shall have 10 calendar days for their review.
4. Any member found to have intentionally given a false statement may be subject to MPD disciplinary procedures, up to and including discharge.
5. Potential criminal violations shall be referred to the appropriate prosecuting authority for review, in accordance with P&P 2-103. The administrative case involving alleged policy and procedure violations may proceed independent of the criminal case.

**E. Retaliation Prohibited for Reporting Violations or Participating in or Complying with Investigations**

1. Members are prohibited from engaging in workplace retaliation or other forms of retaliation against other members or other people for reporting violations of policy or participating in an investigation regarding misconduct (P&P 2-107).
2. Managers, supervisors and all other members shall immediately refer any acts of retaliation to Internal Affairs in accordance with P&P 2-101 and P&P 2-107.

**V. Complaints Governed by Data Practices**

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

## VI. MPD Corrective Action Matrix

- A. The MPD Corrective Action Matrix provides the consistency necessary to ensure fairness in disciplinary decisions. The MPD Corrective Action Matrix describes MPD's requirements that apply to imposing corrective action and is one element of the corrective action process. The imposition of corrective action should reflect the values of the Department and the seriousness of the harm or risk created by the misconduct, while protecting the rights of both MPD members and members of the community.
- B. The MPD Corrective Action Matrix is reviewed, at least annually, to assess its alignment with MPD policies and procedures, laws, leadership priorities, and community feedback, to further the Department mission, and to establish expectations for all those involved in the process.
- C. When misconduct investigations have concluded and when allegations have been sustained by the Chief of Police, the determination regarding corrective action, if any, is made by the Chief according to the Corrective Action Matrix in effect at the time of the violation.
- D. Any departures from the presumptive corrective action set forth in the Corrective Action Matrix must be justified based on the facts and circumstances of the situation and documented in writing by the Chief.
- E. Chief's Corrective Action Decision Memos will be issued for all decisions by the Chief as explained in 2-105 [II-J-6].

## Glossary

**Corrective Action:** Any employment action taken in response to a complaint of misconduct. This includes both disciplinary action and non-disciplinary corrective action.

**Corrective Action Matrix (Matrix):** A written, consistent, progressive, and transparent policy that provides ranges of disciplinary actions and non-disciplinary corrective actions for different types of misconduct.

**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.

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

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

**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.

**Non-Disciplinary Corrective Action:** Department actions not disciplinary in nature, taken to correct behavior where there is a policy violation, in accordance with the Corrective Action Matrix. Examples of non-disciplinary corrective action include coaching and training.

**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.