



Minneapolis Police Department Policy and Procedure Manual

Number:
7-800

Volume Seven – Field Operations

Tactical Response

7-810 Critical Incidents (09/21/07) (04/21/09) (07/21/16) (06/30/20)

I. Purpose

- A. The MPD and its employees understand that the performance of law enforcement duties is inherently demanding and that certain situations create a significant risk of physical and emotional harm to the officer. It is therefore important to the department to develop standards and procedures for responding to Critical Incidents that ensure the safety and well-being of its employees and that provide a means by which employees may seek assistance in dealing with the effects of critical or traumatic events.
- B. This policy shall be administered in a manner that is consistent with the department's desire to treat affected employees with dignity and respect under such circumstances and to provide information and assistance to them concerning their involvement in critical/traumatic events, their recovery, and their return to duty.
- C. The department also recognizes that having established standards and procedures for responding to Critical Incidents is necessary to facilitate the prosecution of suspects, and to give the public a sense of safety and to promote public confidence in the department's response to Critical Incidents.
- D. It is the purpose of this policy to establish investigative and administrative procedures that ensure the safety and well-being of officers while promoting public safety and confidence at Critical Incidents.

II. Definitions

Critical Incident: An incident involving any of the following situations occurring in the line of duty:

- The use of Deadly Force by or against a Minneapolis Police Officer
- Death or Great Bodily Harm to an officer
- Death or Great Bodily Harm to a person who is in the custody or control of an officer
- Any action by an officer that causes or is intended to cause Death or Great Bodily Harm

Great bodily harm: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Investigation:

Administrative Investigating Entity: The Minneapolis Police Department Internal Affairs unit (IAU), unless otherwise designated by the Chief of Police or their designee. The Administrative Investigating Entity is responsible for the administrative investigation of the Critical Incident which includes checking for adherence to policy, and identifying policy failures, tactical and training issues, and potential civil liability issues.

Chief's Proxy: The Commander of the Internal Affairs unit or their designee at the scene, acting on behalf of the Chief of Police, who has ultimate authority to intervene in the criminal and administrative investigations and direct the activity of all MPD personnel to protect the integrity of the investigations.

Criminal Investigating Entity: The Minneapolis Police Department Homicide unit, unless otherwise designated by the Chief of Police or their designee. The Criminal Investigating Entity is responsible for the criminal investigation of the Critical Incident.

Investigators: All persons from the MPD Homicide unit and Internal Affairs unit who are conducting an investigation of the Critical Incident, unless other Criminal Investigating and Administrative Investigating Entities have been designated by the Chief of Police or their designee.

Lead Investigator: The Investigator in charge of the criminal investigation or their designee at the scene. The Lead Investigator shall be from the MPD Homicide unit, unless otherwise designated.

Headquarters- Investigative: The MPD Homicide Office or such other location designated by the Lead Investigator, at which Witness Officers gather immediately following a critical incident for purposes of meeting with legal counsel, Police Assistance Program (PAP) personnel, talking to investigators, and surrendering firearms or other equipment as deemed necessary.

Headquarters-Involved Officer's Room: The location designated by the Lead Investigator at which Involved Officers gather immediately following a critical incident for purposes of relaxing, meeting with legal counsel, Police Chaplin, Police Assistance Program personnel, talking to investigators, and surrendering firearms or other equipment as deemed necessary.

Mental Health Professional (MHP): A psychiatrist, psychologist or Police Assistance Program (PAP) contract consultant who is on the Federation and City's approved list to meet with officers involved in Critical Incidents. The Police Assistance Program (PAP) representative maintains the list.

Officers:

Escort: An officer assigned by the Incident Commander at the scene to stay with an Involved Officer and any Witness Officers until relieved by Investigators. Whenever possible, Escorts assigned to Involved Officers shall be of the rank sergeant or above.

Incident Commander: The MPD patrol supervisor at the scene who has taken command and control of the scene.

Involved Officer: An officer who appears to have engaged in conduct constituting a Critical Incident.

Witness Officer: An officer who witnesses a Critical Incident, but did not engage in any conduct constituting a Critical Incident.

Reports and Statements:

Police Report: A report or statement in a report that sets forth the officer's account of an incident and is entered into the MPD's Records Management System.

Public Safety Statement: A mandatory statement from the Involved Officers which provides information necessary to ensure public safety. This may include questions about the direction in which the Involved Officer fired their firearm, injured people, location of dangerous weapons or information on any suspects still at large and any other information necessary to facilitate the commencement of the investigation.

Voluntary Statement: A statement given by Involved or Witness Officers to Investigations Bureau Investigators which is voluntary and outlines details associated with the Critical Incident. Voluntary statements from officers are essential for bringing criminal charges against suspects, defending officers, and maintaining community trust by providing the Chief of Police with sufficient information to appropriately address community concerns. Voluntary statements will be taken in question and answer (Q&A) format.

III. Policy

A. Report Timing

Involved and Witness Officers shall complete their Police Reports, or statements in the Police Report, as soon as practical, unless the Chief has relieved the Officer of the obligation. Any authorization to relieve the Officer of the obligation must come from the Chief.

B. Police Reports and review of audio or visual data

To capture and document the Officers' perceptions and recollections uninfluenced by outside sources, Involved and Witness Officers shall not review audio or visual data prior to completing their Police Reports, or statements in the Police Report, and shall not review such data afterward without the Chief's authorization.

IV. Procedures

A. On-Scene Procedures

1. Notification of a Critical Incident

- a. As soon as a Critical Incident occurs, a Witness or Involved Officer shall immediately notify their supervisor and the MECC dispatcher that a Critical Incident has occurred.
- b. MECC shall immediately send out a text message pursuant to MECC protocol and notify the Watch Commander.

2. Incident Commander's Duties

The Incident Commander shall:

- a. Announce on-air that they are the Incident Commander.
- b. Make sure the scene is safe.
- c. Render first aid if necessary.
- d. Set up crime scene boundaries and keep the crime scene secure.
- e. Determine the identity of Involved and Witness Officers.
- f. Determine the identity of Witness Officers.
- g. Take a Public Safety Statement from Involved Officers.
- h. Assign Escort Officers to Involved and Witness Officers.
- i. Keep the Involved and Witness Officers separated from each other.
- j. Identify civilian witnesses and keep them separate from each other.
- k. Designate an officer to complete the Police Report.
- l. Protect the quality and integrity of audio and visual data by ensuring MVR recordings are not played or reviewed in squad cars and BWC data are not reviewed prior to collection by Crime Lab Unit personnel.
- m. Remain on the scene to meet with and brief Investigators upon their arrival at the scene. Identify all Involved Officers, Witness Officers, other witnesses, and other known evidence at the scene for the Investigators.

3. Public Safety Statements

- a. The Incident Commander shall ask the Witness and Involved Officers questions to:
 - i. Determine the direction of fire to locate anyone who may be injured.
 - ii. Determine the location of any known firearms or dangerous weapons.
 - iii. Determine if there are any outstanding suspects, their description, direction of travel, vehicle, weapons they possess and crimes they have committed.
 - iv. Provide details to enable the primary responders or investigators to secure the scene.
 - v. Facilitate the commencement of the investigation.
 - vi. Allow for officer or civilian safety at the scene.
- b. Due to the immediate need to take action, the officer does not have the right to wait for representation before answering the limited Public Safety questions.

4. Scene Investigation

- a. MPD Homicide unit Investigators and Internal Affairs Investigators shall have equal access to the scene and should jointly view the scene and any evidence at the scene.
- b. MPD Crime Lab personnel shall collect identified evidence at the direction of Investigations Bureau and Internal Affairs Investigators, including MVR recordings from all squads at the Critical Incident scene (in accordance with P&P 4-218) and Body Worn Camera data (in accordance with P&P 4-223).
- c. All Investigators at the crime scene shall complete a statement in the Police Report.

B. Procedures for Involved and Witness Officers

1. Supporting Officers following a Critical Incident

Officers involved in Critical Incidents, whether Witness or Involved Officers, can be profoundly affected by the incident. How a Witness or Involved Officer is treated during the time following a critical incident can minimize or aggravate the psychological effect on them. Therefore, first and foremost, anyone dealing with a Witness or Involved Officer should keep in mind the following guiding principles at all times:

- Be sensitive to individual officer needs. Physical contact with the officer must be evaluated on an individual basis. Often officers feel overwhelmed by people wanting to console them. Before attempting to speak with an officer, please ask the Escort attending to the officer to inquire if the officer would like to meet with

you. If the officer declines to meet with any particular person, please honor their decision.

- Because Witness or Involved Officers can be profoundly affected by Critical Incidents, they should not be left alone or ignored.
- Avoid making the officers feel like a suspect.

2. Managing Involved Officers

a. Involved Officers at the scene

- i. The MPD Incident Commander shall determine which officers are Involved Officers. The Incident Commander at the scene shall promptly assign an Escort to stay with each Involved Officer until relieved by a Homicide Investigator. One Escort shall be assigned for each Involved Officer. Whenever possible, Escorts assigned to Involved Officers shall be of the rank sergeant or above and shall not be the Incident Commander.
- ii. Involved Officers shall not talk to anyone at the scene about the incident, except to the Incident Commander, Lead Investigator or legal counsel and to provide a Public Safety Statement to the Incident Commander.
- iii. The Involved Officers shall not be unreasonably denied access to legal counsel at the scene.
- iv. As soon as practical, the Escorts shall take the Involved Officers from the scene to the designated drug and alcohol testing collection site in accordance with P&P 3-1001. After test samples are obtained, the Escorts shall transport the Involved Officers to Headquarters-Involved Officer's Room.
- v. Escorts shall keep the Involved Officers separate from other Involved and Witness Officers.
- vi. Unless a supervisor has a reason to believe that the officer may pose a threat to self or to others, or unless directed by the Investigators, the Involved Officers' firearm should not be taken at the scene.
- vii. Involved Officers should not be placed in the back seat of a police vehicle.

b. At Headquarters- Involved Officer's Room

- i. If Involved Officers request, they shall not be unreasonably denied access to:
 - Food and drink
 - Restroom facilities
 - Telephone to contact loved ones
 - A representative from the Federation or other legal counsel

- A representative from the MPD Employee Resource Program or the responding peer support team member
 - A Community Chaplain or other clergy
- ii. If requested by Investigators, Involved Officers shall make themselves available for a firearms inspection and shall surrender their firearm and any other requested equipment to the Investigators. Homicide Investigators will take custody of the Involved Officer's firearm, place it in a paper bag, and put it in the evidence locker in Investigative Headquarters if Crime Lab personnel are unavailable to take immediate custody of the weapon. The evidence locker will be locked immediately after the firearms are placed inside. Crime Lab personnel will remove the officer's handgun from the locker and process in accordance with P&P 10-400.
 - iii. Involved Officers shall be provided with replacement firearms and equipment as soon as reasonably possible.
 - iv. Involved Officers shall be allowed a reasonable opportunity to consult with Federation representatives, legal counsel, Community Chaplain or other clergy, and MPD Employee Resource Program personnel.
 - v. After consultation with legal counsel, the Involved Officers or legal counsel will inform the Lead Investigator or designee if the Involved Officers are willing to give a Voluntary Statement.
 - aa. Voluntary Statements should be given as soon as possible, but in all cases within 48 hours of the Critical Incident to ensure the continuity of the investigation unless the involved officer is not able to do so.
 - ab. Involved Officers' statements shall be given at Investigative Headquarters or such other location chosen by the Lead Investigator. All statements from involved officers will be taken in question and answer (Q&A) format.
- c. Administrative Leave
- i. Involved Officers shall be placed on a mandatory paid administrative leave for a minimum of three calendar days and a maximum of seven calendar days following the Critical Incident unless otherwise requested by the officer and approved by the Chief or the Chief's designee. Such administrative leave does not relieve the Officer of the requirements of this policy.
 - ii. An officer shall not work a uniformed off-duty job or buyback while on Administrative Leave (in accordance with P&P 3-800). An officer may work an approved non-uniform, non law-enforcement off-duty job while on a "pending investigation" administrative leave at the sole discretion of the Chief or their designee.

d. After Incident Care for Involved Officers

i. Peer Debriefing

All Involved Officers may take part in a group peer debriefing facilitated by the MPD Employee Resource Program or other Mental Health Professional and after care as necessary.

ii. Psychological Debriefing

All Involved Officers shall be required to meet with a Mental Health Professional selected by the officer from the approved list.

aa. Such meeting or meetings shall be considered on-duty time, and the City shall pay the fees of the Mental Health Professional as stated in the Collective Bargaining Agreement.

aa. If, after consultation, the Mental Health Professional renders an opinion that the Involved Officer is not yet fit for duty, the Involved Officer shall be placed on Injured on Duty (“IOD”) status, pursuant to Minneapolis Civil Service Rule 15.19(A). If the Mental Health Professional determines that the officer is not able to return to work in any capacity after the officer has exhausted IOD benefits, the officer may continue to be eligible for paid time off pursuant to MN Statute section 299A.411 and applicable provisions of the Labor Agreement and other Civil Service Rules.

ab. Any disputes concerning the officer’s ability to return to work shall be resolved in accordance with the Collective Bargaining Agreement.

ac. A return to duty determination and documentation will be presented to the Chief of Police by the Mental Health Professional prior to the Involved Officer being returned to duty.

3. Managing Witness Officers

a. Witness Officers at the scene

i. The Incident Commander shall determine which officers are Witness Officers. As soon as possible, the Incident Commander shall assign an Escort to each Witness Officer. If possible, one Escort shall be assigned to each Witness Officer. Witness Officers shall be separated from each other and other witnesses and shall not talk to anyone at the scene about the incident other than the Incident Commander, Lead Investigator or legal counsel and to provide a Public Safety Statement.

ii. The Witness Officers shall be allowed a reasonable opportunity to consult with legal counsel at the scene.

- iii. As quickly as possible after the Public Safety Statement, Witness Officers will be released from the scene by the Lead Investigator and advised to proceed to Investigative Headquarters. The Lead Investigator will inform the Incident Commander of any officers released from the scene. Witness Officers shall be advised that they are to wait at Investigative Headquarters for an opportunity to meet with legal counsel, a Community Chaplain or other clergy, or MPD Employee Resource Program personnel.
- b. Witness Officers at the Investigative Headquarters
 - i. Witness Officers shall be afforded an opportunity to meet with a Community Chaplain or other clergy, the responding MPD Employee Resource Program representative and to consult with legal counsel or Federation representatives.
 - ii. After such consultations, statements from Witness Officers are to be taken by Homicide Investigators prior to the officers being released from duty unless otherwise directed by Homicide Investigators. All statements by Witness Officers will be taken in a question and answer (Q & A) format.
 - iii. If requested by Investigators, Witness Officers shall make themselves available for a firearms inspection and shall surrender their firearm and any other requested equipment to them. Homicide Investigators will take custody of the Witness Officer's firearm, place it in a paper bag, and put it in the evidence locker in Investigative Headquarters if Crime Lab personnel are unavailable to take immediate custody of the weapon. The evidence locker will be locked immediately after the firearms are placed inside. Crime Lab Personnel will remove the officer's handgun from the locker and process (in accordance with P&P 10-400).
 - iv. Witness Officers shall be provided with replacement firearms and equipment as soon as reasonably possible.
 - c. Administrative Leave
 - i. A Witness Officer may request to be placed on paid administrative leave for up to three calendar days following the Critical Incident. The decision to grant the request shall be made at the sole discretion of the Chief or their designee. The decision on whether to grant paid administrative leave shall be promptly communicated to the Witness Officer by their commander or the commander's designee. Such administrative leave does not relieve the Officer of the requirements of this policy.
 - ii. If an officer is granted a paid leave, the officer shall not work a uniformed off-duty job or Buy Back while on Administrative Leave. An officer may work an approved non-uniform, non law-enforcement off-duty job while on a "pending investigation" administrative leave at the sole discretion of the Chief or their designee.

d. After Incident Care for Witness Officers

i. Peer Debriefing

All Witness Officers shall take part in a group peer debriefing facilitated by the MPD Employee Resource Program representative or other designated Mental Health Professional and shall take part in any after-care, if appropriate.

ii. Psychological Debriefing

- aa. Witness officers granted a paid leave shall be required to meet with a Mental Health Professional selected by the officer from the approved list.
- ab. Witness officers not on a paid leave shall be encouraged and allowed to meet with the Mental Health Professional selected by the officer from the approved list. Such meeting or meetings shall be considered on-duty time, and the City shall pay the fees of the Mental Health Professional pursuant to the Collective Bargaining Agreement.
- ac. If, after consultation, the Mental Health Professional renders an opinion that the Witness Officer is not yet fit for duty, the Witness Officer shall be placed on Injured on Duty (“IOD”) status, pursuant to the Labor Agreement. If the Mental Health Professional determines that the officer is not able to return to work in any capacity after the officer has exhausted IOD benefits, the officer may continue to be eligible for paid time off pursuant to applicable provisions of the Labor Agreement.
- ad. Any disputes concerning the Officer’s ability to return to work shall be resolved in accordance with the Labor Agreement.
- ae. After consultation, a return to duty determination and documentation will be presented to the Chief of Police by the Mental Health Professional. In the case of a Witness Officer on paid administrative leave, their fitness for duty determination and documentation will be presented to the Chief of Police prior to being returned to duty.

C. Consultation with Legal Counsel

- 1. Involved and Witness Officers are entitled to consult with their legal counsel during the pendency of the Critical Incident investigation, up to and including any grand jury proceedings.
 - a. Such reasonable and necessary meeting or meetings shall be considered on-duty time and the fees of the legal counsel may be eligible to be paid by the City pursuant Chapter 466 of the Minnesota State Statutes and the City’s legal fees policy.

- b. Officers shall be personally responsible for payment of any legal fees that exceed the hourly rate provided for in the City's legal fees policy.
2. It is common for Critical Incidents to result in civil lawsuits being filed against the City and the officers. Pursuant to the City's adopted defense and indemnity policy, the Minneapolis City Attorney's office, as the legal counsel for the City of Minneapolis, defends the City and *its employees* in such suits. Therefore, it is very important in order to properly prepare to defend any potential lawsuit following a Critical Incident that the City Attorney's office be able to fully investigate the Critical Incident as soon as possible. For that reason, both Witness and Involved Officers shall be required to meet with and otherwise cooperate with the Civil Division of the City Attorney's office when appropriate in its investigation and subsequent defense of any case that may arise.

D. Internal Affairs

The Internal Affairs unit shall be responsible for conducting an Administrative Investigation of all Critical Incidents and will investigate the Critical Incident simultaneously with Homicide Investigators. The IAU Commander or the Commander's designee will be the Chief's Proxy on scene.

1. Scene Access

MPD Homicide Investigators and Internal Affairs unit Investigators have equal access to the scene, evidence, civilian witnesses and all investigative data obtained at the scene.

2. Suspect and Witness Interviews

Homicide Investigators shall ensure that all suspect and critical witness interviews are done in the monitored and recorded interview rooms at Investigative Headquarters. IAU will be notified of the interviews and may observe the interviews from the monitors in Investigative Headquarters.

3. Investigative Data and Additional Evidence

Homicide Investigators shall notify in a timely manner and provide investigative data to IAU Investigators from sources not on scene, investigative reports or additional evidence as the investigation proceeds. IAU will have full access to all investigative records, statements and evidence that is collected during the criminal investigation. Evidence collected during any Critical Incident shall not be released without IAU approval.