



Minneapolis Police Department Policy and Procedure Manual

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Volume Five – Code of Conduct and Use of Force

Code of Conduct

5-104 Impartial and Professional Policing

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I. Purpose

- A. The reality or public perception of racial profiling alienates people from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people law enforcement is sworn to protect and serve.
- B. This anti-racial profiling policy is established in accordance with MN Statute section 626.8471 Subd. 4 to govern the conduct of peace officers engaged in stops of citizens and other law enforcement actions.

II. Definitions

Protected Class Status: Protected classes and statuses include 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.

Racial profiling: has the meaning given to it in MN Statute section 626.8471, Subd. 2. which states:

1. "Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:
 - a. the behavior of that individual; or
 - b. information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.
1. Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search.
2. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

III. Policy

- A.** It is the policy of the Minneapolis Police Department to reaffirm our commitment to impartial policing and to reinforce procedures that serve to assure the public we are providing service and enforcing laws in a fair and equitable manner to all.
- B.** It is the policy of the Minneapolis Police Department that every aspect of our professional service must demonstrate our commitment to procedural justice, which means to treat others with dignity, giving them voice and respect, being neutral in our decision-making and working to build trust.
- C.** Every employee of this department shall perform their duties in a fair and objective manner.
- D.** Discrimination, harassment, and retaliation on the basis of protected class status are prohibited.

IV. Procedures/Regulations

A. Impartial Policing

1. Policing impartially, not racial profiling, is standard procedure for the MPD, meaning:

Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by peace officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution and Article 1, Section 10 of the MN Constitution, and peace officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures.
2. Except as provided below, peace officers shall not consider a person's protected class status to any extent or degree when taking, or refraining from taking, any law enforcement action. This includes when conducting pedestrian or vehicle stops, investigations, arrests, using covert social media investigative techniques, using force, and establishing either reasonable suspicion or probable cause.
 - a. Peace officers may take into account the reported descriptors above of a specific suspect or suspects using credible, reliable, recent, locally-based information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals, as part of an ongoing criminal investigation.
 - b. This information may be used in the same way officers use specific information regarding age, height, weight, etc. about specific suspects.
3. Employees of all ranks and titles shall not engage in or tacitly or explicitly approve of discriminatory policing.

4. Interactions are prohibited that demonstrate a discriminatory motive or impact as evidenced by an employee's language or conduct, taking into account the totality of the circumstances.
5. In accordance with P&P 5-102, employees shall not use language or take actions to taunt or denigrate an individual, including using racist or otherwise derogatory language.
6. Employees shall be responsible for knowing and complying with this policy.

B. Professional Policing

In an effort to prevent the perception of biased law enforcement peace officers shall use the following practices when contacting any citizen, regardless of the reason for the contact:

1. Be courteous, and treat people with a high degree of ethics, professionalism, and respect.
2. Introduce or identify themselves to the citizen and explain the reason for the contact as soon as practical, unless providing this information will compromise the safety of officers or other persons.
3. Address, and in documentation refer to, all members of the public using the names and pronouns appropriate to the individual's gender identity as expressed or clarified by the individual regardless of the individual's recorded gender identity on an identification card, and use honorifics appropriate to the individual's gender identity as expressed or clarified.
4. Ensure that the length of any detention is no longer than necessary to take appropriate action for the known or suspected offense.
5. Attempt to answer any relevant questions that the citizen may have regarding the citizen/officer contact, including relevant referrals to other agencies when appropriate.
6. Provide their name and badge number when requested, preferably in writing or on a business card.
7. Explain and/or apologize if the officers determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop).
8. If asked, provide the procedures for filing a complaint about police services or conduct, in accordance with P&P 2-104.

C. Duty to Report

Regardless of tenure or rank, any employee who observes another MPD employee engaging with an individual in a manner that they reasonably believe amounts to a violation of the Impartial Policing policy, shall affirmatively report that incident as soon as practical to Internal Affairs and to their Inspector or Commander, or their Inspector or Commander's superiors (P&P 2-101), and if they do not do so, may be subject to discipline as if they

themselves engaged in the prohibited, inappropriate, or unreasonable behavior in violation of the Impartial Policing policy.

D. No Retaliation

Consistent with the Minnesota Human Rights Act and in accordance with P&P 2-104, employees shall not retaliate against an individual who claims that an MPD employee discriminated against that individual or another individual.

E. Duty to Intervene

Employees shall intervene, when reasonable to do so, to prevent any biased-based actions by another employee (P&P 2-102).

F. Supervisor Responsibility

Supervisors shall ensure all personnel in their command are familiar with the content of this policy and are in compliance.

G. Report Violations to POST

1. Alleged violations of this policy shall be reported to POST in accordance with the reporting requirements in MN Statute section 626.8457.
2. Internal Affairs shall coordinate the required reporting to POST.