

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Illinois Casualty Company, South Lyndale  
Liquors, Inc., d/b/a South Lyndale Liquors,  
Modern Times, LLC, d/b/a Modern Times,  
Joint Caboose Operations, LLC, d/b/a The  
Joint and Cabooze, and Fat Cat Eats, LLC,  
d/b/a Andy's Diner,

Court File No:

Case Type:

Property Damage

Plaintiffs,

**COMPLAINT**

vs.

City of Minneapolis,

Defendant.

The plaintiffs, for their Complaint, state and allege:

**PARTIES**

1. Plaintiff Illinois Casualty Company ("ICC") is an insurance company licensed to do business in the State of Minnesota and at all times relevant to this Complaint provided policies of insurance to the following insureds ("Insureds"):

a. ADENAL Investment, LLC, located at 2709 East Lake Street, Minneapolis, MN 55407, Policy No. [REDACTED]

b. Midwest Latino Entertainment & Talent, Inc., d/b/a Club Calabash Nightclub & Restaurant, located at 2709 East Lake Street, Minneapolis, MN 55407, Policy No. [REDACTED]

c. Hexagon Bar, Inc., d/b/a Hexagon Bar, 2600 27<sup>th</sup> Avenue South, Minneapolis, MN 55406, Policy No. [REDACTED]

- d. Longfellow Brewing Co., LLC, d/b/a Elevated Beer Wine & Spirits, 4135 Hiawatha Avenue, Minneapolis, MN 55406, Policy No. [REDACTED]
- e. The Local, “An Epicurean Café & Pub” LLC, d/b/a The Local, 110 East Lake Street, Minneapolis, MN 55408, Policy No. [REDACTED]
- f. Taqueria Los Ocampos 4, Inc., d/b/a Taqueria Los Ocampos 801 East Lake Street, Minneapolis, MN 55407, Policy No. [REDACTED]
- g. South Lyndale Liquors, Inc., d/b/a South Lyndale Liquors, 5300 Lyndale Avenue South, Minneapolis, MN 55419, Policy No. [REDACTED]
- h. Modern Times, LLC, d/b/a Modern Times, 3200 Chicago Avenue, Minneapolis, MN 55407, Policy No. [REDACTED]
- i. IC Enterprises, LLC, d/b/a Pancho Villa’s Grill, 2539 Nicollet Avenue, Minneapolis, MN 55404, Policy No. [REDACTED]
- j. Joint Caboose Operations, LLC, d/b/a The Joint and Cabooze, 825, 829, and 901 Cedar Avenue South, Minneapolis, MN 55404, Policy No. [REDACTED];
- k. Jans Enterprises, Inc., d/b/a Nico’s Tacos, 2516 Hennepin Avenue South, Minneapolis, MN 55405, Policy No. [REDACTED]
- l. Stanley’s Northeast Bar Room, LLC, d/b/a Stanley’s Northeast Bar Room/Al’s Place, 2500 University Avenue N.E., Minneapolis, MN 55418, Policy No. [REDACTED];
- m. 3675 Minnehaha, Inc., d/b/a The Howe, 3673-3675 Minnehaha Avenue South, Minneapolis, MN 55406, Policy No. [REDACTED]; and
- n. Fat Cat Eats, LLC, d/b/a Andy’s Diner, 1500 West Lake Street, Minneapolis, MN 55408, Policy No. [REDACTED]

2. The City of Minneapolis (“the City”) is a municipality as that term is defined in Minn. Stat. § 466.01, subd. 1, and subject to tort liability under Minn. Stat. § 466.02.

### FACTS

3. On May 25, 2020, George Floyd died while being arrested by Minneapolis police officers Derek Chauvin, J. Alexander Kueng, Thomas Lane, and Tou Thau.

4. Floyd’s death sparked several days of protests and civil unrest, which resulted in damage to numerous businesses in Minneapolis and Saint Paul, including damage to the Insureds’ businesses.

5. Pursuant to the terms of the insurance policies issued to the Insureds, ICC paid the following insurance claims totaling over \$5,600,000, including the Insureds’ deductibles, for damage to buildings and business personal property, business income losses, and demolition, debris removal, and other expenses as a direct result of the damage caused by the civil unrest:

- a. ADENAL Investment, LLC: \$3,862,111;
- b. Midwest Latino Entertainment & Talent, Inc., d/b/a Club Calabash Nightclub & Restaurant: \$420,898;
- c. Hexagon Bar, Inc., d/b/a Hexagon Bar, 2600 27<sup>th</sup> Avenue South, Minneapolis, MN 55406: \$850,359;
- d. Longfellow Brewing Co., LLC, d/b/a Elevated Beer Wine & Spirits: \$166,832;
- e. The Local, “An Epicurean Café & Pub” LLC, d/b/a The Local: \$166,130;
- f. Taqueria Los Ocampos 4, Inc., d/b/a Taqueria Los Ocampos: \$126,238;
- g. South Lyndale Liquors, Inc., d/b/a South Lyndale Liquors: \$9,633;
- h. Modern Times, LLC, d/b/a Modern Times: \$8,158;
- i. IC Enterprises, LLC, d/b/a Pancho Villa’s Grill: \$5,175;

- j. Joint Caboose Operations, LLC, d/b/a The Joint and Cabooze: \$3,730;
  - k. Jans Enterprises, Inc., d/b/a Nico's Tacos: \$3,302;
  - l. Stanley's Northeast Bar Room, LLC, d/b/a Stanley's Northeast Bar Room/Al's Place: \$2,959;
  - m. 3675 Minnehaha, Inc., d/b/a The Howe, 3673-3675 Minnehaha Avenue South, Minneapolis, MN 55406: \$2,807; and
  - n. Fat Cat Eats, LLC, d/b/a Andy's Diner: \$1,811.
6. ICC is subrogated for the amounts paid to or on behalf of the Insureds.
  7. Plaintiffs South Lyndale Liquors, Modern Times, The Joint and Cabooze, and Andy's Diner have claims for their uninsured losses, including but not limited to their deductibles.
  8. Pursuant to Minn. Stat. § 466.05, subd. 1, ICC, on behalf of itself and the Insureds, gave proper notice of the claim against the City through a Notice of Claim dated September 10, 2020, and an Amended Notice of Claim dated November 11, 2020.
  9. On April 20, 2021, Chauvin was convicted of second-degree unintentional murder, third-degree murder, and second-degree manslaughter for killing Floyd.
  10. On December 15, 2021, Chauvin pled guilty to depriving Floyd of his federal civil rights.
  11. On February 24, 2022, Kueng, Lane, and Thao were convicted of violating Floyd's federal civil rights.
  12. In February 2021, the City contracted with Hillard Heintze to conduct an after-action review analyzing the City's departments' and assisting agencies' responses to events occurring in the City immediately following Floyd's death through June 3, 2020. Hillard Heintze issued its final report on March 7, 2022. *See* Exhibit 1, which is attached to and incorporated into the Complaint.

13. The areas and events that Hillard Heintze focused on included civil unrest that occurred at Minneapolis Police Department (MPD) precincts, 911 response to looting, burglary, stabbings, and shootings, and evacuation of the MPD's 3<sup>rd</sup> Precinct. *See* Exhibit 1 at 8.

14. Hillard Heintze's report included the following key findings:

a. Community members were dismayed at the lack of leadership and planning from the City and the MPD and expressed their overall distrust of City and MPD officials. *See* Exhibit 1 at 9.

b. MPD members recognized that the MPD's response to the protests did not "go well." *See* Exhibit 1 at 9.

c. The City's emergency operations plan (EOP) is well written, comprehensive, and consistent with nationally recognized practices, but the City failed to use the EOP effectively to guide its response to the civil unrest by, among other things, the Mayor's Office failing to ensure the appropriate implementation of the EOP, the Office of Emergency Management (OEM) minimally engaging in its coordination role, and the MPD and the Minneapolis Fire Department (MFD) failing to use the EOP effectively as a guide to their responses. *See* Exhibit 1 at 10.

d. The MPD's failure to adhere to core incident command principles contributed to many of the struggles with its response to the civil unrest following Floyd's death, including when officers and field commanders desperately sought information, guidance, and approvals for tactical actions their calls went unanswered or were delayed. *See* Exhibit 1 at 10.

e. The City failed to capitalize on its training and experience from previous large-scale events to establish a framework for crisis response and guide its actions. *See* Exhibit 1 at 11.

f. MPD leadership did not have a designated Incident Management Team (IMT) and did not formally assign members to the command post at the Emergency Operations Training Facility (EOTF) as directed by Policy 7-910 Emergency Operations Center of the MPD “Policy and Procedures Manual,” instead MPD leadership depended on commanders who assimilated into the command center organically rather than by assignment, which was inefficient, ineffective, and not in compliance with City policy. *See* Exhibit 1 at 12.

g. The MPD failed to have a proper centralized command to ensure unity in its decisions and operations as directed by Policy 7-905 Incident Command System (ICS), Policy 7-810.02 Critical Incident–On-Scene Procedures, and Policy 7-910 Emergency Operations Center, and instead used an ad hoc command structure to address emergencies and crises, which some commanders and rank-and-file officers found to be chaotic, slow, and ineffective. *See* Exhibit 1 at 12.

h. The MFD did not effectively implement the ICS and assign available resources. Instead of having its executive leadership at the EOTF, where they could provide strategic directions, they commanded from the field and were involved in operational decisions at fires, which were tasks that should have been assigned to a battalion chief. *See* Exhibit 1 at 13.

i. MPD personnel in the field received limited guidance from MPD incident command, resulting in varied and uncoordinated responses to the protests. *See* Exhibit 12 at 14.

j. The MPD failed to follow Policy 6-105 Requesting National Guard Assistance and Policy 7-905 ICS providing for notification to the Minnesota National Guard (MNG) in a large-scale disturbance. Although the Mayor made an oral request for

MNG assistance to the Governor in the early evening on May 27, 2020, followed by a written request, and the MPD made its request for MNG assistance by email shortly thereafter, the detailed information critical to MNG deployment, as required by the MNG and as detailed in the policy, was not included in any of these requests. If the Mayor or the MPD had consulted the OEM, the OEM could have assisted with a more detailed request and minimized the delay in the deployment of the MNG. *See* Exhibit 1 at 16.

15. Hillard Heintze's report also include the following findings:

a. On May 26, 2020, a large group of protesters gathered at MPD's 3<sup>rd</sup> Precinct and caused damage to the building and police vehicles and looting began at area businesses located primarily on Lake Street. *See* Exhibit 1 at 20.

b. On the evening of May 27, 2020, rioters damaged the 3<sup>rd</sup> Precinct building again and looting began spreading across the City. The MPD Chief determined that the rioting and looting overwhelmed the MPD's capacity and called the Mayor to request MNG assistance, but the request did not follow established policies and protocols and was not accompanied by the details required to activate MNG deployment. *See* Exhibit 1 at 21.

c. On May 28, 2020, MNG leadership readied troops for deployment, while MPD leadership worked to develop a detailed plan to present to the MNG for consideration of deployment of its troops. The Governor approved the plan by executive order late in the afternoon, but the MNG was not deployed until the early morning hours of May 29, 2020. In the interim, looting, vandalism, and violent protests spread across the City, taxing available law enforcement capabilities. As the level of violence escalated during the evening of May 28, the MPD Chief announced a decision to abandon the 3<sup>rd</sup> Precinct, which occurred at 10:15 p.m. Once the MPD abandoned the 3<sup>rd</sup> Precinct, rioters set fire to the Precinct building and other buildings in the area. *See* Exhibit 1 at 21.

d. On May 29, 2020, following abandonment of the 3<sup>rd</sup> Precinct, violence and destruction continued across the City. *See* Exhibit 21 at 21.

e. By May 30, 2020, the collective law enforcement response, supported by the MNG, along with a curfew implemented by the Governor, helped reduce the level of violence and destruction. *See* Exhibit 1 at 22.

f. Overall, community members felt that the City had abandoned them, particularly regarding the lack of response to vandalism and arson that occurred in areas where protests occurred. *See* Exhibit 1 at 24.

g. Policy 5-312 Crowd Control and Policy 7-805 Civil Disturbances cover crowd control and civil disturbances in detail. The City failed to establish the command structure outlined in the policy, at least until additional federal and state assistance arrived and established command at the Multi-Agency Coordination Center on May 30, 2020. *See* Exhibit 1 at 30.

h. The MPD did not follow all the procedures for implementation of the ICS during the response to the protests, as officers were not aware of a specific mission or purpose, who was in charge, or their primary function. *See* Exhibit 1 at 33.

i. As a result of the City and the MPD failing to designate an incident command structure, and instead allowing the incident command structure to develop organically, supervisors and officers had no idea who was in charge or who was the incident commander, which led to chaotic EOTF operations. *See* Exhibit 1 at 41.

j. Senior-level MPD leaders predicted that protests would occur after Floyd's death, but they did not prepare for them and were unfamiliar with the ICS and chose to simply monitor events and hope they would not escalate. *See* Exhibit 1 at 44.



k. The OEM, which supports responding agencies in a crisis or emergency, could have, at a minimum, provided guidance for federal and state resources, but the MPD's unconventional approach to the ICS did not align with the OEM's expectations of emergency management and, therefore, OEM guidance was neither sought nor provided. *See Exhibit 1 at 66-67.*

l. The Mayor did not ensure the appropriate implementation of the EOP, the OEM minimally engaged in its coordination role, and the MPD and MFD did not effectively use the EOP to guide their responses to the civil unrest. *See Exhibit 1 at 72.*

m. During an incident, communications and coordination among affected government entities and departments is essential and are the focus of an EOP and each entity involved in response operations should be well informed about objectives and their roles. The EOP states that the Mayor, supported by the OEM, should have a strong leadership role in coordinating the City enterprise outside of the MPD and the MFD, but the OEM was minimally involved and not significantly consulted by the Mayor during the response to the civil unrest. *See Exhibit 1 at 73.*

n. According to the EOP, besides having a role in emergency declarations, the City Council has no role in emergency management, yet messaging from some City Council members was perceived as encouraging people to participate in the protests, even after the protests had become violent. *See Exhibit 1 at 76.*

o. Among other things, better adherence to command-and-control principles by the MPD and City officials would have led to a better response to the civil unrest. *See Exhibit 1 at 79.*

16. Under Section 171.30 of the Minneapolis Code of Ordinances, the City, acting through the police department, has a duty to notice and diligently inquire into all violations of the

criminal laws of the state, take enforcement action authorized by state statute, arrest any violators of the criminal laws of the state, and, as directed by the chief of police or other supervisory personnel, patrol all parts of the city where any violations of the law are occurring or are likely to occur.

**COUNT I**  
**Vicarious Liability for Police Officers' Wrongful Acts**

17. The plaintiffs reallege and adopt the preceding paragraphs.

18. There is a long and well-documented history of civil unrest and resultant damage to private businesses following police brutality against African Americans and deaths of African Americans at the hands of police officers, both in the City and nationwide.

19. Civil unrest and resultant damage to private businesses is a foreseeable consequence of police brutality against African Americans and deaths of African Americans at the hands of police officers.

20. The actions of Chauvin, Kueng, Lane, and Thao, which led to Floyd's death and the deprivation of Floyd's civil rights, were a direct cause of the civil unrest and resultant damage to the Insureds' businesses.

21. Chauvin, Kueng, Lane, and Thao were acting within the scope of their employment as police officers with the City when they arrested and killed Floyd.

22. The City is vicariously liable for ICC's and the Insureds' damages caused by the actions of Chauvin, Kueng, Lane, and Thao.

23. The City is liable to the plaintiffs for their damages.

**COUNT II**  
**Negligence**

24. The plaintiffs reallege and adopt the preceding paragraphs.

25. The City, including the Mayor's Office, the MPD, the MFD, and the OEM, negligently failed to carry out the ministerial duties set forth in the Code of Ordinances, the EOP, and various other policies and procedures, which resulted in rioters, looters, and vandals roaming unimpeded through the City.

26. The City's negligence was a direct cause of the plaintiffs' damages.

27. The City is liable to the plaintiffs for their damages.

**WHEREFORE**, the plaintiffs request judgment against the defendant in an amount in excess of \$50,000, along with their costs and disbursements.

**EASTLUND HUTCHINSON LTD.**

Dated: December 29, 2023

By: /s/ Mark J. Peschel

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*Attorneys for Plaintiffs*

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. §549.211 to the party against whom the allegations in this pleading are asserted.

Dated: December 29, 2023

/s/ Mark J. Peschel

Mark J. Peschel, #0160921



MINNESOTA  
JUDICIAL  
BRANCH

Protecting What Matters

*City of Minneapolis*

**An After-Action Review of City Agencies' Responses to Activities  
Directly Following George Floyd's Death on May 25, 2020**

**CONDUCTED ON BEHALF OF THE CITY OF MINNEAPOLIS, MINNESOTA**

**FINAL REPORT**

**March 7, 2022**



 **HILLARD HEINTZE**

A Jensen Hughes Company

**EXHIBIT 1**

Protecting What Matters



A Jensen Hughes Company

March 7, 2022

Mr. Ryan Patrick, CIA  
Internal Audit Director  
City of Minneapolis  
350 South Fifth Street, Room 310 1/2  
Minneapolis, Minnesota 55415

Dear Director Patrick:

We have completed our after-action report and recommendations for the City of Minneapolis' response to the events occurring in the city directly following George Floyd's death on May 25, 2020. At your request, we reviewed response actions from that date through June 3, 2020.

We want to thank you and everyone who assisted our team during our assessment, including the Mayor's Office, City Council Members, the Minneapolis Police Department, the Minneapolis Fire Department, the Office of Emergency Management, other city agencies and the residents of Minneapolis. We appreciate the fact that cities like yours are taking steps to ensure their agencies' critical and sensitive work meets professional standards and their communities' expectations.

If the City of Minneapolis and its agencies implement the recommendations in this report, we believe the City will be better prepared for and able to respond more effectively to future protests and civil unrest. We have no doubt City leadership will implement positive changes to strengthen the services the City provides to everyone in Minneapolis.

Thank you for entrusting us with this critical engagement.

Sincerely,  
Hillard Heintze, A Jensen Hughes Company

A handwritten signature in black ink that reads "Robert L. Davis".

Robert L. Davis  
Practice Lead and Senior Vice President  
Law Enforcement Consulting



( City of Minneapolis )

An Independent After-Action Review

## Table of Contents

<b>INTRODUCTION</b> .....	<b>5</b>
<b>KEY FINDINGS</b> .....	<b>9</b>
<b>TIMELINE OF EVENTS</b> .....	<b>20</b>
<b>01 COMMUNITY PERSPECTIVES</b> .....	<b>24</b>
The Impact of the City’s Response .....	24
Minimal Communication from the City Before, During and After the Civil Unrest.....	25
Dichotomy within the Minneapolis Police Department .....	26
Loss of Trust.....	26
Unpreparedness for Civil Unrest .....	27
Leadership Issues .....	27
Failure to Assist Business Owners.....	28
Key Takeaways for the City of Minneapolis .....	28
<b>02 THE CITY’S POLICIES, PROCEDURES AND TRAINING</b> .....	<b>30</b>
Crowd Control and Civil Disturbances.....	30
Incident Command System .....	32
Use of Less-Lethal Weapons .....	34
De-Escalation .....	36
Internal Affairs.....	38
<b>03 PLANNING, RESPONSE, AND ICS FORMATION AND IMPLEMENTATION</b> .....	<b>41</b>
Incident Command .....	41
Planning Activities .....	42
Information and Intelligence Gathering .....	45
Incident Command Post.....	45
Incident Command Structure.....	45
Field Response and Tactics .....	48
State and National Best Practices for Response to Peaceful Protests and Civil Unrest .....	49
<b>04 THE CITY’S RESPONSE TO THE PROTESTS AND UNREST BEGINNING MAY 26, 2020</b> .....	<b>51</b>
Crowd Control.....	53
Previous Crowd-Control Experience .....	53
Community and MPD Officer Insight.....	53
Review of Crowd-Control Efforts during the Protests and Unrest.....	54



( City of Minneapolis )

**An Independent After-Action Review**

Supervisory Oversight and Objectives .....	55
Relevant MPD Policies .....	56
General Observations from Body-Worn Camera Footage Review .....	57
Minneapolis Fire Department Response .....	59
ICS Implementation .....	60
Resource Tracking .....	60
Fire Department Command Structure .....	61
Training .....	61
Communications .....	62
Minneapolis Emergency Communications Center .....	63
Call Volume and Staffing .....	63
Technological Issues .....	65
Interactions Between Agencies .....	65
Mutual Aid Response and Coordination .....	66
Public Safety Personnel Wellness .....	67
Relevant Policies .....	67
Officer Insights .....	68
Incident Command .....	69
<b>05 THE CITY'S COORDINATION AND COMMUNICATIONS EFFORTS .....</b>	<b>70</b>
Initial Messages from City Regarding George Floyd's Death .....	70
The City's Emergency Operations Plan .....	71
Communication and Coordination with City Management and Leadership .....	73
City Departments .....	73
City Council .....	75
Mayor's Office .....	76
Community .....	77
<b>06 SUMMARY AND RECOMMENDATIONS .....</b>	<b>79</b>





( City of Minneapolis )

**An Independent After-Action Review**

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## *Introduction*

### **Strategic Context and Assignment**

In February 2021, the City of Minneapolis contracted Hillard Heintze, a Jensen Hughes Company, to conduct an after-action review analyzing City departments' and assisting agencies' responses to events occurring within the city directly following George Floyd's death on May 25, 2020 and through June 3, 2020. The City requested Hillard Heintze seek input from community members to gain a more holistic understanding of events.

The City's objectives for the assessment included:

- + Providing a detailed overview of the events.
- + Identifying focus areas and observations from the interagency response that provide learning opportunities for first responders, government officials and community members.
- + Aligning responding City agencies' plans, policies, procedures, practices and training with the National Incident Management System and other relevant best practices to ensure consistency.
- + Inform citywide preparations for future civil disturbances.
- + Identify promising practices and lessons learned.
- + Provide findings, recommendations and opportunities to enhance future responses.
- + Identify City departments affected by the recommendations of this after-action review.

The murder of George Floyd by a Minneapolis Police Department (MPD) officer sparked the May 2020 protests and led to protests throughout the country. Floyd's death occurred at a time when many people were frustrated by restrictions imposed because of the COVID-19 pandemic and due to the significant national divisiveness surrounding the then-upcoming presidential election. In addition, the MPD and community have a history of strained relations, including anger about incidents leading up to 2020, such as the police shootings of Jamar Clark in 2015 and Justine Damond in 2017.<sup>1</sup> Although protests also followed their deaths, the extent of protests and subsequent violence and property damage during the May 2020 protests was unprecedented in Minneapolis and traumatized its residents, business owners, employees and elected officials. After more than 18 months, community members are still deeply shaken, and emotions are still high about Floyd's death and the events that followed. Many community members and government officials, including members of the MPD, are awaiting answers to understand what went wrong with aspects of the City's response to the protests and unrest and how to prevent violent unrest from occurring again.

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<sup>1</sup> For additional information and reports about the Minneapolis Police Department, see the Minnesota Department of Human Rights timeline of reports and reform recommendations regarding the MPD at <https://mn.gov/mdhr/mpd/timeline/>



( City of Minneapolis )

## An Independent After-Action Review

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### Actions Taken

Hillard Heintze assessed the actions of Minneapolis government agencies that responded to the protests. Specifically, we reviewed the actions of the following:

- + Minneapolis Police Department (MPD)
- + Minneapolis Fire Department (MFD)
- + 911 Dispatch Center
- + Office of Emergency Management (OEM)
- + Other City departments
- + Elected officials

Our analysis focused exclusively on the events that took place within city limits. It does not include city departments' actions during the events leading up to Floyd's death, nor does it include nongovernmental agencies' responses.

### Methodology

Our after-action review methodology follows the best practices described in the National Police Foundation's "How to Conduct an After-Action Review," published in 2020, and our expertise in the field. These practices included the following:

- + Research what happened, compile relevant materials and review information.
  - Gain a foundational understanding of what happened and involved organizations.
  - Review similar cases and national standards for insight into promising practices.
- + Research best practices to support the after-action review process.
- + Identify and engage key stakeholders through individual interviews, focus groups or roundtables, as appropriate.
- + Analyze the event and the corresponding response.
- + Develop findings, actionable recommendations, promising practices and lessons learned.
- + Communicate our findings.



( City of Minneapolis )

## An Independent After-Action Review

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### Document Review

Our review of over 2,400 documents included:

- + Strategic plans
- + Audit reports
- + Policies and procedures
- + Mutual aid agreements with external agencies
- + Incident reports, operational plans and other written documentation of activities related to the peaceful protests and the riots
- + Dispatch logs
- + Training records
- + Video and audio files related to the protests and the riots

### Interviews

We conducted nearly 90 interviews to gather various perspectives of the response in support of this engagement. We interviewed government officials, including elected officials and staff members, employees, and leadership from the MPD, MFD, Office of Emergency Management, Office of Neighborhood and Community Relations, the Office of Public Works and other city departments, as well as staff from the Minneapolis Emergency Communications Center (MECC). We conducted individual or group interviews of community stakeholders, including representatives of community groups, residents and business owners.

In some instances, we interviewed MPD personnel who were employed by MPD during the protests but subsequently left the department or retired.

### Community Listening Sessions

We conducted two community listening sessions seeking feedback from community members. We asked them five questions:

- + What were your perspectives on the community relations between you, your neighborhood or your business with the City of Minneapolis prior to the protest and civil unrest?
- + Once the protest started and for the following five days, how do you feel the City of Minneapolis responded to the protest and unrest that developed?
- + Did you and your community get the information it needed during the protest from the City of Minneapolis or other entities?
- + How did the protest and unrest impact you, your community or business?



( City of Minneapolis )

## An Independent After-Action Review

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- + Has your or your community's relationship improved or not improved with the City (e.g., Mayor, MFD, MPD, Public Works) since the protest and civil unrest occurred?
- + What is a key message that you think is important to be a part of the After-Action Report?

We had a total of 85 participants for the listening sessions. As a follow-up, we asked participants to submit additional information in response to the questions and any other thoughts that they had about the response to the protests.

### Focus Groups

Our team conducted two focus groups, including 25 participants, during the Neighborhood Leaders monthly meetings, which the Minneapolis Office of Neighborhood and Community Relations coordinates and conducts. We sought feedback in response to the questions raised above as well as the following additional questions:

- + Did your community get the information it needed during the unrest and protests?
- + How did the protests impact your community and neighborhood?
- + What went wrong with the City's response? What went right?

### Body-Worn Camera Review

We reviewed video recordings captured from the Minneapolis Police Department officers' body-worn cameras (BWCs). The videos provided an opportunity to evaluate further the civil unrest, the actions of those participating in the unrest and the City's response. To focus our review of the BWC footage, we used the documentation provided, such as event logs, a Minneapolis Civil Unrest Timeline, Emergency Operations Center (EOC) situation reports, computer aided dispatch (CAD) incident reports and incidents identified during interviews. Our BWC review process focused on events that occurred from May 25 through June 3, 2020. We evaluated the civil unrest response at the precincts and surrounding areas, the varying degrees of unrest that occurred and the MPD's response to 911 calls for service. Below are some of the areas and events that we focused on during our BWC review:

- + Civil unrest that occurred at the MPD precincts
- + 911 response to looting, burglary, stabbings and shootings
- + MPD's response to secure perimeters around property with active fires to facilitate the MFD's response
- + Evacuation of the 3rd Precinct
- + Use of barriers, munitions and personnel during the civil unrest
- + Civil unrest that developed on calls for service that were not where protests occurred



( City of Minneapolis )

An Independent After-Action Review

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## *Key Findings*

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**1. The Minneapolis community was deeply shaken by the killing of George Floyd by an MPD officer and was generally disappointed with the City's response to the protests.**

Eighteen months after Floyd died, community members are still emotionally shaken by the killing and the City's and MPD's response to the protests that followed. Community members were dismayed at the lack of leadership and planning from the City and the MPD and expressed their overall distrust of City and MPD officials. Although not well documented, we learned that some people who participated in the protests were injured during the unrest. Additionally, many community members expressed their concern over a general degradation of the relationship between the community and the MPD, stressing that they felt the officers' responsiveness and communication as a whole were deteriorating before Floyd's death.

**2. MPD members throughout the ranks recognized that the MPD's response to the protests did not go well. These members expressed their willingness and desire to improve the department.**

Many MPD members participated in this assessment, and they appeared to be truly interested in improving the department, not only in its response to protests, but its overall operations. The MPD members indicated that they were looking forward to this assessment to help document ways to improve the department. Our interviews also revealed that personnel in the MPD are ready, willing and able to take on the challenges of fundamental change to the department.

**3. The protests and the City's response significantly impacted the wellness of the MPD's and MFD's members, as well as that of other city employees.**

The MPD and the MFD did not effectively manage the assignment of officers in a way that minimized the mental and physical effect of prolonged assignments on employees' health and wellness during and after the response to the protests that followed the Floyd's death. Neither the MPD or the MFD designated a safety officer who could have monitored and assessed conditions and focused on the personnel safety aspects of responding to the civil unrest.

A significant number of officers retired or resigned from the MPD after the protests. Some left the occupation while others joined other departments. Many other officers remain on extended medical leave, reportedly associated with the emotional trauma of responding to the civil unrest. It should be noted that our officer outreach was limited – many officers did not want to relive that time period. We spoke with some supervisors whom the events clearly deeply impacted. It quickly became apparent that the events of 2020 have taken a significant toll on MPD personnel. In addition to sworn MPD and



( City of Minneapolis )

**An Independent After-Action Review**

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MFD personnel, other city employees received obscene or threatening comments from callers to their offices.

The MPD is facing significant Post-Traumatic Stress Disorder (PTSD) claims. Multiple factors have impacted members causing them to resign or retire from the MPD or take PTSD leave, ranging from the Minneapolis public's general attitude about the MPD and the perceived lack of support from City and MPD officials to the feeling of being overwhelmed and losing a precinct station during the riots.

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**4. In response to the protests, the City of Minneapolis did not use its emergency operations plan effectively to guide its response.**

Minneapolis' emergency operations plan (EOP) is well written, comprehensive and consistent with nationally recognized practices. However, the Mayor's Office did not ensure the appropriate implementation of the EOP, the Office of Emergency Management minimally engaged in its coordination role, and the MPD and the MFD did not effectively use the EOP as a guide to their response. This is in contrast with how interviewees described the response to the 2007 I-35W bridge collapse where residents and City employees believed they were well-informed, that all departments worked in unison under a common umbrella, and the City was in control and well-coordinated.

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**5. The absence of planning efforts and non-adherence to core incident command principles contributed to many of the struggles regarding the MPD's response. The response to the protests is a symptom of the MPD's systemic challenge of ensuring a well-trained, prepared and carefully assigned command staff leads the agency.**

Even before the substantial staffing losses that have occurred in the months following the protests, the focus on establishing succession and redundancy in command was not present. We heard numerous times that getting the right people in the right seats is not and has not been a priority within the MPD in recent years. Perhaps more problematic and systemic is the lack of confidence in and perceived capability of MPD leadership's decision making. The civil unrest exacerbated these feelings when officers and field commanders desperately sought information, guidance and approvals for tactical actions and found those calls went unanswered or delayed. This often led to increased risk and angst among the personnel in the field.

However, we also found examples of competence and confidence in the field response, where individual teams or MPD personnel rose to the occasion and operated effectively in the chaos, despite – and seemingly because of – the lack of guidance they received. We noted this systemic challenge throughout the ranks as patrol officer accountability varies across the MPD. Although some precincts and sections demonstrate a higher degree of accountability and expectations, department-wide standards and expectations are not clearly evident, nor were they communicated to our team. To the contrary, MPD interviewees frequently voiced the need for such standards.



( City of Minneapolis )

**An Independent After-Action Review**

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**6. The MPD did not develop any formal crisis response plans, nor did it engage in any formal planning efforts to respond to the protests.**

MPD leadership described the planning and response as developing organically, with no formal planning efforts. They seemed to engage in formal planning only when they integrated with state and federal agency command at the Multi-Agency Coordination Center. We learned that when the MPD command staff convened for a meeting on Wednesday, May 27, they did not discuss or develop a plan. The commanders, and subsequently the officers, did not receive information regarding the incident command, operations plan, rules of engagement and operational objectives for the first several days.

**7. The City did not capitalize on its training and experience from previous large-scale events to establish a framework for crisis response and guide its actions.**

The City and the MPD have participated in extensive pre-planning with federal, state and local partners in preparation for large-scale law enforcement operations, such as the Super Bowl, NCAA Basketball's Final Four, the Republican National Convention and presidential visits. MPD personnel participated in the planning and execution of comprehensive response plans, though the above-mentioned events did not present issues requiring a large-scale response.

MPD personnel not only have organizational planning experience, but they received crowd-control equipment and training for hundreds of officers before those events. We learned that few officers retained the equipment, and we could not confirm that the MPD continued training in crowd control. The MPD provided a lesson plan for large crowd management training for the 2020 in-service training conducted January through April; however, MPD officers stated in interviews they had not received this training and that COVID-19 had impacted in-service training. As a result, officers stated they had not received any formal crowd-control training since their last assignment to a large event.

The City regularly experiences protests and rallies, and had a community occupation of the 4th Precinct in 2015. The community gave mixed reviews to the City's response to the 18-day occupation. However, the formal after-action review conducted by a third party identified a lack of clear leadership and responsibilities, familiarization with the Incident Command System (ICS), communication, and prioritization of officer wellness before, during and after an incident. They also noted the need to focus on building a positive police-community relationship. Our assessment revealed the MPD subsequently missed opportunities to address the shortcomings identified in the after-action assessment.



( City of Minneapolis )

An Independent After-Action Review

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**8. The MPD does not have a designated Incident Management Team (IMT), nor did it formally assign members to the command post at the Emergency Operations Training Facility (EOTF) as directed by Policy 7-910 Emergency Operations Center.**

MPD Policy 7-910 states that for large-scale disturbances or events involving only the MPD, the EOC may be established in the police administrative offices and the MPD Chief shall be the EOC commander. The EOC can be activated and staffed by the Chief of Police, a Deputy Chief, Director of the Emergency Communications & Technology Bureau, Administrative Assistant to the Chief, MPD Legal Advisor and MPD Public Information Officer. It further states that the on-scene incident commander may elect to designate on-scene operations, staging, logistics, planning and finance officers for large-scale or complex emergency situations.

The after-action report of the Occupation of the 4th Precinct describes the value of an IMT and the clear assignment of the leadership positions described above and their responsibilities in a crisis, which are best practices. By establishing such assignments in advance, a department can quickly respond to critical incidents. MPD leadership did not follow the policy during the protests and unrest but instead depended on commanders with the requisite skillsets to assist in the crisis, and they assimilated into the command center organically rather than by assignment. This is inefficient and ineffective and inhibits succession planning.

MPD leadership has not established a formal IMT or required adherence to a process or policies that prompt an emergency command response and specifies what, where and who responds to a crisis. Although leadership claims the organic response works for them, it leaves the field personnel disconnected and inhibits succession planning that would establish redundancy in positions and a cross-discipline command staff.

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**9. The MPD did not adhere to a proper centralized command to ensure unity in decisions and operations in compliance with Policy 7-905 Incident Command System (ICS), Policy 7-810.02 Critical Incident – On-Scene Procedures and Policy 7-910 Emergency Operations Center.**

Most first responders complete training on the ICS, which facilitates the operations of large-scale police operations, including crowd-control efforts during protests and riots. At its core, ICS provides an organizational framework for the efficient and effective command, control and coordination of an emergency response for first responders.

The MPD opened a command post at the EOTF on the afternoon of Tuesday, May 26, but our assessment and interviews revealed the MPD did not clearly designate a specific incident commander or attempt to fill the roles consistent with ICS, such as the Planning Section Chief, Logistics Section Chief or Safety Officer. We learned the MPD does not adhere to the principles of ICS but rather addresses emergencies and crises with an ad hoc command structure. Although some commanders engaging in decision-making at the command post find the process effective, other commanders and the rank-and-file stated it is chaotic, slow and ineffective.





( City of Minneapolis )

An Independent After-Action Review

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**10. The State of Minnesota took responsibility over the response at the Multi-Agency Command Center (MACC) on Friday, May 29, yet the MPD's EOC at the EOTF continued to operate and its role was unclear.**

The MPD maintained the EOTF command post even after the MACC opened, which created a separate layer of quasi-command that the MPD personnel assigned to the MACC found difficult to navigate. When the Minnesota Department of Public Safety activated the MACC to support the assisting federal and state agencies, the MPD commanders did not want to go to the MACC, as they found the environment and the processes uncomfortable and unfamiliar. They questioned the value of moving to the MACC and stressed that they believed one of the many benefits to maintaining emergency operations at the EOTF was that the EOTF had visibility into city surveillance cameras. The command of a large-scale incident or emergency is best facilitated when the leaders gather in a single area designated as the official command post. The purpose of selecting a location and developing an ICS structure is to establish an environment from which multiple decision-makers can share information, hold discussions and collaborate in the development of operational strategies in real time. In time, the MPD commanders assigned to the MACC found the organizational structure to be helpful, and they advised our team of the benefits of a pre-planned and structured approach to a crisis.

**11. The MFD did not follow a structured ICS. The Chief and Assistant Chief commanded from the field and were involved in operational decisions at fires, not from the EOTF where they could provide strategic direction.**

The MFD did not effectively implement the ICS and assign available resources. The MFD executive leadership team stayed on the street, assessing the individual response to calls as they came in to determine if it was safe to have an engine respond. They maintained this street-level oversight for several days. MFD should have assigned a battalion chief to engage in field command while the Chief and Assistant Chief assumed a strategic role at the command post. MFD commanders relatively new to their roles were assigned to the MECC and EOTF, while other commanders with extensive experience in those roles were not engaged.

The MFD designated a task force response model that was unfamiliar to many of the firefighters. In the task force model, two crews were responsible for responding to fire calls in the impacted area of the city. From our interviews of MFD personnel, we learned of opportunities for additional personnel to assist in the response, at the command level and on the street, but the Chief did not embrace these opportunities. Many MFD personnel sat in firehouses across the city, in some cases observing a nearby fire that they could engage, while the personnel assigned to the task force actively worked fires for most of their 24-hour shift.

This response model pushed task force personnel, the Assistant Chief and Chief to the point of exhaustion and did not engage the well-positioned apparatuses and firefighters that were available to assist.



( City of Minneapolis )

An Independent After-Action Review

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**12. Communication and guidance from the MPD incident command staff were limited, resulting in varied and uncoordinated responses to the protests in the field.**

MPD personnel in the field reported that they received little guidance from incident command regarding the response over several days. During the early days, communication regarding the overview of the situation, intelligence reporting, objectives and rules of engagement did not occur. Officers, supervisors and some commanders expressed frustration and concern that they did not receive information from the command post or command staff. As a result, commanders and supervisors in the field engaged in making decisions and implementing response actions specific to their area. A collective or integrated response was not realized until state and federal assistance arrived.

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**13. Structured operational or intelligence briefings were not circulated to field personnel, specifically those regarding the activity at the 3rd Precinct during the nights of the protests.**

We learned that the Strategic Information Center (SIC) representatives, nearly adjacent to the designated command post at the EOTF, provided an intelligence briefing to the personnel gathered in the command post during the early part of the protests. However, SIC representatives determined early that the lack of structure and the chaotic environment in the command post did not lend itself to the briefings, so they instead prepared and forwarded reports to the command post. The SIC representatives would also prepare and send a Daily Information Brief (DIB) to the field.

Although it is an ICS best practice to provide a situation report detailing the status of operational initiatives and staffing, as well as information obtained from the intelligence section, it is unclear if such a report circulated throughout the MPD. We learned through interviews that no such information or a DIB reached the rank-and-file.

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**14. The MFD did not call for mutual aid or use emergency staffing to recall personnel to provide for effective assignment of resources.**

The executive leadership determined there was insufficient force protection to support the existing MFD personnel, so they believed bringing in additional resources would have been fruitless. The executive leadership attempted a recall of MFD personnel the first night. However, because of password issues, they could not initially activate their SWIFT REACH system, a mass communication tool, to efficiently reach their personnel. Additionally, the data in the system had not been maintained to ensure it was accurate. This prevented the executive leadership from using this system effectively to recall their personnel. As an alternative, they established a manual call tree, but by the time they implemented the plan, it was getting close to shift change, so they discontinued the process. Further, they shared that the officer response was poor for those limited calls that the MFD responded to during the early stages.



( City of Minneapolis )

An Independent After-Action Review

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**15. Neither the MPD nor the MFD completed a formal After-Action Review (AAR) or immediate informal after-action discussions and evaluations about their respective departments' performances during the unrest.**

The completion of an AAR following a critical incident is an established practice in policing and emergency management. The Police Foundation notes that conducting "AARs following exercises, routine emergencies, and critical incidents provides observations and learning opportunities that can be applied to strengthen future responses and guide agencies as they prepare for future incidents."<sup>2</sup> Although some lessons learned may have found their way into planning for the subsequent trial of former Officer Derek Chauvin, who was convicted for Floyd's murder, this was informal and could have missed some important opportunities for improving the City of Minneapolis' response.

**16. The Minneapolis Office of Emergency Management (OEM) set up a virtual EOC, but EOC and OEM staff were disconnected from the MPD's command center and did not play a practical role in the City's response to the protest.**

According to the City of Minneapolis EOP from April 2017, the Minneapolis OEM coordinates all requests for county and state assistance during an activation of the City's Multi-Agency Coordination System or EOC. Further, a 2016 operations plan states that the OEM personnel serve as staff for the Mayor in response and recovery operations. In response, the OEM implements operations under the EOP and activates and oversees the multi-agency coordination system, including facilities that are part of that system, such as the EOC. During the recovery phase, the OEM is responsible for coordinating and implementing the city's recovery.

The OEM established a virtual EOC, but generally did not seem integrated with the MPD and MFD command. We identified clear opportunities for the OEM to engage and assist, such as the request for the Minnesota National Guard. Although the OEM is responsible for and best suited for making such requests, it was not involved in facilitating that or any other partnership because of the MPD's unconventional command approach to the crisis and because those in the command post were not following COVID-19 precautions, such as wearing masks.

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<sup>2</sup> National Police Foundation. 2020. *How to Conduct an After-Action Review*. Washington, DC: Office of Community Oriented Policing Services.



( City of Minneapolis )

An Independent After-Action Review

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**17. The process for requesting the assistance of the Minnesota National Guard (MNG) was unfamiliar to those making the requests. These challenges caused a delay in the approval and deployment of resources.**

Through our assessment, interviews of public officials and first responders, and community listening sessions, we heard repeated criticism of the delay in the deployment of the MNG and the community's expectation that such agreements and processes would be well-established in advance of a crisis requiring such assistance. Our assessment revealed that the MPD did not follow Policy 6-105 Requesting National Guard Assistance or Policy 7-905 ICS providing for notification to the MNG in a large-scale disturbance. The Mayor made a verbal request of the Governor in the early evening hours of Wednesday, May 27, followed by a written request. The MPD forwarded its request through email shortly thereafter; however, the detailed information critical to the mission, required by MNG for approval as detailed in the policy, was not included in any of the initial requests..

The public's concern is well noted, as the policies provided the appropriate guidance. Had the Mayor or the MPD consulted the OEM, the OEM could have assisted with a more detailed request and potentially minimized the delay in deployment. Records indicate soldiers were notified of the deployment as early as Wednesday evening, but the MNG command could not initiate the deployment because they had not received sufficient actionable information.

**18. As the MPD was responding to the protests, it was unclear to most of the rank-and-file in the field and to the community who was guiding the response to routine calls for service across the city and how to make those calls.**

The protests were unprecedented in the size, duration and level of violent activity, but the MPD seemingly focused all of its efforts on protest response. While inspectors in less impacted areas were expected to ensure response to routine calls for service in their precincts, the MPD did not delineate the need for some level of city-wide response to the city's routine service requirements, creating confusion among MPD members interviewed. The protests did not impact some precincts as heavily, and the MPD could have designated one of the inspectors from the less-impacted precincts to assist with establishing and executing a plan for coordinating the response to the calls for service that were unassociated with the protest activity.

**19. The MPD did not have a mass arrest plan or capability to facilitate the timely processing of arrestees.**

By the evening of Friday, May 29, the City had received sufficient mutual aid support and the MACC was activated. The MPD then began its first wide-scale offensive response to unlawful protest activity. It formed arrest teams that began issuing dispersal orders and effecting arrests for non-compliant individuals. Per MPD policy 7-910, the EOC commander decides which incident command structure



( City of Minneapolis )

**An Independent After-Action Review**

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to use and establishes the procedures for mass arrests, including transportation arrangements, arrest processing center location and teams for staffing.

We reviewed a crowd-control training presentation developed in 2015 that identified the core tasks for mass arrests. However, as the officers began making arrests for the current events and the number of arrested individuals began to increase, it became apparent that the MPD was not prepared to process and transport efficiently the number of arrestees. It was not until the Minnesota Department of Corrections provided buses that the MPD developed an effective transportation plan for arrestees.

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**20. Although SWAT understood the rules regarding deployment of 40 mm weapons, MPD patrol personnel did not seem to have consistent rules of engagement or control. In our review of BWC video footage, we found multiple deployments by SWAT and patrol officers that did not align with policy.**

We spoke with supervisors who stated they could not accurately account for which patrol officers carried 40 mm weapons and deployed less-lethal munitions. Additionally, these supervisors did not provide the officers within their area of oversight with rules of engagement, nor were they aware of any provided by the command post. We heard from some in our community engagement sessions who felt that there was a disproportionate response from the MPD, which contributed to an escalation of the crowd.

During some of our BWC video footage reviews, we found opportunities during which officers could have attempted to communicate with informal leaders in the crowd regarding the officers' objectives, but instead they relied upon the less-lethal munitions to disperse the crowd. During our BWC review, we observed officers being struck by objects thrown from the back of the crowd while other non-violent individuals with their arms raised above their heads stood in front of the officers.

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**21. The decentralized structure of Minneapolis government and lack of coordination of the city government departments resulted in a lack of information that the public desperately sought. Additionally, the provided messaging was inconsistent.**

We heard from officers, community members, business owners and city employees that they did not receive communication regarding the protest and actions the City was taking. Some interviewees described their desperate and fearful attempts to gain information, which led them to depending on media reporting, text groups and informal ad hoc neighborhood meetings. These individuals were critical of the City for not having a process to inform the community of what was occurring and what they should do to provide for their safety and protection. We heard from individuals who watched as rioters set fires from one building to the next and large groups infiltrated the neighborhoods, and they said they did not know if they should flee or stay sheltered in place.



( City of Minneapolis )

**An Independent After-Action Review**

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**22. Despite the lack of communication from the MPD and city officials, many residents and business owners worked together to protect their communities and prevent property damage.**

Absent any information or direction from the city or respective departments, many individuals ended up acting on their own and doing what they thought was needed with very little guidance or even situational awareness. Many interviewees said that the city's lack of communication prompted a positive result of neighborhood residents and business owners working together to protect their residences and businesses and to clean up after the destruction from the previous night.

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**23. Miscommunication with the public, technological challenges, and an extraordinary call load at the MECC contributed to a system overload and deficient communications capabilities.**

As widely reported in media sources following the protests, the volume of calls overwhelmed the MECC, and a temporary service disruption occurred. Our review of call volume revealed stark increases in calls, nearly five times the number of calls as compared to the same date and times in previous years.

A 911 outage occurred on Friday, May 22, which prompted the MECC to direct incoming calls temporarily to the center's administrative phone number. The MECC provided information about the temporary call procedure to the City's communications team for release to the public. However, the information regarding the temporary change was not retracted once 911 was re-established. When calls increased following Floyd's death, some of the incoming calls from the public were still routed to the administrative lines.

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**24. The protests and the hundreds of calls associated with the activity significantly impacted the communication staff's wellness.**

MECC staff worked extended shifts and received hundreds of obscene and threatening calls. We reviewed some in which callers screamed obscenities and threats and uttered terrible statements directed at the MPD, the officers and the communication staff. The staff remained professional, routing those calls where possible, responding with what information they could and often politely disconnecting when they confirmed there was not a need for service.

There was an increase in calls for service, nearing 8,000 calls in a 24-hour period on May 29 and similar call volumes throughout the week. Commuting to the MECC during the unrest across the city, the long shifts, heavy call volume, threatening phone calls and the emotion of the field officers' radio traffic yelling for help with the surging crowds was traumatic for the communications staff. The supervisors report that the trauma remains for some, and they still receive occasional obscene phone calls.



( City of Minneapolis )

An Independent After-Action Review

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**25. Neither the City or the MPD issued any formal briefings to inform public employees and the community on the status of the situation. It was not until the activation of the MACC that the State conducted briefings every four hours, including at the night.**

These briefings provided situational awareness to the many first responders working collectively to address the protests and riots. Most notably, the briefings served to inform City Council members, allowing them to provide their perspectives to the incident commander. Before these briefings began, council members responded on their own to media outlets and questions from their constituents in the absence of a unified city messaging process. We learned of the inconsistency in the message content, with some council members seemingly in support of the violence and defunding the police and others urging peaceful protests.

MINNESOTA  
JUDICIAL  
BRANCH



( City of Minneapolis )

An Independent After-Action Review

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## *Timeline of Events*

### **May 25, 2020**

Minneapolis Police Department (MPD) Officer Chauvin murdered George Floyd at 38th Street and Chicago Avenue, following a call for service from a Cup Foods employee who reported Floyd had attempted to use a counterfeit \$20 for a purchase. A large crowd assembled in the area and multiple individuals recorded the incident on their cell phones. The crowd was disconcerted, and some first responders on the call for service and in the crowd expressed concern to their superiors about what happened.

### **May 26, 2020**

The MPD released an initial statement to the media in the early morning hours describing Floyd's death as a medical emergency. As additional information surfaced and MPD leadership and public officials discovered the video recorded and posted online by a bystander, they convened on phone calls and arrived at City Hall to meet with media and community leaders. The MPD opened a command post at the Emergency Operations Training Facility (EOTF) in the early afternoon in response to large crowds gathering at 38th Street and Chicago Avenue and at the 3rd Precinct, 3000 Minnehaha Avenue South.

By early evening, the command post reported the protest group at 38th Street and Chicago Avenue could be as many as 3,000 to 5,000 people. Soon thereafter, the protest march to the 3rd Precinct initiated, as reported by the Strategic Information Center (SIC). Officers reported violent activities at the 3rd Precinct and across the city. Angry protesters approached and surrounded officers responding to calls for service. The level of violence at the 3rd Precinct escalated, as rioters damaged perimeter fencing, broke windows in the building and of vehicles in the police parking lots, and spray painted and vandalized police vehicles.

MPD Chief Medaria Arradondo authorized the release of a chemical agent to deter the protesters from gaining access to weapons within the damaged police vehicles. In addition to the violence at the 3rd Precinct, looting began at area businesses located primarily on Lake Street.

### **May 27, 2020**

In the early morning of May 27, the Minnesota State Patrol (MSP) sent troopers, who were tasked with blocking intersections and standing perimeter at the 3rd Precinct. Minneapolis Public Works crews boarded up the broken windows in the 3rd Precinct. By evening, an additional 100 Minnesota State Police (MSP) troopers and an unspecified number of St. Paul Police Department officers arrived to assist with 3rd Precinct perimeter security. Individuals damaged the 3rd Precinct building again. The level of violence continued with individuals constructing barricades with looted supplies, from





( City of Minneapolis )

**An Independent After-Action Review**

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which individuals launched attacks on the officers and retreated to cover and concealment. The looting began spreading across the city.

Chief Arradondo assessed the situation as overwhelming the capacity of the law enforcement officers and called Mayor Jacob Frey to request assistance from the Minnesota National Guard (MNG). Available information indicates the MNG was aware of the request and notified soldiers that evening. Additional information available indicates that the request did not follow established policies and protocols, nor was it accompanied by the details required to activate the deployment.

The AutoZone across the street from the 3rd Precinct was set on fire and destroyed because firefighters could not safely respond.

### **May 28, 2020**

The MNG leadership continued readying troops and preparing for a deployment. MPD leadership worked throughout the day to develop a detailed plan to present for consideration of deployment of the MNG. The plan provided details regarding how to integrate the MNG with public safety personnel responding to the unrest across the city. Governor Tim Walz approved the plan by executive order in the late afternoon.

Looting, vandalism and violent protests spread across the city, reportedly taxing the available law enforcement officers, with a focused response at the 3rd Precinct. As evening approached and the level of violence escalated, the MPD chief announced the decision to abandon the 3rd Precinct. At 10:15 p.m., MPD leadership ordered the 3rd Precinct evacuated. The remaining officers were locked in the parking lot and had to crash the gate to exit. Some rode in police vehicles and others walked south on Snelling Avenue to 32nd Street to a warehouse on Hiawatha Avenue, where they waited for buses to pick them up. Once the MPD abandoned the 3rd Precinct, rioters assumed control of the building and quickly set fires within and to additional buildings in the area.

### **May 29, 2020**

The violence and destruction across the city continued following the surrender of the 3rd Precinct. The MNG and additional MSP troopers arrived throughout the early morning hours. By late morning and early afternoon, the Multi-Agency Coordination Center (MACC) was activated at the University of Minnesota. State and federal commanders assembled at the MACC to assume command of the response efforts. Throughout the day on Friday, May 29, protest activity moved to the 5th Precinct with obvious attempts by the crowds to take control by the evening hours. The MPD, with state and federal assistance, thwarted those violent attempts. The Governor issued an executive order implementing a nighttime curfew.



( City of Minneapolis )

**An Independent After-Action Review**

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### **May 30, 2020**

Aligned with the curfew, the collective law enforcement response, supported by the MNG, initiated patrols to deter looting and vandalism. The effort was significantly enhanced by increased numbers of personnel and command structure and oversight. This enhanced response started to help reduce the level of violence and destruction. However, some law enforcement responses continued to lack structure, and crowds attempted to take control of the 5th Precinct again and damaged area businesses.

### **May 31, 2020**

By Sunday, May 31, the law enforcement response was better organized and more effective in dispersing the crowds and arresting non-compliant individuals. A protest on the I-35W bridge escalated when a semi tractor-trailer attempted to drive through the crowd blocking traffic. Individuals pulled the driver from the vehicle and subsequently injured him.

The MPD worked to fortify the protective measures at the 2nd Precinct. A large group amassed at the 4th Precinct, but law enforcement personnel effectively dispersed them. Authorities learned of planned protests so they could plan accordingly. As the fires and widespread vandalism, looting and general lawlessness began to subside, and City officials initiated inspections of damaged structures. The American Red Cross worked to establish a shelter for displaced residents, donations began to come in and community groups started cleanup efforts.

### **June 1, 2020**

Protests diminished with exception of some limited protest activity on Lake Street near the 3rd Precinct, but the activity did not target the precincts. Law enforcement personnel continued to arrest non-compliant individuals. Assessments of damaged structure and cleanup efforts increased.

### **June 2, 2020**

The Hennepin County Attorney charged Officer Derek Chauvin with the murder of George Floyd. Recovery efforts were well underway. Teams of city employees working on damage assessments across the city completed much of the work by this date. Mayor Frey extended the curfew through Friday, June 5 from 10 p.m. to 4 a.m.



( City of Minneapolis )

An Independent After-Action Review

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### June 3, 2020

The Hennepin County Attorney charged the three officers on-scene with Officer Chauvin with aiding and abetting second degree murder and added a charge against Officer Chauvin. Recovery efforts continued across the city.



MINNESOTA  
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( City of Minneapolis )

An Independent After-Action Review

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## 01 Community Perspectives

As part of the after-action assessment, the Hillard Heintze team spoke with City of Minneapolis stakeholders, including community members and leaders, business owners, city employees and elected officials. We held two community-wide listening sessions in which approximately 85 people participated, and two focus groups that included 25 participants. We received numerous emails from stakeholders providing their perceptions of the MPD and how the City of Minneapolis responded to the protests.

During our interviews, we asked questions concerning the topics below and used their responses to formulate this report.

- + Perception of community relations with the City and the MPD before the protests began.
- + Response by the City after the protest began.
- + Communication by the City after the protest began.
- + Needs of the community after the protest began and whether they were met.
- + Successes and failures by the City of Minneapolis during the civil unrest.

Although some interviewees' comments could be construed as negative, the responses would best be described as credible and constructive. Some community members and interviewees were reluctant to participate in this assessment because they did not trust that anything would be done to improve the MPD or the City.

Below we summarize the major themes we gleaned from community interviews, listening sessions, focus groups and emails.

### The Impact of the City's Response

Overall, interviewees indicated that they felt like the City abandoned them, particularly when the decision was made to protect the 3rd Precinct rather than other properties in the city. They noted that property was significantly damaged throughout the areas where the protests occurred, and they were critical of the lack of response to many of these instances of vandalism and arson. Some said the release of tear gas by the MPD and the arson fires impacted those beyond the direct area of the protests as the wind brought the tear gas, smoke and ashes to their neighborhoods and yards. As a result, several residents decided to move out of their homes temporarily. Many were concerned about residents from impacted immigrant communities and whether the protests and police response brought back memories about their experiences in war-torn countries.



( City of Minneapolis )

**An Independent After-Action Review**

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Interviewees and focus group members noted that a positive result of the City's lack of communication and failed response was that community members worked together to help each other. For example, some residents took it into their own hands to clean up burned or damaged business and proactively assist others in protecting their businesses and neighborhoods.

### **Minimal Communication from the City Before, During and After the Civil Unrest**

Many interviewees noted that communication between the City of Minneapolis and the community was inconsistent before Floyd's death and the subsequent protests. They noted that some City Council members were communicative, while others rarely informed their constituents. Most interviewees felt there was a lack of communication from City leaders during the unrest, specifically the Mayor's Office and the Office of Emergency Management (OEM). Community members said being in a position of uncertainty during the unrest due to the lack of communication created frustration and angst for them during the days after Floyd's death.

Interviewees described the information they received from the City of Minneapolis as "poor" and the press conferences as "hollow." One interviewee stated that there were "lots of words, but nothing I could take back for actionable direction." As a result, community members interviewed felt that any trust they previously developed with the City of Minneapolis had diminished. Additionally, the majority of those interviewed believe that the relationship with the City has not improved since the protests and unrest, and some have indicated the relationship with the City is worse now than it was before.

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#### **Community Insights on Communication**

- + "Communication from the City leaders was slim, at best"
- + "No one looked to the City for answers."

When asked how they obtained information during the civil unrest, those interviewed said they used an array of communication outlets including:

- + National and local news outlets and press conferences
- + Social media such as Facebook and Nextdoor
- + Informal communication such as newsletters, email and texting groups

One response to the lack of communication was the creation of informal information sharing systems by various neighborhood groups and wards. Though these systems were basic – such as email listservs, texting groups and newsletters – they served the needs of the community and filled the communication void left by the City. These methods became the only information portal for many Minneapolis residents at the time. Community members noted they became reliant on these networks to get information, and as a result, residents and business owners came together to support and protect each other. Many cited this as a rare positive outcome of the response to the protests and unrest.



( City of Minneapolis )

An Independent After-Action Review

## Dichotomy within the Minneapolis Police Department

One significant theme that developed from our listening sessions was interviewees' perception of a police department bordering on dysfunctional. However, interviewees conveyed overwhelming support of MPD Chief Arradondo. For example, one group that we contacted refused to speak to our team for fear that it was an attempt to place blame on Chief Arradondo. However, few people reported that they had good interactions with the MPD, and most knew of police violence that occurred before Floyd's death. There was distrust in the law enforcement system, and some people said they would "only call the police if necessary."

The general feeling among interviewees was that the patrol officers were not executing the vision that Chief Arradondo conveyed to the community. For example, one listening session participant stated that when Chief Arradondo spoke to the community, he "said all the right things," but when the patrol officers arrive to a scene, they were not as committed to the good service Chief Arradondo had promised to the residents of Minneapolis.

Some participants blamed the police union for the mixed messaging from the MPD. Specifically, some stated that the police union president at the time had too much influence within the MPD, thus empowering officers to disregard MPD leadership's direction. Several stated that this dichotomy within the MPD contributed to the lack of trust that has developed and continues between many in the community and the MPD.

### Community Insights on the MPD

- + "We hear Arradondo speak, yet the experience we have with his officers are different. The message is not getting down to the officers. Have not seen many good interactions."
- + "There is a disconnect between what leadership says and what the rank and file do."

## Loss of Trust

Interviewees stated that a lack of trust of the MPD, specifically MPD media relations, had an influential role in the protest and unrest. Interviewees mentioned as the impetus for their mistrust a news release by the MPD Public Information Officer (PIO) in the hours following Floyd's death, but before the release of any video of Floyd's arrest. This news release attributed Floyd's death to a "medical incident." Interviewees reported that this inaccurate communication from the MPD negatively impacted the trust they felt they had with the MPD and the City of Minneapolis.

### Community Insights on the Trust

- + "Distrust has made every incident feel like you are on the cusp of an explosive situation."



( City of Minneapolis )

An Independent After-Action Review

## Unpreparedness for Civil Unrest

Interviewees conveyed their frustration with the apparent lack of preparation and planning by the City of Minneapolis for any civil unrest following Floyd's death. Many participants specifically pointed to the Office of Emergency Management (OEM) and asked "what they were doing" during the unrest.

One high-ranking city employee reported that they believed constituents have lost confidence in the City of Minneapolis' ability to handle an emergency. Interviewees described having to form security patrols and night watches to protect their property due to the inaction by the City of Minneapolis and the MPD. One common sentiment shared by interviewees was the feeling of abandonment by the City during the civil unrest.

### Community Insights on Preparedness

- + "Clear that there was no plan, no guidance, some council members were barricading themselves with guns."
- + "It felt like nobody was in charge – it was a state of emergency – the mayor and police chief would have been in charge, but they were in opposition to the City Council. It felt lawless."

## Leadership Issues

Interviewees stated minimal direction came from the Mayor's Office, OEM and other city departments during the unrest. Specifically, some felt that the Mayor's Office showed no leadership and was "rudderless." Some indicated that the Mayor, Governor and MPD Chief were notably absent when people felt they should have been present. Many mentioned that the Mayor seemed unprepared but that he was "doing his best." Some interviewees also mentioned that the Mayor's presence during the civil unrest may have eased some stress and made the community feel closer to leadership.

Interviewees stated that OEM had daily meetings for city personnel and expected those attendees to "report out," but the information sharing was not reciprocal, and OEM provided no information to the meeting attendees. Additionally, interviewees stated they received no information or updates from this office during the protest. Some residents were confused as to who was actually in charge of the city during the protest.

Interviewees discussed the communication breakdowns between the Mayor and City Council; between the city, state, and MNG; and between the Mayor and Governor. Several interviewees blamed the Mayor and Governor for their public disagreements about the response to the protests and expressed that this was unproductive. They related several accounts of City Council members "creating more issues than necessary" when counteracting MPD actions or statements and then talking about abolishing the police. Some people mentioned City Council members were feeding into rumors and creating stress and fear in people. They felt that political differences played a part in slowing down the crisis management responses.



( City of Minneapolis )

## An Independent After-Action Review

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Conversely, some interviewees from a neighborhood of color conveyed to us their support of the MPD's methods during the civil unrest. This support, while limited, represents an opportunity for law enforcement to invest in their relationships with various neighborhood groups throughout the city.

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### Community Insights on Leadership

+ "Coordination is a verb, active - not passive," concerning the lack of direction given by City leaders or departments during the civil unrest after Floyd's death.

### Failure to Assist Business Owners

Those interviewed from the business community felt that they received little communication from the City of Minneapolis during the civil unrest after Floyd's death, especially regarding how the City protected their businesses during the unrest. Some business owners felt that they had to "fend for themselves" in terms of security and taking additional proactive steps to safeguard their businesses. Interviewees believed that the buildings and storefronts that did not suffer damage during the civil unrest had hired private security or were conducting security themselves.

One positive that could be gleaned from the aftermath of the civil unrest was the collection of \$12 million in donations to assist Minneapolis business owners who were impacted adversely by the unrest. This fund provides \$25,000 grants to business owners who were under-insured or uninsured. Additionally, some of this funding is being used to provide mental health services for business owners who may be suffering from Post-Traumatic Stress Disorder (PTSD) due to the civil unrest.

### Key Takeaways for the City of Minneapolis

In the listening sessions and some interviews, we asked participants what they would like us to convey in our After-Action Report. Many interviewees noted that in the aftermath of the protests, neither City or MPD leadership has communicated to them an action or improvement plan. They noted that the underlying issues regarding the MPD's relationship with the community are unresolved. Participants mentioned they have been pushing for answers or initiatives for cleanup to piece their communities back together. Many mentioned that they are upset about the businesses that were destroyed and still have not been repaired or brought back to their original condition. Participants mentioned that it is hard to get through to city departments and they must file formal complaints to hear back.





( City of Minneapolis )

**An Independent After-Action Review**

The City of Minneapolis leadership should capitalize on neighborhood groups' efforts to share information. The City could determine the benefits of these information-sharing methods for use in future critical incidents and formalize their use, if appropriate. Conversely, by not collaborating with neighborhood groups, the City could allow inaccurate information and rumors to disseminate or allow other entities unrelated with the City to control the information messaging. Several interviewees described these informal relationships that developed as one of the few positives that occurred during the protest.

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**Community Insights for the City**

- + “We need healing for the city; trauma has occurred and we need a place to heal.”
- + “The protest and unrest were emotional, traumatic and painful. This will have a lasting impact on the citizens.”

As a best practice, City leaders could leverage lessons learned from the City of Boston's response during the investigation and search for the Boston Marathon bombing suspects in 2013 as a model for future responses. The after-action report lauded the City of Boston's use of social media to “keep the public informed about the status of the investigation, to calm nerves and request assistance, to correct mistaken information reported by the press, and to ask for public restraint in the tweeting of information from police scanners.”<sup>3</sup>

To help to rebuild trust, the City of Minneapolis could consider the tactic used by the Charlotte-Mecklenburg Police Department (CMPD). The CMPD initiated a Constructive Conversation Team (CCT) and associated training. CCT training combines classroom instruction and scenario-based exercises and focuses on enhancing interactions between CMPD personnel and community members.<sup>4</sup>

Due to the long-lasting impact of the initial press release by the MPD PIO, the MPD and the City of Minneapolis should take proactive steps to prevent such an incident in the future. The City of Minneapolis may consider engaging in the following tasks:

- + Create a crisis communication response guide with instructions on responding to different scenarios.
- + Conduct regular media briefings.
- + Post video updates, photos and statements often.
- + Use clear and concise language showing empathy.
- + Advise people what to do and what not to do during a crisis.

<sup>3</sup> <https://www.nationalpublicsafetypartnership.org/Clearinghouse/Resource/443/Social-Media-and-Police-Leadership-Lessons-From-Boston>

<sup>4</sup> <https://www.policefoundation.org/wp-content/uploads/2018/02/Advancing-Charlotte-Final-Report.pdf>, Page 38. See also <https://www.charlottestories.com/charlotte-mecklenburg-polices-new-constructive-conversation-team/>



( City of Minneapolis )

An Independent After-Action Review

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## 02 *The City's Policies, Procedures and Training*

### **Crowd Control and Civil Disturbances**

The MPD “Policy and Procedure Manual,” volume five, establishes use-of-force guidelines for agency personnel. Policy 5-312 Crowd Control and Policy 7-805 Civil Disturbances cover crowd control and civil disturbances in detail.

The policy sufficiently defines the key terms. It establishes the weapons that officers are authorized to use for crowd-control purposes, sets the criteria for the circumstances that justify the use of crowd-control weapons and defines who can carry authorized weapons. Based on statements from several officers engaged in crowd-control operations during the unrest, one area of the policy that causes concern is the need and mechanism by which officers must receive authorization to deploy crowd-control weapons.

Due to the rapidly changing dynamics of crowd-control operations, field personnel felt that needing to receive authorization was cumbersome and time-consuming, and put the officers and the public in danger. As one officer put it, “By the time we got authorization, it was too late. Any advantage we could have gained by using the 40 mm in the moment was gone.”

A delicate balance must be struck between the immediate need to deploy crowd-control weapons and the indiscriminate use of them, which may further incite a crowd. Policy 5-312, in place during the protests, attempted to strike that balance:

“Unless there is an immediate need to protect oneself or another from apparent physical harm, sworn MPD employees shall refrain from deploying any less-lethal or non-lethal weapons upon any individuals involved in a civil disturbance until it has been authorized by the on-scene incident commander.”

MPD Policy 7-805 Civil Disturbances states, “MPD personnel will not interfere with lawful protests and/or demonstrations. Unless a crime has been committed, officers are responsible only for keeping the peace at civil disturbances.” Although the policy describes the objectives, it falls short of best practice policies that clearly describe the preservation of the First Amendment as the primary objective, including actions to ensure that officers provide a safe environment for individuals exercising their constitutional rights to freedom of assembly and speech.

The MPD policy provides guidance regarding reporting and establishing command and response to a large-scale disturbance with the potential for violence. We acknowledge that the events that occurred in Minneapolis far exceeded anything that the MPD anticipated or had prepared for; however, the structure outlined in the policy was not realized, at least not until additional federal and state resources and their associated command arrived and established command at the MACC on Friday, May 30, 2020. A clear purpose stated in a policy may provide personnel the foundation on which to make a sound decision when procedural clarity is lacking due to situational circumstances that do not allow them to abide strictly with the policy.



( City of Minneapolis )

**An Independent After-Action Review**

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A good example of a clear purpose and policy statement is in the International Association of Chiefs of Police's (IACP's) crowd management model policy:

“Purpose: The purpose of this policy is to establish guidelines for managing crowds, protecting individual rights, and preserving the peace during demonstrations and civil disturbances.

“Policy: It is the policy of this agency to protect individual rights related to assembly and free speech; effectively manage crowds to prevent loss of life, injury, or property damage; and minimize disruption to persons who are not involved.”

The “Policy and Procedure Manual” does not include specific procedural guidance on crowd control beyond the use of crowd-control weapons. This may have contributed to the chaos, confusion and perceived lack of direction that several personnel reported to us. The MPD should consider including guidance in this policy on the following elements to enhance the effectiveness and efficiency of crowd operations and to instill mission focus during civil unrest:

- + **Preparation and Planning** – Outline the steps and actions to prepare for an anticipated event.
- + **Management and Organization Principles** – Implement and activate an Incident Command System (ICS) for crowd management and civil disturbances to ensure control and unified command. Specify the roles, purpose and the requirement of a written plan.
- + **General Crowd Response** – Include uniformed personnel’s general responsibilities when responding to an incident, as well as supervisory responsibilities during the incident.
- + **Response to Spontaneous Civil Disturbances** – Provide specific guidance for first responding officers and supervisors regarding required notifications and mechanisms for communicating notifications.
- + **Use of Force** – Restate the general use-of-force policy by identifying prohibited types of force and outlining the specific roles of canine units and horses and the use of specialized equipment.
- + **Crowd Dispersal** – Develop an objective criterion for dispersal orders and indicate the related method of crowd notification of dispersal and declaration of an unlawful event.
- + **Mass Arrest** – Develop the process for establishing arrest teams and transporting arrestees, note the detention areas or facilities, and explain the booking and release processes.
- + **Deactivation** – Describe how the agency will return to normal operations once order is restored. Explain the process for assessing equipment inventory, accountability, injuries and damage.



( City of Minneapolis )

**An Independent After-Action Review**

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- + **Training** – Mandate initial and ongoing crowd-control training for officers and define the training's duration, frequency and officer proficiency measurement technique.<sup>5</sup>

We reviewed MPD's Policy 5-303 Crowd Control and the training presentation on chemical agents dated May 2021 to determine their alignment to MPD policy on crowd control and civil disturbances. Although this training was not specifically about crowd control, it contained guidance on the use of chemical agents in crowd-control situations. We analyze in greater detail the use of chemical agents later in this report.

The first slide of the training presentation states, "Sanctity of life and protection of the public are the cornerstones of the MPD's use of force policy." Although discussing the sanctity of life was not the specific purpose of the training, this sentiment was well placed. It is critical for personnel to understand that even during volatile crowd-control and civil disturbance operations, the preservation of life should guide all their actions. The sanctity of life statement is consistent with the IACP's "Consensus Model Policy on the Use of Force"<sup>6</sup> and the Police Executive Research Forum's integration of communications, assessment and tactics (ICAT) training that covers de-escalation.<sup>7</sup> The training slides prominently illustrate the guiding principles "Do No Harm" and "Officers Shall Treat With Dignity and Respect." These principles are consistent with the concepts of police legitimacy and procedural justice, although the training does not clearly make this connection.<sup>8</sup>

The chemical agents training presentation references MPD Policy 5-303 and clearly explains the authorizations required for crowd-control weapons use and the documentation required for such use. It defines "objective imminent physical harm" and explains that officers can use crowd-control weapons without prior authorization in the presence of objectively imminent physical harm.

## **Incident Command System**

Section 7-905 Incident Command System of the MPD "Policy and Procedure Manual," describes the MPD's incident command policy. The policy defines the Incident Command System (ICS) as a model for the management of critical incidents and other emergencies that provides a common, uniform approach to the command and management of emergencies at the local, county and state levels. It specifies that the MPD may use the ICS for emergency and disaster responses. Agencies throughout the country use ICS for single-agency responses, single-jurisdictional responses and multi-jurisdictional or multi-agency emergency and disaster responses. According to the Policy 7-905, some incidents require only a police tactical response (i.e., single command), while others require a

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<sup>5</sup> "Crowd Management FULL - 08062020.Pdf," <https://www.theiacp.org/sites/default/files/2020-08/Crowd%20Management%20FULL%20-%2008062020.pdf>.

<sup>6</sup> "National\_Consensus\_Policy\_On\_Use\_Of\_Force 07102020 v3.Pdf," [https://www.theiacp.org/sites/default/files/2020-07/National\\_Consensus\\_Policy\\_On\\_Use\\_Of\\_Force%2007102020%20v3.pdf](https://www.theiacp.org/sites/default/files/2020-07/National_Consensus_Policy_On_Use_Of_Force%2007102020%20v3.pdf).

<sup>7</sup> "ICAT," <https://www.policeforum.org/icat-training-guide>.

<sup>8</sup> University of Illinois Center for Public Safety and Justice, "Procedural Justice For Law Enforcement Agencies: Organizational Change through Decision Making and Policy" (Office of Community Oriented Policing, United States Department of Justice, updated 2015 2012).



( City of Minneapolis )

**An Independent After-Action Review**

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planned, coordinated response from several departments, agencies or jurisdictions (i.e., unified command).

This policy defines the incident priorities of life safety, incident stabilization and property conservation. This list of priorities serves as the purpose behind the implementation of the policy; however, the list appears in the fourth paragraph. A recommended best practice for policy development is to start with the end in mind. The MPD should first express the desired outcome as the goal of the successful implementation of the policy.<sup>9</sup> This can be achieved by developing a clear purpose for the policy that is consistent with the MPD's core values, mission and vision.<sup>10</sup>

Policy 7-905 would benefit from the addition of a clear statement that supports the policy's indicated purpose. The purpose explains why the policy is needed, while the statement explains what the MPD requires of its personnel. For example, the policy states in the first paragraph that the MPD will implement the ICS for emergencies and natural disaster response. The policy lacks a clear statement requiring the use of ICS but rather embeds that expectation in the middle of a paragraph. Officers would more easily understand their required actions and performance expectations if they were provided in a standalone statement that leaves no room for misinterpretation. For example, the IACP's incident command model policy states:

“Policy: This department shall utilize the National Incident Management System/Incident Command System (NIMS/ICS) in conjunction with other agency policies and procedures as outlined in various written directives...”

This strongly worded statement mandates that personnel follow the procedures outlined in the policy. The IACP model policy draws connections between all other procedures for handling incidents to the ICS.

The MPD did not follow all the procedures for the implementation of the ICS during the response to the protests, as evidenced in interviews, documents, radio traffic and camera footage. Specifically, personnel reports indicate that officers were not aware of a specific mission or purpose, who was in command or their primary function. Leadership gave orders and officers received them mostly on an ad hoc basis, which in some instances caused field units to disregard instructions and make their own decisions. The National Incident Management System (NIMS) provides a standardized approach for incident command that clearly outlines roles, responsibilities, the chain of command, the transfer of command and other essential elements of emergency management. It provides a framework for pre-

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<sup>9</sup> “IncidentCommandPolicy.Pdf,” accessed August 14, 2021, <https://www.theiacp.org/sites/default/files/2018-08/IncidentCommandPolicy.pdf>.

<sup>10</sup> “BP-PolicyProcedures.Pdf,” accessed August 14, 2021, <https://www.theiacp.org/sites/default/files/2018-08/BP-PolicyProcedures.pdf>.



( City of Minneapolis )

## An Independent After-Action Review

planning crisis response so agencies do not have to attempt to piece together a plan when faced with a spontaneous disturbance.

The MPD would benefit from reviewing the IACP's incident command model policy, and it should consider amending its policy related to the ICS. The IACP's incident command model policy:

- + Establishes a purpose.
- + Provides a clear policy statement that sets agency expectations.
- + Establishes clear roles and responsibilities to ensure unity of command.
- + Incorporates NIMS and ICS, which are the national standards that most public safety entities and first responders from other disciplines use, to allow the seamless integration of mutual aid agencies.
- + Establishes mandatory training requirements for all ICS personnel.
- + Mandates the completion of an after-action review at the conclusion of an event and any NIMS or ICS training exercises.

### The National Incident Management System

The National Incident Management System (NIMS) provides a framework for “all levels of government, non-governmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents.”

As a part of NIMS, the Incident Command System (ICS) is a standardized approach to the command, control, and coordination of on-scene incident management and provides a common hierarchy within which personnel from multiple organizations can be effective”

### Use of Less-Lethal Weapons

At the time of the protests, the MPD had several policies regarding the use of less-lethal weapons. We reviewed Policy 5-313 Use of Chemical Agents, dated June 10, 2013, which was in place during the protests. This policy indicated that officers must only administer chemical agents:

- + On subjects exhibiting active aggression
- + For life-saving purposes
- + During crowd-control situations, if authorized by a supervisor

The policy indicates that MPD employees must exercise due care to ensure that only the intended people are exposed to chemical agents.



( City of Minneapolis )

**An Independent After-Action Review**

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We reviewed Policy 5-315 Use of Impact Weapons, dated October 1, 2010, which was in place during the time of the protests. This policy indicates that impact weapons are less-lethal weapons and officers must use them in a manner consistent with MPD training and policies governing the use of force. The policy indicates that officers must only administer strikes from impact weapons:

- + On subjects exhibiting active aggression
- + For life-saving purposes
- + To gain control of a subject exhibiting active resistance
- + If lesser attempts at control have been or would likely be ineffective

The policy states that officers must not administer strikes from impact weapons to people who are non-compliant as defined by policy.

Policy 5-317 Less-Lethal 40MM Launcher and Impact Projectiles, dated July 16, 2019, was in place during the time of the protests. The MPD has revised this policy six times since the protests and unrest. Policy 5-317 applied to officers who were not working in a certified SWAT capacity. At the time of the protests and unrest, this policy indicated that the MPD recognizes that combative, non-compliant, armed or otherwise violent subjects cause handling and control problems that require special training and equipment. The MPD adopted the less-lethal force philosophy to assist with the de-escalation of potentially violent confrontations, and the policy specified that the deployment of the 40 mm launcher is not meant to take the place of deadly force options.

Other provisions related to less-lethal weapons include the requirement that officers consider the risk of the use of the weapon to the public or themselves, and the requirement that when using the 40 mm less-lethal round, officers must consider whether the subject could be controlled by any other reasonable means without unnecessary risk to the subject, public or officers, in accordance with knowledge and training in use of force and MPD policies governing the use of deadly and non-deadly force.

Although we acknowledge the chaotic and dynamic nature of the protests and unrest, we found no evidence that officers adhered to the policy deployment guidelines that state when appropriate given the situation, officers firing a 40 mm less-lethal projectile should yell "Code Orange!" before and while they fire the projectile.

Further, we did not observe during our BWC review, nor did the MPD provide documentation that officers or supervisors adhered to the policy section on use-of-force reporting, which states:

- + Officers who deploy a 40 mm less-lethal round shall report the force in accordance with Policy 5-306 Use of Force and shall complete the report which shall include the code or type "FORCE."
- + Officers who deploy a less-lethal round must immediately notify dispatch personnel, who notify a supervisor.



( City of Minneapolis )

## An Independent After-Action Review

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- + A supervisor must respond to the scene any time a 40 mm less-lethal round is used. The responding supervisor reviews the incident and completes a use-of-force review in accordance with Policy 5-307 Use of Force.

We received records of the annual training attended by SWAT officers regarding crowd control, civil disturbance and the deployment of non-lethal weapons such as chemical weapons and 40 mm weapons. The training provided to SWAT members before the May 2020 unrest was consistent with the MPD's policies and procedures. We also received documentation regarding the annual training for patrol officers authorized to carry and use 40 mm weapons. This training aligned with the MPD's policies and procedures. As detailed later in the report, the body-worn camera (BWC) footage we reviewed showed some SWAT and patrol officers engaging in the deployment of chemical weapons and 40 mm weapons in a manner that was inconsistent with the MPD's training, policies and procedures.

Shortly after the protests and unrest, the MPD adjusted the less-lethal and chemical weapons policies based on City Council input, a human rights commission investigation and a court order. According to *State of Minnesota v City of Minneapolis Police Department (27-CV-20-8182)*, the parties entered a stipulation and order on June 6, 2020. This stated that during protests and demonstrations, the Chief must authorize the use of crowd-control weapons and if the Chief is not available, the Chief's designee at the rank of Deputy Chief or above must do so. Crowd-control weapons include but are not limited to chemical agents, rubber bullets, flash bangs, batons and marking rounds. The Chief's approval is not required for the use of crowd-control weapons, other than chemical munitions, smoke emissions or light sound distraction devices, to protect oneself or another if there is objectively imminent physical harm. We acknowledge the legal remedy referenced above; however, we find the approval requirement for the use of chemical munitions, smoke emissions or light sound distraction devices is not always operationally feasible given our assessment of the MPD's leadership and command and control. If such resources are necessary to protect residents' and officers' lives and safety, leadership must establish a process to provide timely decisions to field personnel, rather than the significant time delay we learned occurred for making similar decisions regarding weapons deployment during the protests and unrest.

### De-Escalation

De-escalation is now the foundational principle governing the relationship between the police and the community. De-escalation promotes procedural justice and legitimacy. Allowing the freedom to voice one's concerns is paramount in any attempt to resolve conflict. De-escalation can be used in any situation involving conflict. Debate exists regarding whether police departments should promulgate de-escalation as single policy or include de-escalation in any related policy. Although many definitions of de-escalation exist, the National Consensus Policy on Use of Force defines it as follows:





( City of Minneapolis )

**An Independent After-Action Review**

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“Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.”

The MPD includes de-escalation in its use-of-force policy and annual in-service training. Although generally descriptive, the policy and training do not adequately describe de-escalation, promote effective use of de-escalation to resolve conflict or explain why its use is important. Further, the policy mentions de-escalation techniques but does not mention the recognized de-escalation tactics described by the National Consensus Policy on Use of Force and how those tactics can calm conflicts involving the police and community members.<sup>11</sup> The best practice to institutionalize de-escalation as a department practice is to describe the de-escalation process so it can be incorporated by reference into any policy, especially those which address peaceful demonstrations or crowd control.

Policy 5-304 Threatening the Use of Force and De-Escalation was in effect at the time of the protests. The policy indicated that whenever reasonable, according to MPD policies and training, officers must use de-escalation tactics to gain voluntary compliance and seek to avoid or minimize use of physical force. Further, the policy indicated that when safe and feasible, officers must attempt to slow down or stabilize a situation so that more time, options and resources are available. Officers must consider whether a subject’s lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including but not limited to:

- + Medical conditions
- + Mental impairment
- + Developmental disability
- + Physical limitation
- + Language barrier
- + Influence of drug or alcohol use
- + Behavioral crisis

Officers must balance such considerations, when time and circumstances reasonably permit, against the facts surrounding an incident when deciding which tactical options are the most appropriate to safely resolve the situation. The policy states de-escalation tactics include, but are not limited to:

- + Placing barriers between an uncooperative subject and an officer.
- + Containing a threat.
- + Moving from a position that exposes officers to potential threats to a safer position.
- + Reducing exposure to a potential threat using distance, cover or concealment.

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<sup>11</sup> [https://www.theiacp.org/sites/default/files/2020-07/National\\_Consensus\\_Policy\\_On\\_Use\\_Of\\_Force%2007102020%20v3.pdf](https://www.theiacp.org/sites/default/files/2020-07/National_Consensus_Policy_On_Use_Of_Force%2007102020%20v3.pdf)



( City of Minneapolis )

## An Independent After-Action Review

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- + Communicating from a safe position to gain the subject's compliance, using verbal persuasion, advisements or warnings.
- + Avoiding physical confrontation, unless immediately necessary (e.g., to protect someone or stop dangerous behavior).
- + Using verbal techniques to calm an agitated subject and promote rational decision-making.
- + Calling additional resources to assist, including more officers, Crisis Intervention Trained (CIT) officers and officers equipped with less-lethal tools.

During the protests and unrest, commanders attempted to construct barricades around their precincts. These actions align with the concepts of de-escalation, such as placing barriers, creating distance between officers and subjects, the use of cover and concealment, and ultimately reducing physical confrontations. However, in many cases, MPD leadership chastised the commanders for their efforts and in some cases ordered them to remove the barricades. Placing the barricades aligned with de-escalation concepts, protected the precincts and potentially decreased the need for deploying less-lethal munitions. It provided an opportunity to reduce the number of officers standing perimeter security to allow them to respond to calls for service and perform proactive police duties throughout the city.

### Internal Affairs

We reviewed the MPD's internal affairs process to understand better how complaints about MPD personnel were handled during and after the protests and unrest. In Minneapolis, the Office of Police Conduct Review (OPCR) investigates complaints of police misconduct made by people external to the MPD. The OPCR is a unit of the City of Minnesota Department of Civil Rights and was established in 2012 to provide civilian oversight of the process used to address complaints of officer misconduct.

City of Minneapolis Code of Ordinances, Title 9, Chapter 172 Section 172.90 describes the OPCR's investigative authority. The OPCR investigates all complaints of police officer misconduct, except for internal complaints involving respect in the workplace or MPD non-sworn employees and complaints in which the alleged misconduct occurred more than 270 days before the day the receipt of the complaint. The MPD Internal Affairs Unit (IAU) investigates these complaints.

The OPCR and the MPD receive or intake police misconduct complaints within a statutory framework established by the State of Minnesota. Pursuant to state law, several factors determine whether the OPCR can investigate a complaint against a MPD officer:

- + The complaint or the investigating authority must be able to identify the officer or officers accused of misconduct.
- + The complaint must be in writing.
- + The complaint must be filed within 270 days from the date the alleged misconduct occurred.



( City of Minneapolis )

**An Independent After-Action Review**

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Police leaders and law enforcement professionals have learned that how and where an individual can file a complaint impacts whether they ultimately file a police misconduct complaint. In Minneapolis, an aggrieved person has several options to file their complaint. Although the complaint must be in writing, a complaint can be filed by phone or letter or in person at the OPCR office or any MPD police station. A Police Conduct Incident Report (PCIR) form is available online.<sup>12</sup> An intake process that includes several ways to file a police misconduct complaint is a best practice because requiring individuals to file complaints at a police facility may intimidate some who are already concerned that their complaint will not be considered appropriately.

The OPCR reviews every complaint to ensure compliance with the filing requirements and to determine how to handle the complaint. A joint supervisor review team composed of OPCR and MPD employees reviews every complaint and determines whether to investigate or refer the complaint for resolution to another process, such as mediation or coaching. If all the filing requirements are met, either the OPCR or the MPD investigates based on the nature of the complaint and the skills and resources of the respective entities.

According to its website, the OPCR received 1,200 complaints in 2020, an increase over earlier years. An OPCR representative stated that the increase was due to complaints made after the murder of George Floyd. Of the complaints received, the OPCR investigated 435, 153 were not within the OPCR's jurisdiction and 611 were duplicate complaints. Complaints determined to be non-jurisdictional, such as when the officer involved cannot be determined by any reasonable means, are particularly concerning, as they could include complaints about the MPD's response to mass gatherings following Floyd's murder. We inquired whether the OPCR or the MPD could provide data documenting complaints against the MPD; however, we did not receive any such data.

This issue is critical because community members and government leaders expressed frustration over the lack of a clear process for investigating complaints regarding the MPD's response, including how it deployed personnel and its decisions regarding road closures and the use of munitions (i.e., 40 mm impact rounds, gas and other dispersal methods). Some community members claimed that MPD officers were overly aggressive and initiated conflict with peaceful protesters who had a right to congregate in a public space. Others stated that they filed complaints with the OPCR and the MPD and have yet to receive a response from either entity. Additionally, some government leaders stated that they forwarded received complaints from constituents to MPD leaders and have yet to receive a response.

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<sup>12</sup> <http://www.minneapolismn.gov/police/oper-complaint>

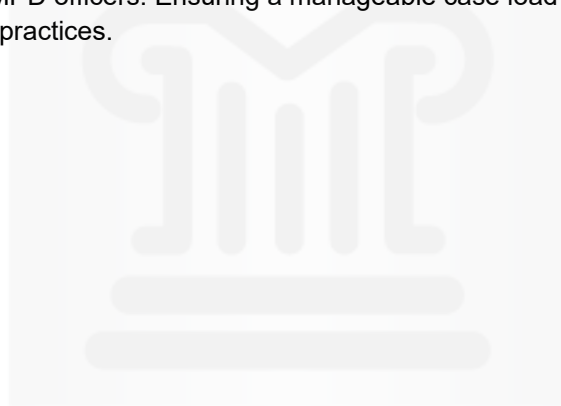


( City of Minneapolis )

**An Independent After-Action Review**

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Interviewees stated the IAU did not have sufficient staffing to handle its investigations workload before or after Floyd's death. Despite a marked increase in phone complaints, the MPD did not provide the IAU additional investigators or resources during or after the MPD's civil unrest response. To reduce the number of unworked cases, the City of Minneapolis engaged a law firm to investigate internal affairs complaints. The firm investigates cases on a pro bono basis and, if implemented properly, could address complaints against the MPD, reduce the number of unworked cases caused by a lack of investigators and allow the OPCR to focus resources on investigating misconduct complaints against MPD officers. Ensuring a manageable case load for internal affairs investigators is consistent with best practices.



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( City of Minneapolis )

An Independent After-Action Review

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### 03 *Planning, Response, and ICS Formation and Implementation*

#### **Incident Command**

At its core, an ICS provides an organizational framework to help first responders achieve efficient and effective command, control and coordination of an emergency response. As such, most first responders complete ICS training. Paramount to the ICS concept is the implementation of a dedicated command post and incident commander to centralize the command of resources and decisions. In complex or large incidents involving several agencies, a unified command ensures key agency leaders and subordinate personnel collectively work to identify and achieve objectives through collaborative strategies. In instances of civil unrest wherein a police department plays a key role, it is important for the department to create an internal incident command framework to organize the department's response and integrate with the larger city-wide incident management.

Our assessment revealed that neither the City nor the MPD designated an incident command structure. Both allowed the incident command structure to mature organically, rather than as guided by policy. The officers and supervisors who we interviewed stated that they had no idea who was in charge or who was the incident commander. Some command-level officers assigned to the EOTF identified who they believed was the incident commander; however, that individual did not agree that they were the incident commander. Some MPD personnel described the EOTF operations as chaotic and an embarrassment to the MPD.

One of the benefits of an ICS is the opportunity to convene several leaders in one room to discuss strategy and tactics. However, interviewees repeatedly stated that the EOTF environment was one of delayed decision-making and "rule by committee." Often, individuals with no perceived business to engage in the discussion offered their opinion. We heard of disagreements, arguments, shouting matches, private conversations occurring outside the room and a general sense of disorganization.

The lack of clearly designated roles and organizational structure led to an informal command and far too many people in the command post, which distracted from the response's perceived effectiveness. Although adherence to the ICS varies across agencies, it can be helpful to assign individuals to specific roles and position them in areas of the command center with signs that explain their role and concise identify with whom an incoming individual must speak. Some members of the core planning group stated that they were approached and asked for assistance with tasks to which they were not assigned or responsible.

One commander who was part of the incident command structure provided us the names and roles of other involved command-level officers who he understood to be a part of the formal incident command structure. However, our interviews with those identified commanders did not confirm that they were in those roles. This suggests that the organic nature of the command caused confusion within the MPD.

The MPD SIC staff, who are permanently located at the EOTF, monitored surveillance cameras and reported information and intelligence briefings to the command post. However, the ad hoc briefings



( City of Minneapolis )

## An Independent After-Action Review

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did not occur regularly at established intervals and as such were discontinued early during the protests and unrest. Further, various city entities from several points across the city monitored the cameras, and in some cases controlled them. This resulted in great frustration, as those in the SIC or command post would attempt to control a camera for a desired view and somebody elsewhere across the city would move the camera. This again illustrates the importance of structure and command. Command-level command post personnel did not report to or depart the post in pre-determined intervals. Some staff worked well beyond 16 hours, and some worked over 20 hours, staying until the protest and unrest activity slowed, at which point one designated officer would remain for the overnight shift. No one established specific reporting times, and some interviewees stated that there were occasions when they visited the EOTF and found no command-level personnel.

As a result of the absence of defined operational periods, personnel worked through exhaustion in an unsustainable scheduling pattern. No one designated relief officers, briefed or gave a review of operations to incoming personnel, meaning the same personnel were assigned to roles and retained applicable information and did not share it. The risk was high of losing critical information as personnel changed. At a minimum, personnel in the command center should have disseminated a basic operational period recap to command-level personnel to ensure personnel would be informed of operations.

### Planning Activities

The Incident Command System (ICS) aims to provide an operational plan for large event response. In following with the principles of the ICS, a planning section chief develops a comprehensive operational plan, referred to as an incident action plan (IAP). Even in agencies and circumstances in which official titles are not designated, it is a common practice to assign and develop a detailed written operational plan.

A comprehensive operational plan supports agency response and provides clear direction regarding the specific information that guides law enforcement operations. The MPD lacked a detailed plan that would have helped guide the MPD's actions and that of external law enforcement agencies' personnel in the early days of the unrest given its size and complexity. A detailed operational plan that identifies who makes command decisions, describes supervisory roles and specifies assignments provides clarity and helps create a more seamless response.

#### The Importance of Incident Action Plans

FEMA states that "IAPs represent concise, coherent means of capturing and communicating incident objectives, tactics, and assignments for operational and support activities."

*Source: ICS Review Document, Federal Emergency Management Agency*



( City of Minneapolis )

**An Independent After-Action Review**

Most interviewees agreed that the events that followed Floyd's tragic death were unprecedented, and that the City could not have predicted or planned for such a response. However, others felt that the occupation of the 4th Precinct in 2015 suggested that the City and specifically the MPD could have predicted such a response. In fact, some interviewees stated that during the protests, they reviewed the after-action document from the occupation of the 4th Precinct to gain a better understanding of the issues identified therein and chart a better path forward in 2020. Many supervisors and command-level MPD officers stated that generally, the MPD does not plan and rather just hopes for the best outcome.

Several interviewees stated that the City and specifically the MPD planned, prepared and trained for large-scale events, including the integration of several local, state and federal agencies in a unified command and response, such as for the 2018 Super Bowl and the 2008 Republican National Convention. However, following Floyd's death, as previously noted, the MPD did not immediately convene leadership to plan a response; rather, it acknowledged that it allowed the command and subsequent response to develop "organically."

In fact, the process of assembling senior MPD leaders at City Hall in a critical incident is not planned or memorialized in a policy. An unwritten rule brings MPD leaders to City Hall following events such as Floyd's murder. Some leadership believes this process should be formalized. The MPD did not have a plan that established when a command post should be activated and who would staff positions after it is activated. It is important for personnel to quickly respond and immediately begin to fulfill their assignments upon notification of an incident that warrants activation of an ICS structure. The MPD has not formalized the activation and notification to internal and external partners; rather, it occurs through a series of phone calls. Further, the phone calls are not structured or planned, leading to inefficiency, as some individuals may be contacted by several people and others may not be contacted at all.

Although the MPD established the command post on the afternoon of Tuesday, May 26, 2020, no formal planning activities occurred there. Many described that the personnel in the command post monitored the events across the city. The first planned meeting of MPD leadership, including inspectors and commanders, occurred at noon on Wednesday, May 27, 2020. Much to the dismay of some with whom we spoke, no plan or definitive actions were provided or discussed and, most importantly, no command structure was designated. After having seen violence occur across the city

### **The Importance of Incident Action Plans**

The Federal Emergency Management Agency (FEMA) states, "Planning Section personnel collect, evaluate, and disseminate incident situation information to the Incident Commander or Unified Command and other incident personnel.

"The staff within this section prepare status reports, display situation information, maintain the status of assigned resources, facilitate the incident action planning process, and prepare the IAP based on input from other sections and Command Staff and guidance from the Incident Commander or Unified Command."

*Source: Federal Emergency Management Agency, National Incident Management System, Third Edition, October 2017*



( City of Minneapolis )

**An Independent After-Action Review**

---

the day before, command-level officers left the meeting on May 27 not knowing who was in command or the MPD's plan or objectives. Several senior-level MPD leadership personnel acknowledged that they did not have a plan. The MPD did not create an IAP until it integrated with the other agency heads at the Multi-Agency Command Center (MACC) on Friday, May 29, 2020.

Essentially, a MPD commander summoned commanders who had participated in previous large-scale events to the Emergency Operations Training Facility (EOTF), where they began accounting for staff and developing a staffing plan. Despite their skills and experience from previous events, this group was not pre-designated for command post roles. Instead, the incident command staff allegedly designated them as the planning section; however, they only worked on staffing and, as we learned through interviews, their role and objectives were unclear to the many MPD personnel who would frequent the EOTF. This group did not create an operations plan or conduct any formal planning, nor did the City or individual departments, based on the evidence we reviewed. These are basic duties commonly conducted by police agencies. The MFD designated a task force response to guide its operations; however, it did not memorialize a plan or establish an incident command either, which would include a planning section.

As indicated, once the MPD assigned commanders to the MACC, the structure and organization of that setting required that they operate in alignment with ICS principles. Interviewees stated that the MPD typically determines its actions as it goes along. One senior-level MPD leader admitted the same, and further stated it was initially difficult and frustrating working with the agency leaders at the MACC. However, in time, the MPD commanders assigned to the MACC understood the process and planned better. They realized they needed a more robust plan, specifically when requesting assistance from the MNG before receiving authorization for resources. In time, the MPD commanders operated in a structured and organized manner, and they found that this structure was helpful to them.

Some senior-level MPD leaders stated that important factors, such as who is responsible for which tasks, were not accounted for because of the MPD's lack of planning. They would encourage their successors to specify such factors for future similar responses. These leaders had predicted protests would occur but failed to see their significance and had not prepared or planned to respond to them, despite feeling that the public outcry and response would be bad after having seen the video of Floyd's death. They simply monitored the events and hoped they would not escalate. Finally, some senior-level leaders stated that the ICS was unfamiliar to them and many others in the MPD. As the public response continued to escalate, they tried to put together an ICS ad hoc and were not successful.

As previously noted, once the MNG and MSP arrived to assist, the MPD had to adopt formal planning procedures to engage state and federal resources and, admittedly, MPD personnel found value in that planning effort.





( City of Minneapolis )

An Independent After-Action Review

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## Information and Intelligence Gathering

The Strategic Information Center (SIC) supports the MPD by providing intelligence and information gained through camera surveillance, social media monitoring and collaboration with other intelligence gathering centers in the state. In the ICS, the intelligence function is associated with the planning section and provides information to support planning efforts as it becomes available.

At the start of the protests, SIC representatives, located nearly adjacent to the designated command post at the EOTF, provided an intelligence briefing to the numerous personnel gathered in the command post. They also posted a daily information brief (DIB) for the field; however, interviewees stated that the rank-and-file did not receive it. It is an ICS best practice to provide a situation report obtained from the intelligence section for personnel in the field. We learned that SIC representatives prepared and forwarded reports to the command post in lieu of an in-person briefing, reportedly due to the chaos and confusion and the perceived inability to gain the attention of the large crowds of personnel at the command post.

## Incident Command Post

The command post was in a large classroom that can hold approximately 100 people. The room can be divided, and it serves as the command post for city-wide crises or emergencies. The administrative offices of the Office of Emergency Management (OEM) are directly across the hall from the room. Personnel responded from there and established the appropriate space and command.

As the protests and unrest occurred at the height of the COVID-19 pandemic, the number of unmasked people in the room presented an unacceptable risk to the OEM staff, who opted to support the effort remotely as best they could. However, there was an apparent disconnect between the two agencies, based in part to the MPD's unconventional emergency response, which loosely aligns to ICS principles, if at all. Operating the OEM became challenging in a chaotic environment.

Collaboration could significantly be enhanced by including OEM staff in the command post to provide support and coordination, areas in which the MPD desperately needs assistance. For example, OEM personnel could coordinate with public works and other entities to secure and facilitate requests to the MNG, relieving field command to attend to operational efforts.

## Incident Command Structure

At approximately 2 p.m. on May 26, 2020, an MPD commander whose office is at the EOTF established the command post. His location was convenient and his experience responding to previous large-scale events made him a natural fit to establish the command post. However, no one established supporting ICS roles until later the following day, when the planning group arrived to manage the personnel staffing.



( City of Minneapolis )

**An Independent After-Action Review**

---

The absence of a command structure – including a field commander, tactical operations commander or a branch commander – left precinct commanders to handle the response at their respective precincts. Some traveled to other precincts to assist, such as with the march on Tuesday evening, May 26, and when the 5th Precinct was subjected to heavy civil unrest in an apparent attempt to take over another precinct. Command post personnel did not allocate resources, leading to inconsistent response and no integration of resources.

The MPD did not achieve an effective ICS until it integrated with other agency leadership at the MACC. The Chief of Police should have clearly designated an incident commander for the MPD, and that individual should have received consistent support and interaction with representatives from assisting agencies, as well as from personnel assigned to planning, logistics and operations, including communications and public affairs. The MPD's ICS structure remained disjointed, and officers and agencies on the ground clearly recognized the absence of any well-structured command and control. Our interviewees revealed that many officers on the ground did not receive information from supervisors or an incident commander, and these officers felt that the operation lacked command and direction.

When the Minnesota Department of Public Safety established the MACC, the MPD assigned commanders to the MACC, but they relinquished command and control of the incident to Minnesota Department of Public Safety designees. Although our interviewees revealed that the command structure at the MACC was not abundantly clear, due to the vast number of people involved, the primary command staff was well known, and all interviewees knew the identity of the incident commander and immediate staff. We were unable to determine the exact time and specifics of the transfer of command, beyond that it occurred Friday evening, May 29, with the site of the MACC selected as the University of Minnesota.

The absence of a clear reporting structure for the MPD resulted in a less-than-ideal command and span of control. Additionally, the minimal structure, specifically the lack of a field commander, left individual precincts to manage the response to protest and unrest activity within their precinct boundaries. Such an absence of clear command can lead to accountability issues regarding officers' actions and assessments of officers' well-being. In such an intense and sustained incident, officers need guidance, objectives and rules of engagement, none of which the command post provided except for communications with SWAT, as the SWAT commander was in the command post.

Command post oversight of SWAT was adequate and at times impressive, given the circumstances. However, the MPD did not provide such oversight for the rank-and-file. This led to officers working excessively long shifts without relief periods to ensure their continued alertness, fitness for duty and overall health. Officers often endured hours of extreme heat and high stress; had rocks, bottles and fireworks thrown at them; and were saturated in a chemical agent with no opportunity for temporary relief to rest and recover.

The ICS dictates the appointment of a logistics section chief to ensure the appropriate sourcing and management of facilities, people, services and materials. Without such a dedicated position, essentials (e.g., food, water, rest, necessary operational equipment) cannot effectively be tracked and



( City of Minneapolis )

**An Independent After-Action Review**

---

may be overlooked, especially in a large-scale chaotic incident. We found no evidence that the MPD designated an officer to the logistics role. The logistics role is critical to track and provide the effective distribution of resources and necessities to officers on the ground, including those from mutual aid agencies.

The MPD has yet to assign or designate such well-known and required command post roles. The MPD has not designated individuals who are likely to be called upon, based on their knowledge, skill and ability, or backups for these individuals to ensure redundancy. Further, the MPD has not yet addressed or adequately considered the operational gaps created when some MPD personnel were spontaneously pulled into the command post.

We identified an apparent gap in the knowledge, skills and abilities of persons in key positions. It is apparent that MPD leadership does not have a process to identify and appropriately train commanders for specific positions. Even before the substantial staffing losses that have occurred since the unrest, a focus on establishing command succession and redundancy was lacking. We learned that a formal training course accompanies promotions, and the course ranges from a few days to two weeks, depending on operational needs. Although this is a best practice, we determined that the MPD does not consistently focus on developing leaders and identifying their appropriate fit for specific positions.

Many interviewees stated that the MPD has not made getting the right people in the right seats a priority in recent years. Perhaps more problematic and systemic is the lack of confidence and perceived authority in decision making. This was exacerbated during the civil unrest, during which officers and field commanders desperately sought information, guidance or approvals for requested tactical actions and found their calls went unanswered or were met with significant delays, many times leading to increased risk and angst among field personnel. However, we also found examples of competence and confidence in MPD responses in which individual teams or MPD personnel operated effectively in the chaos despite the lack of guidance that they received.

The lack of focus on developing a workforce, particularly identifying and embracing leadership, was represented throughout our assessment. Many of the response struggles relate to the absence of core leadership principles; however, the response to the civil unrest is a symptom of the systemic challenge facing the MPD to produce a well-trained, prepared and carefully assigned command staff to lead the agency. Although we certainly identified and applaud the efforts of many commanders and supervisors, the MPD's focus on building a high-performing team was not evident. Further, this systemic challenge is evident throughout the ranks, as patrol officer accountability varies across the MPD. Some individual precincts and sections demonstrate a higher degree of accountability and expectations; however, department-wide standards and expectations are not clear nor were they communicated to our team. To the contrary, interviewees often expressed that the MPD lacks and must establish such standards and expectations.

The MPD and police departments across the nation faced unprecedented events following Floyd's tragic death. Despite this, the City's response, and specifically that of the MPD, could have been enhanced through preparation and planning, specifically among an incident management team. The



( City of Minneapolis )

## An Independent After-Action Review

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civil unrest in Minneapolis was unprecedented; however, the lack of a basic crisis response framework was evident and limited the MPD's ability to respond appropriately. As indicated, simply identifying and designating individuals to the command post in advance increases initial response effectiveness and leads to a more comprehensive, confident and efficient crisis response.

Field personnel who we interviewed felt that in the first two days of the protest and unrest, MPD leadership, and presumably the City, attempted to keep the incident low profile and did not request additional resources, such as using callback or requesting assistance from other agencies. Further, officers stated that officers and agencies offered help and MPD leadership declined the offers. As a result, officers lost faith and trust in leadership.

### Field Response and Tactics

Absent a field force or specific cadre of officers trained in crowd control, the MPD assigned strike teams for incident response designated from MPD's Community Response Team, a plainclothes street crimes unit. This unit is composed of 10 officers who typically walk a beat and one sergeant. The unit works closely together daily. Many of these officers were former SWAT members and have tactical training, a higher level of training than patrol officers.

Staff in the command post called on these teams as needed and pulled officers from the various precincts to create additional strike teams. The precinct officers may or may not have had any specialized training, such as in crowd-control tactics. The command post staff located protective gear for the strike teams from equipment leftover from the Republican National Convention 12 years earlier. The equipment and some shields were issued to the strike teams for civil unrest protection.

The strike teams had squad cars and worked anywhere from 12 to 18 hours per day, staging at the convention center. Typically, by 1 or 2 p.m., the teams were actively engaged with violent individuals. A chemical agent response team (CART) supported the strike team officers. Several interviewees stated that the teams were very active. Incident Command staff dispatched teams to reports of violent behavior, engaged the groups to disperse the crowds and then retreated. MPD leadership stated that they simply did not have enough adequate resources to try any other tactic. They were strictly defensive and reactionary.

Once the MNG and the Minnesota State Patrol arrived in force, they partnered with the MPD and other assisting agencies, such as the Hennepin County Sheriff's Office, to address agitators in the larger groups. With the additional personnel, the teams took on a targeted approach and, with the help of an established curfew, began to see some success in decreasing the violence while preserving protesters' First Amendment rights.



( City of Minneapolis )

**An Independent After-Action Review**

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## **State and National Best Practices for Response to Peaceful Protests and Civil Unrest**

Although crowd-control training and tactics are a key focus for most agencies and leading public safety agencies have a robust and well-structured Mobile Field Force (MFF), it is difficult to adhere to best practices when responding to an incident like that which occurred in Minneapolis. Many variables, such as the degree of unrest and the attitude and criminality of some individuals, are significant factors when assessing what operational practices may have been successful. However, the adherence to ICS principles in the management of these incidents is a best practice that the MPD did not, and reportedly does not, follow. Many of the issues that we discovered could have been substantially reduced with the appropriate command structure and associated communication.

Tactical responses to protests and civil unrest can vary depending on the circumstances. However, several best practices followed by leading public safety agencies can help ensure proper decision-making and response to incidents, including:

- + Establishing policies that clearly establish the police department's respect for protecting individuals' First Amendment rights to free speech and peaceful assembly.
- + Providing recurring training on crowd-control tactics for all officers and quarterly training on crowd-control tactics for officers assigned to a dedicated MFF team.
- + Engaging in communication with event or protest leaders so each can communicate their plans and expectations.
- + Ensuring ongoing communications with key stakeholders, including city officials, to keep them apprised of operational efforts and outcomes.
- + Implementing the policies, training and principles contained in the NIMS and the ICS.
- + Providing robust communication platforms and emergency communications systems that allow the police department or city officials to keep the public informed during large-scale events.

The MPD's actions during the unrest were not consistent with the recognized best practice of respecting individuals' First Amendment rights and providing them with the opportunity to express their freedom of speech, due in part to the distraction caused by the agitators and violent activity. Although the MPD has several operational policies that have limited references to civil unrest, the MPD does not have a specific policy that provides detailed guidance for crowd control efforts.

Although MPD Chief Arradondo met with community leaders early Tuesday morning, May 26 before the protests in an attempt to open a dialogue and establish communication, the MPD did not appear to attempt to connect with any formal or informal leaders or organizers involved in the protests. As evening drew closer, the peaceful protests turned violent, and the Chief's community leader contacts, with whom he spoke with earlier, departed. Chief Arradondo received a call from a community leader who expressed concern over the aggressive crowd and agitators believed to be from outside the city. The community leaders told Chief Arradondo that they were leaving the area.



( City of Minneapolis )

**An Independent After-Action Review**

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Leading public safety agencies provide initial and ongoing crowd-control training for their officers and quarterly training for officers assigned to MFF teams. The MPD previously had assigned officers to the large-scale events, and as such, these officers received equipment and training in crowd-control tactics to address a large and angry crowd. However, the MPD did not require or give these officers the opportunity to maintain the training. As a result, even the Bicycle Rapid Response Team (BRRT) officers had not received any recent or specific training relevant to crowd control tactics. The officers faced angry crowds and witnessed individuals striking other officers with projectiles and damaging buildings and police vehicles. The officers were clearly outnumbered and received little direction, leaving them standing in front of the crowd wondering how long they would be there and what they were going to do. For the officers, fear of the unknown was undeniably present.

Leading public safety agencies have robust communications platforms and emergency communications. Agencies use reverse 911, Nixle messaging, Facebook, Twitter and other tools to communicate with their residents. Although the MPD has access to and uses many of these tools, it did not use these systems in planning and preparation. The extreme chaos during the incident consumed the staff, and they lost sight of using the notification tools and informing the City's communications staff. Had communications between the MPD and city officials matured, the City's communications staff could have engaged in messaging with the public and city officials.

Additionally, under the ICS, the MPD chief should have assumed the role of liaison to the city officials to inform them of the incident and associated response. This did not occur and contributed to inconsistent messaging from the Mayor's Office, city communication and City Council members.



( City of Minneapolis )

An Independent After-Action Review

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## 04 *The City's Response to the Protests and Unrest Beginning May 26, 2020*

Peaceful protests and demonstrations occur regularly in the City of Minneapolis, with most occurring in the downtown district. The MPD has a standard response that typically includes traffic control, specifically when the groups assemble and march on city streets. The MPD officers from the 1st Precinct travel in marked patrol cars on parallel routes to monitor cross traffic and provide protection for the group. The MPD Bicycle Rapid Response Team (BRRT) assists as deemed necessary. The MPD does not typically designate additional officers for crowd-control response.

The protests that occurred in Minneapolis following Floyd's tragic death started at approximately 2 p.m. Tuesday, May 26, 2020, with a large protest at 38<sup>th</sup> Street and Chicago Avenue, where Floyd died. MPD sources reported that the group was peaceful and continued to grow in size. By the early evening, MPD sources estimated the group to be between 3,000 to 5,000 people who were yelling and displaying anger. At approximately 5:30 p.m., the group began marching.

We learned through our interviews with MPD leadership and City leadership that their response at this time and into the next two days was to keep MPD officer presence minimal to permit the group the unobstructed space to express frustration and anger. Consistent with past practice, the 1st Precinct leadership assembled a traffic control unit to monitor crowd movement when protesters began their march, which ultimately led to the 3rd Precinct. The officers did not engage with the crowd but rather assured safe movement.

As early as 6 p.m. on Tuesday, May 26, 2020, the Minneapolis Emergency Communications Center (MECC) began receiving information from MPD officers and callers that violence was erupting across the city. Officers responding to calls for service reported encountering large angry crowds that surrounded them in some cases, creating a situation wherein additional officers were dispatched to assist the surrounded officers retreat to safety. We observed body-worn camera (BWC) footage from uniformed officers without protective gear who were surrounded by crowds screaming at them. The crowd surrounded patrol vehicles and placed posters and signs on the windshields, which obstructed officers' views while they attempted to depart the scene. Additional officers arrived and helped move the crowds back so the officers could leave. The responding officers were also not wearing any protective gear. This level of violence also occurred at the 3rd Precinct as officers reported the crowd surrounded the building and was throwing rocks and bottles at officers.

By approximately 7:30 p.m., the MECC began receiving information from officers reporting that the crowd's anger was escalating, and crowd members were breaking windows in the precinct building and in vehicles parked next to it. Additionally, members of the crowd were spray painting the building and cars and tearing down perimeter fencing around the parking area. As the crowd's level of violence increased and crowd members began damaging the precinct and police vehicles, the MPD chief authorized the use of chemical munitions to attempt to control the crowd. This was the first recorded use of munitions. We could not discern through interviews or our review of BWC footage if officers made an announcement of dispersal due to an unlawful assembly before releasing chemical munitions. Our review found that officers provided clear, lawful orders to numerous people to leave



( City of Minneapolis )

An Independent After-Action Review

the property, and in some cases, officers pleaded with people to leave. The BWC footage revealed protesters picking up thrown chemical munitions and throwing them back at officers. The MPD authorized the release of chemical munitions in an attempt to control the crowd without the need to use less-lethal impact rounds, which can cause injury.

However, our review of BWC footage clearly revealed the deployment of 40 mm munitions. Most appeared to be a chemical munitions commonly referred to as blast balls. We could not accurately account for the type of munitions used, due in large part to the lack of accountability and supervisory oversight for munitions and officer deployment, leaving the question of the early use of any impact rounds unanswered. We found that the chemical munitions deployments observed in the BWC footage moved the crowd away from the precinct and provided some buffer from the officers and the MPD building and vehicles. We noted that by approximately 8:45 p.m., there appeared to be an insufficient number of officers to control the large crowds at the 3rd Precinct and to stop the continued damage. The BWC footage revealed projectiles striking officers, and supervisors on scene requested additional officers. As those requested officers arrived, officers erected bicycle racks, otherwise known as pedestrian barricades, in one row and then later in two rows to create an additional buffer.

The BWC footage showed that the large crowds continued to stay at the barricades and verbally harassed and demeaned officers. It was not until individuals threw objects at the officers again that officers responded by deploying less-lethal munitions. We did not witness any attempts by MPD to communicate with any of the members of the crowd, specifically the more vocal individuals, during this tense situation. In one case, officers advanced outside of the barricades to retrieve a marked patrol vehicle that the angry crowd was surrounding. It did not appear that officers made any attempt to negotiate with the crowd or any informal leader to explain what the officers intended to do. Instead, the officers physically pushed protesters and sprayed chemical irritants at them to clear the crowd away from the vehicle. The question remains whether the angry crowd would have permitted officers to retrieve the patrol vehicle. However, we know from some of our previous work and past experiences that even angry crowds will sometimes work with officers.

### Less-Lethal Weapons Use

An article in the “New England Journal of Medicine” reviewed injuries resulting from the use of less-lethal weapons during the protests in Minneapolis following George Floyd’s murder.

The study identified 89 people who sought medical attention at primary care clinics, urgent care clinics and emergency departments because of injuries they reportedly received at the protests.

This study found that “patients reported 45 injuries (51%) from projectiles, 32 (36%) injuries from chemical irritants, and 12 (13%) injuries from both types of weapons.”

Note that this sample was limited to those who chose to seek medical evaluation.

Source: *N Engl J Med* 2021; 384:774-775





( City of Minneapolis )

## An Independent After-Action Review

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We learned from interviews that some City Council members had contacted the chief or other MPD personnel, instructing them to discontinue the use of chemical munitions. Such calls suggest a lack of centralized command and communication between the MPD and City leadership, which is a recurring theme in our assessment. The level of aggressive behavior by protestors continued to escalate from day to day, particularly as night fell, at most precincts and specifically at the 3rd Precinct, culminating in the ultimate loss of the 3rd Precinct building to the fire rioters set.

## Crowd Control

### Previous Crowd-Control Experience

The MPD has worked satisfactorily with protest groups in the past. We learned of a rather well-established response, particularly by the 1st Precinct personnel, which is responsible for the downtown area where many of these assemblies occur. The MPD assigns officers, including its BRRT, to assist with crowd marches, traffic control, and general safety and security oversight. Neither the community nor the MPD noted any previous issues or concerns regarding the process of assembly in Minneapolis. In fact, the MPD had in the past adhered to a recognized best practice of contacting a group's leadership to discuss the event and share expectations. This outreach can prove invaluable in establishing a point of contact and rapport that can serve both parties' interests well throughout an event. This point of contact can become particularly valuable if crowd members begin engaging in unlawful behavior that threatens the duration of the gathering or if officers begin infringing on protester rights. The respective leadership can discuss the behavior to examine alternatives, consequences and solutions, essentially attempting to de-escalate the situation in a mutual partnership.

### Community and MPD Officer Insight

We sought to conduct interviews of both parties and review documents and BWC footage to fully understand what occurred when officers and protesters came face-to-face in crowd-control situations. Despite our best efforts and numerous requests, directly and through identified sources, we found few line officers and community or activist groups willing to speak with us directly. We had limited attendance and participation during our advertised community listening sessions, and few of those participants had engaged in any protest activity. We heard some generalized complaints and anecdotal accounts about police crowd-control actions. Some officers and community activists declined our offers to explore some of this information. We had opportunities to speak with some officers assigned to SWAT and the Chemical Response Team (CRT) and some supervisors assigned to impacted precincts. Our assessment of individual officer actions primarily involved reviewing BWC footage and interviewing the limited number of officers and supervisors who agreed to speak with us.



( City of Minneapolis )

An Independent After-Action Review

## Review of Crowd-Control Efforts during the Protests and Unrest

The BWC footage revealed the extent of lawlessness occurring in some circumstances under the guise of a peaceful protests. We observed fires burning, reckless vehicles with roaring engines spinning in the streets, the launching of what appeared to be commercial-grade fireworks, rocks and bottles thrown at officers, and obscene threats to officers and their families. The footage clearly revealed in some circumstances the lack of MPD command oversight, clear objectives, coordinated crowd-control measures and accountability for the deployment of less-lethal munitions. We observed officers deploying less-lethal munitions at or in the vicinity of citizens. In most of these cases, the citizens were out after the issued curfew and were not complying with officers' orders. However, the deployment of the munitions was not in accordance with policy. In some cases, a considerable distance existed between the officer and citizens, which minimizes the risk referenced in Policy 5-312 Civil Disturbance. This policy states, "Unless there is an immediate need to protect oneself or another from apparent physical harm, sworn MPD employees shall refrain from deploying any less-lethal or non-lethal weapons upon any individuals involved in a civil disturbance until it has been authorized by the on-scene incident commander."

We learned that at the time of the protests and unrest, the MPD did not have a designated mobile field force team, which is a best practice in place with many larger police agencies." Further, we learned that although the MPD had the BRRT, the MPD had not formalized officer training specific to crowd-control tactics and the training that occurred was limited in scope and infrequent. Although the MPD included a crowd-control course in the curriculum for in-service training in 2020, this training reportedly never occurred due to the COVID-19 restrictions. The personnel we spoke with expressed frustration and dismay that with each large-scale event, the MPD equipped and trained officers and then failed to seize the opportunities to sustain the programs that would have provided organization, structure, and best-practice tactics for MPD personnel.

### Mobile Field Force

The Mobile Field Force (MFF) is a mobile team capable of providing fast and effective platoon-or squad-size tactical force for a wide variety of policing functions and missions. Mobile field forces are typically provided advanced training in crowd control and response to riots and protests.

Source:  
<https://rtit.preptoolkit.fema.gov/Public/Resource/ViewFile/6-508-1240?type=Pdf&p=14>.

We spoke with a few MPD personnel who took it upon themselves to maintain and store the crowd-control protective equipment ready at hand. Without the training and equipment, many officers were standing in perimeter security lines around precincts in their daily uniform with only a protective helmet and some with a 36-inch baton, void of the protection that chest, neck, arm, hand, leg and foot pads offer from frozen water bottles, rocks, bricks and other items that individuals threw at them for hours on end. Additionally, our review of BWC footage revealed that supervisors issued orders to officers to walk and stay in a line, and not run after protesters as we observed in our review. Running after protesters clearly demonstrates officers' lack of training, understanding and experience of crowd-control tactics.



( City of Minneapolis )

## An Independent After-Action Review

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As noted, officers used less-lethal weapons against protesters. We observed BWC recordings of multiple sergeants attempting to coordinate officers' tactical maneuvers. We commend the first-line supervisors stepping up to bring some level of organization to the police response, but we question their oversight of officers deploying less-lethal munitions under their control. Further, we note that the next level of command did not appear to be present or provide guidance or instruction to the supervisors on the street.

Our review of BWC footage and our interviews found that crowd members reinforced areas near the officers to allow them to hurl objects at the officers and then quickly retreat to the cover they constructed to avoid less-lethal weapon strikes. This became a battle of sorts in some instances. We saw a publication reportedly authored by activists present and involved in the riots that described this very tactic and stated they engaged in battles with police. In fact, in addition to the activists describing their "ballistic squads" and how they fortified areas to provide offensive positions and collect projectiles, they described how they directed looting efforts across the city to spread police resources and demean them, while others gathered essentials, such as water, food and clothing, to sustain their efforts. Of particular interest in this publication is the description of how these ballistic squads used the peaceful protesters as shields. The front line of peaceful protesters with their hands up provided, knowingly or unknowingly, a perfect cover for others behind the crowd to launch projectiles at the officers.<sup>13</sup>

### Supervisory Oversight and Objectives

As we detail earlier in our report, the lack of a sufficient MPD command-and-control element left officers standing on a perimeter security line with no solid objectives, no consistent rules of engagement for any use of force and ultimately no plan for how individual officers or collective groups should deal with aggressive or non-compliant individuals in the large crowds. Without this information, officers can fall back on what they remember from their review of policies or training, resulting in different interpretations of policy and limited coordination. Multiple officers and supervisors expressed frustration that they did not know who was in command or receive direction or guidance, and when they contacted the command post for information or requests, they received delayed responses or no response at all. As a result of the lack of direction and the level of violence directed at the 3rd Precinct and others, precinct inspectors began working to fortify building perimeters with barricades and fencing. These efforts were uncoordinated and inconsistent across the MPD's five precincts. Essentially, every precinct inspector worked independently to secure their precinct.

The concept of command and control extends beyond a command post to formalize command in the field. As noted, it appeared there was no field-level incident commander to provide guidance. Generally, no command-level officers gave overall guidance, beyond an occasional call from the command post instructing officers to remove the protective barricades they were working diligently to construct or reduce the MPD's visible officer presence. This created a situation wherein precinct personnel and officers assigned to calls acted without guidance, as a group of sergeants indicated.

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<sup>13</sup> CrimethInc.: The Siege of the Third Precinct in Minneapolis: An Account and Analysis. Accessed at <https://crimethinc.com/2020/06/10/the-siege-of-the-third-precinct-in-minneapolis-an-account-and-analysis>



( City of Minneapolis )

## An Independent After-Action Review

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Some command-level officers stepped forward and assumed control of some response actions, and many officers lauded the value of those commanders providing some structure and guidance. However, we spoke with others in supervisory-level positions who received no direction, objectives or rules of engagement and were ultimately responsible for officer actions. Absent the presence of a field commander or their designee, the chain of command is lost. The absence of direction and guidance in such a volatile situation exponentially increases the level of stress of officers standing on the line as they face angry crowds throwing objects at them and can lead to less desirable outcomes with those protesting. Additionally, it creates situations wherein officers act independently. Those independent actions may not align with any department policies or desired command-level objectives communicated to the field.

MPD Policy 7-805 Civil Disturbances states, “MPD personnel will not interfere with lawful protests and/or demonstrations. Unless a crime has been committed, officers are responsible only for keeping the peace at civil disturbances.” This statement provides little guidance to officers facing the circumstances that we observed in the BWC footage. The circumstances were so unique from normal crowd-control situations encountered by officers that clear objectives were necessary. While in some cases, officers stood shoulder to shoulder with fellow officers, it can nonetheless be lonely when staring out into a mass of angry and increasingly violent crowds. Officers may wonder how long they would be there and what they were supposed to do beyond “keeping the peace” and keep the crowd from getting past them to the building. Further, providing an objective enhances officers’ confidence and provides some level of comfort to know the plan and their role in it and that someone is considering their well-being. We cannot overstate the importance of officers knowing that they will have an occasion to step away from the line to decompress and possibly eat and drink before returning. In some cases, during our review of BWC footage, we heard officers state, seemingly facetiously, that they only had to be out another seven or eight hours.

### Relevant MPD Policies

As discussed earlier in this report, the MPD has several policies relevant to crowd control and the acceptable use of force in achieving it. Our assessment’s focus included a review of these policies, especially those related to the use of less-lethal weapons and how they were applied in the field. Many of these policies have been revised multiple times since the protests and unrest.

We could not identify any documentation or records that clarified who was carrying and deploying the 40 mm launchers at the precinct level or what, when and how many rounds were deployed. We find this lack of accountability for the deployment of those weapons concerning, considering that Policy 5-312 Civil Disturbance required an evaluation of the use of less-lethal weapons by the incident commander and the approval of the on-scene incident commanders.

A supervisor must respond to the scene any time an officer uses a 40 mm less-lethal round, review the incident and complete a use-of-force review in accordance with Policy 5-307. We did not observe or learn of any such reporting during the protests, confirming the low level of accountability we mentioned earlier.



( City of Minneapolis )

## An Independent After-Action Review

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A section of Policy 5-317 Less-Lethal 40MM Launcher and Impact Projectiles permits officers to deploy less-lethal rounds when an immediate need exists to protect themselves or another from apparent physical harm. Should officers articulate that immediate need, they demonstrate compliance with that section of the policy. As indicated, the officers in the field, standing perimeter security and engaged in crowd-control tactics were not guided by objectives or rules of engagement for the use of force, specifically the use of less-lethal munitions, but rather seemed to rely on the broad description in Policy 5-317. Given the level of violence and the objects thrown at officers, in many instances, the officer could have articulated the immediate need to protect oneself or another from apparent physical harm through deployment of less-lethal weapons as described in policy.

Conversely, policy does not clearly address accountability and guidance for SWAT officers, but these were evident in some of our review of BWC footage and radio communications. These officers communicated with the commander in the command post at the Emergency Operations Training Facility. These SWAT officers cannot deploy any chemical munitions without prior approval. Through interviews, radio communication recordings and BWC footage, we found that during the first evening of protest activity, the SWAT officers were in strict adherence to the authorization requirement for chemical munitions. The recordings provided audio documentation of a commander at the command post specifying which munition (e.g., a triple-chaser, a cannister that contains three separate tear gas charges for extended coverage) to deploy, which officers deployed on the commander's instruction. However, our review of BWC footage, specifically footage from later in the week, revealed a level of variance outside of what we describe above. That variance involved SWAT officers deploying 40 mm launchers repeatedly at or in the vicinity of groups or individuals without instruction or following a quick verbal "hit them" from what we determined to be a sergeant in some instances.

Our review of the policies that pre-date the protests and unrest did not provide any detail regarding the requirements for SWAT officers to deploy 40 mm. Our interviews, and to some extent our review of BWC footage, revealed that in addition to SWAT officers, accountability was low for which patrol officers carried and deployed less-lethal weapons. In fact, the MPD has since revised policies regarding the deployment of less-lethal weapons to require authorization by the MPD chief. This change certainly places increased accountability and scrutiny on the deployment, but it is inconsistent with best practices and is unreasonable in a situation where the deployment of chemical agents could be immediately necessary, especially when considering the length of time that it took for officers to receive a response, if any, from those in the command post during the civil unrest. It is possible that the chief could establish clear rules of engagement in advance of the deployment, and either the chief or a member of senior-level leadership should have done so during the civil unrest.

### **General Observations from Body-Worn Camera Footage Review**

During our review of BWC footage capturing the civil unrest, we observed recurring themes. Following Floyd's murder, most of the protesters during the morning and early afternoon hours exercised their First Amendment rights in a peaceful manner. As the day progressed to the late afternoon and into the evening, the scene became increasingly more violent and combative. The size



( City of Minneapolis )

**An Independent After-Action Review**

---

of the groups increased, and people became more confrontational with police. Some verbally abused and threatened officers repeatedly, while others engaged in physical violence by throwing objects at the officers. In several instances, objects struck officers, causing injuries that required medical attention. While in skirmish lines, officers primarily protected property or prevented further movement of protesters on controlled streets. The officers forming these protective barriers had riot helmets, gas masks and batons. Most officers in the videos did not have shields or protective gear for their torso and extremities. We observed several officers using 40 mm launchers or Oleoresin Capsaicin or Ortho-chlorobenzalmalononitrile fogger spray, which is commonly referred to as tear gas.

As the intensity and size of the crowds increased, we observed an increase in verbal attacks and menacing threats directed toward the police in general and to individual officers. In most of the videos, we observed officers exhibiting restraint by not engaging in a confrontation with verbally abusive individuals. However, we also observed officers aggressively respond using handheld chemical fogger and impact munitions. We observed individuals verbally attacking the police, and officers responding by spraying the group with OC/CS foggers in a few instances.

Our review of the BWC footage revealed a cycle of escalating violence by individuals participating in the unrest and then a response by the MPD officers. The BWC footage showed groups of people near the officer lines or barriers participating in the surrounding activities without using physical violence. However, we observed individuals throwing objects from the back of the crowd on occasion, and these objects landed near officers or struck them. The objects included plastic water bottles, rocks, chunks of concrete, bricks, fireworks, glass bottles and other unidentified objects. When someone threw an object, the officers with 40 mm launchers would attempt to locate and engage the person responsible, and frontline officers would use chemical munitions, such as foggers, on those directly in front of them. This would typically result in the crowd escalating the violence and a substantial increase of objects thrown at the officers in the area. The officers would respond with an increased use of impact munitions, handheld “blast balls” and chemical munitions, which pushed the crowds away from the officers and decreased the frequency of objects thrown. After approximately 10 to 15 minutes, the crowd would reposition directly in front of the officers, and the cycle would repeat.

Although supervisors were present and seen providing some guidance to the officers, the officers in the video footage appeared to engage the crowds with the use of munitions and OC/CS foggers on their own accord. Our interviews further support this conclusion as many officers expressed their frustration in the lack of direction or orders they received. Many officers stated they were not provided direction or a plan to deal with the escalating violence of the unrest.

During our interviews, we learned of the large volume of received 911 calls and the difficulty of finding available officers to respond to calls for service. We reviewed several of these calls to evaluate the response that officers provided during the unrest. Many of the calls for service were high-priority calls, such as shootings, stabbings, assaults, robberies and responding to businesses with active intrusion alarms. We observed BWC video footage of officers responding to active incidents with crowds in the area participating in the civil unrest. Officers would quickly secure a perimeter to protect involved individuals and the officers conducting the investigation of the incident. On one occasion, we observed BWC video footage of a SWAT van responding to a stabbing victim in a Target parking lot.



( City of Minneapolis )

## An Independent After-Action Review

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Large groups of protesters and individuals engaging in violent behavior occupied the areas. We observed multiple objects striking the van repeatedly. Once they arrived, the officers quickly formed a protective perimeter around the woman who was stabbed. The officers used munitions and deployed OC/CS handheld canisters to keep the crowds back. Officers loaded the woman onto a flatbed handcart found in the immediate area, evacuated to the SWAT van, and transported to the local hospital for emergency care. Overall, we observed officers responding to calls, attempting to calm crowds in the area and investigating the stabbing.

We reviewed the evacuation of the 3rd Precinct from differing BWC perspectives. Officers gathered in the 3rd Precinct at approximately 9:45 p.m. May 28, 2020 learned that they would be evacuating the precinct as a group. Officers gathered in vehicles and on foot in the parking lot. When officers began to leave the precinct, the gate to the parking lot was secured and officers had to force it open using a police vehicle. Officers in vehicles attempted to protect the officers on foot as they moved south toward 32nd Street. People threw objects at officers as they evacuated, striking vehicles and officers. Radio transmissions advised officers that the buses were not at the pickup location and were still enroute. As officers convoyed away from the 3rd Precinct, rioters shouted obscenities and continued hurling objects at officers and patrol vehicles as they moved out of the area. At this time, the crowd moved back to the building, which was quickly engulfed in flames.

### Minneapolis Fire Department Response

We interviewed Minneapolis Fire Department (MFD) personnel to learn about its operations during the unrest that arose following Floyd's murder. Interviewees ranged from the Fire Chief and Chief of Operations to frontline firefighters and company officers. The MFD provides fire prevention, fire suppression and rescue, special rescue, hazardous materials and basic emergency medical services (EMS) but not EMS transport.

During the civil unrest, the MFD maintained its normal operating posture, but mobilized two task forces to address calls for service arising from or in connection to the protests. Federal Emergency Management Agency's (FEMA) training documents for Incident Command System (ICS) 300 defines a task force as "Any combination of resources assembled to support a specific mission or operational need. A Task Force will contain resources of different kinds and types, all resource elements within a Task Force must have common communications and a designated leader."<sup>14</sup> For this operation, the specific operational mission of the task forces was to respond to areas affected by civil unrest. A battalion chief commanded each task force; however, in many cases, the Chief of the Department or the Chief of Operations oversaw operational assignment and supervised the task force personnel.

We did not identify any complaints, insinuations or reasons to believe MFD personnel took any inappropriate action against protesters based on our review. In addition, due to the task forces, many incidents received a response and MFD personnel extinguished fires and attempted to keep damage to people and property to a minimum. Multiple sources stated that police escorts were not available to

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<sup>14</sup> <https://training.fema.gov/emi.aspx>



( City of Minneapolis )

## An Independent After-Action Review

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get the fire crews out to all the fires, while others received a quick suppression of the main body of the fire and the task force departed for safety reason as crowds converged on the scene. Some frontline personnel lamented not being dispatched to fires near their fire house. A lack of response by fire companies who traditionally would be expected to be the first to arrive on a scene does not mean no task force response occurred, but the response to multiple fires may not have been as timely as responses under normal conditions. Despite the task force efforts, the City reported 133 structure fires with an estimated damage over \$500 million.

We identified several areas for improvement falling under four overarching categories – ICS implementation, fire department command structure, training and communications – as detailed below.

### ICS Implementation

Our review indicated that the MFD did not implement unified command or ICS concepts during its unrest operation. The MFD had no overall incident commander at the Emergency Operations Center, nor did leadership establish a MFD Operations center for this purpose. Both the MFD chief and operations chief directly operated in the field with task forces, instead of providing overall strategic guidance. As a result, advance planning across fire suppression platoons did not occur, beyond ensuring adequate apparatus staffing for task forces and firehouses.

If the MFD is not the lead on a city-wide level emergency incident of this nature, leadership should consider internal triggers and protocols for when and how to implement ICS. Potential implementation could come in the form of an internal Type III incident management team (IMT) or the establishment of an internal planning cell tasked with the development of an incident action plan. Such a team would be designated and well-trained in their specific roles and responsibilities with the ability to activate quickly the ICS when deemed necessary for any type of emergency or crisis. In addition, the MFD should consider documenting this protocol and training MFD personnel of all ranks.

### Resource Tracking

Interviewees indicated that there was no centralized coordination within MFD or across agencies. While a commander assigned to the MECC tracked resources, the fire chief in the field authorized the deployment of resources, rather than centralizing deployment determinations at the MECC or EOTF. For example, we learned of reports of fires not receiving a timely response or MFD personnel who were not assigned to the task force but could have responded in a timelier manner.

The MFD could consider using existing data sources, such as its computer aided dispatch (CAD) system, to provide information and options for resource tracking, incident logs and reporting. In addition, the MFD should consider establishing within the command structure who is responsible for the collection, analysis and dissemination of real-time and post-incident data, to whom they must report that data and when they must act on the data. For example, data may reveal a need to act, such as recalling personnel or requesting mutual aid. The MFD could integrate an improved resource





( City of Minneapolis )

## An Independent After-Action Review

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tracking system for incidents, such as civil unrest, into a larger multiagency system at an emergency operations center or incident command post, if it is not already part of one.

### Fire Department Command Structure

Our review of the MFD policies and procedures and interviews reveal the MFD is under-resourced for long-term operations and major incidents, which reduces institutional knowledge. As a result, the Fire Chief and the Assistant Chief of Operations worked nearly continuously for the duration of the unrest, mainly due to a lack of command-level deputies. MFD Operations' chain of command structure goes directly from street operations deputy chiefs to the Assistant Chief of Operations. Although the MFD meets all legal requirements and provides for members well-being at incidents, the creation of a layer of command in the form of a non-platoon chief officer at a rank between deputy chief and assistant chief would have benefited the MFD during the civil unrest. In addition, we suggest creating a second in command under the Fire Chief. Despite not having enough command level deputies, the MFD could have called up other senior, experienced leaders in the MFD to assist in managing the incidents. By using existing senior level leaders, the MFD could share institutional knowledge and create more robust succession plans.

The MFD should consider adding a title and position in a new rank, such as Chief of Safety or Chief of District, between the ranks of deputy chief and assistant chief, that can add value to the organization in the long term and create command staff resiliency to respond to spontaneous incidents. Having this new position outside the platoon system would allow for a cadre of chiefs available to respond to and take command of incidents of extended size or duration and provide relief and a transfer of command so no single chief would need to work for extended durations.

### Training

Our interviews and review of documents point to a potential need for standard operating procedures and reassertion of existing orders, documents and associated training in major incident response, civil unrest response, joint operations with the police, response to assist the police, and assisting the police during unrest. Short of an active assailant drill several years ago, the MPD and MFD do not train together or have a formal notification and operation protocol to facilitate the integration of public safety assets.

The MFD has a history of preparing for major events, such as the Super Bowl and NCAA Final Four. Training, information and lessons learned from those events and any after-action review of the civil unrest response should create the foundation for revised orders and training, which should be disseminated department-wide and refreshed on an annual or semi-annual schedule. We found that the MFD did not apply lessons learned from previous events to the events occurring in May and June 2020.



( City of Minneapolis )

**An Independent After-Action Review**

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## **Communications**

The information we reviewed identified three areas of potential communications improvement for the MFD: internal, external and radio communications.

### **Internal**

Interviews with MFD personnel consistently noted that communications within the MFD regarding the operational situation and expectations were an issue. Personnel working in the firehouses received little information about operational changes and how those changes would affect standard operations. In addition, personnel coming onto duty had no knowledge of the expectations and operations they would encounter. On-duty personnel were often completely in the dark as to the depth and breadth of operations and how that may or may not affect their homes and families for those who reside in impacted areas of Minneapolis.

The MFD could consider disseminating information internally during major operations and after major incidents. Even if the MFD does not disseminate any substantive information, those who believe they have a need to know may appreciate the effort. During times of uncertainty, this can give on- and off-duty personnel the ability to have reasonable expectations regarding their safety and schedule, as well that for their families.

### **External**

MFD command staff admitted issues regarding the activation, coordination and response of mutual aid and questioned the efficacy of a recall of off-duty personnel. In fact, they did not request mutual aid because they were concerned that there was not sufficient force protection to ensure firefighters would be safe at the scene of a fire. The MFD ran into issues calling back some firefighters because the personnel's contact information was not immediately available and was inaccurate in some instances. A designated command structure could have improved communication and more effectively ensured that the MFD received appropriate safety protection from the MPD. This could have allowed the MFD to respond to more fire incidents.

Although the MFD identified some of its shortcomings after the protests and unrest, it did not conduct a formal after-action review, which is an essential element following a response to large incidents. However, MFD command staff requested members provide comments regarding the response. This falls short of a formal review but provides some evidence of an ability to self-evaluate and change. We suggest conducting a formal after-action review internally and with external stakeholders for deeper self-evaluation.



( City of Minneapolis )

## An Independent After-Action Review

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### Radio

Our interviews revealed that there is no communications plan or protocol for direct radio communications with the MPD during street operations. As a result, MFD personnel in the field did not leverage available radio frequencies to directly communicate with MPD personnel, who could have provided them with situational awareness as they responded to fires.

Interoperable communications shortcomings can be a safety issue. The 9/11 Commission noted these challenges, as did Congress in the 2007 Act to implement the recommendations of the Commission. The MFD should leverage an existing frequency, talk group or channel that MFD and MPD personnel can use jointly at an incident, in addition to programming MFD radios with the MPD's operating channels.

### Minneapolis Emergency Communications Center

The Minneapolis Emergency Communications Center (MECC) staff provide dispatch services to police, fire and emergency medical services. The MECC has two distinct work groups, call takers and dispatchers. The center has 25 active computer aided dispatch (CAD) system workstations on the operations floor. Four are dedicated to providing service for the five MPD precincts communicating on three distinct radio channels and associated workstations, and one relief workstation. When necessary, other city agencies and assisting agencies can be patched on common radio channels, which are known as METAC and STAC. Two additional MPD workstations support the officers' requested ShotSpotter and warrant checks. Two workstations are dedicated to dispatching for the MFD and one for auxiliary services. Supervisors staff two workstations, and call takers staff four or five workstations. The MECC has multiple radio channels.

When a call taker, or dispatcher if no call taker is available, receives a 911 call for service at the MECC, they answer the call and begin the appropriate entry into the CAD. Although the MECC does not adhere to a formal statewide time standard for answering calls, staff have an internal goal of answering each call within the first two or three rings. The MECC has multiple call queue monitors prominently displayed that emanate a red color on the screen when calls are pending, including a timer feature displaying the seconds elapsing for calls in queue.

### Call Volume and Staffing

The volume of calls during the protests and unrest overwhelmed the MECC, and a temporary service disruption occurred. A 911 outage on Friday, May 22, 2020, prompted the MECC staff to direct incoming calls temporarily to the center's administrative phone number, which routes to seven distinct lines. MECC staff provided the temporary call procedure to the City's communications team to release to the public. Unfortunately, the information regarding the temporary change was not retracted once 911 was re-established. As such, when calls increased following Floyd's death, some of the public's incoming calls still came through the administrative lines. Additionally, as described



(City of Minneapolis)

An Independent After-Action Review

later in this report, City Council members and City staff provided inconsistent messages to their constituents as to when it was appropriate to call 911 to report suspicious activity or request information, contributing to the increase in call volumes.

The MECC staff estimates in the week that followed Floyd's death, they received approximately 150 obscene and abusive calls each day from the public expressing frustration over Floyd's death while in police custody. These calls began on Tuesday, May 26, 2020 and culminated in thousands of calls. On May 26, the director sent an email to all MECC staff at 5:37 p.m., providing guidance on how to respond to and manage callers expressing frustration over Floyd's death. The MECC continued to receive these types of calls at the time of our assessment. The number of abusive calls also detracted from the efficiency of the MECC's operations. We listened to call recordings and can attest to the grotesque, abusive and obscene statements that the call-takers and dispatchers heard as they struggled to keep up with the call volume and provide professional dispatching services.

The number of calls that the MECC staff answered in the week following Floyd's death clearly demonstrated the reason that some individuals simply did not get through to a call taker or dispatcher: the sheer number of calls overwhelmed the system. A communication center for virtually any city receiving such a drastic increase in incoming calls would be overwhelmed. It is impossible to capture the total number of calls made to the MECC, although we requested the received or answered call data to understand the increase. The available data reveals an increase in calls beginning on May 26 with a nearly 91-percent increase and steadily growing to a peak on May 29, when the MECC staff answered nearly five times the average number of incoming calls (7,863 calls) in the 24-hour period compared to the same dates for the previous two years. It is important to stress that these totals do not account for the unspecified number of calls that could not be answered.

*MECC Calls for Service Comparison*

Date	2018	2019	2020
May 25	1,728	1,783	1,744
May 26	1,733	1,762	3,365
May 27	1,703	1,478	4,300
May 28	1,574	1,652	6,825
May 29	1,643	1,583	7,863
May 30	1,602	1,814	7,549
May 31	1,691	1,858	7,433
June 1	1,841	1,737	5,750
June 2	1,559	1,939	3,613



( City of Minneapolis )

## An Independent After-Action Review

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We learned that the MECC management team discussed the possibility of calling in emergency staffing, but they decided instead to optimize the available staff. We learned that the level of unrest and emergency situations occurring concurrently quickly exceeded the first responders' capacity. This left MECC dispatchers with multiple calls at any one time to which MPD officers were unavailable to address, or that MPD supervisors determined officers would not be dispatched due to concerns regarding previous calls for service in which officers responded and were surrounded by aggressive crowds. Although the MECC leadership did not mandate additional staffing, some personnel reported to the MECC without being asked, which provided additional staff. The additional staff helped alleviate some pressure on others in the center. However, given the limitations of the MPD and MFD response, additional staff essentially answered calls that would not be addressed with an MPD or MFD response.

### Technological Issues

We learned that during the civil unrest, a technological issue surfaced, impacting the MECC staff's ability to patch multiple separate police agencies together on a shared radio channel. The MECC leadership worked quickly to establish connectivity through a cellular service air card and virtual private network (VPN) on a laptop to provide dispatch capability for the radio channel patches until the system could be restored.

### Interactions Between Agencies

In examining how the MECC handled calls for service, we learned that the MFD sent a representative to the MECC to assist with triaging and managing the incoming calls. The representative worked closely with the MECC dispatchers to assess each call and communicated with the chief and assistant chief to determine the appropriate response. A similar process occurred at the Emergency Operations Training Facility (EOTF) with the MPD, as indicated above, which involved staff at the command post assessing the incoming calls and determining whether to send units. As of the evening of Tuesday, May 26, the MPD advised MECC staff that the MPD would not respond to Priority 2 calls because the available officers already had with crowd-control and security tasks.<sup>15</sup>

MECC staff worked closely with the Strategic Information Center (SIC) at the EOTF, coordinating an exchange of critical information between the two entities, such as what surveillance cameras revealed and reports from officers in the field. Unfortunately, we learned that intelligence gained from the SIC did not usually reach the officers in the field.

As the unrest continued to evolve, MECC supervisors continued to conduct operational period reviews and briefings to evaluate the MECC's performance and inform the incoming shift of pertinent information. Through this evaluation, they learned early on that they had been opening a separate CAD incident for each event. They quickly modified the CAD entry process into just five separate CAD incidents categories associated with the unrest, to reduce the number of individual entries as it

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<sup>15</sup> Calls classified as Priority 2 include situations in which no immediate threat of harm exists at the scene of the call.



( City of Minneapolis )

## An Independent After-Action Review

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would have totaled hundreds per shift. Those categories included the actual civil unrest information, protest-related property damage, use-of-force incidents, damaged police squad vehicles and damaged MPD personal vehicles. It became clear to supervisors that many of the incoming phone calls were not calls for service, but rather requests for information or the caller wanted to speak with an MPD investigator. The MECC established specific routing for calls, in that staff forwarded complaints to the MPD Internal Affairs and routed requests for information or questions regarding the incident or investigation calls to the Bureau of Criminal Affairs.

### Mutual Aid Response and Coordination

There has been much discussion and consternation regarding the request for and ultimate response of the Minnesota National Guard (MNG), and to a lesser extent, assistance from other agencies such as the Minnesota State Patrol. We attempted to connect with any representatives from these agencies who might share some insight regarding the requests, but we were unsuccessful. We learned through unverified sources that the chief of police contacted the Mayor on the evening of Wednesday, May 27 and requested, verbally and via email, assistance from the MNG through the Governor. We learned that the Governor did not provide a response at that time. We cannot definitively explain the consternation about the timing of the request and ultimate response. However, a request for National Guard assistance must include specific details regarding the circumstances and the task for National Guard personnel. Typically, such information can be found in an operations plan or incident action plan, which we did not receive and that we determined through interviews did not exist. This detailed information critical to the mission, required by MNG for approval as detailed in the policy, was not included in any of the initial requests. However, subsequent requests on May 28 included the required information and fulfilled the MNG requirements for activation.

We cannot definitively say that this void in information surrounding the request is the cause for the delay in response, but it is common for the lack of such information to delay or prohibit the authorization of the deployment of military resources in a domestic situation. To further illustrate this concept, we learned from MPD command-level officers assigned to the Multi-Agency Command Center (MACC) that once MNG personnel arrived, the MNG declined any request to use soldiers until the MPD could provide specific details, such as those commonly provided in an incident action plan. These commanders described their frustration and the subsequent efficiency that developed over time when they provided operational details with their request for resources.

During our community outreach, we heard from multiple community members who expressed deep concern that the applicable parties were unfamiliar with these processes for requesting mutual aid and had not practiced them. They expressed frustration that plans and processes were not in place to expedite such requests and escalate the response of resources. It is important to note that the Office of Emergency Management (OEM), which supports responding agencies in a crisis or emergency, could have at a minimum provided guidance regarding the requests for federal and state resources. However, as we learned, the MPD's unconventional approach to the Incident Command System, combined with concerns over the COVID-19 risks of a mass gathering of personnel, did not align with



( City of Minneapolis )

## An Independent After-Action Review

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the OEM's expectations of emergency management, and therefore that guidance was neither sought nor provided.

### Public Safety Personnel Wellness

An emerging best practice within the law enforcement profession is to consider officer wellness from a holistic perspective, which should permeate all aspects of a department's operation. These emerging practices generally focus on resiliency (i.e., providing assistance to help an officer prepare for, respond to and recover from critical events). These concerns also apply to firefighters and dispatchers.

In "Staying Healthy in the Fray: The Impact of Crowd Management on Officers in the Context of Civil Unrest," the National Police Foundation notes, "High stress police operations such as crowd management during periods of civil unrest is mentally and physically demanding. Crowd management often challenges officers to push their bodies beyond normal limits, leading to poor performance, fatigue, insomnia, and injury."<sup>16</sup>

In the aftermath of the protests following Floyd's death, law enforcement organizations must increasingly address wellness in terms of the job's mental and physical requirements. Moreover, wellness policies and practices must anticipate injury or illness that may result from an officer's assignment to mass casualty or prolonged assignment to civil unrest and mass protest events.

### Relevant Policies

The MPD describes its commitment to officer wellness in Policy 3-500 Injury and Illness. The policy is consistent with traditional law enforcement practices as it describes the MPD processes related to an individual's medical status, the process to obtain MPD benefits such as time off and compensation, and return-to-work guidelines. The policy purports to comply with applicable federal, state and local laws regarding work-related injury, as do similar policies for other law enforcement organizations.

MPD Policy 3-500 Injury and Illness identifies and discusses the function of the Health & Wellness Coordinator. However, the coordinator appears to be limited to providing assistance solely by coordinating the efficient flow of documents required for approving short-term or long-term illness or injury leave and returning to duty after such leave. The MPD should consider assigning the health and wellness coordinator functions related to ensuring officers' physical and mental health needs are met, rather than just assisting with the flow of documents. During a critical event, such as a large protest, the MPD should ensure the logistics section of the ICS ensures officers receive food and water, opportunities and areas for rest and connect officers with any necessary follow-up services.

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<sup>4</sup> <https://www.policefoundation.org/publication/staying-healthy-in-the-fray-the-impact-of-crowd-management-on-officers-in-the-context-of-civil-unrest/>



( City of Minneapolis )

An Independent After-Action Review

## Officer Insights

We interviewed MPD personnel, who said they believed the MPD had good wellness practices prior to the unrest but the policy and practices were insufficient to handle the immediate and long-term mental and physical effect of the prolonged assignment periods required of officers during the aftermath of the unrest. These employees said the MPD's policy and practices had little effect because officers had little opportunity for decompression, stress debriefing, rest, time off and similar activities during the period of unrest, and the MPD was unprepared to address these needs once that period concluded. After the protests, the MPD appeared to do a good job of making services available for officers, but some interviewees indicated that because officers did not trust the administration, they obtained services recommended by a lawyer rather than those recommended by the MPD.

Officer wellness is a significant issue for the MPD. MPR News noted that public safety “employees were first allowed to file PTSD claims in 2014, and a law approved by the Minnesota Legislature that went into effect in January 2019 made it easier for first responders to file PTSD claims by assuming the diagnosis happened at work.”<sup>17</sup>

It became quickly apparent that the events of 2020 have taken a significant toll on MPD personnel. PTSD claims have skyrocketed, and many MPD personnel are on leave or have already left permanently. Many factors – ranging from the public's general attitude about the MPD and the perceived lack of support from City and MPD officials to the feeling of being overwhelmed and the loss of a district station during the riots – contributed to the departure of MPD personnel.<sup>18</sup> Our interviews revealed several factors that officers say contributed to their feelings:

- + Physical and mental abuse from people protesting against the police.
- + Extreme frustration during the riots from not knowing what they were supposed to be doing and who was in charge, and due to the lack of resources and a plan.
- + Perceived abandonment by command and leadership, save the few field commanders who stepped up and took control.
- + Disappointment in MPD leadership, especially after the MPD gave up the 3rd Precinct, to which some officers were emotionally attached.
- + The perception that the incident command did not seem to think about ensuring the officers had eaten and received time to rest and debrief.

We are unaware of any internal MPD reports or documents that sought to examine the impact of prolonged assignments on officer health and wellness. Therefore, we are not attempting to verify or refute officers' perceptions regarding the MPD's concern for their health and wellness. However, MPD records indicate that after May 25, 2020, the MPD noticed an increase of police officers and supervisors who were placed on extended leave for various work-related injuries or illnesses and saw

<sup>17</sup> <https://www.mprnews.org/story/2021/10/06/mps-police-ptsd-claims-push-overall-workers-comp-claims-to-highest-in-a-decade>

<sup>18</sup> On May 23, 2020, the MPD's headcount of sworn officers was 900. By September 2021, the sworn headcount decreased to 665.





( City of Minneapolis )

**An Independent After-Action Review**

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a significant increase in the filing of disability applications. Many of these were related to mental rather than physical injury.

### **Incident Command**

Incident command best practices articulate that one of the important roles of the incident commander is to ensure appropriate staffing during an operational period. Appropriate staffing includes having enough officers to enable appropriate relief and food breaks and rotation of personnel to minimize the impact prolonged assignments and stress will have on the officers. Unfortunately, some MPD officers who had prolonged duty assignments did not believe they were given appropriate time off for relief and stress decompression, and do not believe this consideration was part of the MPD's overall incident plan. MFD personnel held similar views, informing our team that they did not receive appropriate time off for relief and stress decompression. If accurate, this is evidence of a weakness in the City of Minneapolis' Emergency Response protocol and runs counter to incident command and control best practices.

ICS recommends that a safety officer staff an incident. "The Safety Officer monitors incident operations and advises the Incident Commander or Unified Command on matters relating to the health and safety of incident personnel."<sup>19</sup> An ICS structure should include a logistics section. Among other things, logistics section personnel should, in conjunction with a safety officer, determine food and water needs, maintain food service areas, and provide areas for officer rest and decompression. As mentioned earlier, neither the MPD nor the MFD assigned a safety officer to provide support during the duration of the protests. Additionally, the MPD did not assign a logistics section chief who could have supported the MPD and its officers during the protests. Though this was not formally designated, a few days into the protests, several MPD personnel arranged to provide food and a place to eat and decompress for officers based on their experience in previous incidents. This space provided officers the opportunity to rest and talk with counselors or chaplains about what they were experiencing. We commend this effort, but it should not have replaced the MPD's formal obligation to take care of its officers.

The MPD received aid and assistance from other law enforcement organizations, including support directed by the State of Minnesota. In addition, the City holds tabletop or similar exercises in which various organizational components of city government respond to planned or events. These exercises should have alerted the MPD to consider the health and wellness impact of prolonged response to protest, riots, natural emergencies and planned events.

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<sup>19</sup> [https://www.fema.gov/sites/default/files/2020-07/fema\\_nims\\_doctrine-2017.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf)



( City of Minneapolis )

An Independent After-Action Review

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## 05 *The City's Coordination and Communications Efforts*

The Federal Emergency Management Agency (FEMA) notes in its effective communication training, “Well conceived and effectively delivered emergency messages can help ensure public safety, protect property, facilitate response efforts, elicit cooperation, instill public confidence and help families reunite.” FEMA recommends ensuring emergency communications are clear, contain specific and adequate information, are in sync with other disseminated information and accessible to the whole community.

Over the course of the protests and unrest, the communication and coordination issues between City staff and elected officials became apparent to the community and caused confusion for residents and Minneapolis employees. As described in this section, the City’s communication efforts were not well-conceived or effectively delivered to the public or between City entities. This contributed to the erosion of community members’ trust of the city government. City personnel indicate that they learned some lessons from the experience of late May and June 2020. However, the MFD, the MPD and the City did not complete a formal after-action review or other formal review of the response to the unrest. Interviewees indicated that although some limited lessons learned may have found their way into updated planning, they were not formalized and could have missed some important information.

### **Initial Messages from City Regarding George Floyd’s Death**

The first message about George Floyd’s death occurred through an early morning May 26 news release from the MPD headlined, “Man Dies After Medical Incident During Police Interaction.” A second news release issued at 3:08 a.m. indicated that, “As additional information has been made available, it has been determined that the Federal Bureau of Investigations [sic] will be a part of this investigation.” The press release did not contain any other information. As the cell phone video of the incident spread rapidly, community members and other city officials viewed the first news release as untruthful and not accurately reflecting the circumstances around Floyd’s death. The reaction caused repercussions throughout the city and contributed to the initiation of the days of protest.

A delay in understanding the seriousness of what happened to Floyd occurred, and when the Mayor’s Office learned of the real circumstances surrounding Floyd’s death, staff mobilized to clear the Mayor’s schedule and attempted to connect with the community through a press conference. At that point, based on previous experience with similar cases, the Mayor’s Office staff expected protests to occur and expected them to be larger than previous ones. As such, the Mayor’s Office coordinated the initial message with the MPD and City communications staff. At that press conference, the Mayor condemned the actions of the MPD officers at the scene of George Floyd’s death.

Later that same day, the Mayor announced from his Twitter account, “Four responding MPD officers involved in the death of George Floyd have been terminated. That is the right call.” The Mayor held several press conferences and issued releases over the next few days regarding city and state actions in response.



( City of Minneapolis )

## An Independent After-Action Review

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Although this report focuses on the City's operational decisions, coordination and communication in response to the protests and unrest, it is important to note that the initial communication from the MPD received a strong negative reaction from the community because people did not believe it accurately explained how Floyd died. Additional communications regarding Floyd's death from the Mayor and others attempted to address residents' anger and assure residents that the follow-up investigation into the murder of Floyd would be appropriately handled.

### The City's Emergency Operations Plan

The City of Minneapolis Emergency Operations Plan (EOP), dated winter 2016, states it "is intended to assist the leaders of City government engaged in emergency planning, preparation, response and recovery, including elected officials, administration, department directors and emergency staffs at all levels." The EOP states:

"The purpose of this plan is to define the actions and roles necessary to provide a coordinated response within the City of Minneapolis in the event of a complex incident. This plan provides guidance to agencies within Minneapolis, with a general concept of potential emergency assignments before, during, and following complex incidents. The EOP establishes standardized policies and procedures for effective coordination of response to emergencies. It is designed to accomplish the following:

1. Prepare for and prompt efficient emergency response operations to protect lives, property, and the environment as well as ensure continuity of government so that essential services continue to be provided to City of Minneapolis customers during a significant event.
2. Provide an emergency management system that encompasses the key areas involved in addressing response, recovery, and mitigation for any threat or hazard.
3. Document the City of Minneapolis' emergency management plan, policies, protocols, and procedures."

The EOP adopts the concepts of the National Incident Management System (NIMS), including the Incident Command System (ICS).

The plan and its associated supplements provide additional information regarding the role of the Mayor, the City Council, the Office of Emergency Management (OEM) and the city coordinator:

- + The Mayor declares a local emergency and assumes executive responsibilities. The City Council is expected to approve the declaration of emergency in a timely manner. The Mayor may convene a policy group to advise and assist in the discharge of the Mayor's responsibilities in response to the incident.
- + The city coordinator serves in a staff capacity to the Mayor, executes the Mayor's orders, liaises with senior staff and elected officials, and serves as the policy group coordinator.



( City of Minneapolis )

**An Independent After-Action Review**

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- + The OEM serves in a staff capacity to the Mayor in response and recovery operations, implements operations under the EOP and oversees the multi-agency coordination system. The OEM coordinates the City's emergency management activities, consistent with and fully integrated with the emergency management activities of the federal and state government and any other political subdivisions within the state. This coordination includes using the personnel, services, equipment, supplies and facilities of departments and agencies. The OEM does not carry out emergency functions assigned to fire and police, but is responsible for situational assessments, critical resource acquisition and allocation, coordination with elected and appointed officials, and coordination of summary information.

Minneapolis' EOP is well written, comprehensive and consistent with nationally recognized practices. However, as described in the following sections, during the events we assessed, the Mayor did not ensure the appropriate implementation of the EOP, the OEM minimally engaged in its coordination role, and MPD and MFD did not effectively use the EOP to guide their response. This is in contrast with how interviewees described the previous response to the I-35W bridge collapse, where residents and city employees felt well-informed and believed all departments worked in unison under a common umbrella and that the city was in control and well-coordinated.

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**Community Insights**

- + "OEM was absent, we heard nothing from [OEM Director]."
- + "Makes me wonder what [OEM] do there?"

Many interviewees said one reason communication and coordination between City entities was so challenging was the decentralized nature of Minneapolis government. According to the City Charter, the Mayor has complete power over the establishment, maintenance and command of the MPD.<sup>20</sup> The city coordinator coordinates City activities as directed by the City Council and supervises, among other things, emergency management efforts and 311, as well as other activities as the council directs. The MECC is a division of the city coordinator's office, and the MECC's user board is responsible for its operation.<sup>21</sup> The city coordinator reports to the Executive Committee, which includes the Mayor, City Council president and up to three City Council members, as well as the City Council and the Mayor.<sup>22</sup> Finally, the Mayor appoints the OEM director, who reports to the city coordinator.<sup>23</sup>

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<sup>20</sup> Minneapolis City Charter, Section 7.3

<sup>21</sup> Minneapolis City Charter, Section 21.10

<sup>22</sup> Minneapolis City Charter, Section 21.20

<sup>23</sup> Minneapolis Code of Ordinances, Section 128.30



( City of Minneapolis )

## An Independent After-Action Review

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Interviewees reported that this structure creates a situation wherein many City entities, not only the MPD, operate independently and do not necessarily coordinate with other entities. This causes some concern as the city coordinator reports to both the Mayor and City Council, and these entities may have differing interests or priorities. As both the Mayor's Office and the City Coordinator's Office employ communications personnel, the two communications teams and other City agencies were inconsistent regarding the City's response and its messaging to the public during the protests and unrest. Interviewees reported that communication throughout the City's entities was poor even before the response to the protests and unrest.

## Communication and Coordination with City Management and Leadership

### City Departments

During an incident, communication and coordination among the affected government entities and departments are essential and are the focus of an EOP. Each entity involved in response operations should be well informed about the objectives and their roles. As indicated earlier, Minneapolis' EOP states that the Mayor, supported by the OEM, should have a strong leadership role in coordinating the City enterprise outside of the MPD and MFD. We learned that the OEM was minimally involved and not significantly consulted by the Mayor during the response. The OEM opened and supported the Emergency Operations Center (EOC), but many interviewees expressed concern that many resources and effort were put into creating and operating the OEM and developing the EOP, but they did not see OEM as playing a role in the response.

Our interviews revealed that City agencies did not receive timely and accurate information or understand the direction of the city's operations and their role in the City's response to the protests and unrest. This information sharing is a function of the City of Minneapolis Communications Department, specifically through a Joint Information System (JIS.) They had a pre-existing JIS in response to the pandemic and they transitioned to the protest activity on May 26<sup>th</sup>. However, their effectiveness was significantly hampered by the lack of information they received from other city departments. As a result, some agencies, such as the Minneapolis Public Works Department, responded based on past experiences dealing with emergencies. For example, the Public Works Department deployed resources to clean up streets and other areas the morning after the protests. Public Works Department staff indicated that they responded as they would for summer storms and had practiced this type of emergency response in the past. This was a commendable and appropriate

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### Community Insights on Leadership

- + "We need to start talking about the leadership breakdown, we need to be uncomfortable talking about this."
- + "Important for those leading Minneapolis to demonstrate that they have their act together and have a plan to manage protesters."



( City of Minneapolis )

**An Independent After-Action Review**

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effort, but Public Works Department staff did this on their own, rather than as a part of a coordinated effort.

Additionally, as the MPD was preparing to protect its precincts in anticipation of protests turning violent, precinct inspectors or their designees made requests directly to contacts in the Public Works Department to obtain barricades and fencing. However, the precincts were inconsistent in what they requested and how they deployed those resources. Additionally, some precinct inspectors avoided contacting the Public Works Department completely and directly contacted vendors to supply the requested materials. Not all precincts were aware of what other precincts were doing as there was no formal tracking of all the requests for barriers. This should have occurred through a request to leadership and coordinated through the OEM as described in the EOP to ensure consistency and effective deployment of equipment. If the OEM had taken on this task, precinct commanders would have had more time to focus on the law enforcement response rather than this logistical function.

To ensure consistency and efficiency if the need arises again, the MPD, in conjunction with the Public Works Department, should identify and standardize the types of resources needed to protect infrastructure and develop plans for how these resources will be requested and delivered. Interviewees indicated that in preparation for the jury verdict in the Derek Chauvin trial, they organically identified a standard for barriers. The Department of Public Works and the MPD should review and document that standard.

The bulk of the response to the civil unrest was the responsibility of the MFD and MPD, yet many City departments received requests for assistance and information from constituents. Because of communication difficulties, they were unable to provide accurate and timely information. Early in the protests, no formal briefings occurred involving City department heads, who should have been convened as described in the EOP. The Mayor's Office or OEM should have coordinated delivering one or more unified briefings to City agencies to ensure that all departments were working consistently toward the City's objectives. Instead, City agencies and City Council members made their best efforts to make sense of what was going on and respond to their constituents.

Messaging to the public is important and can assist in ensuring public safety, protecting property, facilitating response efforts, eliciting cooperation and instilling public confidence.<sup>24</sup> As the events of the first days of the protest and unrest unfolded rapidly, department heads received minimal, if any, information about the City's objectives or communication strategies. A coordinated message could have improved the City agencies' responses and their communications with the public. Instead, these agencies shared information that they obtained on their own. At times, this information was inaccurate and caused additional confusion. If City departments had followed the EOP, they could have had more consistent messaging and understanding of their roles as part of the overall City response.

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<sup>24</sup> Federal Emergency Management Agency Training; Effective Communication.  
[https://training.fema.gov/emiweb/is/is242b/student%20manual/sm\\_03.pdf](https://training.fema.gov/emiweb/is/is242b/student%20manual/sm_03.pdf)



( City of Minneapolis )

**An Independent After-Action Review**

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After several days, the OEM convened department representatives virtually, but interviewees reported that they felt those meetings consisted of status reports from the city departments rather than a discussion on coordinating city efforts or providing guidance. This lack of guidance resulted in City agencies not understanding their roles in the response and making their own determinations about how to respond. A more effective approach would have been to convene these meetings to communicate basic information to departments about what is being communicated to the public so the departments could respond appropriately, as well as to discuss the basic objectives of the City's response and to provide situational awareness.

### **City Council**

Besides having a role in emergency declarations, the City Council does not have a role in emergency management except as a policy group, per the EOP. However, City Council members are responsible for responding to their constituents, and the members were inundated with questions from the press and requests from their constituents for which they had few answers. People reported information to City Council members such as suspicious vehicles, not having access to 911, mistreatment of protesters and the media, possible accelerants in alleys or trash bins, as well as requests for permission to stay out after curfew to protect their businesses. These individuals contacting City Council members just wanted to feel safe and know who to call.

City Council members reported that they did not have sufficient information about the City's response or strategy to answer some of the most basic questions or to resolve issues. Interviewees noted that City Council members do not have City communications staff available to them to coordinate messages, nor were they aware of a crisis communications plan or other efforts in place to guide their efforts. As a result, they made their own decisions about what information to provide or share, and how they reacted personally to the unrest. For example, City Council members were not sharing the same information about emergency contact information and whether constituents should call 311, 911, tip lines or other phone numbers. In part, this led to an overload of calls to 311 and 911 when it may have been more appropriate to direct people to another resource.

City Council members felt like little information was shared with them about the City's response and that they did not receive enough situational updates. Because they could not obtain a good source for trustworthy, reliable information, some City Council members and others reached out to precinct inspectors for information. City Council members also received information from news coverage and press conferences and did what they could do to advise constituents. City Council members sometimes retweeted information from constituents that may not have been accurate. City Council members reached out to the Mayor's Office all through the night. At some point, they began coordinating some messaging with each other by sharing information contained in one City Council member's newsletter. The lack of information caused community members to take things into their own hands, such as creating neighborhood patrols, with some City Council members encouraging this. Generally, City Council members felt like they were on the sidelines and should have had a role in the response.



( City of Minneapolis )

## An Independent After-Action Review

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The public, MPD personnel and other city officials perceived that some messages from City Council members were attempts to heal the community and call for peace, while other messages appeared to encourage people to participate in the protests, even after the protests had become violent. Several City Council members indicated that they intended their press releases and communications with the public to de-escalate the situation. Some interviewees viewed communications from City Council members as divisive and agitating, but others believed those same communications were attempts at de-escalating the situation.

### Mayor's Office

Interviewees described the Mayor's Office's communications with the City Council as ad hoc. Early in the week, the Mayor regularly communicated with individual City Council members. Although City Council members appreciated the communication with the Mayor, the Mayor should have promptly delegated a person to provide City Council members with these important updates while he focused on coordinating operational issues with the IMT. Later, the Mayor assigned a liaison to work with the City Council members, freeing up his time to communicate with the public and other government officials.

During the beginning days of the protests and unrest, the Mayor's Office staff did not have a communications plan or method to track issues brought forth by constituents and City Council members. Communications rapidly came in and out and it was challenging to receive incoming information from legislators, community leaders, City Council and City staff who were also receiving questions. It was a challenge to find and share accurate information and made more difficult by the fact that many citizen reporters tweeted things that may not have been accurate, and the City was unable to respond appropriately in a timely manner. The Mayor's Office staff triaged issues with a spreadsheet and established a City Council liaison at the EOTF by Friday, May 29.

As noted, the communications regarding the request for the Minnesota National Guard (MNG) became a significant topic of discussion among city and state officials and took a lot of energy and resources. The mutual aid request came out of a conversation with the MPD chief and the Mayor. From the Mayor's Office's perspective, it was a straightforward proposition for the Mayor to call for the MNG. Some City Council members thought the MNG's presence would escalate things, but the Mayor indicated that he understood the gravity of the situation and that this was not a normal request from the MPD chief and made the decision quickly. Interviewees indicated that the Mayor requested the MNG deployment and sent a follow-up letter to formalize the request. The MPD or OEM should have been the one to discuss MNG deployment or the request for mutual aid from other agencies. However, the Mayor's team and Governor's office facilitated this mutual aid request.

Many community members with whom we spoke were concerned over the request and subsequent delay in response. It is important to note that the request did not follow prescribed protocols in City and MPD policies, nor did it include the level of detail required to inform the response. Both problems contributed to the delay. Had the City, and specifically the MPD, embraced the OEM's role, the OEM could have assisted with facilitating such a request.





( City of Minneapolis )

## An Independent After-Action Review

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We were informed that the Governor's first response to the request was that he put the request under consideration. The Mayor's Office staff developed a press release that the Mayor had requested the MNG, but they held off on release because they wanted to coordinate the message with the Governor, who subsequently announced that he was calling up the MNG.

Interviewees noted that once the Minnesota Department of Public Safety stood up the MACC, communications improved, and a regular cadence of briefings and check-ins occurred. At that point, the State conducted briefings every four hours throughout the day and all night long. These briefings provided situational awareness to City Council members and allowed them to provide their perspectives to the incident commander. They noted that the Mayor's Office eventually created a frequently asked questions (FAQ) list for staff to reference. Those were certainly important improvements, but they came somewhat too late, and the City should have been prepared for such communication challenges as soon as the protest turned into a significant event.

### Community

As noted, community members perceived that the City had a disjointed and uncoordinated response to the protests, and did not communicate consistently with or provide timely information to the public. This lack of communication caused community members to lose faith in the City's ability to protect them. During the busiest times of the protests and unrest, community members could not reach 911, so they reached out to City staff or precinct inspectors who they knew to gain information. Sometimes City staff or elected officials reached out to the local inspector for information or to provide information. It is positive that community members, City staff and elected officials have a relationship with precinct inspectors, but it is important to follow proper procedures and chains of command during a crisis. In many instances, precinct inspectors were unaware of the details of the response. Additionally, given the fluid nature of the events, precinct inspectors should have focused on operational priorities, rather than responding to information calls from staff, political officials and residents.

Given the 311 and 911 overload, constituents reported their concern that help would never arrive. Independent community groups began performing aggressive neighborhood watch patrols, at least two of which received curfew waivers from the City. Several community organizations set up their own patrols because they felt that the City had let them down. Many community organizations had different capacities and may not have been appropriately prepared to do this kind of self-policing. Some neighborhood organizations used Discord, a social media tool, to create a secondary safety system, as they felt there was a total breakdown of the public safety system, including 911.

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### Community Insights

- + "It should not have been us stepping up and organizing night watches."



( City of Minneapolis )

**An Independent After-Action Review**

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City entities that were aware of the neighborhood patrols did not effectively share that information with the MPD. Some neighborhood groups did not seek a waiver, but the City was aware that they would continue to protect their homes and properties. Sometimes these groups shared their plans with precinct staff, but not with the MACC or EOTF. As a result, MPD patrol officers and other law enforcement officers in the area were often unaware and upset over the lack of clarity as to who was authorized to be out after curfew. One City Council member subsequently helped develop a guide to creating these types of groups. This effort was well-intentioned, but such a guide should be developed and reviewed in conjunction with the MPD to ensure that MPD personnel understand the purpose of these groups and that community members understand legal and public safety restraints about what they can do.



MINNESOTA  
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( City of Minneapolis )

An Independent After-Action Review

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## 06 Summary and Recommendations

The City of Minneapolis faced an unprecedented level of violence during the unrest that followed the murder of George Floyd. These violent actions occurred after many residents complained about a history of abuse by the Minneapolis Police Department (MPD) and during a contentious national election cycle and the COVID-19 pandemic.

Like other cities, the City of Minneapolis and the MPD were unprepared to respond to the events that occurred between May 25 and June 3, 2020. Due to the pandemic, City officials and other employees were working in remote environments, creating less personal interaction, which certainly negatively impacted the City's response, coordination and communication efforts. The City's response exacerbated the mistrust that some residents felt toward the City and the MPD. Others thought the City did the best it could under the circumstances and believed outside agitators were largely responsible for turning the protests into violent riots.

Even though the level of protest and violence was unprecedented, better planning, organization, communication and adherence to command-and-control principles by the MPD and city officials would have led to a better response. The City previously experienced a sustained protest, although on a much smaller scale, when people occupied the 4th Precinct in 2015. An after-action report following that occupation led to a series of recommendations for the City of Minneapolis and the MPD. We found that neither the City nor the MPD implemented many of the recommendations in the report or leveraged the City's Office of Emergency Management's (OEM) comprehensive plans to address major incidents in the city.

We recognize that the MPD is under scrutiny from outside entities, such as the Minnesota Department of Human Rights and the U.S. Department of Justice and is severely understaffed. This may make it difficult for the MPD to address in a timely manner the recommendations in this report as it also tries to address fundamental policing issues including rebuilding trust with the community.

Following the protests and unrest, the City and the MPD changed policies, particularly those related to the use of force, but provided little guidance or training to officers on those changes. Although assessing policies related to the use of force and responding to civil unrest is appropriate, the MPD must ensure its officers receive timely training and information to keep up with those changes.

The MPD must rebuild the community's trust and prioritize its efforts to ensure officers are ready to respond appropriately should protests and unrest occur in the future. However, it is not just the MPD that needs to rebuild the community's trust. Some community members blame the City government for the events that occurred. More than 18 months after Floyd's death, community members have not yet had a chance to express formally their concerns directly with the MPD and the City in a facilitated dialogue. Community members want to know that the City is listening and will work with them to rebuild their trust and address their concerns.



( City of Minneapolis )

An Independent After-Action Review

We recommend discussing the City's response and the physical and emotional damage caused by the unrest with the community. However, we recognize that the MPD faces other challenges as well. The MPD should convene a series of community conversations that focus on issues not limited to the unrest. Even though these will be difficult conversations, it is essential to begin this process as soon as possible.

The best way to manage future protests and keep them from turning violent is to create a dialogue between the MPD and the community in advance. Such an effort should create an environment wherein the MPD and residents can build trust and respect and address concerns.

The MPD also needs to rebuild trust within the department. Our after-action review revealed distrust of command staff throughout the MPD and among the command staff itself. MPD leadership needs to improve its efforts to connect with first-line supervisors and officers and provide information and direction about their and the community's priorities. The MPD should convene meetings and facilitate open, honest discussions between command staff and first-line supervisors and officers to discuss issues and develop solutions. These meetings and frequent informal meetings with personnel in the field would help to build trust and allow officers to regain the confidence that the command staff supports them and has a vision for how positive changes will be made going forward.

Responses to protests and civil unrest vary depending on the circumstances. However, the MPD should consider best practices followed by leading public safety agencies to help ensure proper decision-making and response to incidents. These best practices include:

- + Establishing policies that clearly establish the police department's respect for protecting citizens' First Amendment rights to free speech and peaceful assembly.
- + Implementing the policies, training and principles described in the National Incident Management System (NIMS) and the Incident Command System (ICS).
- + Providing recurring training on crowd-control tactics for all officers and quarterly training on crowd-control tactics for officers assigned to a dedicated Mobile Field Force (MFF) team.
- + Communicating with event or protest leaders to learn of their plans and expectations while allowing the police department to provide an overview of how it will respect and support individuals' rights to protest peacefully and to outline what actions it will take if protests turn violent.

### Community Insights for the City

- + "Not sure the relationship has changed but my impression of the police is pretty awful."
- + "Talk to the community. Talk to us regularly, more than once a day."
- + "Don't leave us out there [by ourselves]."
- + "Mental health issues need to be addressed and more for all citizens because of what we endured."
- + "We thought we had a decent place to live and this blot on our psyche damaged us."



(City of Minneapolis)

An Independent After-Action Review

- + Ensuring ongoing communications with key stakeholders, including city officials, to keep them apprised of operational efforts and outcomes.
- + Providing robust communication platforms and emergency communications systems that allow the police department or city officials to keep the public informed during large-scale events.

The MPD can significantly strengthen its operations via enhanced training and application of ICS principles. The City – including the MFD, MPD and OEM – have many appropriate policies and plans in place, but it needs to increase oversight and accountability for adhering to orders, documents and associated training regarding major incident response, civil unrest response, and joint operations between the MPD and Minneapolis Fire Department (MFD).

We provide specific recommendations in the table below.

Rec. #	Recommendation
1	The City of Minneapolis should host a series of community conversations and facilitate a dialogue to allow residents to discuss how the protests and unrest impacted them and provide their suggestions for improvement.
2	The City of Minneapolis should create a forum for business owners so they can discuss how the protests and unrest impacted them and how the City can assist them.
3	The MPD should consider initiating a Constructive Conversation Team (CCT) and associated training. CCT training combines classroom instruction and scenario-based exercises and focuses on enhancing interactions between police personnel and community members during protests and unrest.
4	<p>The MPD should improve its ability to identify, train and promote leaders who can help guide the department as it deals with significant challenges. As the MPD continues to recover from the protests and unrest, as well as associated personnel challenges, it should engage in efforts to rebuild trust with the community and with its officers. The MPD should focus on adhering to minimum performance standards and creating strong accountability measures. This effort should start with leadership development opportunities that include:</p> <ul style="list-style-type: none"> <li>+ A workforce analysis and development program that focuses on identifying employees' abilities and establishing a process to grow their skills and develop a career path.</li> <li>+ Leadership training programs that provide supervisors with basic and advanced leadership training opportunities.</li> </ul>



(City of Minneapolis)

An Independent After-Action Review

	<ul style="list-style-type: none"> <li>+ Incorporation of a knowledge, skills and abilities assessment into the promotional process.</li> <li>+ A succession plan to ensure that when leaders leave the MPD, other members are prepared to fill those positions.</li> </ul>
5	<p>The MPD and MFD should renew their focus on adhering to the ICS and ensure both departments have enough command-level officers. The MPD and MFD must provide the necessary training and experience to facilitate an effective and efficient performance of the Incident Management Team (IMT) and to maintain a strong succession program among supervisors and command officers. The MPD should revise Policy MPD 7-905 Incident Command System by adding a statement that clearly describes the policy's purpose and directs the MPD to adhere to ICS principles in an emergency or crisis.</p>
6	<p>The MPD should revise Policy 7-805 Civil Disturbances to include a clear purpose and policy statement that describes that officers' primary objective is the preservation of the First Amendment. The MPD should include guidance to ensure officers provide a safe environment for individuals to exercise their constitutional rights of freedom of assembly and speech. The revised policy should provide specific procedural guidance regarding crowd control beyond the use of crowd-control weapons. The MPD should review International Association of Chiefs of Police's model policy for guidance regarding the following topics:</p> <ul style="list-style-type: none"> <li>+ Preparation and Planning</li> <li>+ Management and Organization Principles</li> <li>+ General Crowd Response</li> <li>+ Response to Spontaneous Civil Disturbances</li> <li>+ Use of Force</li> <li>+ Crowd Dispersal</li> <li>+ Mass Arrest</li> <li>+ Training</li> </ul>
7	<p>The MFD and the MPD should designate an Incident Management Team (IMT) and assign command-level personnel to roles on the team. The IMT members should be well-trained in their specific roles and responsibilities. The MFD and MPD should be able to quickly activate the ICS when necessary.</p>
8	<p>The MPD should create a formal mechanism for activating the ICS during major incidents. The mechanism should:</p> <ul style="list-style-type: none"> <li>+ Clearly identify an incident commander.</li> </ul>



(City of Minneapolis)

An Independent After-Action Review

	<ul style="list-style-type: none"> <li>+ Create an incident action plan.</li> <li>+ Define operational periods.</li> <li>+ Create assignments for IMT members to lead sections including operations, planning, logistics, safety and finance.</li> <li>+ Clearly identify each section leader with signage in the command center so individuals can efficiently access these individuals.</li> <li>+ Include OEM representatives to provide coordination assistance.</li> <li>+ Regularly provide situational updates to the personnel in the field and to other City stakeholders.</li> <li>+ Define the process for integrating other City departments and mutual aid partners.</li> </ul>
9	<p>The MPD and the MFD should ensure their operational procedures require when any transfer or replacement of IMT members occurs during a major incident, the outgoing member provides a detailed situational awareness briefing to the incoming member, detailing the activities of the previous operational period. Ensuring such an exchange of information helps with operational consistency and the sharing of pertinent operational information.</p>
10	<p>The MPD should ensure strict supervisory assignment and oversight of less-lethal munitions through policy and training. The MPD should hold supervisors accountable for:</p> <ul style="list-style-type: none"> <li>+ Ensuring the officer assigned the weapon or munition (e.g., hand toss) has completed relevant training and certification as applicable – ideally, well in advance of an incident.</li> <li>+ Describing the rules of engagement for the deployment of munitions, including a review of the applicable use-of-force policy sections.</li> <li>+ Maintaining responsibility for the munitions issued and deployed and accountability for any expended munitions.</li> <li>+ Ensuring appropriate radio notification of deployments where practical and require subsequent reporting.</li> <li>+ Ensuring the subordinates complete proper written documentation for the deployment of less-lethal weapons after deploying such tools.</li> </ul>
11	<p>The MPD should clearly designate one or more command level staff from less-impacted precincts during protests and unrest to establish and execute plans for response to calls for service that are not associated with the activity.</p>



(City of Minneapolis)

An Independent After-Action Review

12	The MPD, in conjunction with the Public Works Department, should identify and standardize the types of resources needed to protect infrastructure and document plans for how these resources will be requested and delivered to ensure consistency and efficiency if the need arises again.
13	<p>The City should develop a citywide crisis communications plan and response guide with instructions on responding to various scenarios. The plan and guide should instruct personnel to:</p> <ul style="list-style-type: none"> <li>+ Leverage the use of social media and neighborhood groups' efforts to share information.</li> <li>+ Post video updates, photos and statements frequently.</li> <li>+ Keep the public informed about the status of the City's response to relieve anxiety, request assistance and correct misinformation.</li> <li>+ Conduct regular operational briefings with department heads, elected officials and key stakeholders.</li> <li>+ Conduct regular media briefings.</li> <li>+ Use clear and concrete language that demonstrates empathy.</li> <li>+ Provide practical advice to residents for what they can do during the crisis.</li> </ul>
14	The MFD should consider adding a title and/or position in a new rank, such as Chief of Safety or Chief of District, between the ranks of deputy chief and assistant chief. This would add value to the organization in the long term and create command staff resiliency to respond to spontaneous incidents.
15	The MFD should develop and document internal triggers and protocols for when and how to implement the ICS.
16	The MFD and the MPD should develop protocols for disseminating situational awareness information throughout the departments during major operations and after major incidents.
17	The MFD should improve its tracking of its equipment and personnel by assigning personnel to engage in such an effort.
18	The OEM should deliver annual refresher training to department heads, City Council members and other City stakeholders to ensure they understand the basic concepts of the ICS and the City's emergency response plan and their individual roles in response to a city emergency.
19	The OEM should develop formal protocols for the control or monitoring of city cameras during emergencies, as well as how to share information derived from viewed video with the IMT important in real-time.





(City of Minneapolis)

An Independent After-Action Review

20	The OEM should coordinate the development of formal after-action reports by involved City agencies soon after major events so the City can capture lessons learned. These reports should include internal and external stakeholders.
21	The City should routinely review and update a formal, written operational emergency communications plan to guide the MPD's and the City's public information officers as they determine when and what information to share with the public. The plan should explain when it is appropriate to communicate messages to the public in real time to meet operational demands and keep the public informed. This plan should address communicating with the public and with other city agencies.
22	The MPD should provide recurring hands-on crowd-control tactics training for all officers. This training should occur no less than once annually for dedicated Mobile Field Force (MFF) officers.
23	The OEM, the MFD, the MPD and other City entities should participate in regular tabletop trainings and other exercises to test and evaluate their mutual aid response capabilities, including incident command, span of control, inter-agency coordination and communications.
24	<p>The MPD should consider revising Policy 3-500 Injury and Illness by changing the name of the policy to "Employee Wellness" and adding provisions to focus on resilience. The updated plan should include but not be limited to the following information:</p> <ul style="list-style-type: none"> <li>+ Policy statement highlighting the value that the organization places on its employees' overall mental and physical health.</li> <li>+ Definitions of key wellness terms such as resiliency, qualified mental health professional and vicarious trauma.</li> <li>+ Explanation of how to create a vicarious-trauma-informed organization.</li> <li>+ The type of wellness assistance available to employees; how to obtain it before, during and after an event; and available recourse for employees who believe they have been denied the opportunity to obtain appropriate services.</li> <li>+ The identity of peer support that would assist officers before, during and after event.</li> </ul> <p>These issues regarding employee wellness are also a concern for MFD and MECC personnel. The City should ensure employee wellness policies and protocols focus on resilience as well.</p>



(City of Minneapolis)

An Independent After-Action Review

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25	The MPD should formalize the process for engaging outside support for investigations when it faces a surge of complaints, such as those related to large protests and events.
26	The City, in conjunction with the MPD, should work with the community to review and develop a guide that provides community members advice on how to respond during civil unrest and other critical events. This guide should ensure that MPD personnel understand the purpose of community watch groups and help ensure that community members understand legal and public safety restraints about what they can and cannot do.
27	The City should develop guidance for reviewing applications for waivers or exemptions from City curfew requirements imposed during periods of unrest or other critical incidents. Ensure the guidance requires appropriate notice to the MPD and other law enforcement personnel.

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