The Investigation of Human Rights Abuse: The Minnesota Protocol
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By the end of the presentation, participants will be able to:

1. Recall the components of the Minnesota protocol
2. State the principles of independence and reviewable technical quality which are needed to investigate deaths of detainees and prisoners
3. Recall the scope of the postmortem examination in custodial deaths

When people die in the custody of state actors, either during arrested detention by police or in prison during long-term incarceration, death investigation is imperative. Over the last several years, stemming from the Nuremberg trials and the Geneva conventions, several international guidelines and protocols have been developed to help ensure a proper investigation of a custodial death. The most important set of internationally accepted guidelines is the Minnesota protocol produced by the United Nations.

The Minnesota protocol describes the legal and medical frameworks that ought to be applied to ensure a satisfactory death investigation, particularly of prisoners or detainees. The most important underlying principle for the investigation of deaths in police custody is independence - arm’s length separation from the government and state apparatus. The independence of the investigation establishes credibility with all relevant stakeholders that need to rely on the results of the investigation. Since credibility is built on trust, transparency is an important part of the independence.

The second major requirement in the investigation of a custodial death is technical quality. This includes an adequate postmortem examination of the body with results that are evidence-based and capable of independent review. The results of all medical and scientific investigations of a custodial death must be: complete; accurate; timely; and shared publicly.

Interestingly, it is unknown how often death investigations conform to the Minnesota protocol. For example, the Minnesota protocol is not widely applied in many jurisdictions in North America, Europe or Australasia. Leaders of death investigations systems throughout the world should ensure that their own jurisdictions comply with the Minnesota protocol.