



Policy Workgroup Recommendations

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Community Safety & Violence Prevention Resolution



Policy Change in Brooklyn Center

The Implementation Committee was created to solve several problems in Brooklyn Center. Specifically, the group was tasked with looking at police policies and providing recommendations to city council to make policing more equitable.

The Policy Working Group has proposed changes to two police policies for Brooklyn Center:

1. Vehicle Stops Policy
2. Consent Search Policy



Research Related to Vehicle Stop Policies

- An extensive piece from the New York Times details how over 400 unarmed drivers and passengers who were not under pursuit have been killed by police.
 - *Why Many Police Traffic Stops Turn Deadly*, New York Times, October 31, 2021
- An extensive study at Stanford found that black and hispanic drivers were stopped and searched at a higher rate than white drivers.
 - *A large scale analysis of racial disparities in police stops across the United States*, Nature Human Behavior, Vol 4, July 2020



Research Related to Vehicle Stop Policies (cont.)

- A Vera Institute report from October 2021 found that:
 - When researchers examined statistics surrounding “must stop” situations that presented a clear danger and lower-level stops that did not, they found that virtually all of the racial disparities in stops could be attributed to the lower-level stops.
 - Non-public safety stops also expose police officers to unnecessary danger. The most common proactive policing activity preceding a fatality is an officer-initiated traffic stop.



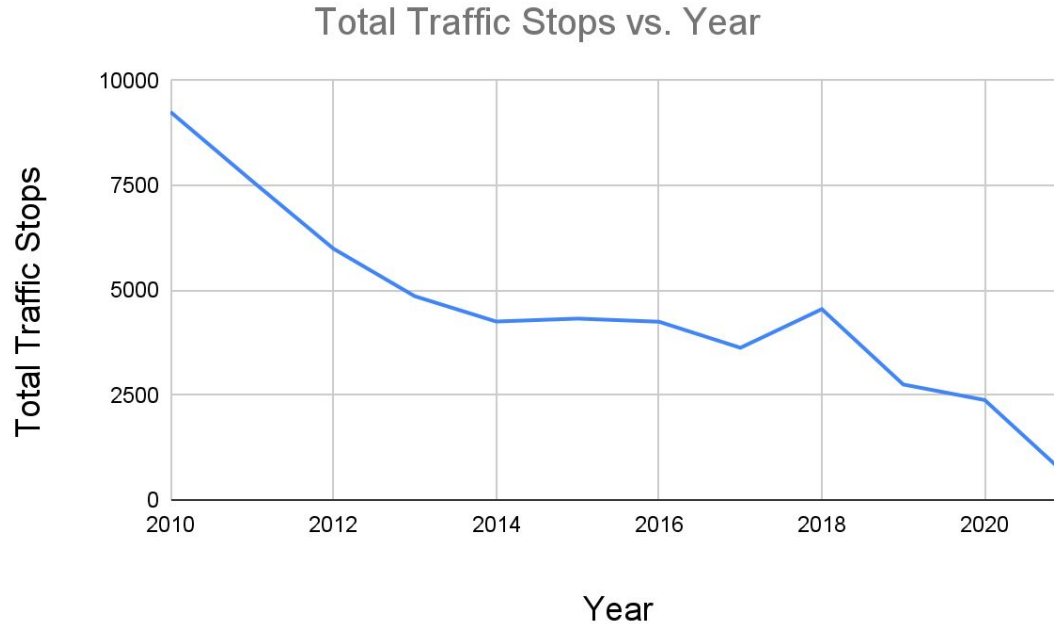
Change in Vehicle Stops Policy Established Elsewhere:

Several cities have already adopted a changed vehicle stop policy, including:

- Minneapolis
- Lansing
- Philadelphia
- Pittsburgh
- Seattle
- Los Angeles
- Virginia (state law)

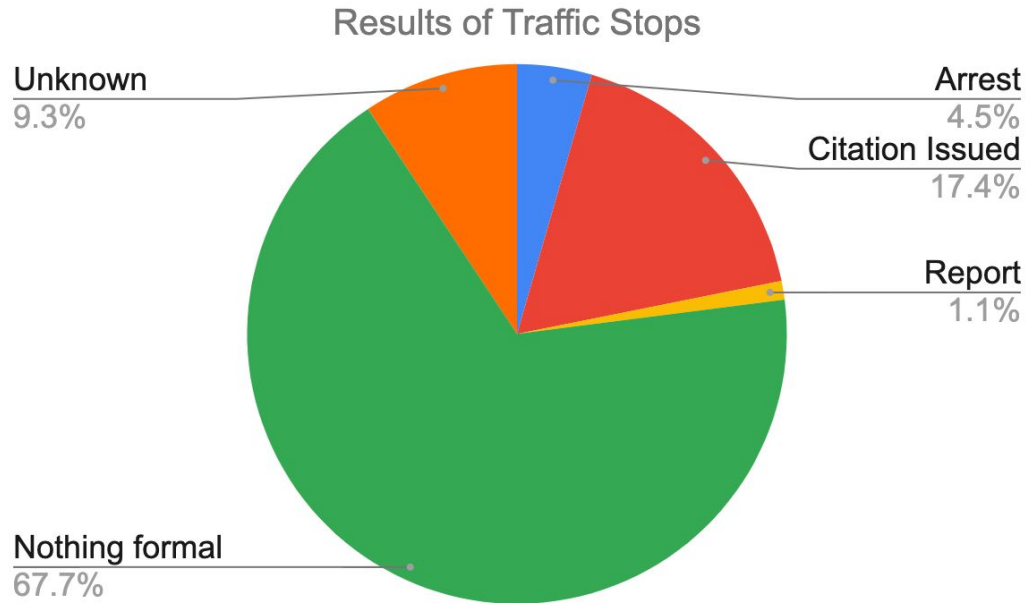


Total Traffic Stops, 2010-2021



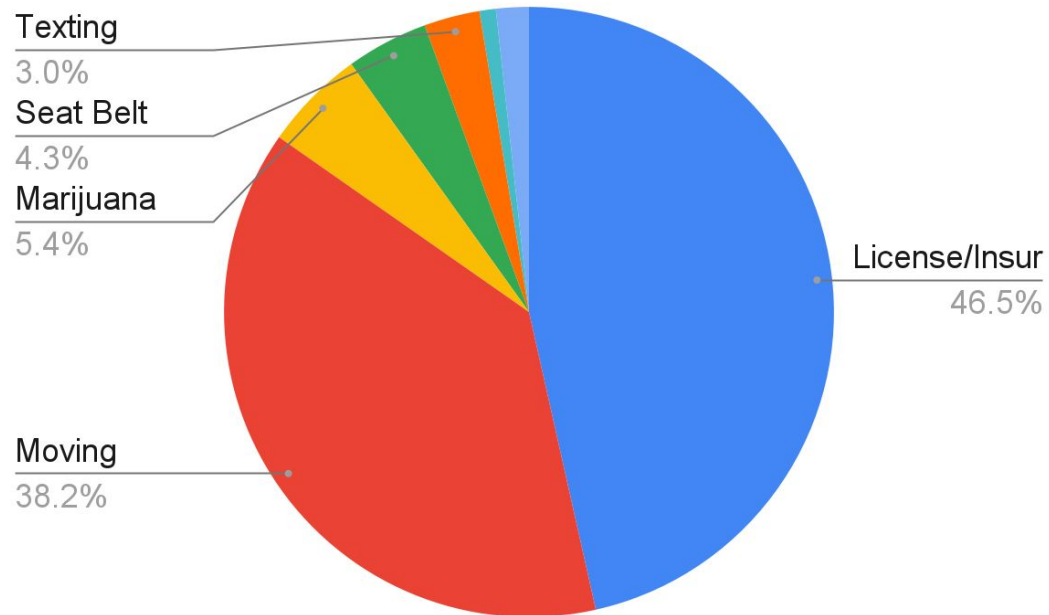


Results of Traffic Stops, 2019





Traffic Stop Citations, 2019

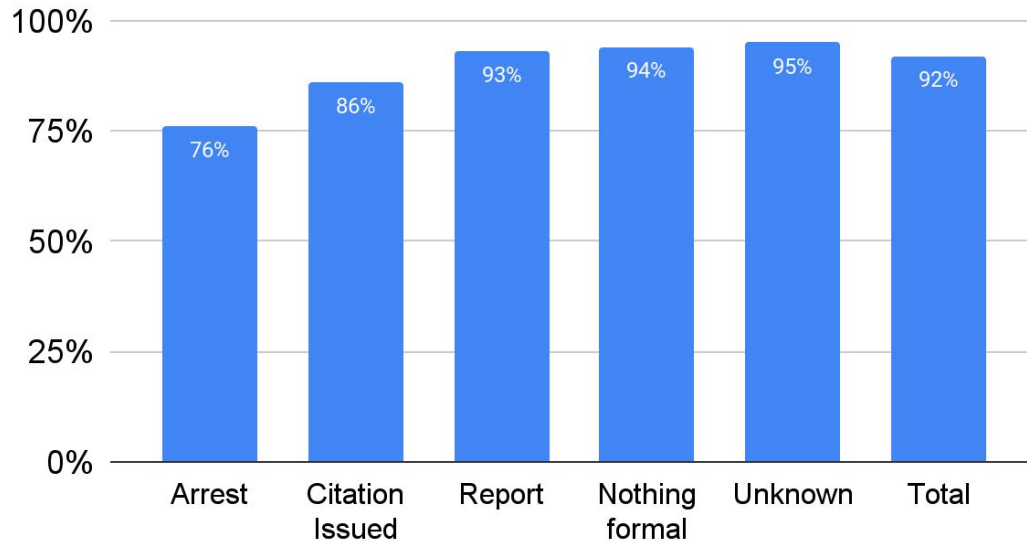




Stops by BCPD vs Other Agencies

Data from Hennepin County dispatch

Percent Handled by BCPD





Why Policy Change in Brooklyn Center Is Important: Vehicle Stops

- Excessive stops for minor equipment issues erode community trust in law enforcement
- Minimal Effectiveness in finding evidence of larger crimes
- Racial disparities in enforcement
- Deadly outcomes



Why Policy Change in Brooklyn Center Is Important: Vehicle Stops (cont.)

- Still allows for stops for dangerous conditions
- Is one of the reasons the Implementation Committee was created
- Helps people avoid cyclical poverty
- Builds community trust



Vehicle Stop Policy Recommendations:

vehicles would no longer be stopped solely for the following violations:

- Invalid or expired registration
- No functioning license plate light
- No operative muffler
- Exceeding vehicle noise rules of the Pollution Control Agency
- Cracked or discolored windshield or rearview mirror decorations



Vehicle Stop Policy Recommendations:

vehicles would no longer be stopped solely for the following violations (cont.):

- Inoperative windshield wipers
- Excessive window tinting
- Improperly displayed license plate or permit sticker
- Improper operational condition
- Broken or improperly used headlights, tail lights, or turn signals

vehicles can be stopped solely for the above listed offenses under the following conditions:

- Officers may pull someone over if the windshield is so heavily damaged that it poses a dangerous condition.
- Officers may pull someone over if the car's equipment poses a dangerous condition.



What is a Consent Search?

- A consent search is a search where the police do not have probable cause to legally search, so they ask the person who they want to search if they will consent to a search.
- Probable cause means that police have a *reasonable* basis for believing that a crime may have been committed (for an arrest) or when evidence of the crime is present in the place to be searched (for a search)



Research Related to Consent Searches

- An article in Police1 Magazine found “limited effectiveness in identifying evidence of illegal firearms or other serious crimes” in consent vehicle searches
- Racial disparities in stops leading to vehicle consent searches. Minor traffic violations disproportionately made against people of color, leading to more requests to search their vehicles

LAPD: Verbal consent now a must to search someone during routine stops, Police1, November 19, 2020



Research Related to Consent Searches (cont.)

- Officers increased their “hit rate” of finding contraband during vehicle searches of black drivers, indicating that consent searches are disproportionately conducted on black drivers and rarely lead to contraband.
- “Hit rate” of found contraband in searches during the consent search ban increased by 7 percentage points; which represented a 43% increase over the hit rate when consent searches were allowed.

The use and effectiveness of investigative police stops, Politics, Groups, and Identity, 2020



Research Related to Consent Searches (cont.)

- 18% of respondents who police asked to consent to a search viewed the officer's actions as both improper and disrespectful (compared to 6% of respondents who were not asked for consent to search)
- Consent requests were associated with statistically significant reductions in respondents' perceptions of both justice and legitimacy of police

Consent Searches as a Threat to Procedural Justice and Police Legitimacy: An Analysis of Consent Requests During Traffic Stops, Criminal Justice Policy Review, November 8, 2012



Research Related to Consent Searches (cont.)

- Black male drivers were 2 times more likely to have an officer request consent to search them during a stop for a moving violation

Understanding the role of race, gender and age in request to consent search drivers, Journal of Ethnicity in Criminal Justice, October 8, 2021



Why Policy Change in Brooklyn Center Is Important: Consent Searches

- Undermines community trust in police
- Improves quality of searches
- Refusing consent searches is not an option for everyone
- Requests for consent searches show racial disparities



Consent Search Policies Adopted Elsewhere:

- Rhode Island State Police policy
- Pawtucket Police Department policy
- Providence Police Department policy



Consent Search Policy Change Effects

- Allows for consent search in some instances
- The policy change will lead to increased police capacity by allowing police to focus on more serious crimes
- Consent searches rarely lead to evidence of larger crimes
- The policy change will build community trust by not asking people to consent and forcing them to invoke their rights when they may not feel safe doing so



Consent Search Policy Recommendations

No operator or owner-passenger of a motor vehicle shall be requested to consent to a search by a law enforcement officer of his or her motor vehicle, unless there exists probable cause of criminal activity.



Conclusion

It is the recommendation of the policy working group and the implementation committee that the City Council consider and then adopt the recommended vehicle stop and consent search policy changes. Adoption and implementation of these policies by BCPD will make for equitable, community focused policing in Brooklyn Center, with better outcomes for both police and the community.