

March 25, 2025

**Re: THE POLICING PROJECT AT NYU SCHOOL OF LAW URGES YOU TO
SUPPORT HF 686 WITH ONE SUGGESTED AMENDMENT**

Dear Co-Chairs Moller and Novotny, Co-Vice Chairs Feist and Witte, and Committee Members:

The Policing Project at NYU School of Law is an organization dedicated to democratic accountability in law enforcement. This means that communities, directly and through their elected representatives, should be involved with setting standards for law enforcement *before* police act, rather than after something goes wrong. HF 686 presents an excellent opportunity for the legislature to help clarify what behaviors are expected of police during a traffic stop. By directing the Minnesota Peace Officer Standards and Training (POST) Board to create model policies about how traffic stops are conducted, this bill will make stops safer and more efficacious for everyone involved.

Traffic stops can create a dangerous flashpoint between police and community members. Around 80 unarmed people are killed nationwide each year during a traffic stop.¹ Stops can be risky for police, too. Officers believe traffic stops to be one of the most dangerous parts of their job, with four officers killed during traffic stop confrontations in 2022 (and more killed or injured by cars while making such stops).² Creating standards to keep motorists and police safe should reduce these risks.

Setting clear standards for how police should conduct traffic stops can also drive down disparities in traffic stops. Black drivers are 20% more likely to be stopped nationwide than white drivers.³ When measured, the disparities in Minnesota appear even greater. For example, the Minnesota Department of Human Rights found that 54% of all stops made by the Minneapolis Police Department were of Black drivers, and an astounding 78% of vehicular searches were of Black drivers.⁴ These numbers are wildly disproportionate in a city where Black residents make up only 19% of the population. In addition, nationwide research shows that Black, Hispanic, and

¹ David Kirkpatrick, et al, *Pulled over: an investigation into traffic stops across America and the deaths of hundreds of motorists at the hands of police*, THE NEW YORK TIMES, (2021), <https://www.nytimes.com/2021/10/31/us/police-traffic-stops-killings.html>; Matthew Graham et al, *Racial disparities in use of force at traffic stops*, CENTER FOR POLICING EQUITY, (2024), <https://policingequity.org/traffic-safety/83-data-brief-use-of-force-at-traffic-stops/file>.

² Jordan Woods, *Policing, danger narratives, and routine traffic stops*, MICHIGAN LAW REVIEW 117(4), (2019), <https://repository.law.umich.edu/mlr/vol117/iss4/2/>; FBI Crime Data Explorer, FEDERAL BUREAU OF INVESTIGATION, <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/downloads>.

³ Emma Pierson, et al, *A large-scale analysis of racial disparities in police stops across the United States*, NATURE HUMAN BEHAVIOR 4, 736-745, (2020), <https://www.nature.com/articles/s41562-020-0858-1>.

⁴ *Investigation into the City of Minneapolis and the Minneapolis Police Department*, MN DEP'T OF HUMAN RIGHTS (April 27, 2022), https://mn.gov/mdhr/assets/Investigation%20into%20the%20City%20of%20Minneapolis%20and%20the%20Minneapolis%20Police%20Department_tcml061-526417.pdf.

Native American drivers are searched more frequently than white drivers. Establishing clearer criteria for when to make stops and conduct searches could drive down disparities.

A statewide minimum standard for stops could also reduce the likelihood of drive-offs and resulting pursuits. The Police Executive Research Forum and the Department of Justice partnered recently on a report about minimizing the number and risks of pursuits.⁵ This report makes several recommendations about how to conduct stops for pursuit prevention, including best practices for the use of tire deflation devices and GPS trackers, and for positioning police vehicles to prevent flight. The POST Board could consider similar policies to address the specific problems facing Minnesota law enforcement.

Policies and training are likely to be extremely helpful to law enforcement officers right now. Just last session, this legislature passed bills that impacted the conduct of stops by limiting certain searches during traffic stops and requiring officers to inform drivers of the basis for a traffic stop. Incorporating these new developments into a model policy and training will only benefit law enforcement officers and agencies by providing ongoing training on the most recent legal developments.

SUGGESTED AMENDMENT

HF 686, as written, requires law enforcement agencies to adopt the model policy to be created by the POST Board. While we agree that the model policy should be adopted as the minimum for each Minnesota law enforcement agency, we suggest that the language be revised slightly to ensure that agencies can adopt policies that exceed the POST policy. For example, if an agency wanted to put into place stronger de-escalation standards than the model policy sets forth, that agency should be permitted to go forward with its more exacting standards. We would be happy to work with this Committee on language that would help ensure that agencies can exceed the POST's model policy if desired.

CONCLUSION

In short, a model traffic stop policy will benefit Minnesotan drivers and law enforcement officers by spelling out best practices, and making them required across the state, and training new and experienced officers on those practices. HF 686 will make for a safer Minnesota, and we urge you to support it. We are standing ready to provide additional information or answer any questions. Thank you for your consideration.

Best regards,
Kelly McConney Moore
Deputy Director of Legislation

⁵ Community Oriented Policing Services and Police Executive Research Forum, *Vehicular pursuits: A guide for law enforcement executives on managing associated risks*, U.S. DEPT OF JUSTICE (2023), <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1134-pub.pdf>.