

## Minnesota's Racial Profiling Legislation

### *What is racial profiling?*

The Minnesota Legislature defined racial profiling as any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

- the behavior of that individual; or
- information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

This definition includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. The definition of racial profiling specifically states that racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

### *What is Minnesota doing to study racial profiling?*

The 2001 Minnesota Legislature passed into law a voluntary statewide racial profiling study. Law enforcement agencies throughout the state are encouraged to participate through the use of incentives. The Commissioner of Public Safety is required to oversee the study, which focuses on traffic stops. The study requires collection of the following data for 12 months, the 2002 calendar year:

- the location of the stop;
- the date and time of the stop;
- the age, race/ethnicity, and gender of the driver;
- the traffic violation or reason for the stop;
- the disposition of a stop (arrest, citation, warning, or no action);
- whether a search was conducted of the driver, passengers, or vehicle;
- if a search was conducted, whether any contraband was discovered or seized and the nature of the contraband;
- whether the officer knew the race/ethnicity of the driver before the stop; and
- the law enforcement agency's code.

The Commissioners of Administration and Public Safety are required to retain a sufficiently experienced and independent organization or individual to oversee data collection, develop processes for analyzing the data, and analyze the data. This expert must report to the legislature by December 1, 2003, on its analysis of the data and its findings.

*Are there any law enforcement policies in place to prevent racial profiling?*

Yes. The 2001 legislation requires the Peace Officer Standards and Training Board (POST) to develop a model antiracial profiling policy. The policy must define racial profiling, identify the conduct that violates the law, and require officers to identify their department and provide their name or badge number during routine traffic stops. The 2001 law also requires state and local law enforcement agencies to establish and enforce written antiracial profiling policies that meet or exceed the requirements of the model policy. The POST board may inspect state and local agency policies to ensure compliance.

*What else is the state doing to prevent racial profiling?*

**Learning Objectives for Peace Officers.** The legislation requires the POST board to prepare learning objectives for training of peace officers (i.e., police officers) focused on avoiding racial profiling. Peace officer educational programs must include these learning objectives in their required curriculum. In addition, the POST board must evaluate and monitor in-service training courses to ensure they satisfy the learning objectives.

**Training Materials for Supervisory Law Enforcement Officers.** The POST board is required to prepare training materials to provide supervisory law enforcement officers with information on how to detect and respond to racial profiling by peace officers. These materials must include information on federal and state constitutional and statutory laws prohibiting discrimination by law enforcement. The training materials must address both the agency's antiracial profiling policy and procedural components aimed at eliminating racial profiling.

**Regional Training Seminars.** The law requires the POST board to conduct regional training seminars throughout the state on racial profiling issues unique to specific regions of the state. These seminars also must promote a community-oriented response to the issue of racial profiling.

**Licensure Requirements for New Officers.** The 2001 law prohibits an individual from taking a peace officer licensing exam on or after June 1, 2002, unless the individual has received preservice training on avoiding racial profiling, and the individual has completed a psychological evaluation demonstrating that the individual is not likely to engage in racial profiling.

**Minority Recruitment and Law Enforcement Diversity.** The 2001 legislation requires the chief of the state patrol to identify measures to recruit minorities and increase their representation in the state patrol. Other changes to the law aim to increase the diversity of law enforcement officers in the state. These changes allow a person with a baccalaureate degree from an accredited college or university who has successfully completed a board-certified practical skills-oriented basic training course to take the peace officer licensing examination. In addition, a person who has five or more years of active duty military police service who has been honorably discharged from the military is eligible to take the reciprocity exam for police officer eligibility.

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