

PRETEXTUAL STOPS AND SEARCHES

A. Background

“We are at a pivotal time where we can embrace change to remedy the disparities shown by the data. The Board calls on policymakers and law enforcement and municipal leaders to consider ways to eliminate pretextual stops and therefore reduce any potential for harm stemming from such stops.” – RIPA Board Recommendation 2022 Report

*“Building trust between law enforcement agencies and the communities they are sworn to protect and serve also requires accountability for misconduct and transparency through data collection and public reporting. **It requires proactive measures to prevent profiling based on actual or perceived race, ethnicity, national origin, religion, sex (including sexual orientation and gender identity), or disability, including by ensuring that new law enforcement technologies do not exacerbate disparities based on these characteristics. It includes ending discriminatory pretextual stops and offering support for evidence-informed, innovative responses to people with substance use disorders; people with mental health needs; veterans; people with disabilities; vulnerable youth; people who are victims of domestic violence, sexual assault, or trafficking; and people experiencing homelessness or living in poverty. It calls for improving and clarifying standards for police activities such as the execution of search warrants and the use of force.**” - Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety (May 25, 2022)*

1. History of Law Enforcement Practices that have led Discriminatory Pretextual Stops Policing Today
 2. Supreme Court Justices Post *Whren* Considerations
- B. Data Analysis**
- C. Developing Models: Policies and Practices Eliminating Pretextual Stops**

1. Law Enforcement Policies

Berkeley Police Department

Lansing Police Department

Brooklyn Center Police Department

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Minneapolis Police Department

Philadelphia Police Department

Pittsburgh, PA Police Department

Los Angeles Police Department

St. Louis Police Department (policy still being developed)

San Francisco Police Department (policy still being developed)

2. District Attorneys' Offices

San Francisco District Attorney

Los Angeles District Attorney

Washtenaw County (Ann Arbor)

Ramsey County (Minneapolis)

Ingham County (Lansing)

Manhattan County (New York)

Chittenden County (Burlington)

3. State Legislatures

Virginia

Connecticut

Vermont

Oregon

New York

California?

D. Developing Models: Unarmed Civilians and the Future of Traffic Enforcement

1. Limiting Fines and Fees

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2. Decriminalizing Certain Offenses
3. Civilian Enforcement Models

Berkeley

Oakland

Minneapolis

Brooklyn Center

E. Board Recommendations and Conclusions

F. Vision for Future Reports

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