



# LAW ENFORCEMENT ACTION PARTNERSHIP

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ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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# Pretextual Stop Policies

Minnesota previously proposed a law banning pretextual stops, which the statute calls “Dangerous Conditions” and “Mandatory Secondary Offenses”. Though not passed, it provides a helpful list of specific types of infractions that experts see most often used as pretexts for traffic stops. We can use this list to discuss our options in Brooklyn Center.

## Vehicle Registration

[168.09](#) allows an officer to pull someone over if they have an expired registration on their vehicle

Does the group think that officers should pull people over for only having expired registration?

## License Plate Illumination

169.50 of the Minnesota Statutes requires an operative illumination on the license plate. The license plate must have a working light that allows it to be seen.

[Subd. 2.](#)

## Muffler Required

[169.69](#) of the Minnesota Statutes requires all vehicles to have an operative muffler which blends engine noise with vehicle operation noise. The muffler must exist and not be too noisy.

169.693 MOTOR VEHICLE NOISE LIMITS.

It is unlawful to operate a motor vehicle in violation of motor vehicle noise rules adopted by the Pollution Control Agency.

## Windshield/Rearview Mirror

[169.71](#) of the Minnesota Statutes requires vehicles do not have a crack or discoloration of the windshield. It also prohibits any rearview mirror decorations.

## Operative Windshield Wipers

[169.71](#) subdivision 2 requires working windshield wipers

# Window Tinting

[169.71](#) Subdivision Four prohibits the use of excessive window tinting

The proposed change would be that this statutory section is no longer used as the sole reason to stop a vehicle.

## Displaying License Plates/Validation Sticker

[169.79](#) Required display of plates and a permit sticker

## Unsafe Equipment

[169.47](#) requires that a vehicle be in generally “proper” operational condition. No hanging off bumper, no taped over window, etc.

## Operative lights

Several related Minnesota statutory requirements relate to headlamps, taillights, turn signals and their maintenance and would be included as a class of violations that would be prohibited as the sole reason for a vehicle stop.

For reference those are sections: 169.49 (headlamps); 169.55, subdivision 1 (lamps required); 169.50, subdivision 1, paragraph (b) (rear lamps); 169.57, subdivision 1, paragraph (a), and subdivision 3 (turn signals required/lamp/signal maintenance); 169.63, paragraph (a) (use of headlamps);

# Pretextual Stop Exceptions

Pretextual stops are not disallowed in *all* instances. There are exceptions under the draft law that could be included in any Brooklyn Center policy, if desired:

1. If the vehicle was stopped as part of a moving violation (speeding, failing to stop, etc.), it can then be given a ticket for the secondary violation
2. The vehicle was unoccupied (parked or abandoned)
3. It is a commercial vehicle

Other

Are there any other types of low-level traffic offenses for which officers should not pull people over?

# Questions and Discussion