



AGENDA
Public Safety Commission
In-Person Meeting with Public Electronic Access
September 13, 2021 6:30 p.m. Meeting
City Hall / City Council Chambers

- **Attend the meeting in Person:** Members of the public may attend the meeting in person. All attendees, regardless of vaccination status, are required to wear masks and comply with social distancing parameters.
- **Watch the meeting electronically:** To observe the meeting electronically, visit www.newbrightonmn.gov or tune into CTV Channel 8023 (CenturyLink) or Channel 16 (Comcast).
- **Join the meeting electronically:** If you need to interact with our officials or staff but are not comfortable attending the meeting in person, you may join the meeting electronically (no app needed) by visiting: <https://us02web.zoom.us/j/83423337636?pwd=TnNpcDFleVczTittY0hoYjhkY0gzZz09> or use your Zoom app to join by entering: Meeting ID: 834 2333 7636 and Passcode: 229022.

I. Call to Order

II. Roll Call

- | | |
|--|---|
| <input type="checkbox"/> Chair Geoff Hollimon | <input type="checkbox"/> Commissioner Stephanie Kitzhaber |
| <input type="checkbox"/> Vice Chair Karen Wagner | <input type="checkbox"/> Commissioner Leah Kuipers |
| <input type="checkbox"/> Commissioner Robert Boyd | <input type="checkbox"/> Commissioner Ache Wakai |
| <input type="checkbox"/> Commissioner Amina Ghouse | <input type="checkbox"/> Commissioner Jack Winkels |
| <input type="checkbox"/> Commissioner Dan Judd | |

III. Approval of Agenda

IV. Approval of August 9, 2021 Minutes

V. Presentations and Business Items

- A. Police Body Worn Camera (BWC) Audit** – Tony Paetznick, Director of Public Safety
B. Traffic Stops

VI. Reports and Updates

- A. Allina Health** – Dave Matteson
B. Public Safety Update – Tony Paetznick, Director of Public Safety
C. City Council Update – Graeme Allen, Councilmember

VII. Adjournment

** A quorum of the City Council may be present.*



MINUTES
Public Safety Commission
August 9, 2021 City Hall
Council Chambers 6:30 p.m.

I. Call to Order

The meeting was called to order at 7:04 p.m. by Chair Hollimon.

II. Roll Call:

Members Present: Commissioners Robert Boyd, Amina Ghouse, Geoff Hollimon, Stephanie Kitzhaber, and Karen Wagner.

Members Absent: Commissioners Dan Judd, Leah Kuipers, Ache Wakai and Jack Winkels.

Also Present: Director Tony Paetznick, Deputy Director Hamdorf, Council Member Graeme Allen and Dave Matteson (Allina Health).

III. Approval of Agenda

Motion by Kitzhaber, seconded by Ghouse to approve the August 9, 2021 agenda as presented.
Motion carried 5-0.

IV. Approval of Minutes

Motion by Boyd, seconded by Kitzhaber to approve the July 12, 2021 minutes as presented.
Motion carried 5-0.

V. Presentations and Business Items

A. Public Safety Recruitment and Retention – Tony Paetznick, Public Safety Director

Director Paetznick discussed the Public Safety Departments recruitment and retention policies with the Commission. He commented on the current staffing model noting the department should have 30 sworn officers. He discussed the current policing environment and how this has impacted resignations and early retirements. He stated all law enforcement agencies across Minnesota were facing this same challenge noting 40+ different law enforcement agencies in the State were advertising job openings. He noted New Brighton currently has four openings and commented on the hiring process outcomes. He explained his officers would continue to enhance community-oriented policing and community engagement efforts, including crime prevention and proactive measures to reduce calls for service and criminal incidents. He commented on how important it was to meet legislative mandates and community expectations for police officer training with administrative and

supervisory oversight. He described how police services were allocated and deployed within the community and commented on the difference between being a reactive versus proactive department. He explained New Brighton's population has increased by nearly 10% since 2010 and has seen a 12.5% growth in housing units over the past 20 years. The roles of public safety officers was discussed, along with the departments ongoing recruitment efforts. He commented further on the recruitment efforts and training required for the departments paid on call firefighters. He explained he was always looking for reserve police officers to serve the community.

Discussion included:

- Staff discussed the difference between licensed peace officers, reserve officers and public safety officers.
- The information posted on the City's Listen page on the website was discussed.
- The assistance provided by the VIPS (Volunteers in Public Safety) program was described.
- Staff commented on the budget for sworn officers in the Public Safety Department.
- The Commission thanked Director Paetznick for the thorough report.

VI. Reports and Updates

A. Allina Health – Dave Matteson

Dave Mattson provided the Commission with an update from Allina Health. He explained he was seeing a shortage in EMS employees. He noted he was down quite a few paramedics within his organization. He was hoping to boost EMT's into paramedic school in order to meet this need. He discussed Allina's new deployment method and noted there were several challenges in month two of the trial which impacted response times. He explained the mapping software may not be as good as the organization promised. He reported he would be transitioning back to VisiMobile for mapping purposes. He commented further on how partnering agencies were assisting with mutual aid given the decreasing number of paramedics. He provided the Commission with an update on COVID-19 and noted there has only been a mild increase in hospital admissions. He stated the challenge right now at the hospitals was with ER capacity. He indicated the 3M Open was held in Blaine two weeks ago and noted he saw 74 patients. He explained the development of a Special Event Team was being considered for large events in the area. He reported his clinicians would be completing mandatory training on pediatric sepsis, cardiac arrhythmia, different types of fibrillation, and discussing legal matters.

B. Public Safety Update – Director Paetznick

Director Paetznick reported last week the City celebrated Night to Unite. He explained the City had 110 block party celebrations. He thanked all who hosted and showed up at these community events. He stated he also appreciated all of the donations that were made to the Ralph Reeder Food Shelf. He noted the Stockyard Days parade would be held on Saturday, August 14 at 10:00 a.m. He commented the Commission would be discussing the departments body worn cameras in September. He discussed an upcoming catalytic convertor marking event that would be held in the community. He reported the City's COVID dashboard has a great deal of up to date information available for residents.

C. City Council Update – Graeme Allen, Councilmember

Councilmember Allen provided the Commission with an update from the City Council. He thanked everyone who participated in National Night Out. He noted he was able to attend eight or nine events and appreciated seeing neighbors speaking to neighbors. He thanked all of the residents who were able to make donations to the Ralph Reeder Food Shelf. He explained the Council would be holding a budget discussion on Tuesday, August 10. He reported the Council approved a \$10 million bond that would be used for park improvements. He encouraged residents to participate in Stockyard Days. Further discussion ensued regarding the marking events planned for catalytic convertors.

VII. Adjournment

Motion by Kitzhaber, seconded by Ghouse to adjourn the meeting at 8:19 p.m. Motion carried 5-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tony Paetznick". The signature is fluid and cursive, with the first name "Tony" and last name "Paetznick" clearly distinguishable.

Tony Paetznick
Director of Public Safety

INDEPENDENT AUDIT REPORT

Tony Paetznick
Director of Public Safety
New Brighton Police Department
785 Old Hwy. 8
New Brighton, MN 55112

Dear Public Safety Director Paetznick:

An independent audit of the New Brighton Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on May 25, 2021. The objective of the audit was to verify New Brighton Police Department's compliance with Minnesota Statutes §§13.825 and 626.8473.

Data elements the audit includes:

Minnesota Statute §13.825

- Data Classification
- Retention of Data
- Access by Data Subjects
- Inventory of Portable Recording System Technology
- Use of Agency-Issued Portable Recording Systems
- Authorization to Access Data
- Sharing Among Agencies

Minnesota Statute §626.8473

- Public Comment
- Portable Recording System Policy

The New Brighton Police Department is located in Ramsey County, Minnesota and employs thirty (30) peace officers. The New Brighton Police Department utilizes Panasonic Arbitrator body-worn cameras and software and stores the BWC data on a local file server. The audit covers the time period May 1, 2019, through May 10, 2021.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

BWC data is presumptively private. All BWC data collected during the time period May 1, 2019, through May 10, 2021, is classified as private or non-public data. The New Brighton Police Department had no instances of the discharge of a firearm by a peace officer, use of force that resulted in substantial bodily harm, requests from data subjects for the data to be made accessible to the public, or court orders directing the agency to release the BWC data to the public.

No discrepancies noted.

Audit Requirement: Retention of Data

Determine that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The New Brighton Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in the Arbitrator 360° Back-End Client software system. At the conclusion of a BWC recording, an Arbitrator classification is assigned. Each Arbitrator classification has an associated retention period. Upon reaching the retention date, data is systematically deleted. All BWC data is maintained for at least 90 days.

Randomly selected records from a server log report and audit trails were reviewed and the date and time the data was created was verified against the deletion date. Each of the records were deleted in accordance with the record retention. All records were maintained for at least the minimum 90 days required by statute. Records selected were from the time period May 1, 2019, through May 10, 2021. BWC video, meta data, and audit trails are purged from the Arbitrator 360° Back-End Client upon reaching the specified retention period. The New Brighton Police Department received no requests from data subjects to retain BWC data beyond the applicable retention period.

BWC data is monitored for proper categorization to ensure data are appropriately retained and destroyed.

No discrepancies noted.

Audit Requirement: Access by Data Subjects

Determine that individuals who are the subject of collected data have access to the data, and if the data subject requests a copy of the data, other individuals who do not consent to its release must be redacted.

BWC data is available to data subjects and access may be requested by submission of a New Brighton Data Request Form. During the time period May 1, 2019, through May 10, 2021, the New Brighton Police Department had received neither requests to view nor requests for copies of BWC data from a data subjects.

No discrepancies noted.

Audit Requirement: Inventory of Portable Recording System Technology

Determine the total number of recording devices owned and maintained by the agency; a daily record of the total number of recording devices actually deployed and used by officers, the policies and procedures for use of portable recording systems by required by section 626.8473; and the total amount of recorded audio and video collected by the portable recording system and maintained by the agency, the agency's retention schedule for the data, the agency's procedures

for destruction of the data, and that the data are available to the public.

New Brighton Police Department's BWC inventory consists of thirty-two (32) devices. Each police officer is assigned a device. An inventory of the total number of devices owned by the agency is maintained within Arbitrator 360° Back-End Client. A review of randomly selected dates from the patrol schedule were verified against a server log report and confirmed that BWCs are being deployed and used by officers. A comparison between calls for service and BWC data collected verifies BWC cameras are being activated. A review of the total number of BWC videos created per quarter shows a consistent collection of BWC data.

The New Brighton Police Department has established and enforces a BWC policy that governs the use of portable recording systems by peace officers while in the performance of their duties. The Department's BWC policy requires officers to conduct a function test of their issued BWC at the beginning of each shift and to report any malfunction discovered during the check, or discovered at any time thereafter, to his/her supervisor. Peace officers initially trained on the use of BWC's during in-service training during implementation. New officers are trained as part of their field training program.

The Arbitrator 360° Back-End Client and the server log report of deleted BWC data detail the total amount of BWC data created, deleted, and stored/maintained. The New Brighton Police Department utilizes the General Records Retention Schedule for Minnesota cities and agency specified retention in Arbitrator 360°.

BWC video is fully deleted from the Arbitrator 360° Back-End Client and local file server upon reaching the scheduled deletion date. Meta data and audit trail information associated to the deleted video is not maintained in the Arbitrator 360° Back-End Client. The server log report maintains deleted BWC meta data. BWC data is available upon request, and access may be requested by submission of New Brighton Data Request Form.

No discrepancies noted.

Audit Requirement: Use of Agency-Issued Portable Recording Systems

Determine if peace officers are only allowed to use portable recording systems issued and maintained by the officer's agency.

The New Brighton Police Department's BWC policy states that Officers may only use Department-issued BWCs in the performance of official duties.

No discrepancies noted.

Audit Requirement: Authorization to Access Data

Determine if the agency complies with sections 13.05, Subd. 5, and 13.055 in the operation of portable recording systems and in maintaining portable recording system data.

Command staff conduct monthly reviews of BWC data to ensure proper labeling and to assess whether use is in accordance with policy.

User access to BWC data is managed by the assignment of group roles and permissions in Arbitrator 360° Back-End Client. Permissions are based on staff work assignments. A Deputy Director is responsible for managing the assignment of user rights. Access to Arbitrator 360° Back-End Client is password protected and requires dual authentication. Agency personnel are authorized to access BWC data for legitimate law enforcement or data administration purposes, only when there is a business need for doing so. The agency's BWC policy governs access to, and sharing of, data. Access to BWC data is captured in the audit trail.

When BWC data is deleted from Arbitrator 360° Back-End Client, its contents cannot be determined. The New Brighton Police Department has had no security breaches.

No discrepancies noted.

Audit Requirement: Sharing Among Agencies

Determine if non public BWC data shared with other law enforcement agencies, government entities, or federal agencies is in accordance with statute.

Law enforcement agencies, government entities, or federal agencies seeking access to BWC data submit written requests for the data. Sharing of BWC data with other law enforcement agencies, government entities, or federal agencies is documented in an Arbitrator 360° Inter Agency Video Sharing Log. Written requests are maintained in the Records Management System case file.

No discrepancies noted.

Audit Requirement: Biennial Audit

Determine if the agency maintains records showing the date and time the portable recording system data were collected, the applicable classification of the data, how the data are used, and whether data are destroyed as required.

The Arbitrator 360° Back-End Client and a database server log report document the date and time portable recording system data was collected. All BWC data for the audit period is classified as private or non-public data. The audit trail and the Arbitrator 360° Inter Agency Video Sharing Log document how the data are used and shared. Active BWC data within the Arbitrator 360° Back-End Client includes a classification with an associated retention period and a scheduled deletion date.

No discrepancies noted.

Audit Requirement: Portable Recording System Vendor

Determine if portable recording system data stored in the cloud, is stored in accordance with security requirements of the United States Federal Bureau of Investigation Criminal Justice

Information Services Division Security Policy 5.4 or its successor version.

New Brighton Police Department BWC data is stored on a local file server. The server is stored in a secure location and access is password protected. A BCA security audit was conducted in May, 2021.

No discrepancies noted.

Audit Requirement: Public Comment

Determine if the law enforcement agency provided an opportunity for public comment before it purchased or implemented a portable recording system and if the governing body with jurisdiction over the budget of the law enforcement agency provided an opportunity for public comment at a regularly scheduled meeting.

The New Brighton Police Department solicited public comment prior to purchase and implementation of the body worn camera program. Public comment was solicited on social media, Survey Monkey, newspapers, and the City website. The New Brighton City Council held a public hearing at their January 8, 2019, meeting.

No discrepancies noted.

Audit Requirement: Body-worn Camera Policy

Determine if a written policy governing the use of portable recording systems has been established and is enforced.

The New Brighton Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3.

No discrepancies noted.

This report was prepared exclusively for the City of New Brighton and New Brighton Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: August 17, 2021

Lynn Lembcke Consulting



Lynn Lembcke

Police Body Worn Camera (BWC) Audit

City of New Brighton Public Safety Commission

Monday, September 13, 2021

Public Safety Director Tony Paetznick

Data elements the audit includes:

- Minnesota Statute §13.825
 - Data Classification
 - Retention of Data
 - Access by Data Subjects
 - Inventory of Portable Recording System Technology
 - Use of Agency-Issued Portable Recording Systems
 - Authorization to Access Data
 - Sharing Among Agencies
- Minnesota Statute §626.8473
 - Public Comment
 - Portable Recording System Policy

No discrepancies noted.

Audit requirements and selected comments

- Determine that the data collected by BWCs are appropriately classified.
- Determine that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.
 - *Randomly selected records from a server log report and audit trails were reviewed and the date and time the data was created was verified against the deletion date. Each of the records were deleted in accordance with the record retention. All records were maintained for at least the minimum 90 days required by statute.*
- Determine that individuals who are the subject of collected data have access to the data, and if the data subject requests a copy of the data, other individuals who do not consent to its release must be redacted.

Audit requirements and selected comments

- Determine the total number of recording devices owned and maintained by the agency; a daily record of the total number of recording devices actually deployed and used by officers, the policies and procedures for use of portable recording systems by required by section 626.8473; and the total amount of recorded audio and video collected by the portable recording system and maintained by the agency, the agency's retention schedule for the data, the agency's procedures for destruction of the data, and that the data are available to the public.
 - *A review of randomly selected dates from the patrol schedule were verified against a server log report and confirmed that BWCs are being deployed and used by officers. A comparison between calls for service and BWC data collected verifies BWC cameras are being activated.*

Audit requirements and selected comments

- Determine if peace officers are only allowed to use portable recording systems issued and maintained by the officer's agency.
- Determine if the agency complies with sections 13.05, Subd. 5, and 13.055 in the operation of portable recording systems and in maintaining portable recording system data.
 - *Command staff conduct monthly reviews of BWC data to ensure proper labeling and to assess whether use is in accordance with policy.*
- Determine if non public BWC data shared with other law enforcement agencies, government entities, or federal agencies is in accordance with statute.

Audit requirements and selected comments

- Determine if the agency maintains records showing the date and time the portable recording system data were collected, the applicable classification of the data, how the data are used, and whether data are destroyed as required.
- Determine if portable recording system data stored in the cloud, is stored in accordance with security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy 5.4 or its successor version.
 - *New Brighton Police Department BWC data is stored on a local file server. The server is stored in a secure location and access is password protected. A BCA security audit was conducted in May, 2021.*

Audit requirements and selected comments

- Determine if the law enforcement agency provided an opportunity for public comment before it purchased or implemented a portable recording system and if the governing body with jurisdiction over the budget of the law enforcement agency provided an opportunity for public comment at a regularly scheduled meeting.
- Determine if a written policy governing the use of portable recording systems has been established and is enforced.
 - *The New Brighton Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3.*

Next steps

- Provide to City Council
- Submit to the Legislative Commission on Data Practices and Personal Data Privacy
- Comments and/or questions?
- *“A big thank you to Deputy Director Hamdorf for providing all of the audit documentation and working with me during the audit visit. He was great to work with and his advance prep made the process go very smoothly.”*

NEW BRIGHTON DEPARTMENT OF PUBLIC SAFETY

Memorandum



To: Public Safety Commissioners
From: Tony Paetznick, Director of Public Safety
Subject: Traffic Stops
Date: September 10, 2021

In addition to the annual review that occurred for the 2020 traffic stop data at the February 2021 Public Safety Commission meeting, staff looked further into a request from Commissioners to learn more about the outcomes of these interactions in terms of enforcement (i.e., warning, citation, arrest, etc.) and presented that information in April.

Over the past month, significant action by government at the local, regional, and federal level have again highlighted the issue of law enforcement traffic stops. These include but are not limited to the release of 2020 United States Census Data, a prosecutorial policy related to non-public traffic stops as announced by the Ramsey County Attorney's Office, and the City of New Brighton's initial work on developing an Equity Framework, the latter of which most recently included an invitation for Commissioners to provide feedback on a draft Equity Statement.

Given the new data and initiatives, Public Safety believes that it is timely to check-in with the Commission on this topic to review the additional information and further discuss procedural and/or policy changes related to traffic safety enforcement in the City of New Brighton.

City of New Brighton

Summary of 2020 Census Redistricting Data

Released August 12, 2021



The U.S. Census Bureau has released housing and population counts from the 2020 Census, a complete enumeration of the population as of April 1, 2020. Table 1 provides basic counts of housing units, households, and population for the City of New Brighton.

Table 1: Counts of housing units, households, and population

	Housing units	Households	Total population	Population in households	Persons per household	Population in group quarters
2020 Census	9,879	9,548	23,454	23,152	2.42	302
2010 Census	9,479	8,915	21,456	20,961	2.35	495
Change, 2010-2020	+400	+633	+1,998	+2,191	+0.07	-193

Please note: To facilitate comparisons over time, all statistics provided here reflect community boundaries as they existed in 2020. For example, if a city annexed part of a township, then both communities' 2010 and 2020 numbers would reflect their 2020 jurisdictional areas. We also corrected published 2020 counts for a small number of communities where the Census Bureau's geographic files were incorrect. For more information, see the materials available at <https://www.metrocouncil.org/census2020>.

Race and Hispanic/Latino origin

Table 2 describes New Brighton's population by race and Hispanic/Latino origin. BIPOC residents (Black / Indigenous / people of color) are 31.2% of New Brighton's total population, compared with 31.2% for the seven-county Twin Cities region as a whole.

Table 2: Race and Hispanic/Latino origin, 2010 and 2020

Group*	2010 Census		2020 Census		Change, 2010 to 2020	
	Number	Percent	Number	Percent	Number	Percentage points
Total population	21,456	100.0%	23,454	100.0%	+1,998	NA
White, non-Latino	17,192	80.1%	16,132	68.8%	-1,060	-11.3
All BIPOC residents (Black / Indigenous / People of color)	4,264	19.9%	7,322	31.2%	+3,058	+11.3
Black or African American, non-Latino	1,406	6.6%	2,749	11.7%	+1,343	+5.2
Asian or Pacific Islander, non-Latino	1,305	6.1%	1,778	7.6%	+473	+1.5
Hispanic or Latino	934	4.4%	1,448	6.2%	+514	+1.8
American Indian or Alaska Native, non-Latino	72	0.3%	84	0.4%	+12	+0.0
Other race not listed above, non-Latino	43	0.2%	84	0.4%	+41	+0.2
More than one race, non-Latino	504	2.3%	1,179	5.0%	+675	+2.7

* - Group names are those used by the federal government; many people prefer different terminology. See additional notes below.

Race and Hispanic/Latino origin by age

As many have noted, the population under age 18 highlights how our future population will be increasingly diverse. Table 3 provides the same breakdown by race and Hispanic/Latino origin of New Brighton's population under age 18 and age 18+.

Table 3: Race and Hispanic/Latino origin by age

Group*	Under age 18		Age 18+	
	Number	Percent	Number	Percent
Total population	5,290	100.0%	18,164	100.0%
White, non-Latino	2,832	53.5%	13,300	73.2%
All BIPOC residents (Black / Indigenous / People of color)	2,458	46.5%	4,864	26.8%
Black or African American, non-Latino	950	18.0%	1,799	9.9%
Asian or Pacific Islander, non-Latino	387	7.3%	1,391	7.7%
Hispanic or Latino	539	10.2%	909	5.0%
American Indian or Alaska Native, non-Latino	17	0.3%	67	0.4%
Other race not listed above, non-Latino	38	0.7%	46	0.3%
More than one race, non-Latino	527	10.0%	652	3.6%

* - Group names are those used by the federal government; many people prefer different terminology. See additional notes below.

About the data

- The above tables contain the official terms for race groups as defined by the U.S. Office of Management and Budget. We use these for consistency with the data as reported by the Census Bureau while emphasizing the following:
 - Each of the groups has considerable diversity within it. For example, the Black population includes both descendants of enslaved people and recent African immigrants, while the Asian population includes Asian Indian, Chinese, Hmong, and Vietnamese residents along with many other groups. Many people prefer to be called by those more specific cultural community names rather than the federal government's broad labels. The redistricting dataset does not allow for distinctions among communities within these race groups; please see the Council's Equity Considerations dataset (<https://metrocity.org/Data-and-Maps/Research-and-Data/Place-based-Equity-Research.aspx>) for more information.
 - Many people prefer different language for these broad labels. For example, in place of "Latino," some use "Latino/a," "Chicano/a," or gender-neutral alternatives like "Latinx" or "Latine." And in place of "American Indian," some use "Native American" or "Indigenous."
- Several factors may complicate the comparison of 2010 and 2020 race data; you can find an overview at <https://www.census.gov/newsroom/blogs/random-samplings.html>.
- This data release contains only the numbers needed for redrawing legislative districts. Additional data, like household type and full age breakdowns, will be released later.

For additional information, please see our interactive maps and charts, available at <https://metrotransitm.shinyapps.io/census-2020>. This application provides data for all cities and townships in 1990, 2000, 2010, and 2020. You can access additional detail on people who identify more than one race and examine trends for areas *within* communities (census tracts and block groups).

We are happy to discuss any additional questions you have; please contact Research@metc.state.mn.us.



OFFICE OF THE RAMSEY COUNTY ATTORNEY

John J. Choi

TO: Adult Trial Division, Pretrial Justice Division, Youth Justice & Wellness Division, and Victim, Witness & Postconviction Justice Division Attorneys

FROM: John Choi, Ramsey County Attorney *J.C.*

DATE: September 8, 2021

RE: *Charging Policy Regarding Non-Public-Safety Traffic Stops*

I. BACKGROUND

It is the duty and obligation of our office to protect the constitutional rights of every Ramsey County resident and to ensure the law is enforced equitably. It has long been the value of our office to critically evaluate cases, safeguard the rights of those impacted by the legal system, and eliminate practices that cause disparate outcomes. This policy reflects those values while increasing the focus on public safety.

In order to protect public safety and maintain the public's trust and confidence, we must ensure that no segment of our community is disproportionately impacted by our practices in the justice system. The longstanding custom and practice of law enforcement pulling people over for non-public-safety reasons (like traffic code violations) as a pretext to search their vehicles for potential contraband disproportionately impacts people of color and those in under-resourced communities, who are most often subject to these stops. Such stops seldom yield contraband but come at a great cost to our community by diminishing its trust and confidence in law enforcement, which is essential to successful community policing.^{1 2 3}

Non-public-safety stops have similar effects as other discretionary police tactics, such as the disavowed "stop and frisk" practices that impacted millions of Black and Latinx people in major cities across this country. Using such stops enables conscious and unconscious bias to influence law enforcement officers' discretion, which results in targeting people based on perceptions of

¹ Policing Project, NYU School of Law, An Assessment of Traffic Stops and Policing Strategies in Nashville.

² The Stanford Open Policing Project; <https://openpolicing.stanford.edu/>

³ *Racial Profiling*, American Civil Liberties Union, <https://www.aclu.org/issues/racial-justice/race-and-criminal-justice/racial-profiling> (last visited on June 24, 2020).

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their race, ethnicity, or other social categories.⁴ In addition, pulling drivers over for minor traffic violations or equipment-related infractions too often expands into a search of the entire vehicle and the person, without any suspicion of criminal wrongdoing.

As prosecutors serving in our role as ministers of justice, we cannot deny or ignore the role we play in perpetuating racial inequities when we charge the cases resulting from these stops. Our office will utilize its prosecutorial discretion to provide greater protection to those we serve.

II. POLICY GUIDELINES

In order to increase procedural justice for all residents and improve trust in communities of color and under-resourced communities, our office will decline to prosecute cases when the charge is:

- solely the product of a non-public-safety traffic stop; or
- the result of searching a vehicle based solely on consent, without any other articulable suspicion.

For purposes of this policy, a non-public-safety traffic stop means that the articulated justification for the initial stop of the vehicle is any one of the following violations:

- Vehicle Registration (169.79, Subd. 8)
- License Plate Illumination (169.50)
- Muffler excess noise violations (169.69)
- Windshield prohibitions (i.e. air fresheners or other objects hanging from the rear-view mirror or cracked windshields) (169.71)
- Window tint or other restrictions on glazed windows (169.71)
- Headlights, signal lights or rear lamp violations unless both headlights or both rear brake lights are nonfunctioning. (169.55, 169.63, 169.50, 169.57 Subd. 1 (a) Subd. 3)

This policy does not apply to situations that endanger public safety or when a vehicle is stopped due to a dangerous condition. A dangerous condition exists when an improper or malfunctioning piece of motor vehicle equipment creates a substantial, articulable, and identifiable risk of injury to any person.

⁴ See e.g., Megan Quattlebaum, *Let's Get Real: Behavioral Realism, Implicit Bias, and the Reasonable Police Officer*, Stanford Journal of Civil Rights & Civil Liberties (2018), <http://law.stanford.edu/wp-content/uploads/2018/05/Quattlebaum-FINAL.pdf> (last visited on June 24, 2020).

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT AND RADIO CLEARING PROCEDURE

Several factors are considered in the development of deployment schedules for officers of the New Brighton Department of Public Safety. Information provided by the Minnesota Office of Traffic Safety (OTS) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of high-collision incidence and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

[When clearing a traffic stop with Ramsey County Dispatch, squads will clear following the current clearing practices as put out by Ramsey County Dispatch and the Administration of the New Brighton Department of Public Safety.](#)

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of citations issued by any officer shall not be used when evaluating officer

Traffic Function and Responsibility

performance (Minn. Stat. § 169.985; Minn. Stat. § 299D.08). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) The court contact information.

500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation (non-bookable offense) shall ensure that the citation is properly completed and the officer's copy is forwarded to the records section. The records clerk will then direct to the court having jurisdiction (Minn. Stat. § 169.91 Subd. 3). If the citation is for a bookable offense, an additional copy of the citation will be left with the jail staff at the time of booking.

500.3.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (Minn. Stat. § 169.91):

- (a) Negligent homicide.
- (b) Driving under the influence of alcohol/drugs.
- (c) Hit-and-run resulting in serious injury or death.
- (d) Hit-and-run resulting in damage to any vehicle or property.

500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; Minn. R. 5205.0030).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of

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the member. All city owned emergency vehicles will be equipped with Nationally approved high-visibility vests.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plain clothes officer might benefit from being readily identified as an officer.

LOCAL

Crystal police teaching English language learners how to drive

By Tim Harlow (<https://www.startribune.com/tim-harlow/6370615/>) Star Tribune |

JULY 25, 2021 — 4:24PM

Stephanie Vega is an aspiring driver who admits she has a lot to learn before she gets behind the wheel. But one thing is certain, the 18-year-old from Minnetonka said: She want to be a good driver.

"I don't want to be a clueless driver who gets cussed out," she said. "I've seen bad drivers. I don't want to be one of those."

Vega is learning the rules of the road courtesy of the Crystal Police Department, which teamed with Robbinsdale Area Schools to offer a free six-week, multicultural driver's education class for adults who are learning English.

The class, one of two in the state, is a pilot covered by a grant from the Minnesota Department of Public Safety's Office of Traffic Safety, with funds from the National Highway Traffic Safety Administration. The South Central Minnesota Emergency Medical Services also received the grant.

In Minnesota, anybody 18 or older does not have to take a driver's education course or log 50 hours of supervised driving, a requirement for younger drivers. Adults just have to pass written and behind-the-wheel tests.

"They could just hop in and go," said Sgt. Justin Tourville, a 21-year veteran who teaches the class.

In a session last week, students got lessons on how to properly signal and change lanes, pass another vehicle, merge onto freeways and the love-it-or-hate-it zipper merge. They also learned how to keep a safe following distance and when it's legal to do maneuvers such as a U-turn.

A majority of the session was devoted to all those signs dotting our roads telling us how fast we can legally drive, when to stop or yield and warning of road construction or other hazards. Vega said she doesn't understand all the yellow diamond signs that designate curves, roundabouts and when lanes start and stop.

"The signs are confusing," she said. "The T- and Y- intersections, it's like, where do they go?"

Students are given a Minnesota driver's manual with colorful diagrams to help them learn driving vocabulary and how to interpret the meanings of lane markings. There are lessons on right of way laws, driving in inclement weather and what to do when encountering emergency vehicles. Videos cover an array of driving scenarios.

The goal of the pilot program is to reduce the number of crashes and traffic fatalities involving drivers who are not white or don't speak English as their first language.

"We want to have better educated drivers on the roads and safer streets in our community," Tourville said. "We hope to have better drivers."

Jamila Tennin of Crystal is taking the class because in the past she was scared to take a driver's education class. The PowerPoint presentations and explanations police officers give about laws have helped allay those fears, she said. "I'm a visual learner," she said.

Asked if she is looking forward to becoming a driver when she finishes the class, Tennin flashed a big smile. "Yes, I will be ready," she said.

Higher speeds on I-394



CARLOS GONZALEZ, STAR TRIBUNE

A car marked for student drivers waited to be driven in 2014. The Crystal Police Department has teamed with Robbinsdale Area Schools to

MnDOT told us last spring that it planned to raise the speed limit on I-394 between Minneapolis and Minnetonka from 55 mph to 60 mph, and it finally happened. Crews quietly put up the new speed limit signs July 13. The change resulted from a speed study suggesting the higher speed would still be safe, said spokesman David Aeikens.

Follow news about traffic and commuting at The Drive on [startribune.com](https://www.startribune.com). Got traffic or transportation questions, or story ideas? E-mail drive@startribune.com, tweet [@stribdrive](https://twitter.com/stribdrive) or call Tim Harlow at 612-673-7768.

Tim Harlow covers traffic and transportation issues in the Minneapolis-St. Paul area, and likes to get out of the office, even during rush hour. He also covers the suburbs in northern Hennepin and all of Anoka counties, plus breaking news and weather.

tim.harlow@startribune.com 612-673-7768 [timstrib](https://twitter.com/timstrib)



Driver Diversion Program

What is the Driver Diversion Program (DDP)?

DDP was developed to support participants in paying any outstanding citations and fulfill state designated requirements necessary to reinstate a participants driver's license.

Prospective Participants

To determine eligibility for the Driver Diversion Program (DDP), **first** contact Diversion Solutions:

Phone
(651) 385-4341

Website
www.diversionsolutions.net

Mail
Driving Diversion Program
P.O. Box 19
Red Wing, MN 55066

Program Participants

Minimum Requirements

- Approved by Driver and Vehicle Services (DVS)
- Payment Plans for fines and fees
- Participate in training
- Acquire and Maintain Insurance
- Must not have any major violations while in program

Program Ineligibility

- Criminal Vehicular Operation (CVO)
- Owe child support without payment plan
- Judgments - must be paid to enter program
- Fleeing an Officer
- Canceled IPS (Inimical to Public Safety)
- 5th degree felony
- Theft of Motor Vehicle
- DUI or DWI - before hard revocation is complete

Participant Contact Information

Email: DVS.Diversion-Program@state.mn.us
Phone: (651) 296-2025
Fax: (651) 797-1741



CRIMINAL ACTIVITY
PART I OFFENSES
(Actual and Attempts)

MONTH OF: July 2021	Cases This Month	This Month Clearances	Cases Year-to-Date	Cases Last Year-to-Date
Homicide	0	0	0	0
Rape	1	0	2	2
Robbery	0	0	1	7
Agg. Assault	2	2	8	9
Burglary	7	0	35	32
Theft (includes shoplifting and bike)	44	1	301	214
Auto Theft	2	1	30	28
Arson	0	0	1	0
TOTALS	56	4	378	292

TRAFFIC ACTIVITY

	This Month	Year-to-Date	Last Year-to-Date
Motor Vehicle Crashes:	29	187	144
Property Damage	25	175	133
Personal Injury	4	12	11
Fatal	0	0	0
DWI	12	70	60
Parking Violations	17	610	127
Hazardous Moving Violations	36	222	219
Non-Hazardous Moving Violations	27	206	250
Traffic Stops – No Citation	136	805	708

MISCELLANEOUS POLICE ACTIVITY

	This Month	This Month Last Year	Year-to-Date	Last Year-to-Date
CFS by Complaint Number	968	788	5,783	5,400
CFS by Officers' Response	1,561	1,297	9,473	9,166
Adult Arrests (not including traffic)	29	24	204	196
Juvenile Arrests (not including traffic)	0	0	1	6
Warrant Arrests	4	3	28	27
Non-Traffic Citations	12	7	77	83

2021 Use of Force - By Month

	<u>#</u>	<u>YTD</u>
January	11	11
February	7	18
March	4	22
April	8	30
May	11	41
June	9	50
July	4	54
August		
September		
October		
November		
December		

Use of Force Statistics

July

<u>Year</u>	<u># for Month</u>	<u>Year-to-Date</u>
2021	4	54
2020	7	42
2019	5	42
2018	6	27
2017	5	33



Preliminary Crime Stats for:

August 2021

Homicide	0
Rape	0
Robbery	0
Agg Assault	1
Burglary	4
Theft	53
Auto Theft	6
Arson	0
Total	64

Incident Type Report (Summary)

Incident Type	Total Incidents	Total Incidents % of Incidents	Total Property Loss	Total Content Loss	Total Loss
Incident Type Category: 1 - Fire					
111 - Building fire	1	2.2%	500	1,000	1,500
112 - Fires in structure other than in a building	1	2.2%	0	500	500
113 - Cooking fire, confined to container	1	2.2%			
131 - Passenger vehicle fire	2	4.4%	5,000	500	5,500
142 - Brush or brush-and-grass mixture fire	1	2.2%			
154 - Dumpster or other outside trash receptacle fire	1	2.2%			
Total:	7	Total: 15.6%	Total: 5,500	Total: 2,000	Total: 7,500
Incident Type Category: 3 - Rescue & Emergency Medical Service Incident					
311 - Medical assist, assist EMS crew	1	2.2%			
353 - Removal of victim(s) from stalled elevator	1	2.2%			
Total:	2	Total: 4.4%	Total: 0	Total: 0	Total: 0
Incident Type Category: 4 - Hazardous Condition (No Fire)					
444 - Power line down	1	2.2%			
445 - Arcing, shorted electrical equipment	1	2.2%			
Total:	2	Total: 4.4%	Total: 0	Total: 0	Total: 0
Incident Type Category: 5 - Service Call					
531 - Smoke or odor removal	1	2.2%			
550 - Public service assistance, other	3	6.7%			
551 - Assist police or other governmental agency	1	2.2%			
Total:	5	Total: 11.1%	Total: 0	Total: 0	Total: 0
Incident Type Category: 6 - Good Intent Call					
611 - Dispatched and cancelled en route	1	2.2%			
622 - No incident found on arrival at dispatch address	1	2.2%			
651 - Smoke scare, odor of smoke	6	13.3%			
Total:	8	Total: 17.8%	Total: 0	Total: 0	Total: 0
Incident Type Category: 7 - False Alarm & False Call					
714 - Central station, malicious false alarm	3	6.7%			
715 - Local alarm system, malicious false alarm	1	2.2%			
733 - Smoke detector activation due to malfunction	1	2.2%			
735 - Alarm system sounded due to malfunction	2	4.4%			
740 - Unintentional transmission of alarm, other	1	2.2%			
741 - Sprinkler activation, no fire - unintentional	1	2.2%			
743 - Smoke detector activation, no fire - unintentional	1	2.2%			
744 - Detector activation, no fire - unintentional	1	2.2%			
745 - Alarm system activation, no fire - unintentional	9	20.0%			
746 - Carbon monoxide detector activation, no CO	1	2.2%			
Total:	21	Total: 46.7%	Total: 0	Total: 0	Total: 0
	Total: 45	Total: 100.0%	Total: 5,500	Total: 2,000	Total: 7,500

Report Filters

Basic Incident Date Time: is between '07/01/2021' and '07/31/2021'

Agency Name: is equal to 'NEW BRIGHTON'

Report Criteria

Incident Type (Fd1.21): Is Not Blank