



Minneapolis Police Department Policy and Procedure Manual

Number:
9-100

Volume Nine – Enforcement Policies

Adult Stops, Searches, and Seizures

9-107 Traffic and Vehicle Stops

(xx/xx/xx)

I. Purpose

This policy applies to investigative detentions of vehicles and traffic stops. P&P 9-105 covers investigative detentions of people (not arising from a vehicle detention or traffic stop). This policy ensures that all personnel understand the legal standards governing traffic and vehicle stops, including the requirement of reasonable articulable suspicion (RAS) or probable cause (PC), and outlines appropriate practices to promote accountability, transparency, and public trust in the investigative process.

II. Policy

A member may stop a vehicle if they have RAS or PC that the person has committed, is committing, or is about to commit a crime, traffic offense, or petty misdemeanor, subject to the restrictions below in [III-D] and [III-E]. Members shall not stop any vehicle unless they have developed the necessary RAS or PC, as described in P&P 9-103 and P&P 9-101.

Note that while RAS or PC may exist, members shall not conduct a traffic or vehicle stop for the offenses listed below [III-D] and [III-E].

III. Legal Considerations and Procedures

A. Consent Searches Prohibited During Vehicle Stops

Members shall not search a person or vehicle based on consent during an investigative detention or traffic stop in accordance with P&P 9-105. Members may only search a person or a vehicle during an investigative detention or traffic stop if there is a basis for the search other than consent.

B. Safety Precautions During Vehicle Stops

Vehicle stops pose risks to members and the community and must accordingly be conducted with caution. Otherwise, routine vehicle stops may develop into serious confrontations, and members must be continually aware of tactical options available.

The following factors should be considered by members during all vehicle stops:

1. When conducting vehicle stops, members must be aware of roadway, traffic, and lighting conditions.
2. If a vehicle stops in an unsafe location, the member shall direct the driver to move to a more suitable location through the use of visual signals or the vehicle public address system. Under no circumstances will a member allow a driver who is suspected of driving while intoxicated to move their vehicle once it has stopped.
3. Members shall advise MECC of their unit number, location, and the stopped vehicle tag number prior to exiting their vehicle. If the vehicle has a temporary license plate, or no license plate, members shall provide MECC with a description of the vehicle and its occupants.
4. Members shall use high beams, flashing overhead lights, flashes, and spotlights when applicable.
5. When possible, members will position vehicles in such a manner to allow a “safety zone” between the members and the stopped vehicle.
6. The member shall approach the vehicle from behind, unless circumstances dictate a different angle of approach.
7. The decision on whether to approach the stopped vehicle on foot or to order the driver out of the vehicle shall be made by the member making the stop. The member should keep all tactical options available, including emergency disengagement techniques.

C. Limitations Regarding Questioning Passengers

While members may professionally greet passengers in a vehicle, members shall not question or require identification from passengers during a vehicle stop for a traffic violation unless:

1. The member has RAS or PC that the passenger has committed a crime or an applicable traffic violation (such as not wearing a seat belt).
 - a. If a member sees a passenger without their seat belt buckled during a vehicle stop, this provides them with PC to ID and cite the passenger.
2. The member has a basis to believe that the passenger is being trafficked, experiencing domestic violence, is at risk from the driver or another person in the vehicle, or otherwise appears to require immediate medical assistance.
3. The member is confirming that the passenger is willing and able to drive the vehicle away to avoid impoundment of the vehicle, if applicable.

D. Vehicle Stops Prohibited for Certain Offenses

1. Unless the vehicle is a commercial vehicle or the driver is operating the vehicle in an unsafe manner or creating an imminent safety hazard, members shall not initiate a traffic stop when the only offenses are those listed below:
 - a. Failure to display registration tabs.
 - b. Driving with expired registration tabs.
 - c. Failure to illuminate the license plate.
 - d. Rim or frame obscuring license plate, except for the plate letters and numbers.
 - e. Driving with only one functioning and visible headlight, brake light, or taillight.
 - f. Driving with only one functional sideview mirror present.
 - g. Driving without a rearview mirror, with the rearview mirror obstructed, or with an item dangling from the rearview mirror.
 - h. Driving without working windshield wipers.
 - i. Failure to signal a lane change or a turn.
 - j. Cracked windshield unless it substantially obscures the driver's view.
 - k. Window tint does not comply with Minnesota law.
2. Members are prohibited from using the above offenses to make a pretext stop for the purpose of investigating unrelated criminal activity.
3. Members may lawfully stop or detain a driver for operating a vehicle in an unsafe manner or creating an imminent hazard to safety, if one of the offenses above is present.
 - a. Simply because a driver is engaging in one or more of the above offenses ([III-D-1-a to k]) does not necessarily mean that they are operating the vehicle in an unsafe manner or creating an imminent hazard to safety (as outlined in MN Statute section 169.47).
 - b. Operating a vehicle unsafely or creating an imminent safety hazard is based on the totality of the circumstances.
 - c. The member shall state on their BWC and document in the Police Report the unsafe operation or imminent safety hazard.

4. Members may mail a notice of repair issues to a vehicle owner when the only offenses are in the above list [III-D-1-a to k]. The Notice of Repair form is located on MPD's SharePoint page.
5. Unless otherwise prohibited by law, members may impound vehicles parked on public property if the vehicle impedes traffic or threatens public safety, and the owner or responsible occupant cannot leave the vehicle legally parked or immediately remove the vehicle from public property on their own, in accordance with P&P 7-701.

E. Limitations on Citations for Equipment Violations

1. In addition to the prohibition on initiating a stop for the above offenses (see section [III-D]), members shall not issue a citation for any equipment violation (including those above), except in the following instances:
 - a. If an equipment violation resulted in a motor vehicle crash or harm to another driver, the driver may be cited or charged by complaint for the equipment violation.
 - b. If the member believes the equipment violation presents an imminent safety hazard, that is likely to endanger any person as outlined in MN Statute section 169.47 the member shall advise the driver to park the vehicle and get the issue resolved prior to driving the vehicle again and members may issue a citation.
 - c. If a member encounters the same person operating the same vehicle with unresolved, imminent safety hazards within a reasonable timeframe following the initial encounter, they may issue a citation.
2. This policy does not limit the ability of members to arrest people who have committed a criminal offense or have any outstanding warrants.

F. Lights On! Coupons

1. Issuing coupons

- a. For the below equipment issues ([III-F-2]), members shall not stop the vehicle and shall not issue a citation, but may mail a Lights On! Coupon to the mailing address associated with the vehicle's license plate if available. A notice of repair will be sent with the coupon indicating the repair issue. The Notice of Repair form is located on MPD's SharePoint page.
- b. If a person is pulled over for causing an imminent safety hazard and also has any of the eligible equipment violations below ([III-F-2], they may still be provided a Lights On! coupon during the interaction. If a coupon is issued, the member should advise the driver of the location at which the repair can be made.

2. Applicable violations

Lights On! Coupons can be issued for the following equipment violations:

- Headlights.
- Turn signals.
- Rear lights.
- Rear license plate lights.
- Parking lights.

3. Coupons not available

If Lights On! Coupons are not available, but the incident meets the Lights On! criteria, the member may do all the following:

- a. Advise the driver of the equipment violation.
- b. Provide a victim assistance card (“blue card”) or a similar card to the driver, and advise the driver to bring the card to the nearest precinct to get a Lights On! Coupon.

4. Coupon supply

- a. Lights On! Coupons will be stocked at each precinct.
- b. If no coupons are available, members shall request more coupons through their chain of command.
- c. The Chief’s office will coordinate delivery of additional coupons.

G. Cannabis

A person 21 years of age and older may:

- Use, possess, or transport cannabis paraphernalia.
- Possess or transport in a vehicle (sealed and original packaging) up to 2 ounces of cannabis flower, 8 grams of cannabis concentrate, edible cannabis or low-potency hemp products with a combined total of up to 800 mg of THC.

1. Use of cannabis products in motor vehicles

The use of cannabis products in a motor vehicle is prohibited under law. To cite or arrest a person for these offenses, a member must provide additional evidence beyond mere possession of cannabis. That would include evidence that a person has an open, partially used, or non-compliant package of cannabis products in the vehicle.

2. Operating a motor vehicle under the influence of cannabis

- a. A person may not operate a motor vehicle while under the influence of cannabis products.
- b. Members shall rely on evidence of impairment to establish PC for a citation or arrest.

3. Searches based on odor of cannabis

Members shall not conduct a stop or search of a person, vehicle, contents of a vehicle, or people within a vehicle if the sole basis of the search is based on a member smelling cannabis, in accordance with P&P 9-105.

4. Field sobriety test

This section does not prevent members from conducting a field sobriety test during a vehicle stop.

H. Initiating a Traffic Stop

When making a traffic law enforcement (TLE) stop:

1. Members shall ensure that their BWC is activated prior to initiating the stop, in accordance with P&P 4-223.
2. Members shall state the basis for the stop on their BWC upon initiating the stop, when feasible.
3. Members shall inform the person stopped, when applicable, that they are not free to leave, are stopped, are detained, or are under arrest, or otherwise not free to leave.
4. Members shall inform the person of the reason why they were stopped as soon as practical, unless providing this information will compromise the safety of members or other people (P&P 5-109).
 - a. Members shall not ask a person stopped for a traffic stop if they know why they have been stopped (P&P 5-109).
5. Members shall notify the dispatcher of the location of the stop and the license number of the vehicle being stopped and initiate a call for service in accordance with P&P 7-103.

I. Transport

1. Members shall not transport a person who is the subject of a vehicle or traffic stop to another location (including a precinct) for fingerprinting, questioning, or other investigatory purposes, unless one of the following conditions apply:

- The member has PC to arrest the person.
 - The person requests to speak with members in a different location and is transported for questioning.
 - For the safety of the member or the person who was stopped for questioning.
2. If a person will be transported, members shall transport the person no farther than necessary, to minimize the duration and intrusiveness of the stop.
- a. When a transport is requested or necessary, members shall notify a supervisor of the request or the intent to transport.
 - b. When a transport is requested or necessary, members shall document the transport in the Police Report and via BWC.

J. Provide record of the stop

When completing a traffic or vehicle stop, members shall ensure that the driver and any passenger who is involved in the interaction is provided with a victim assistance card (“blue card”) or a similar card, if they have not already received one. The card must include the member’s first and last name, badge number, and the case control number corresponding to the interaction and any related documentation.

K. Report Required

Since traffic and vehicle stops are considered investigative detentions, members shall complete a Police Report as required by P&P 9-105. In addition to the reporting requirements of P&P 9-105, members shall also incorporate the following elements into the Police Report for vehicle and traffic stops when applicable:

- Actual or perceived race and/or ethnicity, gender, and age of the driver and of all passengers.
- The members’ names and ID numbers specifying the role of each member during the interaction.
- The date and time of the detention.
- If the driver or any passengers was ordered by a member to exit the vehicle, specifying whether it was the driver or the passenger(s), and the reason for the order.
- If any member approached the vehicle with a handgun unholstered.
- If a plain view search was conducted based on PC and if so, the facts establishing PC to conduct a search.
- If a search was conducted, whether it was of the driver, passenger(s), and/or the vehicle.
- If any contraband was found, clarifying whether the contraband was found as a result of a vehicle search or as a result of a search of a person, and if so, which person.
- The reasons why the stop advances public safety, which may include improving roadway safety, reducing the potential for traffic injuries and fatalities, etc., and if the public safety basis includes investigation of other criminal activity, a statement of the

additional articulable information, which may or may not amount to RAS regarding the other criminal activity.

Glossary

Arrest: Taking a person into custody, which may be imposed by force or may result from a person submitting to a member. An arrest is a restraint of greater scope or duration than an investigative stop or detention. An arrest requires probable cause that a crime was committed or is being committed. This includes booking, citing in lieu of booking, and releasing pending charges.

Investigative Detention: If a reasonable person under the circumstances would believe they are not free to leave, but that person is not under formal arrest, an investigative detention has occurred (sometimes known as a pedestrian, vehicle, or traffic stop), based on reasonable articulable suspicion that the person stopped is committing, is about to commit, or has committed a crime, petty misdemeanor, or traffic offense. See P&P 9-104 for factors that may affect whether a person would believe they are free to leave. See P&P 9-105 regarding investigative detention requirements.

Plain View Search: Lawful observation of evidence, contraband, or illegal activity without conducting a physical search. The member must be lawfully present in the location where the item is observed, the item must be immediately recognizable as evidence of a crime or contraband without further inspection, and the member cannot move or open anything to get view of the evidence. See P&P 9-110 for more information regarding plain view searches.

Pretext Stop: An investigative detention or stop initiated by members for a minor violation for the actual purpose of investigating or searching for evidence for a separate criminal investigation.

Probable Cause (PC): Where an objective assessment of the articulable facts and circumstances, taken as a whole and known to the member at the time, would lead a reasonable member to believe the following:

- To effectuate an arrest or issue a citation: That a particular person has committed or is committing a specific crime or a traffic violation.
- To search: That evidence of a specific crime, contraband, or a person subject to arrest is located in a particular place.

Probable cause (PC) requires stronger evidence and greater certainty than reasonable articulable suspicion, and cannot be based on mere speculation or a simple assertion of criminal activity.

Reasonable Articulable Suspicion (RAS): A well-founded suspicion based on specific, objective, articulable facts taken together with the member's training and experience that a person has committed, is committing, or is about to commit a crime. Reasonable articulable

suspicion (RAS) cannot be based on mere speculation or a simple assertion of criminal activity. See P&P 9-103 for more information on RAS.

Search: Sometimes called a “full search,” a search is an inspection, examination or viewing of people, places, or items in which a person has a legitimate expectation of privacy, based on a warrant (P&P 9-301) or an exception to the warrant requirement (P&P 9-110). A search may be physical, visual, informational, or virtual.

- A **physical search** could include grasping, prying into or manipulating persons or objects (e.g., reaching into a purse or pocket, feeling inside of the trunk of a car; physical manipulation of a duffel bag, etc.).
- A **visual search** could include during a lawful traffic stop, a member observing the interior of a vehicle from the outside. If the member notices something in plain view, such as an open bottle of alcohol or a weapon, this constitutes a visual search.
- A canine sniff may constitute a search and as such be subject to the requirements in P&P 9-301 and P&P 9-110 (also see P&P 7-807 Authorized Use of Canines).
- Collecting someone’s DNA from their person is a search.
- An **informational** or **virtual search** could include searching of certain types of paper or electronic records for information.

Vehicle Stop: The involuntary detention of a vehicle and the driver or the occupants of the vehicle.

Vehicle Stop- Criminal Investigation: Stopping a vehicle based on reasonable articulable suspicion (RAS) that the driver or occupants are committing, are about to commit, or have committed a crime. This is a type of investigative detention.

Vehicle Stop- Traffic Violation: Stopping a vehicle for a traffic violation which the member has probable cause to believe occurred.