

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-_____

A RESOLUTION REGARDING CONSENT SEARCHES CONDUCTED BY THE BROOKLYN CENTER POLICE DEPARTMENT

WHEREAS, the Brooklyn Center City Council adopted Resolution No. 2021-73 establishing the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act (“Act”) to direct the development and implementation of various reforms to improve the delivery of public safety services in the community; and

WHEREAS, the Act provides for the establishment of an Implementation Committee (“Committee”) to assist in the development of public safety measures, including authority to propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption or implementation by the City Council or City staff, as appropriate, that would fully implement the will and intent of City Council as expressed in the Act; and

WHEREAS, the Committee was established in accordance with the Act, and following the completion of significant community engagement and lengthy and informative study of public safety measures, ordinances and policies, the Committee recommended the adoption of an ordinance regulating requests for consent searches by the Brooklyn Center Police Department; and

WHEREAS, upon the request of the City Council, City Staff conducted meetings with the community to gather input from community members with regard to the Committee’s recommendation; and

WHEREAS, City Staff reviewed the input received from the community, and upon the request of the City Council, City Staff conducted its own review of the Committee’s recommendation; and

WHEREAS, City Staff recommended that (1) consent searches be controlled and regulated by policy rather than an ordinance and (2) a consent search policy should be a separate, stand-alone policy rather than being part of larger policy; and

WHEREAS, City Staff prepared a consent search policy to be incorporated into the Policy Manual for the Brooklyn Center Police Department; and

WHEREAS, upon further review by the City Council, City Staff and members of the Committee, it was determined that the City should not proceed with the adoption of a consent search policy because (1) the similarity between the policy and existing case law regarding consent search, (2) the City will have time to create a tracking system to track consent searches, (3) the City will have time to educate the community and staff on consent searches, and (4) City

Staff will have time to research and implement a balance of power statement or “right to refuse” statement; and

WHEREAS, the City Council finds and determines as follows:

1. Based upon the findings and studies conducted by the Committee and City Staff, the recommended regulation and control of consent searches is in accordance with the goals of the Act, including the creation of a safer, healthier, more just and more thriving community, and the creation of diverse responses to non-moving traffic offenses and low-level violations;
2. At this time, the regulation and control of Brooklyn Center Police Department consent searches should not be enacted through the adoption of an ordinance or a policy due to the similarity of the original policy recommendation and existing case law and in order to allow additional time for the City to gather information with regard to consent searches conducted by the Brooklyn Center Police Department;
3. Given its distinctive subject matter, consent searches should be treated as a stand-alone matter; and
4. It is in the best interests of the City that consent searches be added into the Policy Manual for the Brooklyn Center Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center, that the City Manager and City Staff are authorized and directed to:

1. Create a tracking system to allow the tracking of consent searches conducted by the Brooklyn Center Police Department.
2. Create a program to educate the community and City Staff on consent searches.
3. Research and implement a balance of power statement or “right to refuse” statement for the Brooklyn Center Police Department.

Date

Mayor

ATTEST: _____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.