



OFFICE OF THE HENNEPIN COUNTY ATTORNEY
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Title: Policy on Non-Public-Safety Traffic Stops

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I. Introduction

The Hennepin County Attorney's Office is tasked with the prosecution of cases from a broad range of jurisdictions, all which have unique interests and priorities. One unifying principle, however, is the need to dedicate public safety resources to matters that provide long-term community safety. The HCAO is committed to this ideal, including when assessing cases for prosecution that arise from non-public-safety traffic stops or consent-only searches.

The purpose of these policies is to ensure searches are free from duress and to encourage traffic enforcement that directly impacts public safety – not to shield offenders from accountability. Furthermore, the HCAO expects law enforcement to perform traffic stops that aim to curb dangerous driving behavior (e.g., speeding, failing to stop at controlled intersections, distracted driving, careless driving, or impaired driving). These are the types of stops that most commonly result in property damage, personal injury, and death and the HCAO will continue to vigorously prosecute those cases that directly affect public safety.

II. Policy On Traffic Stops

A growing body of research details the negative impact certain traffic stops have on the community's trust of law enforcement, while doing little to improve overall safety. To diminish this impact and improve broader trust in the criminal justice system, the HCAO will prioritize charging offenses that arise from traffic stops that focus on public safety. For purposes of this policy, non-public-safety traffic stops are defined as those where the justification for the stop is driving conduct and/or equipment violations that, in either case, do not pose a substantial and immediate risk to public safety. Non-public-safety traffic stops include stops based on the following:

1. Failure to display registration tabs or driving with expired registration tabs.
2. Failure to illuminate license plate.
3. Rim or frame obscuring license plate, except for the plate letters and numbers.
4. Driving with only one functioning and visible headlight, brake light, or taillight.
5. Driving with only one functional sideview mirror present.
6. Driving without a rearview mirror, with the rearview mirror obstructed, or with an item dangling from the rearview mirror.
7. Driving without working windshield wipers.

8. Failure to signal a lane change or a turn, unless the driver is operating a vehicle in an unsafe manner or creating an imminent safety hazard.
9. Cracked windshield unless it substantially obscures the driver's view.
10. Window tint that does not comply with Minnesota law unless it creates an imminent hazard to safety.

The HCAO will presumptively not charge cases directly resulting from a non-public-safety traffic stop where any charges would be based principally upon an individual's unlawful possession and/or use of items discovered in the vehicle as a result of the stop. Approval to charge a case resulting from a non-public-safety traffic stop must be secured from the County Attorney, Deputy County Attorney, or Director of the Criminal Division. Exceptions to the presumption against charging will be reviewed on a case-by-case basis in circumstances that endanger public safety.

III. Policy on Consent Searches

The HCAO also aims to build broader trust within the community by declining to prosecute cases when the charge is the result of law enforcement searching a vehicle based solely on consent when there is no probable cause to support such a search. Courts require the prosecution to prove the voluntariness of the consent. Studies have shown there is significant pressure to comply with such requests, putting into question the validity of the "voluntariness" of consent searches.¹

The HCAO will presumptively not charge cases directly resulting from a consent search during a pedestrian or vehicle stop where any charges would be based principally upon an individual's unlawful possession and/or use of items discovered as a result of the search. Approval to charge a case resulting from such a search must be secured from the County Attorney, Deputy County Attorney or Director of the Criminal Division. Exceptions to the presumption against charging will be reviewed on a case-by-case basis in circumstances that endanger public safety.

Nothing in this policy should be interpreted to the limit the otherwise lawful authority of law enforcement officers to confiscate unlawful contraband, even if such contraband is discovered during a non-public-safety traffic stop or a consent search.

¹ [Yale Law Journal - The Voluntariness of Voluntary Consent: Consent Searches and the Psychology of Compliance](#)