



PUBLIC SAFETY COMMISSION
RECOMMENDATION 20210201-002a

Date: February 1, 2021

Subject: Racial Profiling in High Discretion Searches

Motioned by: Rebecca Bernhardt

Seconded by: Rebecca Webber

Background facts: —APD has been collecting racial profiling data since the state law passed requiring its collection in 2001.
—Throughout the time that APD has collected data on racial profiling, the data has consistently shown that Black/African American drivers are significantly more likely to be searched by APD at a vehicle stop than White/Caucasian drivers, and significantly more likely to be arrested.
— 2019 data shows that Black/African Americans were three times more likely to be searched and approximately three times more likely to be arrested than White/Caucasians.
— 58 percent of searches of Black/African Americans, amounting to 1,124 searches, were high discretion searches, where law enforcement had a lot of discretion in whether or not they chose to search the vehicle. By comparison 34 percent of searches of White/Caucasian Americans were high discretion searches, totaling 755 searches.

Recommendation: We recommend that the City Council direct the City Manager ensure that any high discretion searches resulting in the discovery of drug or controlled substance contraband that would normally result in arrest not be referred to the district or county attorney's offices for prosecution. The following policies should be enacted as soon as possible:

1. The definition of high discretion search includes both consent searches and searches conducted because the officer "smelled marijuana" or "smelled something suspicious."
2. Officers cease conducting high discretion searches at vehicle stops.

Vote:

For: Commissioners Gonzales, Nunez, Ramirez, Bernhardt, Sierra-Arevalo, Hausenfluck and Lane

Against: None

Abstain: Webber

Absent: William (Bill) Kelly

Attest: *[Staff or board member can sign]*

Janet Jackson
