

BIASED BASED LAW ENFORCEMENT

P12-2007-V2.1

12.0.0 PURPOSE

The purpose is to provide guidelines and to reaffirm the commitment of all employees of this Agency to fair and unbiased provisions of law enforcement services and to assure the public of this commitment.

12.1.0 DEFINITIONS

12.1.1 Racial profiling means the detention, official restraint, or other disparate treatment of an individual based solely on their individual race or ethnicity.

12.1.2 Minority Group is defined as individuals of African American, Hispanic, Native American, Asian, or Middle Eastern descent.

12.2.0 POLICY

12.2.1 Impartial Law Enforcement can be achieved by ensuring that investigative detentions, traffic stops, arrests, searches and property seizures by officers only occur upon meeting the standard of particularized suspicion, or probable cause in accordance with the Fourth (4th) Amendment of the U.S. Constitution and Article II of the Montana Constitution.

12.2.2 Officers must be able to articulate specific facts and circumstances that support particularized suspicion or probable cause for all investigative detentions, traffic stops, arrests, non-consensual searches, and property searches.

12.2.3 Officers shall not consider race or ethnicity in establishing either particularized suspicion or probable cause unless combined with other particularized factors.

12.2.4 Officers shall not consider race or ethnicity in deciding to initiate non-consensual encounters that do not constitute legal detentions or requests to consensual searches, unless combined with other particularized factors.

12.2.5 Race or ethnicity alone shall never be motivating factors in making law enforcement decisions.

12.2.6 Officers shall advise, prior to or as reasonably practical, their respective communication center of all traffic stops.

12.2.7 Public safety communicators shall document and record each notification of a traffic stop.

12.3.0 OTHER PARTICULARIZED FACTORS

12.3.1 Officers may take into account the reported race or ethnicity of specific suspect(s) based on reliable locally relevant information that links a person of a specific race or ethnicity to a particular unlawful or suspicious incident. Race or ethnicity will never be used as the sole basis for particularized suspicion or probable cause.

12.4.0 PREVENTING PERCEPTIONS OF BIAS

12.4.1 In an effort to prevent inappropriate public perceptions of biased law enforcement, each officer shall:

- a. Be courteous and professional in their contacts with all persons;
- b. In all cases of vehicle stops or personal encounters, introduce themselves to the person and state the reason for their presence, unless providing such information will compromise officer or public safety prior to requesting their driver license, registration, and proof of insurance.

12.4.2 Ensure that temporary detentions in the field of any person are no longer than is reasonably necessary to take appropriate action based upon the facts known at the time or upon the suspected offense. Take all reasonable measures to ensure the person being detained clearly understands the circumstances that could result in a reasonable delay occur.

12.4.3 Answer all reasonable questions the persons may have, including providing them with an explanation of the judicial process, if relevant.

12.4.4 Politely provide the person with their name and badge number on a business card or in writing when such information is requested.

12.4.5 Be sincere and contrite to the person in a prompt and professional manner and provide an explanation for the inconvenience, should the detention be deemed unreasonable or unfounded.

12.4.6 When the person being investigated or detained takes an aggressive posture or becomes combative with physical actions, all of which may reasonably be considered a threat to any person present, officers may use all reasonable and necessary force or commands to stabilize the situation.

12.5.0 COMPLIANCE

12.5.1 Written complaints of a violation of this policy shall be promptly and fully investigated by the so-named designated officer of this Agency who will work in concert with this Agencies' Human Resource Department.

12.5.2 The so-named designated officer shall make personal contact with the complainant within ten (10) days of receipt of the complaint.

12.5.3 Upon completion of the investigation, the so-named designated officer shall notify the complainant and the Administrator in writing the results of the investigation.

12.5.4 If the complainant is unsatisfied with the results of the internal investigation, the Administrator may make a referral to an appropriate outside agency for investigation.

12.6.0 FIRST LINE SUPERVISOR RESPONSIBILITY

12.6.0 Supervising officers shall ensure that all personnel under their immediate command are familiar with, and understand the contents of this policy. Supervising officers shall take all reasonable measures to ensure and monitor compliance.

12.7.0 TRAINING

12.7.1 All sworn officers shall attend training in regard to biased based law enforcement and racial profiling. The Agencies training officer shall ensure that records of training are current and correct and adequately documented in the officer's training file.

12.7.2 Training courses may include topic matter pertaining to understanding and respect for racial and cultural differences and effective and non-combative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

12.8.0 PRETEXTUAL STOPS OF MINORITIES

12.8.1 Officers shall not routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law.

12.9.0 DRIVER DOCUMENTATION

12.9.1 Officers shall document the race or ethnicity of the driver for each traffic stop.

12.9.2 Officers shall use their best subjective observational skills to document the race or ethnicity of the driver. Officers shall not ask the race or ethnicity of the driver.

12.10.0 DATA COLLECTION AND PERIODIC REVIEW

12.10.1 The Agency will collect and accumulate data from each traffic stop.

12.10.2 The Agency Administrator or their designee shall periodically review the data to determine whether any officers have a pattern of stopping members of minority groups in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the Agency.

12.11.0 CORRECTIVE ACTIONS

12.11.1 The Agency will provide appropriate counseling and training for any officer who is found to be engaged in biased based traffic stops.

12.11.2 Any counseling and training will be implemented within 90 days of the periodic review provided for within 12.10.1.

12.11.3 The Agency may take other disciplinary action the Agency Administrator deems appropriate.