

Chapter III: **GENERAL REGULATIONS**
Section: GR-5
Subject: Biased-Based Policing
Approved By: _____
Effective: May 1, 2002

POLICY

A. **PURPOSE**

1. The Montana Highway Patrol will not tolerate racial profiling or biased-based policing. This type of conduct and actions, whether intentional or not, by Patrol Officers is unethical, unacceptable and will not be tolerated. This policy will provide guidelines to address and prevent racial profiling occurrences and assist officers in understanding proper procedures to these incidents.
2. This policy is part of the need to address the belief and perception that biased-based policing exists. But it is also part of the process of providing data and information to counter this widespread belief and provide qualified public information as well as officer protection with the goal of providing support and leveling the playing field for everyone.

B. **DEFINITIONS**

1. Racial Profiling and biased-based policing is the reliance on race, skin color and/or ethnicity as an indication of criminality, reasonable suspicion, or probable cause, except when applied as part of a description of a suspect provided in the course of business.

C. **PROCEDURES**

CONDUCT OF OFFICERS DURING STOPS

1. Policy GR-2 instructs the officer in conducting professional traffic stops and making public contacts. Included in this is the detention of vehicles and persons based on reasonable suspicion of criminal activity (i.e., Terry stops).
2. Traffic stops and all public contacts will be performed in an unbiased, courteous and professional manner. Officers will not stop an individual based on race, skin color and/or ethnicity.

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C. **PROCEDURES** (Cont.)

CONDUCT OF OFFICERS DURING STOPS (Cont.)

3. Motorists and pedestrians will only be subject to stops or detentions based upon reasonable suspicion and/or probable cause that they have committed, are committing or are about to commit a violation of the law.
4. The Patrol recognizes that training, experience, monitoring activity, tracking information and continued diligence by everyone, especially supervisors, are key to promoting development of acceptable individualized approaches to motorists and public relative to racial profiling issues.
5. The recommended practices for approaching motorists and citizens and establishing rapport, thereby conducting professional public encounters (GR-2), may have variances and exceptions with situations involving investigations, confidentiality, and/or tactical or safety considerations.
6. All enforcement action and/or official contacts should be accompanied with appropriate written documentation established in compliance with directives and practices of the Patrol.
7. Be certain that the appropriate documentation and information is provided upon the citation, warning card or daily log to validate the reason for the initial contact and justify all actions.

D. **SUPERVISION AND EVALUATION**

1. Supervisors will be diligent and perseverant with attention to officer activity, actions, work quality and public contact so as to address any concerns relative to professional conduct, appropriate behavior as well as biased-based policing concerns.
2. Supervisors and all personnel will ensure that the working environment is free from any bias, racial or ethnic hostility. There will also be an assurance that there will not be any retaliation to any employee or citizen for reporting any such incidents, behaviors or activities.

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D. **SUPERVISION AND EVALUATION** (Cont.)

3. The public and appropriate groups will be routinely contacted to determine any possible activities that may be viewed as race or ethnic based.
4. Supervisors will regularly meet with officers as well as periodically review video footage of traffic stops and document the review. If any concerns are observed, they will be completely investigated and appropriate action taken.

E. **COMMUNITY INVOLVEMENT**

1. Officers will make every attempt to develop and participate in local groups and programs that have an interest and concern with biased-based policing.
2. District and Detachment Commanders will also become involved in any other law enforcement agency groups or programs that address biased-based policing issues.

F. **COMPLAINT HANDLING AND INTERNAL AUDITS**

1. Current procedure for complaint handling (P-2) will be adhered to.
2. Should the complaint have a racial or bias concern, the receiving supervisor or officer will document that concern and the complaint will be forwarded through the chain of command to the Lt. Colonel.
3. If the Lt. Colonel determines that there may be racial or bias issues, the Lt. Colonel will contact the Chief and the investigating agency will be determined.
4. Within ten (10) days of receiving the complaint, the Chief or District Commander will respond to the complainant in writing, explaining that the concern is being investigated and that once the investigation is complete, they will be contacted in writing with the findings of that investigation.

Montana Highway Patrol - Traffic Stops Report

Warnings and Citations Issued - Summarized by Race and Compared to General Population

2011 Year-to-Date

Population Source: U.S. Census Bureau, Population Estimates - Released June 10, 2010.

Race	Warnings		Citations		Total		Montana Population		Race
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
African American	523	0.7%	660	1.0%	1,183	0.8%	7,282	0.7%	Black or African American
Asian	448	0.6%	458	0.7%	906	0.6%	6,810	0.7%	Asian
Native American	3,243	4.1%	4,918	7.5%	8,161	5.7%	62,873	6.4%	American Indian & Alaska Native
White	74,109	94.5%	59,791	90.7%	133,900	92.7%	880,107	90.3%	White
Other & Unknown	111	0.1%	117	0.2%	228	0.2%	17,917	1.8%	Other
Total	78,434	100.0%	65,944	100.0%	144,378	100.0%	974,989	100.0%	Total

Warnings and Citations Issued - Summarized by Ethnicity and Compared to General Population

2011 Year-to-Date

Population Source: U.S. Census Bureau, Population Estimates - Released June 10, 2010.

Ethnicity	Warnings		Citations		Total		Montana Population		Ethnicity
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Hispanic	1,159	1.5%	1,319	2.0%	2,478	1.7%	30,265	3.1%	Hispanic
Non-Hispanic	77,276	98.5%	64,625	98.0%	141,901	98.3%	944,724	96.9%	Not Hispanic
Total	78,435	100.0%	65,944	100.0%	144,379	100.0%	974,989	100.0%	Total

Updated as of 11/1/2011

MCA 44-2-117, "The department of justice shall make periodic reports to the law and justice interim committee regarding the degree of compliance by municipal, county, consolidated local government, and state law enforcement agencies with the requirements of this section."

Montana Highway Patrol Division Summary

On May 1, 2002 the Montana Highway Patrol (MHP) implemented a Biased-Based Policing Policy (MHP Policy and Procedure Manual, Chapter III, Section GR-5, Biased-Based Policing). This manual is issued to each recruit when they are employed by our agency, and is also maintained with current updates on the MHP intranet site. Our policy meets the requirements set forth in **MCA 44-2-117**. A copy is attached.

In accordance with **MCA 44-2-117(3)(b)** the Montana Highway Patrol collects and reviews the data obtained on traffic stops by our troopers. This data is compared to the population statistics within Montana, to ensure our troopers are not stopping a disproportionate number of minorities. Our agency maintains these statistics on the state website, <http://www.doj.mt.gov/enforcement/highwaypatrol/forms/default.asp>, and is available to anyone wishing to review the data. The current month's report is attached.

To date, our reviews of data have indicated only one possible issue. This was a trooper conducting a unusually high number of traffic stops in the Box Elder area in 2008. Based upon the data, we required the trooper to limit activity in the area unless he observed a violation while traveling through, or was dispatched to an incident. Since that time we periodically checked our data and followed up the State Representative for that area, and no further issues have been noted.

All sworn MHP personnel currently employed have attended Cultural Awareness training at various locations in the state. Beginning in Jan 2005, each trooper attending MLEA Law Enforcement Basic Course and MHP Advanced Academy attended Cultural Awareness/Diversity training. In addition, many of our troopers stationed on or near a reservation attend periodic "Indian Country Training" provided on the reservations that educates them on the specific cultural issues of individual nations

Finally, the MHP has applied for and expects to receive a grant to fund a comprehensive study of the data and how we gather it at various levels to ensure that we have the "real picture" instead of just numbers. Ideally, we would like to use researchers from one of our Universities or Tribal Colleges within Montana to perform this study.

The MHP is committed to serving the citizens of Montana and those using the highway traffic system of our state. We strive to provide highest level of professionalism based on Service, Integrity, and Respect.