

MISSOULA POLICE DEPARTMENT POLICY MANUAL



Subject:

RACIAL PROFILING AND DATA COLLECTION

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6/8/2017

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06/01/2003

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6/8/2019

Chapter

3

Policy #

3.90

Distribution:

References:

I. Purpose

The purpose of this policy is to clearly state the formal position of the Missoula Police Department as it relates to racial profiling as required by Montana State Law under MCA 44-2-117.

II. Policy

It is the Policy of the Missoula Police Department that the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other crimes is prohibited.

Police Officers shall not use race, ethnicity or national origin as the sole factor in determining the existence of probable cause to take into custody or arrest an individual; or in constituting a particularized suspicion that an offense has been or is being committed in order to justify the detention of an individual or the investigatory stop of a motor vehicle.

All stops are to be lawfully executed according to MCA 46-5-401 and will be duly documented according to any associated department standard procedures.

All traffic stops shall include the collection of data pertaining to the violator's race or ethnicity as perceived by the officer.

III. Definitions

Racial Profiling: The detention, official restraint, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of the individual.

Police Officer: As provided by the definition of "peace officer" in MCA 46-1-202.

Minority Group: As provided in 44-2-117, MCA; means individuals of African American, Hispanic, Native American, Asian, or Middle Eastern descent.

IV. Procedure

A. Training

1. Officers will receive Cultural Awareness and Racial Profiling training which will emphasize the legal basis for stops and the protections afforded to all citizens. This training must be certified by the Montana P.O.S.T. council.

B. Complaints of Racial Profiling

1. Citizen complaints alleging violations of this policy shall be taken in writing whenever possible using the department's citizen complaint policy and procedures. The following steps shall be included in the handling of written complaints alleging racial profiling:
 - (a) All complaints will be promptly reviewed by the Assistant Chief of Police or his designee;
 - (b) That reviewer shall, within 10 days of receipt of a complaint, acknowledge receipt of the complaint to the complainant; and
 - (c) After the review is completed, the reviewer shall, in writing, inform the person who submitted the complaint and the Chief of Police of the results of the review.
2. If an investigation of a complaint of racial profiling reveals an officer was in direct violation of this policy, the department shall take appropriate action against the officer consistent with applicable laws, labor rules, ordinances and discipline policies.

V. Supervision

- A. Supervisors shall familiarize themselves with this policy and shall take appropriate steps whenever it appears that it is being violated.
- B. Supervisors shall be particularly alert to any indication of discriminatory treatment of any segment of the public by individual officers or squads.
- C. The Missoula Police Department will utilize pro-active methods to ensure that officers are conducting investigations and traffic stops in a safe, legal, and non-biased manner.

The methods that will be employed include, but are not limited to:

1. Field Training Program
 2. Classroom training
 3. Report review
 4. Citizen complaint process
 5. Performance evaluations
 6. Collection, review and analysis of minority group data
 7. Internal investigations
- D. Any violation of this policy will be referred to the Office of Professional Standards for follow-up investigation.
 - E. Officers found through supervisory review of data to have engaged in race-based traffic stops may be provided counseling or training within 90 days of the review.