

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Missoula Police Department's commitment to policing that is fair and objective.

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (§ 44-2-117, MCA). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 POLICY

The Missoula Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited (§ 44-2-117, MCA).

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

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401.4.2 RACE DATA COLLECTION-TRAFFIC RELATED CONTACTS

In accordance with the data collection and review requirements outlined in state statute (§ 44-2-117, MCA), officers are required to document the perceived race of drivers for all traffic-related contacts and investigations. This includes, but is not limited to, traffic stops, crash investigations, and other motor vehicle enforcement activities.

This data shall be submitted at the conclusion of the contact with department established disposition codes, either manually through the Mobile Data Terminal (MDT) or relayed to Dispatch for entry into the appropriate system. Officers are responsible for ensuring this data is submitted in a timely and accurate manner.

When determining a driver's perceived race, officers shall rely on their professional judgment and visual observation. Officers are not required to ask the individual to self-identify their race. Care should be taken to exercise discretion in a respectful and non-confrontational manner to avoid causing offense or escalating the interaction.

The following race codes shall be used when reporting race data for applicable traffic-related contacts and investigations:

- **A** dam Asian
- **C** harles Caucasian
- **F** rank African American
- **M** ary Middle Eastern
- **N** ora Native American
- **P** aul Pacific Islander
- **S** am Hispanic
- **U** nion Unknown

Example Disposition Codes:

- Citation issued: A2- **C** harles (Caucasian)
- Warning issued: A4- **C** harles (Caucasian)

The reporting of race data is mandatory for all qualifying traffic-related contacts, regardless of the enforcement outcome (e.g., citation, warning, or arrest). This requirement supports the department's ongoing commitment to bias-free policing, transparency, and public accountability.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.

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- (a) Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Data Computer (MDC) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy (§ 44-2-117, MCA).
 - (a) Supervisors should document these periodic reviews.
 - (b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

401.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit. Training shall include cultural awareness training and must be certified by the Montana Public Officer Standard and Training Council (§ 44-2-117, MCA).