


JULY 22, 2020

# BOZEMAN AS AN INCLUSIVE CITY: REVIEW OF POLICIES

*COMPILED BY:*  
JEFF MIHELICH, CHUCK WINN, ANNA ROSENBERRY, STEVE CRAWFORD, KRISTIN DONALD



## Table of Contents

|  |    |
|--|----|
| Executive Summary .....  | 3  |
| Overview: .....  | 3  |
| What was reviewed? .....   | 3  |
| What was the process used? .....   | 3  |
| Key Recommendations .....  | 3  |
| Strategic Plan .....   | 4  |
| Overall Diversity for the Organization .....   | 5  |
| What is our policy? .....  | 5  |
| What are we doing well? .....  | 6  |
| What can we improve? .....   | 7  |
| Anti-discrimination .....  | 8  |
| What is our policy? .....  | 8  |
| <b>CITY COMMISSION ADOPTED RESOLUTIONS:</b> .....                                      | 8  |
| What are we doing well? .....  | 9  |
| What can we improve? .....   | 9  |
| Diversity, inclusion and interaction with minorities – Bozeman Police Department ..... | 11 |
| What is our policy? .....  | 11 |
| What are we doing well? .....  | 12 |
| What can we improve? .....   | 15 |
| Hiring Practices – City Wide .....   | 17 |
| What is our policy? .....  | 17 |
| What are we doing well? .....  | 17 |
| Hiring Practices – Bozeman Police Department .....                                     | 20 |
| What is our policy? .....  | 20 |
| What are we doing well? .....  | 20 |
| Hiring Practices - Overall .....   | 23 |
| What can we improve? .....   | 23 |
| Use of Force and “8 Can’t Wait” .....  | 24 |
| What is our policy? .....  | 24 |
| <b>1. “CHOKEHOLDS AND STRANGLEHOLDS”</b> .....   | 24 |
| <b>2. DE-ESCALATION</b> .....  | 24 |
| <b>3. WARNING BEFORE SHOOTING</b> .....  | 25 |

|  |    |
|--|----|
| <b>4. “EXHAUST ALL OTHER MEANS”</b> .....                | 25 |
| <b>5. DUTY TO INTERVENE</b> .....                        | 25 |
| <b>6. SHOOTING AT MOVING VEHICLES</b> .....              | 25 |
| <b>7. USE OF FORCE CONTINUUM</b> .....                   | 26 |
| <b>8. USE OF FORCE REPORTING</b> .....                   | 26 |
| What are we doing well? .....                            | 27 |
| What can we improve? .....                               | 29 |
| Citizen Appeal Process – Bozeman Police Department ..... | 30 |
| What is our policy? .....                                | 30 |
| What are we doing well? .....                            | 30 |
| What can we improve? .....                               | 30 |
| City Manager Recommendations .....                       | 32 |
| Documents Reviewed .....                                 | 36 |

## Executive Summary

### Overview:

The City Commission on June 8, 2020 directed the City Manager to review the city's policies, training and frameworks in the specific areas of treatment of minority populations, de-escalation policies, use of force, and the citizen appeal process, comparing them to national best practices and reporting the findings to the commission within 90 days. Per the Commission's direction this report provides a number of actions, proposed by the City Manager, that further the City's efforts to be a city of best practices that is both welcoming and respects and embraces diversity.

### What was reviewed?

City staff evaluated the City's policies on the following topics in the order below:

1. Diversity city-wide
2. Anti-discrimination city-wide
3. Diversity, inclusion and interaction with minorities – Bozeman Police Department (BPD)
4. Hiring practices city-wide as well as specifically for the Bozeman Police Department (BPD)
5. Use of Force Policies and "8 Can't Wait" Policy Recommendations
6. Citizen Appeal Process

### What was the process used?

For clarity and transparency, staff used the following evaluation questions to review the City's policies as outline above.

1. What is our policy?
  - a. A summary of existing policies in place at the City of Bozeman.
2. What are we doing well?
  - a. A summary of areas where the City is meeting or exceeding best practices and seeing areas of improvement.
3. What can we improve?
  - a. A summary of areas where the City can take additional action to further its work at being a safe and welcoming community.

### Key Recommendations

There are 24 actions recommended by the City Manager in this report. Each topic reviewed includes actions that will be implemented by the City. Additional actions as recommended by the City Manager are included in the City Manager's Recommendations at the end of the report. Key recommendations from this report include:

- Provide a quarterly progress report to the City Commission and interested stakeholders
- Conduct additional training with city staff, department heads and elected officials
- Update City policies related to hiring
- Update Bozeman Police Department policies related to Use of Force

## Strategic Plan

This report falls within Vision Statement 3 of the [City's Strategic Plan](#) "A Safe, Welcoming Community."

|                                |  |
|--------------------------------|--|
| 3. A SAFE, WELCOMING COMMUNITY | We embrace a safe, healthy, welcoming and inclusive community  |
| 3.3 Friendly Community         | <b>Ensure Bozeman continues to welcome diversity through policies and public awareness.</b>  |
| <i>a.</i>                      | <i>Anticipate, celebrate, and incorporate an increasingly diverse population into the community, city advisory boards, and city staff.</i> |
| <i>b.</i>                      | <i>Review the feasibility of all city vendors and suppliers to establish and enforce a gender pay equality policy.</i>                     |

## Overall Diversity for the Organization

### What is our policy?

The City has not adopted a formal policy regarding diversity. However, informally it has been discussed that achieving diversity in our workforce means that the City aims to match the demographic of Bozeman (see Diagram A, B, and C below.)

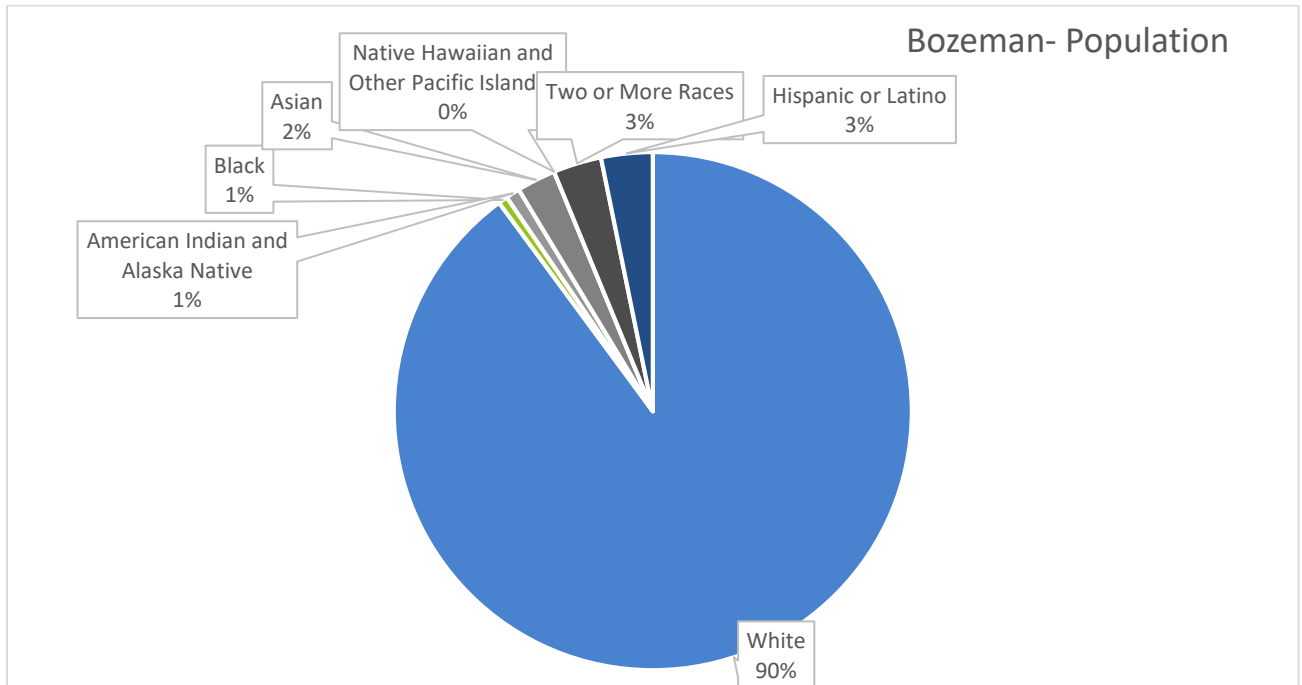


Diagram A – Bozeman’s Population

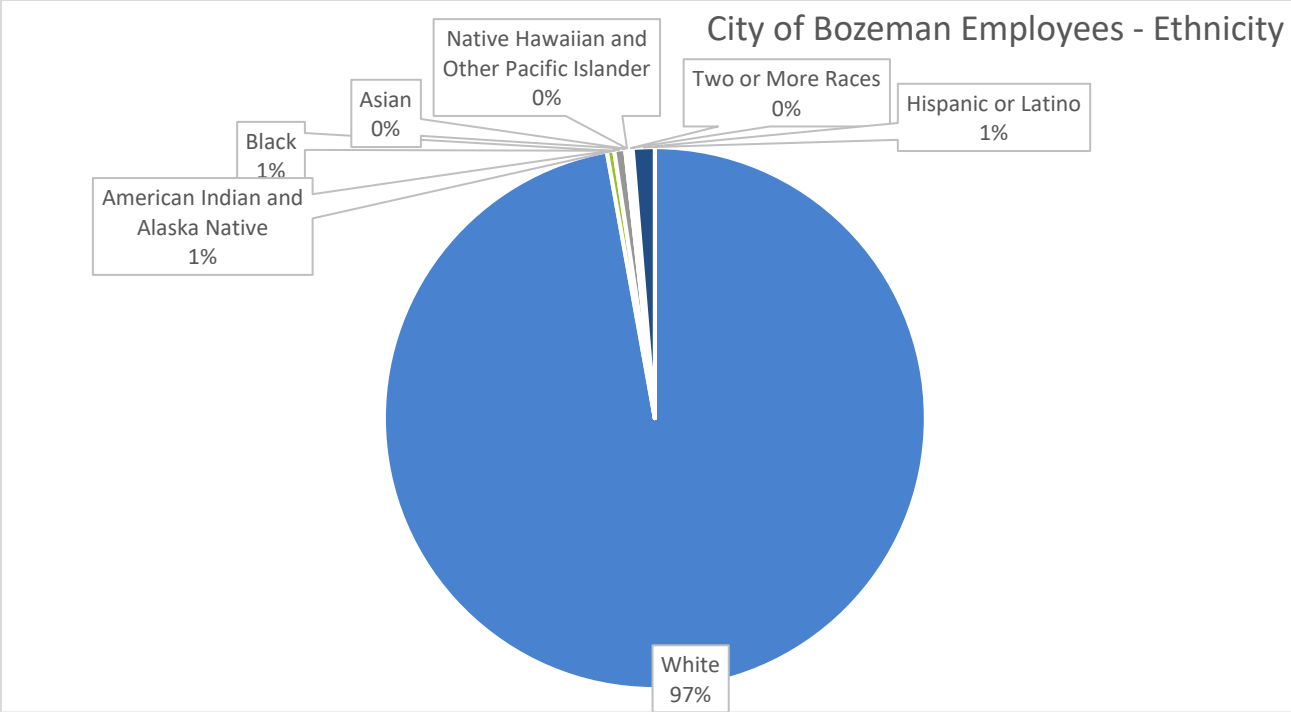


Diagram B – City of Bozeman’s Employee Population

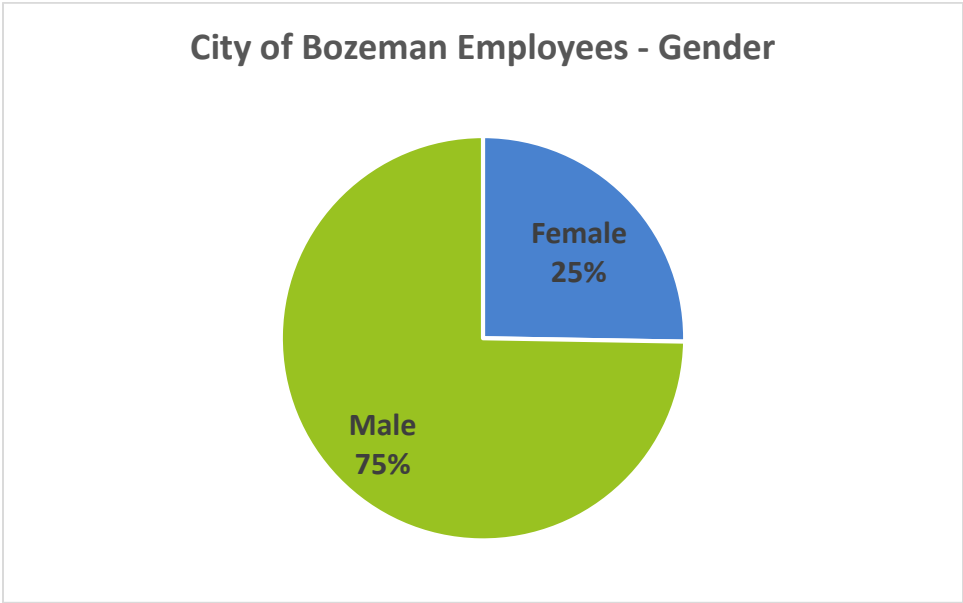


Diagram C – City of Bozeman’s Employee Gender Diversity

**What are we doing well?**

The City actively recruits for diversity and designs its hiring methods to aid in attracting a diverse work force. In recent years, the City has bargained with its unions to improve the non-discrimination and promotion of diversity statements written into the union contracts. The City reviews data to be aware of its current status and areas where the agency falls short.

The City of Bozeman employee handbook also outlines our policies on harassment and discrimination in the work place. As an employer, the City does not tolerate harassment and discrimination in the work place, which is a best practice to have. The handbook also states that the City will not tolerate retaliation. This increases the chances than an employee will report discriminatory behavior or work environment.

The City monitors and reviews the workforce and compensation data annually based on gender demographics. This data has been use to increase efforts to improve workforce gender diversity and as a result the City has started to see traditionally male jobs have female applicants and hires. The City reports this data and its efforts to the City Commission once a year in April as the City's Equal Pay Report.

Additionally, the City is launching a Learning Management System, which will help create, provide, and track employee training in all areas related to anti-discrimination.

What can we improve?

#### 1. MAKE DIVERSITY A FORMAL AND HIGH PRIORITY FOR THE ORGANIZATION

With this priority the City can communicate our commitment and push staff to make our workplace more inclusive. The City needs to significantly increase formal training for supervisors and employees on implicit bias. This will make positions and the workplace more attractive to diverse candidates. The City should also review and adjust its employee performance appraisal system to ensure consistency of evaluations and non-discrimination.

Formally prioritizing diversity and providing training will help identify when discrimination is occurring and aid in holding the individuals accountable or lead us to better policies. This will aid in retention of minorities in traditionally non-minority fields. Our policies and goals should be to "Recruit, hire, and promote with Equal Employment Opportunity principles in mind, by implementing practices designed to widen and **diversify the pool of candidates** considered for employment openings, including openings in upper level management."



## Anti-discrimination

### What is our policy?

The City's policy on anti-discrimination is located in the Employee Handbook and states in its entirety:

*"The City complies with City Commission Resolution 4243 and in doing so provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, creed, sex, age, marital status, national origin, political ideas, or perceived or actual gender identity, sexual orientation, or disability. In addition to federal law requirements, the City of Bozeman complies with applicable state and local laws governing nondiscrimination in employment. This policy applies to all terms, conditions, and privileges of employment, including but not limited to recruiting, hiring, placement, promotion, demotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training. This policy does not preclude discrimination based upon bona fide occupational qualifications or other recognized exceptions under the law. The City of Bozeman is committed to providing an inclusive and welcoming environment for all members of our staff, community, volunteers, subcontractors, vendors, and clients.*

*The City of Bozeman expressly prohibits any form of workplace harassment based on race, color, religion, creed, sex, age, marital status, national origin, political ideas, or perceived or actual gender identity, sexual orientation, or disability.*

*If an employee feels that he or she is subject to harassment or discrimination, or has witnessed or become aware of harassment or discrimination in violation of these policies, they are directed to immediately bring the matter to the attention of their supervisor and the Human Resources division.*

*Employees are required to participate fully in investigations related to harassment and discrimination and are responsible for the work environment as a whole.*

*No employee will be retaliated against for making in good faith a complaint or for participating in an investigation regarding a violation of City policy.*

*Employees found to have violated City policy are subject to discipline up to and including termination according to the City's Progressive Discipline policy. Please refer to Admin Order 2010-01 (grievance policy)."*

### CITY COMMISSION ADOPTED RESOLUTIONS:

- [Resolution 4217](#): The City Commission adopted this resolution in 2009 and declared that "All Are Welcome Here" and made three commitments:
  1. Support the diversity of the community,
  2. Promote inclusiveness in our public endeavors and private actions, and
  3. Work to end silence and stop the spread of hate, and in doing so build just and caring communities, congregations, workplaces, schools, and homes.
- [Resolution 4243](#): The City Commission adopted this resolution in 2010 and declared that it would be the policy of the City that the City would not discriminate in employment and

benefits on the basis of sexual orientation and/or gender identity.

Resolution 4601: The City Commission adopted this resolution in 2015 and addressed equal pay for equal work within the City by urging citizens to recognize the full value of women’s skills and significant contributions to the labor force; pledging to work to eliminate unequal pay for equal work; directing the City Manager to expand data collection for City employees to assess whether wage gaps exist within City government; committing to lead by example by directing the City Manager to evaluate City human resource and employment policies and practices against the “Thrive Index”; and committing to commemorate Equal Pay Day each year.

### What are we doing well?

The City has made a strong commitment to equal pay analysis as shown above as well as prioritizing the installation of software that can be used to assist in tracking data on the results of our efforts.

Through union negotiations the City has been bargaining with each union to include more specific language about welcoming protected classes to the ranks. This effort will hopefully improve inclusion in the workplace especially in unions where the fields have been predominantly dominated by one particular group or groups of people.

The City held an Implicit Bias training for our team of all managers and directors in 2020.

### What can we improve?

#### 1. IMPLEMENT ADDITIONAL TRAINING FOR ALL CITY STAFF

Though there has been some training done for some groups of staff there remains a need to consider more frequent and additional trainings including topics like “Inclusion in the Workplace” and “Implicit Bias.”

#### 2. EMPLOYEE ENGAGEMENT SURVEYS

Currently the City does not have a practice of reaching out to our employees on an annual basis to gauge inclusion and engagement in the workplace. This internal review would be helpful to measure the success of other efforts by the City.

#### 3. EMPLOYEE PERFORMANCE APPRAISAL SYSTEM

The City should re-develop its performance appraisal system with greater consideration to fairness and inclusion.

#### 4. REVIEW BEST PRACTICE RECOMMENDATIONS, INCLUDING THE THRIVE INDEX AND THE MUNICIPAL EQUALITY INDEX

The City should review the best practices of the THRIVE index and the Human Rights Campaign’s Municipal Equality Index.

The Thrive Index promotes workplace policies that support low-wage workers and working families. As part of our Equal Pay Report, we include an analysis of how the City’s policies and practice compare with the Thrive Index’s policies. Because family caregiving burdens can fall disproportionately to females, continuing to improve our workplace in these areas helps support a diverse workforce.

For a number of years, we have responded to and been scored by the Human Rights Campaign's Municipal Equality Index. The Index is a national evaluation of cities on how inclusive their local laws, policies, and services are for lesbian, gay, bisexual, transgender, and queer (LGBTQ) people. The specific recommendations of the index should be discussed as possible areas where we could advance inclusion in our organization and community.

#### **5. REVIEW HOW THE CITY HANDLES ANONYMOUS COMPLAINTS (ETHICS POLICY)**

Current policies require complainants to give their name before their concerns will be given a complaint-investigation status. This applies to both complaints of sexual harassment and other forms of harassment/bullying. This policy fails to consider the needs of the victim and should be reviewed.

#### **6. EVALUATE DIVERSITY & INCLUSION ON ADVISORY BOARDS**

Evaluate how or if the City is tracking diversity and inclusion on City Advisory Boards.

## Diversity, inclusion and interaction with minorities – Bozeman Police Department

### What is our policy?

In evaluating this category, a variety of issues and items were considered, with the goal of identifying how diversity and the interactions with minorities are addressed in policy and practice. Staff considered Bozeman Police Department (BPD) recruiting and hiring process, training regarding minorities, as well as what guiding documents and policies address this topic, and what our community outreach efforts include.

#### **BOZEMAN POLICE DEPARTMENT STANDARDS OF CONDUCT POLICY INCLUDES:**

*“...Employees shall perform all duties impartially, without favor, affection or ill will and without regard to status, sex, race, color, religion, political ideas, age, marital status, national origin, actual or perceived sexual orientation, gender identity, physical disability or mental disability.*

*Employees will not allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, employees will strive to maintain maximum cooperation from, and with, the public or other law enforcement agencies.*

*Employees will conduct themselves in such a manner as to inspire confidence and respect for the position of trust they hold. Employees shall not use their police authority to resolve personal grievances...”*

In the “Conduct Towards Others” section, it states:

*“...Employees will conduct themselves in a courteous, respectful and professional manner with the public, other employees, subordinates and supervisors.*

*Employees shall not ridicule, mock, taunt or belittle others. Nor shall employees willfully embarrass, humiliate or shame another...”*

In the “Prohibited Associations” section, it states:

*“...Employees shall not knowingly join or participate in any organization which advocates, incites or supports criminal acts or criminal conspiracies...Employees shall not join or participate in or support any organization or group which fosters anti-government beliefs or any organization that supports hatred toward any protected class or advocates violence or disruption of government, or whose organizational or individual goals are contrary to the interests of public safety and welfare, unless a necessary part of their duties. Exceptions may only be granted by the Chief of Police...”*

#### **BOZEMAN POLICE DEPARTMENT RACIAL PROFILING POLICY:**

### III. POLICY

*It is the policy of this department that no officer or employee may engage in racial profiling whereby they detain, officially restrain or complete other disparate treatment of an individual solely on the basis of the racial or ethnic status of the individual.*

**II. DEFINITIONS**

- A. *Minority Group: Individuals of African American, Hispanic, Native American, Asian, or Middle Eastern descent.*
- B. *Peace Officer: any person who by virtue of the person's office or public employment is vested by law with a duty to maintain public order and make arrests for offenses.*
- C. *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.*

**III. GUIDELINES**

- A. *The race or ethnicity of an individual may not be the sole factor in:*
  - 1. *Determining the existence of probable cause to take into custody or arrest an individual; or*
  - 2. *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.*
- B. *Peace Officers shall not engage in a practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law, particularly if the reason for the stop is based primarily on their race or ethnicity.*
- C. *All vehicular and person stops shall include advising Gallatin County 9-1-1 of the race of the person being stopped, whenever feasible. (To comply with Montana Code Annotated (MCA) 44-2-117. Racial profiling prohibited)*
- D. *Any allegation of racial profiling or related disciplinary decisions, if applicable, shall be handled in accordance with Department Complaint Investigation and Discipline Policy.*

**LAW ENFORCEMENT CODE OF ETHICS READS, IN PART:**

*"...I will perform all duties impartially, without favor or ill will and without regard to status, sex, race, religion, creed, political belief or aspiration. I will treat all citizens equally and with courtesy, consideration, and dignity. I will never allow personal feelings, animosities, or friendships to influence my official conduct;..."*

**What are we doing well?**

**TRAINING**

At the Montana Law Enforcement Academy, new officers receive training on a wide variety of topics over a span of 12 weeks. Within the curriculum are classes related to communication and the treatment of minorities, including:

- Interpersonal Communication Skills
- Fair & Impartial Policing/Racial Profiling/Cultural Diversity
- Community Policing

Prior to beginning the Field Training phase, new officers complete a pre-field training officer program designed to provide the basic skills needed to begin working with a training officer. During this period, two aspects address the treatment of minorities:

- Decision-making, Communication and De-Escalation: Officers are trained on various aspects of communication, including verbal and non-verbal, and how both affect what is being communicated. During this training, cultural issues are addressed, including communication with and respect for others and how this can have an effect on the outcome of the contact.
- Bozeman Police Policy Manual: New officers are provided with a copy of the BPD Policy and Procedure manual, which includes the Racial Profiling policy.

While in the field, trainees are evaluated on a daily basis over a 14 week period on a wide variety of criteria. One criteria specifically addresses guarding against bias and treatment of others including minorities:

- Relationship with Citizens: Trainees are evaluated on their ability to interact with citizens (including suspects) in an appropriate, efficient manner. This criteria evaluates their ability to interact with people in a courteous, friendly and empathetic manner, both verbally and non-verbally. They are evaluated on whether they are able to communicate in a professional, unbiased manner which is service-oriented. They are also evaluated on their ability to understand various cultural differences and how they may use this understanding to resolve situations and problems.

In addition to regular in-service training, officers participate in periodic training on a wide variety of topics, including use of force, communication, officer health and wellness, tactical, and investigative. While the specific courses may change, communication courses typically address cultural, ethnic and other differences as a part of their curriculum.

Periodic Policy & Procedure training includes a review of current policies, which includes the Racial Profiling policy.

#### COMMUNITY OUTREACH

BPD has a robust community outreach effort in the form of many different events and programs. A review of these programs shows that the effort has varying options suited for a wide variety of ages, socioeconomic statuses, and interests. Some of the current BPD community outreach and engagement events include:

- Bike safety rodeo for kids - A fun activity to promote bicycle safety, officer tips on riding bicycles safely and assist with riding through a safety course. This free event fosters positive relationships between youth and officers from all socioeconomic backgrounds.
- BobcatFest – An annual gathering of Montana State University (MSU) students, faculty and the Bozeman community on Main Street in Downtown Bozeman. This gives officers an opportunity to make connections and answer questions.

- Catapalooza – This open event allows for BPD to connect with new MSU students on campus. BPD also teaches classes on policing at MSU as well as outreach and talks to the MSU Athletic Department
- New Student Off-Campus Living Fair – This annual event takes place at MSU with several other agencies. The purpose is to be available to talk with new students about being good neighbors and living off campus.
- Christmas Stroll – This partnership with the Downtown Business Association allows BPD to set up a booth downtown with several other businesses and agencies. Staff interact with kids and all members of the public for a fun event.
- Citizens Police Academy – This is a hands on training with an emphasis on student involvement academy for citizens once a year. Classes include information about the department and the criminal justice system to get a better understanding of what the Bozeman Police Department provides the community. Students learn about the different divisions, such as patrol, detective and support services. One of the main objectives of the Citizens Police Academy is to have fun while fostering stronger communication between the citizens of Bozeman and the police department. It also enhances citizen understanding and awareness of the role of the Bozeman Police Department.
- Coffee with a Cop – This event occurs once a quarter at a different locations throughout the city, usually at a coffee shop. The mission of Coffee with a Cop is to break down the barriers between police officers and the citizens that BPD serves. This event removes agendas and allows opportunities for community members to ask questions, voice concerns, and get to know the officers working in the neighborhood.
- Greater Gallatin Homeless Action Coalition (GGHAC) – BPD participates in monthly in Greater Gallatin Homeless Action Coalition meetings. This provides BPD a seat at the table with several other agencies working together to actively prevent and end homelessness in the Greater Gallatin Area.
- Kidabaloo – This is a fun filled event at the Montana State University for the whole family that includes games, crafts, and entertainment.
- Kids, Cops and Cats – Officers spend the day with youth whose parents might not otherwise be able to afford tickets to an MSU football. Officers and youth ride the bus together to the stadium and attend a Bobcats football game. The goal of the program is for officers to develop positive relationships with these youth in a light and festive atmosphere.
- Music on Main - BPD sets up an outreach booth at several of these summer events. It is a chance for dialogue and connection with a diverse group of citizens at this well attended event.
- National Night Out – This is an annual event that promotes police-community partnerships and neighborhood cohesiveness to make neighborhoods safer, more caring places to live. National

Night Out enhances the relationship between citizens and law enforcement while bringing back a true sense of community under positive circumstances. This event is hosted by the BPD and attended by law enforcement agencies and other first responders in the Gallatin Valley.

- Neighborhood Meetings – BPD regularly attends neighborhood association meetings throughout different geographical areas of the city. The Bozeman Police Department provides updates about what is going on in their neighborhood and engages in dialogue with community members.
- Open Door – The BPD has a presence at this space in the Bozeman Library two times a month for two hours. The goal of Open Door is to connect citizens to resources that they need across varied disciplines. This is also a place for BPD to be available to answer any questions about police services.
- Shop with a Cop - This annual event allows the Bozeman Police Department help economically challenged children enjoy Christmas. Each child is matched up with an officer who takes them shopping to buy gifts for their family, and gives an opportunity to foster positive relationships between youth and officers. Local elementary school staff choose the children who participate in this event. The fun event also includes present wrapping and lunch.
- Tip a Cop - This fundraising event involves officers serving food at Mackenzie River Pizza in an effort to earn “tips” for Special Olympics Montana athletes. All proceeds derived from the tips are provided directly to local and state wide Special Olympic Montana athletes.

What can we improve?

### 1. ADD FUTURE TRAININGS:

While bias and treatment of minority groups is addressed in some trainings, there is room to expand and update trainings on this topic.

BPD is exploring additional training opportunities for inclusion in its training program both from local sources as well as regional or national vendors on topics including recognizing implicit bias, anti-racial profiling, as well as Bias-Free Policing.

### 2. AUGMENT EXISTING POLICIES AND UPDATE TO “BIAS-FREE POLICING”

The International Association of Chiefs of Police issues model policies on a wide variety of topics. A search of their policies shows they have transitioned from a policy specifically discussing racial profiling to a broader, “bias” policy.

The policy, entitled “Bias-Free Policing,” describes an agency’s commitment to “fair and bias-free treatment” of all people. The policy should be looked at more in-depth as an addition to current policy.

### 3. BROADEN COMMUNITY OUTREACH EVENTS



Future consideration should be given to focusing on interacting more with the many groups at Montana State University and other community groups.

## Hiring Practices – City Wide

### What is our policy?

The City Manager has the authority to hire and appoint City personnel. The City Manager may in turn, delegate this responsibility to the City's department heads and supervisors. Department directors and supervisors, together with Human Resources, carry out the hiring process for all position vacancies.

The City's recruitment and selection procedures are designed to ensure applicants are treated equally and fairly and without regard to race, color, religion, creed, sex, perceived or actual gender identity, sexual orientation, age, marital status, national origin, political ideas, or disability.

The process for filling vacant or new positions is found in the [Hiring Practices](#) policy. Employees covered by collective bargaining agreements must also refer to specific provisions within the agreement.

### What are we doing well?

The City is trying to increase the number of applications from females in traditionally-male roles and male candidates in traditionally-female roles, as well as more diverse candidates by using new online application system that is much more user-friendly than in the past.

Across city departments, changes have been made to create a more inclusive hiring space for all applicants. Examples of this include a recent change to accept any valid Physical Ability Test (PAT) for Fire Fighter positions, as well as the addition of an “Inspector in training” program within our Building Division.

The City has increased its energies over the past several years to actively recruit for a diverse workforce through relationship building with specialized groups and niche market advertisement such as Society of Women Engineers, National Society of Black Engineers, and National Minority Update. The City also makes outward facing promotion of opportunities.

The City has seen an increase in the number of applications from females in traditionally-male roles and male candidates in traditionally-female roles, as well as more diverse candidates by using a new online job-application system. The system is more user-friendly, which attracts more applicants to our job openings.

The new applicant tracking system, which we began using in Fall 2019 shows us demographic information for people who apply for positions with the City (see diagrams D, E, F, and G below.) The system is able to track on applicants for jobs all the way through the selected candidates. Over time, we will be able to use this data to track and report on gender and ethnic diversity in our recruitment and hiring processes.

During the hiring process, the City strives for best practices in recruitment and candidate selection practices such as asking all the candidates the same question by the same panelist. This is based on the best practice “Establish neutral and objective criteria to **avoid subjective employment decisions** based on **personal stereotypes** or **hidden biases**.” The hiring panel usually includes someone outside of the division and someone from Human Resources to identify or prevent discriminatory practices.

Once a top applicant is hired pay practices are based on qualifications and work. Names and gender are removed when determining pay scale placement. Past salary amounts are not factored into the decision. The Pay Committee is kept separate from the Hiring Committee.

### Percentage of Candidates By Gender

January 01, 2020 – June 30, 2020

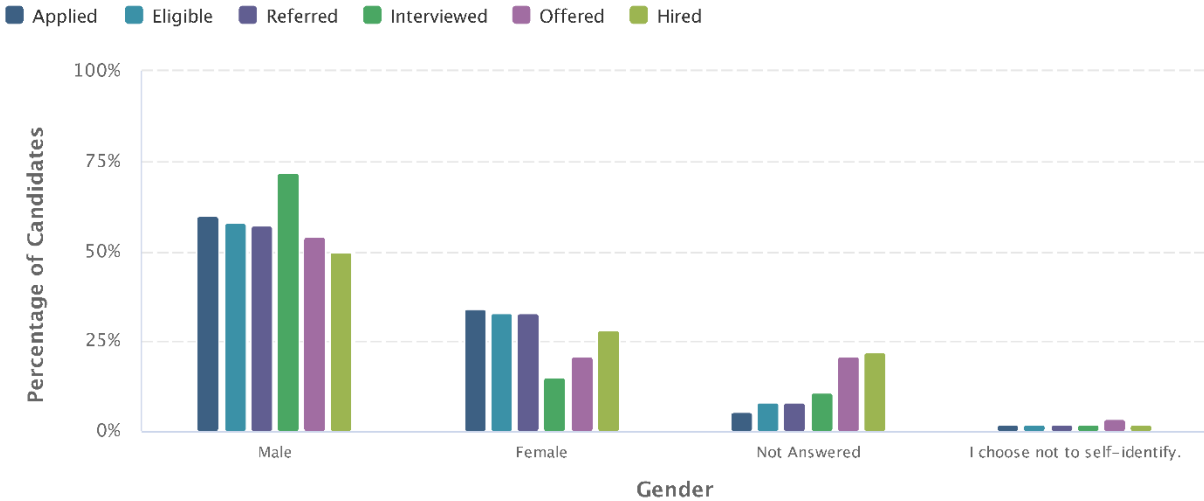


Diagram D (Bar Chart) – Percentage of Candidates Applying for Position with City of Bozeman by Gender

### Percentage of Candidates By Gender

January 01, 2020 - June 30, 2020

| Gender                        | Applied   | Eligible  | Referred  | Interviewed | Offered  | Hired   |
|-------------------------------|-----------|-----------|-----------|-------------|----------|---------|
| Male                          | 830 (60%) | 137 (58%) | 131 (57%) | 108 (72%)   | 15 (54%) | 9 (50%) |
| Female                        | 466 (34%) | 78 (33%)  | 76 (33%)  | 22 (15%)    | 6 (21%)  | 5 (28%) |
| Not Answered                  | 76 (5.5%) | 19 (8.1%) | 19 (8.3%) | 17 (11%)    | 6 (21%)  | 4 (22%) |
| I choose not to self-identify | 10 (0.7%) | 2 (0.8%)  | 2 (0.9%)  | 2 (1.3%)    | 1 (3.6%) | 0 (0%)  |

Diagram E (Table) - Percentage of Candidates Applying for Position with City of Bozeman by Gender

### Percentage of Candidates By Ethnicity

January 01, 2020 – June 30, 2020

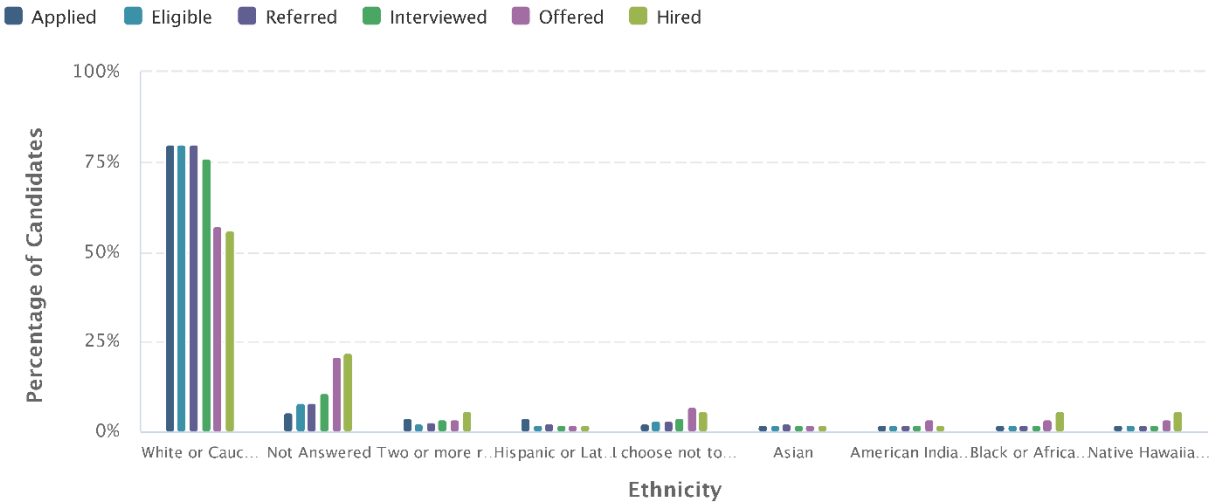


Diagram F (Bar Chart) – Percentage of Candidates Applying for Position with City of Bozeman by Ethnicity

### Percentage of Candidates By Ethnicity

January 01, 2020 - June 30, 2020

| Ethnicity                                 | Applied    | Eligible  | Referred  | Interviewed | Offered  | Hired    |
|---|------------|-----------|-----------|-------------|----------|----------|
| White or Caucasian                        | 1107 (80%) | 189 (80%) | 182 (80%) | 113 (76%)   | 16 (57%) | 10 (56%) |
| Not Answered                              | 76 (5.5%)  | 19 (8.1%) | 19 (8.3%) | 17 (11%)    | 6 (21%)  | 4 (22%)  |
| Two or more races                         | 54 (3.9%)  | 6 (2.5%)  | 6 (2.6%)  | 5 (3.4%)    | 1 (3.6%) | 1 (5.6%) |
| Hispanic or Latino                        | 51 (3.7%)  | 5 (2.1%)  | 5 (2.2%)  | 3 (2%)      | 0 (0%)   | 0 (0%)   |
| I choose not to self-identify             | 32 (2.3%)  | 7 (3%)    | 7 (3.1%)  | 6 (4%)      | 2 (7.1%) | 1 (5.6%) |
| Asian                                     | 23 (1.7%)  | 5 (2.1%)  | 5 (2.2%)  | 2 (1.3%)    | 0 (0%)   | 0 (0%)   |
| American Indian or Alaskan Native         | 22 (1.6%)  | 2 (0.8%)  | 1 (0.4%)  | 1 (0.7%)    | 1 (3.6%) | 0 (0%)   |
| Black or African American                 | 9 (0.7%)   | 1 (0.4%)  | 1 (0.4%)  | 1 (0.7%)    | 1 (3.6%) | 1 (5.6%) |
| Native Hawaiian or Other Pacific Islander | 8 (0.6%)   | 2 (0.8%)  | 2 (0.9%)  | 1 (0.7%)    | 1 (3.6%) | 1 (5.6%) |

Diagram G (Table) – Percentage of Candidates Applying for Position with City of Bozeman by Ethnicity

## Hiring Practices – Bozeman Police Department

### What is our policy?

All policies as described above for city-wide hiring practices are applied to Bozeman Police Department hiring practices.

In addition, BPD recognizes future predictors of performance start with a robust hiring program. To meet the needs and expectations of the community, BPD must maintain the highest standard for hiring and not cut corners to simply fill positions.

Once BPD has identified potential candidates, a thorough background investigation is completed and staff look for indications of racial and other biases that may not have been identifiable in the initial hiring process.

On all lateral officer candidates for BPD (that are working for other law enforcement agencies) a BPD background investigator is sent to the candidate's agency, in state or out of state, where looking for any signs of these issues is part of the investigation and face to face interviews at the candidate's department.

A rigorous psychological evaluation is also completed that looks for psychological behaviors and tendencies that would indicate a candidate's vulnerability to use excessive force as well as a candidate's ability at self-awareness, and their willingness to appropriately adjust behavior from their own biases. Candidates exhibiting any of these indicators are not hired.

### What are we doing well?

BPD recruits locally and nationally from places such as Indeed, Discover Policing, Bozeman Daily Chronicle and National Minority Update. The process is multi-step, and when reviewing resumes BPD places value on items such as leadership, service, volunteer work, knowledge of local issues and experience. BPD conducts phone interviews, oral panel interviews, and a final Chief's interview with each candidate, as well as practical exercises prior to making conditional offers of employment.

Recruitment efforts to increase gender diversity in the department have improved over past years though continued work remains (see Diagram H, I, J, K, L, M)

| Police Department Gender Diversity* |      |      |      |
|-------------------------------------|------|------|------|
|                                     | FY18 | FY19 | FY20 |
| Female                              | 8    | 9    | 11   |
| Male                                | 56   | 61   | 64   |
|                                     | 64   | 70   | 75   |
| % Female                            | 14%  | 13%  | 15%  |

Diagram H (Table) – Bozeman Police Department Staff Gender from Fiscal Year 2018 through Fiscal Year 2020

\*Data as of December 31<sup>s</sup> each year

| Police Department Sworn Officers by Gender |       |       |                                |
|--|-------|-------|--------------------------------|
|  | 2018* | 2019* | 2020                           |
| Female                                     | 4     | 3     | 5 (plus 2 part-time officers)  |
| Male                                       | 54    | 59    | 63                             |
| <b>Total Sworn Officers</b>                | 58    | 62    | 68 (plus 2 part time officers) |
| % Female                                   | 7%    | 5%    | 10%                            |

Diagram I (Table) – Bozeman Police Department Sworn Officers by Gender from 2018 through July 2020

\*Data as of October 31<sup>st</sup> each year

### Percentage of Candidates By Gender

February 01, 2020 – July 01, 2020

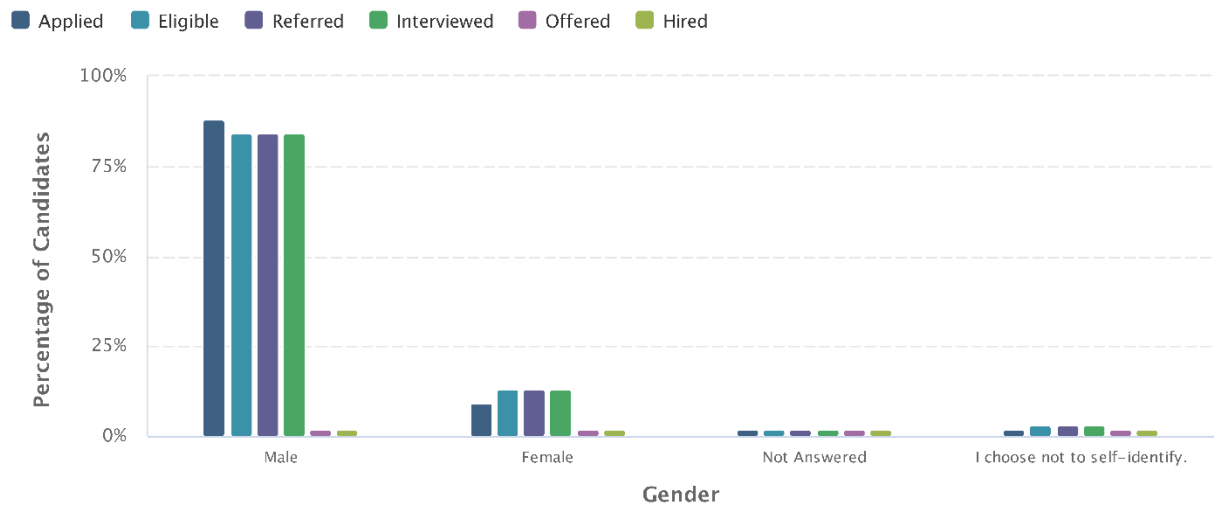


Diagram J (Bar Chart) – Percentage of Candidates Applying for Position with City of Bozeman by Gender

### Percentage of Candidates By Gender

February 01, 2020 - July 01, 2020

| Gender                         | Applied   | Eligible | Referred | Interviewed | Offered | Hired  |
|--------------------------------|-----------|----------|----------|-------------|---------|--------|
| Male                           | 105 (88%) | 27 (84%) | 27 (84%) | 27 (84%)    | 0 (0%)  | 0 (0%) |
| Female                         | 11 (9.2%) | 4 (13%)  | 4 (13%)  | 4 (13%)     | 0 (0%)  | 0 (0%) |
| Not Answered                   | 2 (1.7%)  | 0 (0%)   | 0 (0%)   | 0 (0%)      | 0 (0%)  | 0 (0%) |
| I choose not to self-identify. | 1 (0.8%)  | 1 (3.1%) | 1 (3.1%) | 1 (3.1%)    | 0 (0%)  | 0 (0%) |

Diagram K (Table) – Percentage of Candidates Applying for Position with City of Bozeman by Gender

### Percentage of Candidates By Ethnicity

February 01, 2020 – July 01, 2020

Applied Eligible Referred Interviewed Offered Hired

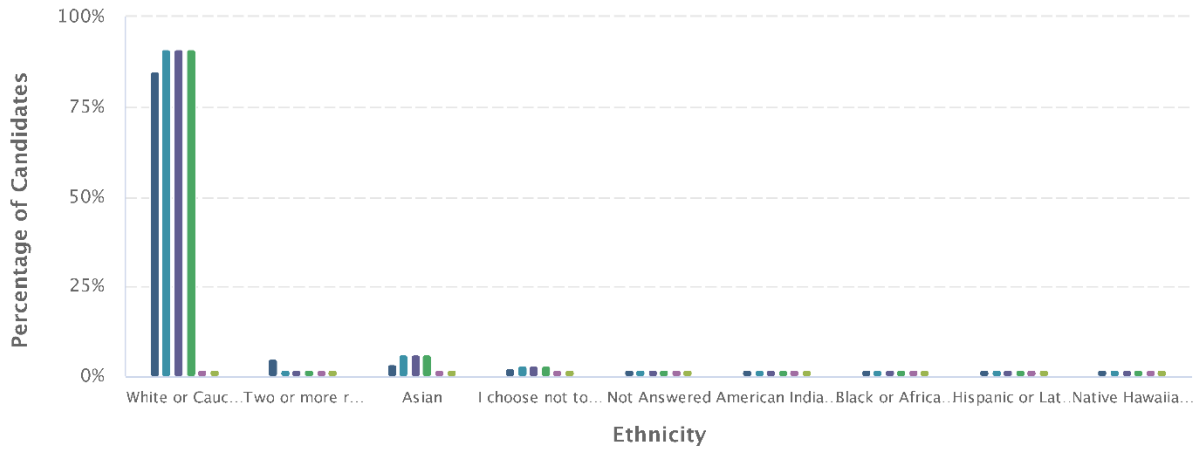


Diagram L (Bar Chart) – Percentage of Candidates Applying for Position with City of Bozeman by Ethnicity

### Percentage of Candidates By Ethnicity

February 01, 2020 - July 01, 2020

| Ethnicity                                 | Applied   | Eligible | Referred | Interviewed | Offered | Hired  |
|---|-----------|----------|----------|-------------|---------|--------|
| White or Caucasian                        | 101 (85%) | 29 (91%) | 29 (91%) | 29 (91%)    | 0 (0%)  | 0 (0%) |
| Two or more races                         | 6 (5%)    | 0 (0%)   | 0 (0%)   | 0 (0%)      | 0 (0%)  | 0 (0%) |
| Asian                                     | 4 (3.4%)  | 2 (6.3%) | 2 (6.3%) | 2 (6.3%)    | 0 (0%)  | 0 (0%) |
| I choose not to self-identify             | 3 (2.5%)  | 1 (3.1%) | 1 (3.1%) | 1 (3.1%)    | 0 (0%)  | 0 (0%) |
| Not Answered                              | 2 (1.7%)  | 0 (0%)   | 0 (0%)   | 0 (0%)      | 0 (0%)  | 0 (0%) |
| American Indian or Alaskan Native         | 2 (1.7%)  | 0 (0%)   | 0 (0%)   | 0 (0%)      | 0 (0%)  | 0 (0%) |
| Black or African American                 | 1 (0.8%)  | 0 (0%)   | 0 (0%)   | 0 (0%)      | 0 (0%)  | 0 (0%) |
| Hispanic or Latino                        | 0 (0%)    | 0 (0%)   | 0 (0%)   | 0 (0%)      | 0 (0%)  | 0 (0%) |
| Native Hawaiian or Other Pacific Islander | 0 (0%)    | 0 (0%)   | 0 (0%)   | 0 (0%)      | 0 (0%)  | 0 (0%) |

Diagram M (Table) – Percentage of Candidates Applying for Position with City of Bozeman by Ethnicity

## Hiring Practices - Overall

### What can we improve?

#### **1. CONTINUED EFFORTS TO REACH OUR BEST PRACTICES**

The City should continue to evaluate and improve its efforts to achieve our best practices as outlined in the first two sections. This includes improving our results for candidates and evaluating the impacts of turnover.

#### **2. UPDATE HIRING PRACTICES POLICY**

Our documented hiring practices manual needs updating to reflect current practices and further efforts for diversity. The City should require all departments to participate in training on hiring practices and with this hold supervisors accountable for not following hiring practices.

#### **3. REVIEW AND UPDATE THE LANGUAGE AND IMAGES USED FOR ADVERTISING POSITIONS**

While the City is making a concerted effort to actively recruit and advertise open positions with specialized groups the City should review the language and images used for these advertisements within a lens of inclusion and diversity. Content should take into consideration literal and visual differences in varied applicant pools.



## Use of Force and “8 Can’t Wait”

### What is our policy?

The Bozeman Police Department reviewed current policy and practices specifically in comparison to the national “Eight Can’t Wait” Campaign ([www.8cantwait.org](http://www.8cantwait.org)) related comments that were submitted in emails and public comment to the Bozeman City Commission in early June 2020. Policies and practices were also evaluated in comparison to the [National Consensus Policy on Use of Force](#) and model policy examples from the International Association of Chiefs of Police.

#### 1. “CHOKEHOLDS AND STRANGLEHOLDS”

The BPD does not, and has not, condoned or trained, on the use of “chokeholds and strangleholds,” as a means of restraint and none of the weaponless defensive tactics that officers are taught include these methods. BPD weaponless defensive tactics training and BPD “less lethal” equipment training curriculum make it very clear that striking the head or neck area is only authorized in situations where the use of deadly force is justified.

#### 2. DE-ESCALATION

BPD current policy has an entire section specifically addressing the issue of de-escalation and is detailed as follows:

1. *The amount of time available to an officer to evaluate and respond to a situation may impact the officer’s decision. Often an officer must make a split-second decision in reaction to a threat or risk. A number of factors should be taken into consideration when an officer selects force options and when evaluating whether an officer has used reasonable force.*
2. *While it is preferred that officers attempt to de-escalate a situation or gain compliance through advice, warning or persuasion, it is sometimes necessary to use physical force.*
3. *Officers must react to all situations in an objectively reasonable manner as outlined in Graham vs. Connor. Factors which may affect an officer’s force option selection include but are not limited to;*
  - a. *Officer/Subject factors (age, size, relative strength, skill level, injury/exhaustion level)*
  - b. *Influence of drugs or alcohol*
  - c. *Proximity of weapons*
  - d. *Availability of other options*
  - e. *Seriousness of the offense*
  - f. *Fear of injury or death to the officer or another*
  - g. *Actions of the subject*
  - h. *Number of subjects present*
  - i. *Location of officer and availability of back-up*
  - j. *Other exigent circumstances*
4. *It is important to note that an officer does not need to gain control over an individual by use of the lowest level of force available when reason dictates otherwise and the officer can articulate that a higher level of force was reasonable. The law, proper training, and common sense should dictate the officer’s discretion to escalate and/or de-escalate the use of force.*

### 3. WARNING BEFORE SHOOTING

BPD current policy also addresses the topic of “warning before shooting”:

*Before using a firearm police officers should identify themselves and state their intent to shoot, whenever feasible or practical.*

### 4. “EXHAUST ALL OTHER MEANS”

Another common concern is that an officer exhaust all other reasonable means before resorting to deadly force. BPD’s entire policy and training program make it very clear that deadly (“lethal”) force is only to be used when absolutely necessary.

Current BPD policy states:

*In accordance with Montana Code Annotated. 45-3-101 through 45-3-106, and this policy, officers are authorized to use lethal force with issued firearms, other issued equipment or weapons of necessity or opportunity to:*

- a. *Protect the police officer or others from what is reasonably believed to be a threat of death or serious bodily injury; and/or*
- b. *Prevent the commission of a forcible felony.*
- c. *Before using a firearm police officers should identify themselves and state their intent to shoot, whenever feasible or practical.*
- d. *An officer’s decision to present or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation has already escalated or may escalate to the point where deadly force may be justified. When an officer has determined that the use of force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm.*

In addition, BPD policy mandates that each patrol officer carry at least two less lethal tools at all times.

### 5. DUTY TO INTERVENE

In regards to the “duty to intervene,” BPD policy currently states:

*“Officers have a duty to intervene where excessive force is being utilized to protect the individuals involved and report the excessive force to a supervisor as soon as possible.”*

*“When safe to do so, officers must render first aid or request medical assistance to subjects who have been injured as a result of any use of force that results in injury.”*

### 6. SHOOTING AT MOVING VEHICLES

BPD current policy also recognizes the danger of shooting at moving vehicles, and it addresses this issue:

*“The use of a firearm against a moving motor vehicle is inherently dangerous. Officers shall not discharge a firearm at a motor vehicle or its occupant(s) unless the officer has an objectively reasonable belief that:*

- a) *The vehicle or suspect poses an immediate threat of death or serious bodily injury to the officer or another person;*

*b) If an officer finds themselves in the path of an oncoming vehicle, when reasonable or practical, the officer should attempt to move from the path of a vehicle causing a threat."*

## **7. USE OF FORCE CONTINUUM**

Current BPD policy uses a use of force continuum that defines low-level, intermediate-level, and lethal force levels. The policy also describes the options available for that level of force and the types of situations when officers may use force.

The use of force policy provides officers with guidelines on the reasonable use of force and emphasizes that BPD values the sanctity of human life and the importance of treating all persons with dignity and respect. Current BPD policy states officers shall use only force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others.

## **8. USE OF FORCE REPORTING**

Current BPD policy and practices in this area consists of a robust use of force reporting system that includes anytime a firearm is presented at an individual. BPD use of force policy requires that a supervisor be notified and a written Use of Force Report be completed in three situations:

- 1) *Anytime an officer uses any force higher than "low level." "Low level" force can refer simply to an officer's presence, to the use of verbal commands, to the use of restraints such as handcuffs or restraint straps that are applied in a "gentle to firm" manner. (Anything higher level than that requires a use of force report. These "low level" actions are documented however in officers' routine supplemental and arrest reports.)*
- 2) *When force is used while displaying or presenting a firearm or less-lethal tool towards a subject to gain compliance.*
- 3) *When lethal force is threatened or used.*

Each time an officer's force meets any of these requirements, their supervisor discusses the incident with them, then enters the details into the BPD records management system. Details regarding the circumstances are entered, along with what type of force each officer either threatened to use or used. Once a use of force incident is entered, the incident is reviewed by the divisional Captain, Deputy Chief, and Chief. If there are concerns regarding the incident or force used, the Chief may appoint a review board comprised of supervisors and use of force / defensive tactics instructors, which provides their findings back to the Chief for disciplinary consideration, when warranted.

Current BPD Policy on Use of Force Review and Investigation states:

*1. All Use of Force Reports and related supplemental reports shall be reviewed by the chain of command to determine whether; departmental rules, policy or procedures were followed, the relevant policy was clearly understandable and effective to cover the situation, and department training is currently adequate.*

*a. A review board may be appointed at the discretion of the Chief of Police.*

*b. The Chief of Police may determine if a full internal or criminal investigation is warranted. If so determined, the Chief shall follow the guidelines in the Discipline and Complaint Policy, Investigation of Serious Complaints.*

*c. All findings of policy violation or training inadequacies shall be reported to the Chief of Police, along with any recommended disciplinary action and/or corrective action plan.*

### What are we doing well?

BPD policies are designed to reflect the contemporary professional standards in use of force, with the most current reevaluation of them by BPD command staff in July 2019. These policies are provided to give clear and concise guidelines that are easy for officers to remember and implement.

Additionally, BPD trains to these policies. For instance, BPD's training program repeatedly trains on topics related to the use of deadly force. Officers are trained on ways to physically approach calls to increase safety and lessen the likelihood of exposing themselves to a deadly force situation. They are taught communication skills, a variety of physical tactics, and provided tools that can be used instead of deadly force. Officers receive information on how other agencies handled specific calls, BPD reviews and trains to current law and case law, as well as best practices in proper use of force and de-escalation. Officers are also trained that even when deadly force may be justifiable, other alternatives may be deployed. Collectively, BPD's training and policy requires that officers use any other means possible, when *reasonable*.

This includes how officers present themselves and how they communicate with others. The training officers receive makes it very clear they are to use as little force as reasonable, given the circumstances. In addition, officers are taught the applicable portions of Montana Code Annotated and prior case law.

BPD trains officers on de-escalation techniques and communication skills to help them safely diffuse situations. BPD's goal at every call and contact is the safety of all involved. BPD training consistently covers factors to consider when using force, and the importance of being able to justify each and every use of force, and the necessity to use the lowest level of force possible.

### **MONTANA LAW ENFORCEMENT ACADEMY:**

At the Montana Law Enforcement Academy, new officers receive training on a wide variety of topics over a span of 12 weeks. Within the curriculum are classes focused on use of force, communication, de-escalation and defensive tactics. These classes include:

- Interpersonal Communication Skills
- Patrol Negotiations
- Legal Issues in Use of Force
- Defensive tactics, which includes proper arrest and control techniques
- Fair & Impartial Policing/Racial Profiling/Cultural Diversity
- Community Policing

### **CURRENT BPD TRAINING RELATED TO USE OF FORCE**

Prior to beginning the Field Training phase, new officers complete a training program designed to provide basic skills needed to begin working on the street with a training officer. This includes:

- Use of Force Policy and Case Law: Officers are trained on the Bozeman Police Use of Force policy, relevant Montana and Federal court case law related to use of force issues, and Montana state law governing the use of force by law enforcement.
- Firearms: Officers are trained on the mechanics of operating the Glock handgun and AR-15 patrol rifle. Once the mechanics are learned, officers receive training and participate in drills designed to replicate real-world situations, including proper threat identification.
- Decision making, Communication and De-Escalation: Officers are trained on various aspects of communication, including verbal and non-verbal, and how both affect what is being communicated. Officers are trained on different types of communication used in law enforcement, including conversation, questioning, persuasion and direct orders, and when each one is appropriate. Officers are also trained on methods to de-escalate angry or emotional people using verbal and non-verbal techniques.
- Defensive Tactics: Officers are training on proper arrest and control techniques along with techniques designed to gain control of combative subjects quickly, reducing the likelihood of prolonged struggles.
- Field Training: Trainees are evaluated on a daily basis over a 14 week period on a wide variety of criteria, including:
- Field Performance in Stressful Conditions: Trainees are evaluated on their ability to perform in moderate and high stress situations. This includes their emotional control, ability to remain calm and function under stress, and their ability to control their temper or cowardice. Also included is their ability to determine a proper course of action and not allowing situations to deteriorate further.
- Control of Conflict: Verbal & Physical Control: Trainees are evaluated on their ability to gain and maintain control of situations through verbal and physical control. This includes verbal skills such as voice control, clarity of speech, attitude, verbal de-escalation tactics, word selection, inflection and presence. Also included is their ability to gain physical control of a resistant subject through the use of the appropriate level of force and tactics for a given situation.
- Relationship with Citizens: Trainees are evaluated on their ability to interact with citizens (including suspects) in an appropriate, efficient manner. This criteria evaluates their ability to interact with people in a courteous, friendly and empathetic manner, both verbally and non-verbally. They are evaluated on whether they are able to communicate in a professional, unbiased manner which is service-oriented. They are also evaluated on their ability to understand various cultural differences and how they may use this understanding to resolve situations and problems.

In-service training is provided to all officers on an ongoing basis and includes:

- Defensive Tactics: Officers receive annual training on defensive tactics, focused on proper arrest and control techniques along with techniques designed to gain control of combative subjects quickly, reducing the likelihood of prolonged struggles with combative individuals.
- Decisional Scenario Training: Twice per year, officers participate in scenario-based training which focuses on use of force decision making under stress. Scenarios range from verbal de-escalation to active shooter situations.
- Firearms training: Monthly training focuses on firearms skills, which range from qualification courses to multi-faceted scenarios designed to replicate commonly encountered situations, such as moving around vehicles, entering rooms, etc. Many trainings include threat identification components and situations where officers must be aware of what (or who) is in front or behind a potential threat.

- **Crisis Intervention:** The BPD places an emphasis on training officers to deal with individuals in crisis or suffering from a mental illness. Officers attend a 40-hour Crisis Intervention Team (CIT) multi-disciplinary course which teaches skills used to resolve these situations peacefully and give them skills to assist persons in crisis and connect them with the appropriate resources. Currently, forty-four (44) officers are CIT-certified. Currently, BPD collaborates in a Community-based Crisis Response Program where it is a co-responder with officers who can then provide assistance to persons in crisis directly at the scene and officers can take a secondary role and/or clear the scene. There are currently two co-responding therapists working with BPD and other partners.

This ongoing training includes reviews of particular policies, including the Use of Force policy and Racial Profiling policy.

### What can we improve?

#### 1. POLICY CHANGES

As previously stated, staff reviewed BPD policies and practices and compared them with the National Consensus Policy on Use of Force and model policies as well as the key concerns of the Eight Can't Wait campaign. When comparing BPD policies directly to the National Consensus Policy on Use of Force and model policies, BPD found them to be largely in alignment with best practices but did find several areas to update that would improve BPD policies and practices.

Based on the comparative review of BPD policies and procedures, staff proposes revisions to definitions in BPD policy and additional policy direction concerning de-escalation and use of force that will include the following:

- a. Clearer language on the use of de-escalation techniques
- b. Updated language on communication with suspects and allowing for a reasonable opportunity for compliance before force is used
- c. Updated language on discontinuation of the use of force when resistance ceases
- d. Clearer "duty to intervene" language
- e. Updated language on rendering medical aid to persons injured
- f. Clearer language with regards to use of force on persons in restraints
- g. A prohibition on the use of "chokeholds" and vascular restraints unless deadly force is authorized.

These updates are recommended for implementation to help address the concerns of our community while also providing clarity to officers.

#### 2. FUTURE TRAININGS

The BPD will incorporate more communication and de-escalation into scenario-based in-service trainings that are held for officers. The department is also evaluating a number of training programs from several vendors on topics that include Communication, Recognizing Implicit Bias and its impacts, De-Escalation, Intervention, and Recognizing Force Mitigation Opportunities, Use of Force Decision Making, and Managing Confrontation with Communication, among others. The efficacy of these trainings will be evaluated for implementation into the department's training program as appropriate.

## Citizen Appeal Process – Bozeman Police Department

### What is our policy?

The policies of other peer cities in the state were reviewed during this process as well as the International Chiefs of Police (IACP) and other model policies on handling citizen complaints. The review found no major inconsistencies between these policies and ours.

### What are we doing well?

BPD acknowledges and accepts that it is held to a higher standard of conduct than the public both on and off duty. To this end, BPD is committed to receive and investigate all complaints made by the public. BPD accepts complaints by any means, in person, in written form, by phone, email and even anonymously.

BPD has an established process for how to proceed with people who are intoxicated, irrational or otherwise unable to productively assist in the process.

BPD has established a clear process for investigating minor complaints as well as how to follow-up and close the loop with the citizen who filed the complaint and the affected officer.

BPD has a distinct separation between minor complaints and serious complaints which are likely to include an administrative investigation. There is a step-by-step process for these investigations so there is no confusion and every employee knows what to expect.

There is language in this policy, as well as our Use of Force policy, for the Chief of Police to direct an internal investigation into any case where there may be concerns.

| Complaint Totals     |      |      |      |      |      |            |
|----------------------|------|------|------|------|------|------------|
| Year                 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 (YTD) |
| Number of Complaints | 19   | 39   | 32   | 16   | 15   | 6          |

Diagram M (Table) – Complaints filed for Bozeman Police Department from 2015 – July 2020

### What can we improve?

#### 1. CREATE A STAND-ALONE CITIZEN COMPLAINT POLICY

Because of their interwoven nature, BPD currently has one policy that addresses citizen complaints, administrative investigations and discipline. BPD would recommend to create a stand-alone Citizen Complaint policy, which BPD would make available on the City’s website with clear instructions covering how to file a complaint, how it will be investigated, who will be doing the investigation, an estimated timeline for completion and what to do if they are not satisfied with the outcome. This would allow greater transparency, education and 24/7 access to the process.

#### 2. CLEARLY DISTINGUISH INQUIRIES FROM COMPLAINTS

Supervisors routinely field calls from citizens who have questions regarding our procedures and officer’s actions. Most of these are only inquiries and are satisfactorily handled with a conversation. Sergeants are often hesitant to call these complaints and don’t fill out a form or document the result of the

inquiry. BPD would like to clearly distinguish inquiries from situations requiring an investigation, and create a better system of documenting these calls. This would require a definition of an inquiry vs. a complaint and a separate system to document these inquiries.

### **3. REFINE THE COMPLAINT INVESTIGATIVE PROCESS**

Language should be added which establishes a timeframe for notification and follow-up with a complainant. It is proposed that anytime a citizen makes what could reasonably be considered a complaint, they be contacted by a Sergeant, preferably the officer's direct supervisor, within 24 hours. At the end of the initial conversation the complainant should either be "satisfied" and the "inquiry" would be documented on the Department's Inquiry/Complaint form, and closed; or "dissatisfied" and the "complaint" would be forwarded to the Officer's direct supervisor for investigation. Complaints will be looked into as quickly as practicable to better serve the complainant and to identify any issues as quickly as possible.

BPD makes every effort to review our policies on a regular basis and keep them up to date and in tune with best practices. There have been and will be times when an officer's actions may cause us to re-evaluate and possibly make changes to our policies. BPD recommends adding the choice of "Policy Deficiency" to our list of dispositions. This would mean an alleged incident occurred but was lawful and proper in accordance with policy and procedure; however, a change to the policy and/or additional training may be necessary to prevent future allegations of misconduct. In these cases, the employee(s) are considered exonerated of an infraction.

There are also times, while investigating an allegation of misconduct or review of other incidents, where BPD observes other issues that are not necessarily part of the complaint or original review.

These should not be part of the original complaint but there should be a distinct way in which BPD documents these just the department would look into an incident for other reasons.

Current policy has an appeal process for an officer who disagrees with the outcome of an internal investigation but does not have one for a citizen who may not be satisfied with the outcome of a complaint investigation. BPD is exploring options in this area including looking at other peer agencies and cities with respect to next steps for a citizen who may be dissatisfied with the outcome of a complaint. Options include designing a process of appeal to the city manager to review or to a complaint review panel. Great Falls, for example, has a Complaint Review Panel. Their panel is comprised of one citizen at large, one deputy county attorney, and the deputy city manager. A complaint review panel could be designed to review a summary of complaints and findings during a specified time period and serve in an advisory role to the chief on recommendations, if any, for changing procedures, training, or policies, etc.



## City Manager Recommendations

Based on the review of our existing policies, procedures, training protocols and best practices the City Manager recommends the following actions:

---

### 1. PROVIDE A QUARTERLY PROGRESS REPORT TO THE CITY COMMISSION AND INTERESTED STAKEHOLDERS

### 2. IDENTIFY ANTI-DISCRIMINATION, IMPLICIT BIAS AND SYSTEMIC RACISM TRAINING FOR ELECTED OFFICIALS AND DEPARTMENT HEADS

### 3. DEVELOP A CITY DIVERSITY, EQUITY AND INCLUSION PLAN TO ENGAGE STAKEHOLDERS AND IDENTIFY GAPS COMMUNITY WIDE AND TO IMPLEMENT POLICIES THAT HELP ALL PERSONS IN BOZEMAN THRIVE REGARDLESS OF ECONOMIC, RACIAL, CULTURAL, OR GENDER IDENTITY

### 4. SPONSOR A DIVERSITY, EQUITY AND INCLUSION SUMMIT WITH COMMUNITY PARTNERS SUCH AS MONTANA STATE UNIVERSITY, HRDC, AND MONTANA RACIAL EQUITY PROJECT

### 5. ACCELERATE THE IMPLEMENTATION OF BODY WORN CAMERAS FOR THE BOZEMAN POLICE DEPARTMENT

### 6. BECOME A MEMBER OF THE GOVERNMENT ALLIANCE ON RACE AND EQUITY

---

In addition, the City Manager recommends the actions outlined in each topic of this report\*

## Overall Diversity for the Organization

---

### 1. MAKE DIVERSITY A FORMAL AND HIGH PRIORITY FOR THE ORGANIZATION

The City will communicate its commitment to diversity to all city staff and significantly increase formal training for supervisors and employees on implicit bias. The City will review and adjust its employee performance appraisal system to ensure consistency of evaluations and non-discrimination.

## Anti-discrimination

---

### 1. IMPLEMENT ADDITIONAL TRAINING FOR ALL CITY STAFF

The City will consider more frequent and additional trainings including trainings on “Inclusion in the Workplace” and “Implicit Bias”

### 2. EMPLOYEE ENGAGEMENT SURVEYS

---

\* Some action items are subject to availability of training by outside agencies.

The City will engage employees annually to gauge inclusion and engagement in the workplace to measure the success of other efforts by the City.

### **3. EMPLOYEE PERFORMANCE APPRAISAL SYSTEM**

The City will review its employee performance appraisal system and provide updates with greater consideration to fairness and inclusion.

### **4. REVIEW BEST PRACTICE RECOMMENDATIONS, INCLUDING THE THRIVE INDEX AND THE MUNICIPAL EQUALITY INDEX**

The City will review the best practices of the THRIVE index and the Human Rights Campaign’s Municipality Equality index and consider City policies that may need additional updates to meet these best practices.

### **5. REVIEW HOW THE CITY HANDLES ANONYMOUS COMPLAINTS (ETHICS ORDINANCE)**

The City will review the current policies within the ethics ordinance that requires complainants to give their name before complaints are given a complaint investigation status. The review will consider the failures of the policy to meet the needs of the victim and should be updated to reflect those needs.

### **6. EVALUATE DIVERSITY & INCLUSION ON ADVISORY BOARDS**

The City will conduct an evaluation of City Advisory Boards to determine how or if the City tracks diversity on these boards and consider systems that could be implemented to support diversity and inclusion in these spaces.

---

## Diversity, inclusion and interaction with minorities – Bozeman Police Department

---

### **1. ADD FUTURE TRAININGS**

The Bozeman Police Department will explore additional training opportunities on topics including recognizing implicit bias, anti-racial profiling, and Bias-Free Policing.

### **2. AUGMENT EXISTING POLICIES AND UPDATE TO “BIAS-FREE POLICING”**

The Bozeman Police Department will review its existing policies against the model policy of “Bias-Free Policing” and update existing policies where necessary to be in line with this national best practice.

### **3. BROADEN COMMUNITY OUTREACH EVENTS**

The Bozeman Police Department will give continued consideration to broadening community outreach events to interact more Montana State University groups as well as other community groups.

---

## Hiring Practices - Overall

---

### **1. CONTINUED EFFORTS TO REACH OUR BEST PRACTICES**

The City will continue to evaluate and improve its efforts to achieve our best practices in hiring and recruitment. This includes improving our results for candidates and evaluating the impacts of turnover.

### **2. UPDATE HIRING PRACTICES POLICY**

The City will update the hiring practices manual to reflect current practices and further efforts for diversity. The City will also train supervisors to the hiring practices and hold supervisors accountable for not following hiring practices.

### **3. REVIEW AND UPDATE THE LANGUAGE AND IMAGES USED FOR ADVERTISING POSITIONS**

The City will review the language and images used for recruiting and advertising open city positions to specialized groups. Language and images should take into consideration literal and visual differences in varied applicant pools.

---

## Use of Force and “8 Can’t Wait”

---

### **1. POLICY CHANGES**

The Bozeman Police Department will make revisions to the current BPD policy and provide additional policy direction concerning de-escalation and use of force. These updates hope to address community concerns and provide clarity for officers. Policy revisions will include the following:

- a. Clearer language on the use of de-escalation techniques
- b. Updated language on communication with suspects and allowing for a reasonable opportunity for compliance before force is used
- c. Updated language on discontinuation of the use of force when resistance ceases
- d. Clearer “duty to intervene” language
- e. Updated language on rendering medical aid to persons injured
- f. Clearer language with regards to use of force on persons in restraints
- g. A prohibition on the use of “chokeholds” and vascular restraints unless deadly force is authorized.

## 2. FUTURE TRAININGS

The Bozeman Police Department will incorporate more communication and de-escalation scenario-based in-service trainings for officers. They will also evaluate and consider additional training programs on topics that include communication, de-escalation, intervention, recognizing force mitigation opportunities, use of force decision-making, and others.

---

## Citizen Appeal Process – Bozeman Police Department

---

### 1. CREATE A STAND-ALONE CITIZEN COMPLAINT POLICY

The Bozeman Police Department will create a stand-alone Citizen Complaint Policy that will be available on the City’s website with clear instructions on how to file a complaint, the complaint investigation process, timeline for response, and steps for further engagement after an outcome has been determined.

### 2. CLEARLY DISTINGUISH INQUIRIES FROM COMPLAINTS

The Bozeman Police Department will create a process, including defining the terms “inquiry” and “complaint” to clearly distinguish inquiries from complaints requiring an investigation and create a system for documenting inquiries.

### 3. REFINE THE COMPLAINT INVESTIGATIVE PROCESS

The Bozeman Police Department will review and update the Complaint Investigative Process to establish a clear timeframe for notification and follow-up within 24 hours with a complainant. The Bozeman Police Department will also explore options for developing an appeal process for citizens that are unsatisfied with the outcome of a complaint investigation.

---

## Documents Reviewed

Numerous documents were reviewed in the development of this report including:

- City of Bozeman Strategic Plan
- City of Bozeman Employee Handbook
- City of Bozeman Equal Pay Report
- City of Bozeman Hiring Practices Policy
- City of Bozeman Ethics Policy
- City Commission Resolution 4217
- City Commission Resolution 4243
- City Commission Resolution 4601
- Equal Employment Opportunity Best Practices for Employers and Human Resources/EEO Professionals
- Bozeman Police Department Standards of Conduct Policy
- Bozeman Police Department Racial Profiling Policy
- Bozeman Police Department Use of Force Policy
- Bozeman Police Department Administrative Investigations and Discipline Policy
- Law Enforcement Code of Ethics
- “8 Can’t Wait” Campaign
- National Consensus Policy on Use of Force
- International Association of Chiefs of Police Bias-Free Policing Policy
- International Association of Chiefs of Police Investigation of Allegations of Employee Misconduct Policy