



Inclusive City Quarterly Report November 2020

NOVEMBER 10

City of Bozeman
Inclusive City Project Team



City Manager Update

In July of 2020, staff came before the City Commission with the Inclusive City report. This internal report has 24 actions describing how we can continue to strive towards a more equitable and inclusive organization and community.

This first quarterly report includes an update on actions that have been completed, are in progress, along with a detailed timeline and associated budget for all actions. Words matter in this work, and it's important to point out that many of these items may never be "complete" but will be "ongoing" efforts that the City is dedicated to incorporating as a part of routine work.

Some highlights from this report include the City's application for membership with the **Government Association of Racial Equity (GARE)**. As a city, Bozeman has often been a front-runner in the state by adopting inclusive policies around non-discrimination, equal pay, and minimum wage. We have received positive feedback on our application and, if we are accepted, we would be the first organization in all of Montana to be members of GARE. This organization includes members from across the United States including Detroit, Portland, Kansas City, Baltimore, Fort Collins, and more. We know that learning and sharing with the partners in GARE would advance the City's efforts and broaden access to the best practices of some of the government leaders in this work.

As a part of one of the more complex actions, the creation of an **Equity and Inclusion Plan**, we currently have a request for proposals (RFP) out for creation of **Equity Indicators and Gaps Analysis** for Bozeman. This is a critical first step to collect data and engage with stakeholders early in the process. Data collected will serve as a baseline for the City to monitor and track change over time with a set of equity indicators. Additionally, the work will include a gaps analysis to evaluate current capacities –both as a City and a community—to address the inequities found during data collection and community engagement efforts. Partner agencies that provide health, housing, and support services will assist the City in selecting a firm in early December to begin this work. Once the project is underway, additional stakeholders, community organizations and BIPOC voices will help guide and participate in the project. This work is also a precursor to an Equity and Inclusion Summit – another action item that will build our community's capacity to advance equity and inclusion in Bozeman.

As heard during the presentation of the Inclusive City report, the Bozeman community is adamant that the voices of stakeholder groups, advocates, and community members are consulted in this work, and we couldn't agree more. City Management has started **relationship building with key stakeholders** including Montana Racial Equity Project and the Bozeman Task Force on the Status and Safety of All Women and Girls. Staff are also bringing in external partners where feasible in the decision making process for action items.

In the simplest terms, our goal is to ensure that every resident, visitor, and City of Bozeman employee feels welcomed and valued, and has the opportunity to thrive no matter their race, identity, or life circumstance. – Jeff Mihelich

Completed Actions

City Manager Recommendations

1. Provide a quarterly progress report to the City Commission and interested stakeholders

Staff are excited to bring the first of many reports to the City Commission. The next report will be delivered in February 2021.

6. Become a member of the Government Alliance on Racial Equity (GARE)

Staff applied for membership to [GARE](#) in September 2020. The City's application is currently under review and staff have received positive feedback from GARE representatives thus far. If the City's application is accepted Bozeman will be the first agency to represent the state of Montana! The City's membership in GARE would join us with partners from across the country with whom we could share successes with and learn best practices.

Diversity, Inclusion and interaction with Minorities – Bozeman Police Department

2. Augment existing policies and update to “Bias-free Policing”

The Bozeman Police Department has reviewed its existing policies against the [model policy of “Bias-Free Policing”](#) and updated the department's existing policies where necessary to be in line with this national best practice (**See Appendix A.**) As a result, the main tenants of the department's previous “Racial Profiling Policy” have been incorporated into the model “Bias-Free Policy.” The new policy combines the definitions and mandates regarding racial profiling required by Montana Code Annotated with the updated language and directives provide by the new model policy, resulting in a more encompassing and comprehensive policy. This new policy includes significant changes from the previous policy including a variety of definitions, along with sections on fair and impartial treatment, compliance, and training, making it more understandable for any reader. The final policy has been approved and staff are currently developing and will begin implementation of a training procedure.

Use of Force – Bozeman Police Department

1. Policy Changes

The Bozeman Police Department has made revisions to the current policy which includes providing additional policy direction concerning de-escalation and use of force. The goal of the updates is to address community concerns and provide clarity for officers. As a result, a new and updated “Use of Force” policy (**see Appendix B**) has been finalized and approved. This policy has significant changes from the former policy and provides additional definitions, clearly addresses unacceptable practices, and fleshes out language regarding current practices. It includes clearer guidelines on de-escalation, the force options available, use of force reports, how use of force will be reviewed, and mandates documented training. This policy is clearer on a variety of topics,

allowing any reader to understand what is and what is not acceptable by this department. Staff are currently developing and will begin implementation of a training procedure.

In Progress Actions

City Manager Recommendations

2. Identify anti-discrimination, implicit bias and systemic racism training for elected officials and department heads.

Staff have formed a project team under the umbrella of the Inclusive City Project Team and are currently working on development of a 12-month training program for elected officials and department heads. After seeing an engaging presentation at the Montana League of Cities virtual convention this month, staff are pursuing discussions with the National League of Cities' Race, Equity And Leadership (REAL) program as a possible training partner. This program is expected to be developed by December 2020.

3. Develop a City 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.

Staff have completed and distributed an RFP for a gaps analysis and development of equity indicators which will lay the foundation for the Equity and Inclusion Plan as well as the Equity and Inclusion Summit. A panel made up of representatives from partner organizations and City staff will review and select the qualified firm. A gaps analysis will help us gain an in-depth understanding of where racial, ethnic, and other socioeconomic inequities exist in our community. The process includes characterizing the disparities faced by underrepresented groups, evaluating the capacity of existing services in the community to address those inequities; and developing a set of equity indicators that will allow the City to establish a baseline and track change over time. This effort is expected to take four months after selection of a firm in early December 2020.

5. Accelerate the implementation of body worn cameras for the Bozeman Police Department.

Staff have submitted a proposal as a part of the Capital Improvement Plan (CIP) to move body worn cameras into the budget for the upcoming fiscal year. Due to the complexities of these systems, including data storage requirements, it is essential that any new system include the patrol car video camera systems and the new Bozeman Public Safety Center interview rooms. Toward that end, staff are currently preparing a Request for Proposals that will hopefully be published by the end of this year. Ideally, the new vendor will be selected in time for inclusion in the BPSC, with the remainder of the implementation plan being guided by the availability of funding. The City Commission is scheduled to discuss the CIP for departments in the General Fund on December 1, 2020. This item will require a significant community engagement process prior to implementation.

Anti-discrimination

1. Implement additional training for all city staff.

As a part of implementation of a new learning management software (LMS) members of the Training Project Team will deploy a Workplace Diversity training by December. Additionally, the team will establish a 12 month

training calendar for all employees by Spring 2021 which will include quarterly trainings and annual/semi-annual workshops or speakers.

Diversity, inclusion and interaction with minorities – Bozeman Police Department

1. Training

This item will be an ongoing effort by the Bozeman Police Department to explore additional training opportunities on topics including recognizing implicit bias, anti-racial profiling and Bias-Free policing. As a first step in increasing training the department just completed a staff-wide, 2 ½ hour, online Implicit Bias training.

Use of Force

1. Training

This item will be an ongoing effort by the Bozeman Police Department to incorporate more communication and de-escalation, scenario-based, in-service trainings for officers. Staff 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 more.

As a part of the department’s monthly training, staff have tailored the November scenario-based training to emphasize de-escalation and communication.

Additionally, this November all sworn officers will complete a 2 hour online course on de-escalation and force mitigation.

Citizen Appeal Process

1. Create a stand-alone citizen complaint policy.

2. Clearly distinguish inquiries from complaints.

3. Refine the complaint investigative process.

The action items within this project are interconnected and for the sake of this report are considered dependent upon each other. Staff have begun to clarify the distinction between “inquiries” and “complaints.” Staff have conducted research of communities with existing programs, evaluating best practices and methods for communication and education. In addition, staff has created an initial template for the “workflow” for this entire process, identified preliminary changes that will need to be made in the applicable department policies, compiled a list of variable to consider, and drafted the informational section for the website. Work is ongoing in this complicated and varied process, with additional progress imminent.

Bozeman as an Inclusive City Report – Actions, Budget, Timeline

Green = Complete

Yellow = In progress or Ongoing

Red = Not yet started

City Manager Recommendations

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

| ACTION ITEM | LEAD DEPARTMENT | TIMELINE FOR IMPLEMENTATION | BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR) |
|---|---------------------------------------|---|--|
| 1. PROVIDE A QUARTERLY PROGRESS REPORT TO THE CITY COMMISSION AND INTERESTED STAKEHOLDERS | CITY MANAGER'S OFFICE | IMMEDIATELY - FIRST REPORT NOVEMBER 2020 | \$0 |
| 2. IDENTIFY ANTI-DISCRIMINATION, IMPLICIT BIAS AND SYSTEMIC RACISM TRAINING FOR ELECTED OFFICIALS AND DEPARTMENT HEADS | HUMAN RESOURCES/CITY MANAGER'S OFFICE | DEVELOP 12-MONTH TRAINING PROGRAM BY DECEMBER 2020 | \$12,000 |
| 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 | CITY MANAGER'S OFFICE | 18 MONTHS | UNKNOWN |
| 4. SPONSOR A DIVERSITY, EQUITY AND INCLUSION SUMMIT WITH COMMUNITY PARTNERS SUCH AS MONTANA STATE UNIVERSITY, HRDC, AND MONTANA RACIAL EQUITY PROJECT | CITY MANAGER'S OFFICE | 2021 | UNKNOWN |
| 5. ACCELERATE THE IMPLEMENTATION OF BODY WORN CAMERAS FOR THE BOZEMAN POLICE DEPARTMENT | BOZEMAN POLICE DEPARTMENT | BPD WILL HAVE RECOMMENDATION ON TIMELINE AS A PART OF THE UPCOMING CAPITAL IMPROVEMENT PLANNING PROCESS AND WILL MAKE RECOMMENDATIONS ON FISCAL YEAR. | BPD WILL HAVE COST ESTIMATES AS A PART OF THE UPCOMING CAPITAL IMPROVEMENT PLANNING PROCESS. |

| | | | |
|--|-----------------------|-------------|------------------|
| 6. BECOME A MEMBER OF THE GOVERNMENT ALLIANCE ON RACE AND EQUITY | CITY MANAGER'S OFFICE | IMMEDIATELY | \$1,000 ANNUALLY |
|--|-----------------------|-------------|------------------|

Overall Diversity for the Organization

| ACTION ITEM | LEAD DEPARTMENT | TIMELINE FOR IMPLEMENTATION | BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR) |
|--|----------------------------|---|---|
| <p>1. MAKE DIVERSITY A FORMAL AND HIGH PRIORITY FOR THE ORGANIZATION</p> <p>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.</p> | <p>CITY MANAGER</p> | <p>HOLD ALL CITY STAFF MEETING AND PASS ADMINISTRATIVE ORDER</p> | <p>\$0</p> |

Anti-discrimination

| ACTION ITEM | LEAD DEPARTMENT | TIMELINE FOR IMPLEMENTATION | BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR) |
|---|---------------------------------------|---|---|
| 1. IMPLEMENT ADDITIONAL TRAINING FOR ALL CITY STAFF | HUMAN RESOURCES | LMS "WORKPLACE DIVERSITY" DEPLOYED TO ALL EMPLOYEES BY DECEMBER. ESTABLISH A 12 MONTH TRAINING CALENDAR FOR ALL EMPLOYEES BY MARCH 2021 | WE HAVE A SYSTEM WITH THESE TYPES OF TRAININGS INCLUDED BUT MAY NEED FUNDING FOR IN PERSON TRAINING |
| The City will consider more frequent and additional trainings including trainings on "Inclusion in the Workplace" and "Implicit Bias" | | | |
| 2. EMPLOYEE ENGAGEMENT SURVEYS | HUMAN RESOURCES | SPRING 2021 | \$0 |
| 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 | HUMAN RESOURCES | FY22 | \$0 |
| 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 | HUMAN RESOURCES/CITY MANAGER'S OFFICE | INITIAL MEETING WITH CITY MANAGER TO REVIEW THESE PROGRAM ELEMENTS IN JANUARY 2021 | \$0 FOR INITIAL REVIEW. IMPLEMENTING NEW ELEMENTS MAY REQUIRE FUNDING. |
| 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) | CITY MANAGER'S OFFICE | 2022 | \$0 |

| | | | |
|--|-----------------------------------|---------------------------|-------------------|
| <p>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.</p> | | | |
| <p>6. EVALUATE DIVERSITY & INCLUSION ON ADVISORY BOARDS</p> | <p>CITY CLERK'S OFFICE</p> | <p>SUMMER 2021</p> | <p>\$0</p> |
| <p>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.</p> | | | |
| | | | |

Diversity, inclusion and interaction with minorities – Bozeman Police Department

| ACTION ITEM | LEAD DEPARTMENT | TIMELINE FOR IMPLEMENTATION | BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR) |
|---|---|--|---|
| 1. ADD FUTURE TRAININGS | POLICE DEPARTMENT | | |
| The Bozeman Police Department will explore additional training opportunities on topics including recognizing implicit bias, anti-racial profiling, and Bias-Free Policing. | IMPLICIT BIAS TRAINING (ONLINE) (2.5 HR) | ONGOING | \$3,400 |
| 2. AUGMENT EXISTING POLICIES AND UPDATE TO "BIAS-FREE POLICING" | POLICE DEPARTMENT | | |
| 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. | | COMPLETED WITH TRAINING PROGRAM PUT TOGETHER RIGHT NOW | \$0 |
| 3. BROADEN COMMUNITY OUTREACH EVENTS | | | |
| The Bozeman Police Department will give continued consideration to broadening community outreach events to interact with more Montana State University groups as well as other community groups. | POLICE DEPARTMENT | TO BE DETERMINED DEPENDENT UPON PANDEMIC-RELATED RESTRICTIONS | N/A |
| | | | |

Hiring Practices - Overall

| ACTION ITEM | LEAD DEPARTMENT | TIMELINE FOR IMPLEMENTATION | BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR) |
|---|-----------------|---|---|
| <p>1. CONTINUED EFFORTS TO REACH OUR BEST PRACTICES</p> <p>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.</p> | HUMAN RESOURCES | APRIL 2021 | MAY NEED MINIMAL AMOUNTS FOR JOB POSTINGS TO NICHE GROUPS. |
| <p>2. UPDATE HIRING PRACTICES POLICY</p> <p>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.</p> | HUMAN RESOURCES | 2021-2022 | \$0 |
| <p>3. REVIEW AND UPDATE THE LANGUAGE AND IMAGES USED FOR ADVERTISING POSITIONS</p> | HUMAN RESOURCES | 2021 | \$20,000 |
| <p>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.</p> | | WORK WITH A CONSULT TO DEVELOP NEW VISUAL AND WRITTEN MATERIALS | |

Use of Force

| ACTION ITEM | LEAD DEPARTMENT | TIMELINE FOR IMPLEMENTATION | BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR) |
|---|---|--|---|
| <p>1. POLICY CHANGES</p> <hr/> <p>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.</p> | POLICE DEPARTMENT | COMPLETE AND TRAINING IN PROGRESS | \$0 |
| <p>2. FUTURE TRAININGS</p> <p>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.</p> | POLICE DEPARTMENT | | |
| | INCORPORATE AND PLACE EMPHASIS ON DE-ESCALATION AND COMMUNICATION IN SCENARIO TRAINING | NOVEMBER 2020 | \$0 |
| | DE-ESCALATION AND FORCE MITIGATION (ONLINE FOR ALL OFFICERS) (2 HR) | FALL 2020 | \$3,400 |

Citizen Appeal Process – Bozeman Police Department

| ACTION ITEM | LEAD DEPARTMENT | TIMELINE FOR IMPLEMENTATION | BUDGET (ESTIMATE IF AVAILABLE, NOTE IF ALREADY BUDGETED FOR AND WHAT FISCAL YEAR) |
|---|---------------------------------|-----------------------------|---|
| <p>1. CREATE A STAND-ALONE CITIZEN COMPLAINT POLICY</p> | | | |
| <p>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.</p> | <p>POLICE DEPARTMENT</p> | <p>SPRING 2021</p> | <p>\$0</p> |
| <p>2. CLEARLY DISTINGUISH INQUIRIES FROM COMPLAINTS</p> | | | |
| <p>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.</p> | <p>POLICE DEPARTMENT</p> | <p>SPRING 2021</p> | <p>\$0</p> |
| <p>3. REFINE THE COMPLAINT INVESTIGATIVE PROCESS</p> | | | |
| <p>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.</p> | <p>POLICE DEPARTMENT</p> | <p>SPRING 2021</p> | <p>\$0</p> |



I. PURPOSE

The purpose of this policy is to emphasize the Bozeman Police Department's commitment to fair and bias-free treatment of all people and to clarify the circumstances in which agency personnel may consider specified characteristics when carrying out duties. Fair and bias-free policing enhances legitimate law enforcement efforts and promotes trust within the community.

II. POLICY

People having contact with Bozeman Police Department personnel shall be treated in a fair, impartial, bias-free, and objective manner, in accordance with law, and without consideration of specified characteristics as defined in this policy.

II. DEFINITIONS

- A. Biased Policing: Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of agency personnel toward classes of people based on specified characteristics.
- B. Fair and Bias-free Treatment: Conduct of agency personnel wherein all people are treated in the same manner under the same or similar circumstances irrespective of specified characteristics.
- C. Police Services: Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law, but that contribute to the overall well-being of the public. These include, but are not limited to, such tasks as welfare checks; death notifications; public assistance to persons who may be lost, confused, or affected by mental or physical illness; traffic control; medical emergencies; lifesaving services; crime prevention; public information; and community engagement.
- D. Specified Characteristics: For the purposes of this policy, real or perceived personal characteristics, to include but not limited to race, ethnic background, national origin, immigration status, gender, gender identity/expression, sexual orientation, religion, socioeconomic status, age, disability, or political affiliation.
- E. 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. Fair and Impartial Treatment

1. Biased policing, including racial profiling, is prohibited both in enforcement of the law and the delivery of police services.
2. Agency personnel shall take equivalent enforcement actions and provide bias-free services to all people in the same or similar circumstances. This does not mean that all people in the same or similar circumstances must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, for example when dealing with people with disabilities, injury, or illness.
3. Agency personnel may only consider specified characteristics when credible, timely intelligence relevant to the locality links a person or people with a specified characteristic(s) to a particular unlawful incident, or to particular unlawful incidents or criminal patterns.
4. 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.
5. Restrictions on the use of specified characteristics do not apply to law enforcement activities designed to strengthen the agency's relationship with diverse communities.

B. Compliance

1. Where appropriate, agency personnel are encouraged to intervene at the time the biased policing incident occurs. Agency personnel who witness or who are aware of instances of biased policing shall report the incident to a supervisor.
2. Supervisors shall:
 - a. Ensure that all agency personnel in their command are familiar with the content of this policy and shall be alert and respond to indications that biased policing is occurring.
 - b. Respond to violations of this policy with training, counseling, discipline, or other remedial intervention as appropriate to the violation.
 - c. Ensure that those who report instances of biased policing are not subject to retaliation.
3. The department will ensure the ability to document the race of those contacted



during vehicle and person stops. Personnel shall comply with all departmental direction regarding how to assist in ensuring the accurate documentation of this criteria.

4. Any written complaint of racial profiling or other biased policing shall be handled in accordance with the department's Administrative Investigations and Discipline Policy.

C. Training

All agency personnel will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to fair and bias-free policing. Topics should include legal aspects and the psychology of bias, cultural awareness, and racial profiling.



I. POLICY

The purpose of this policy is to provide officers of the Bozeman Police Department with guidelines on the reasonable use of force. It consists of general principles and values and is not a statement of what must be done in a particular situation. The Bozeman Police Department values the sanctity of human life and the importance of treating all persons with dignity and respect. It is the policy of this department that police 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.

II. DEFINITIONS

- A. **Force:** Any physical efforts used by an officer to control, overpower, or restrain another.
- B. **Lethal Force:** Force likely to cause death or serious bodily harm.
- C. **Less-lethal Force:** Any use of force other than that which is considered lethal force.
- D. **Objectively Reasonable:** As decided by the US Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), the Fourth Amendment ‘reasonableness’ inquiry is whether the officer’s actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.
- E. **De-escalation:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- F. **Exigent Circumstances:** Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- G. **Chokehold:** A physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation.
- H. **Vascular Restraint:** A physical maneuver that restricts blood flow to an



individual's brain for the purposes of incapacitation.

III. GUIDELINES

It is recognized that officers may be confronted with situations where use of force may be required to make an arrest, prevent escape, as self-defense, or to protect the public. Many force and equipment options are available to the officer. The officer must choose the appropriate option based on an objectively reasonable belief of the threat, either actual or perceived.

A. ESCALATION AND DE-ESCALATION

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. Whenever possible and when such delay will not compromise the safety of the officer or another, and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual reasonable opportunity to submit to verbal commands before force is used.
3. While it is preferred that officers attempt to de-escalate a situation by gaining compliance through advice, warning or persuasion, it is sometimes necessary to use physical force.
4. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
5. 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
6. 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.
 7. Officers have a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so. The excessive force shall be reported to a supervisor as soon as possible.
 8. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

B. USE OF FORCE OPTIONS

1. LESS-LETHAL LEVELS OF FORCE:

a. LOW LEVEL

- 1) **Officer presence and verbal commands:** When practical, verbal commands should be used in combination with other levels of force as a means to control the situation
- 2) **Restraints:** Includes the use of handcuffs, flex cuffs, Restraint strap, leg restraints, WRAP and belly belt. This also includes actually placing hands on a person in a gentle to firm manner to gain control over the subject.

b. INTERMEDIATE LEVEL

- 1) **Compliance techniques (Soft):** Includes pressure points, takedowns, and joint manipulation.
- 2) **Chemical Agents:** Includes oleoresin capsicum (OC), Ortho Chlorobenzalinalonitrate (CS gas)
- 3) **Temporary Incapacitation (Hard):** Techniques include strikes with hands, elbows, feet, and knees; expandable or straight baton, flashlight, or weapon of necessity. Includes use of 12-gauge bean bag



USE OF FORCE

projectile, rubber baton, bullet, diversionary or distraction devices, Canine Contacts/Bites, Conducted Electrical Weapons (Taser).

2. LESS-LETHAL USE OF FORCE:

Officers are authorized to use department approved less-lethal force techniques, issued equipment, or weapons of necessity or opportunity for resolution of incidents as follows:

- a. To protect themselves or another from physical injury, or the threat thereof.
- b. To restrain or subdue a non-compliant individual.
- c. To bring an unlawful situation safely and effectively under control.
- d. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.

3. AUTHORIZED LESS-LETHAL EQUIPMENT:

Officers are not permitted to use department issued or authorized equipment unless qualified in its use as determined by training procedures. Patrol Officers are required to carry on their duty belt, at least two of the following less lethal equipment items:

- a. OC spray
- b. Baton (Asp)
- c. Flashlight (Available for use as a baton)
- d. Taser

4. LETHAL FORCE:

- a. In accordance with M.C.A. 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:
 1. Protect the police officer or others from what is reasonably believed to be a threat of death or serious bodily injury; and/or
 2. Prevent the commission of a forcible felony.



- b. Before using a firearm, police officers should identify themselves and state their intent to shoot, whenever feasible or practical.
- c. 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 deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm.
- d. 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:
 - 1. The vehicle or suspect poses an immediate threat of death or serious bodily injury to the officer or another person;
 - 2. 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.
- e. The firing of warning shots is inherently dangerous and should not be fired except under the most compelling circumstances. A warning shot may be fired in an effort to stop a person only when the officer is authorized to use lethal force, and if the officer reasonably believes a warning shot can be fired safely in light of all the circumstances of the encounter.
- f. The use of chokeholds and vascular neck restraints are prohibited unless deadly force is authorized.

C. REPORTING USE OF FORCE

- 1. Supervisor notification and a written Use of Force Report is required in the following situations:
 - a. Any use of force option above Low Level is utilized.
 - b. When force is used while displaying or presenting a firearm or less-lethal tool towards a subject to gain compliance.
 - c. When lethal Force is threatened or used.



2. The on-call Command Duty Officer will be immediately notified and will direct the investigation in the following situations:
 - a. When a firearm is discharged during a use of force incident.
 - b. When any use of force results in death or serious injury.
 - c. When a subject complains that serious injury has been inflicted.
 - d. When misconduct surrounding the use of force is alleged or suspected.

D. REVIEW AND INVESTIGATION

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.

E. TRAINING

1. All officers shall receive training on this agency's use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to:
 - a. Provide techniques for the use of and reinforce the importance of de-escalation;
 - b. Simulate actual shooting situations and conditions;
 - c. Enhance officers' discretion and judgement in using less-lethal and deadly force in accordance with this policy.
3. All use of force training shall be documented.