

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Bozeman Police Department's commitment to policing that is fair and objective. Policing that is fair and not bias-based enhances legitimate law enforcement efforts and promotes trust within the community.

This policy also clarifies the circumstances in which agency personnel may consider specified characteristics when carrying out duties. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (§ 44-2-117, MCA).

**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.

### 401.2 POLICY

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

### 401.3 BIAS-BASED POLICING PROHIBITED

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

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 FAIR AND IMPARTIAL TREATMENT

- (a) Biased policing, including racial profiling, is prohibited both in enforcement of the law and the delivery of police services.
- (b) 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

# Bozeman Police Department

## Policy Manual

### *Bias-Based Policing*

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concessions and accommodations may be, and sometimes should be made, for example when dealing with people with disabilities, injury, or illness.

- (c) 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.
- (d) Restrictions on the use of specified characteristics do not apply to law enforcement activities designed to strengthen the agency's relationship with diverse communities.
- (e) Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

#### 401.4.1 REPORTING TRAFFIC STOPS

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.

#### **401.5 SUPERVISOR RESPONSIBILITIES**

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

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review audio and video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy (§ 44-2-117, MCA).
  - 1. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy in accordance with the Personnel Complaints policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### **401.6 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.

Training must be certified by the Montana Public Officer Standard and Training Council (§ 44-2-117, MCA).