

Policy Number: 102.4

Policy: Racial Profiling

Effective Date: 08/01/2011

Revision Date: 02/01/2017

Approved by: Scott Forshee, Chief of Police

This policy is intended to reaffirm the commitment of the University Police to unbiased policing, clarify circumstances in which officers may consider race/ethnicity when making law enforcement decisions, and serve to assure the public that we are providing service and enforcing laws in an equitable manner.

Investigative detentions, traffic stops, arrests, searches and property seizures by officers will be based on a standard of particularized suspicion, or probable cause in accordance with the 4th Amendment of the U.S. Constitution, and Article II of the Montana Constitution. Officers must be able to articulate specific facts and circumstances that support particularized suspicion, or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

Except as provided below, officers shall not consider race/ethnicity in establishing either particularized suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

Officers may take into account the reported race/ethnicity of a specific suspect(s) based on trustworthy, locally relevant information that links a person of a specific race/ethnicity to a particular unlawful incident. Race/ethnicity can never be used as the sole basis for particularized suspicion or probable cause.

Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions.