



**Policy Number: 401 – Bias-Based Policing**  
**Effective Date: August 30, 2020**  
**Revision Date: August 30, 2020**  
**Approved By: Denis Otterness, Chief of Police**

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## **401.1 PURPOSE AND SCOPE**

This policy provides guidance to members of the Montana State University Billings Police Department (Department) that affirms our commitment to policing that is fair and objective.

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 engagement, outreach and partnerships).

### **401.1.1 DEFINITIONS**

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religious affiliation, 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).

## **401.2 POLICY**

Our 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(s), specific criminal patterns or specific schemes.

## **401.4 DEPARTMENT MEMBER RESPONSIBILITIES**

Every member of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to

a Department supervisor. Members shall, when reasonable to do so, intervene to prevent any bias-based actions by another member.

#### **401.4.1 REASON FOR CONTACT**

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

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

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

#### **401.4.2 REPORTING TRAFFIC STOPS**

Each time an officer makes a traffic stop, the officer shall properly document that traffic stop in the Department's Automated Records Management System (ARMS) by either a Computer Aided Dispatch (CAD) entry or completion of a full police report as required by University Police Department Policy 504 - Traffic and Parking Citations.

### **401.5 SUPERVISOR RESPONSIBILITIES**

Department Supervisors are responsible for monitoring those individuals under their command for compliance with this policy and shall handle any alleged or observed violations accordingly.

In the event there is a concern/complaint regarding an officer as it relates to this policy a Department Supervisors should:

1. Discuss any issues/concerns with the involved officer in a timely manner.
2. Supervisors should document these discussions, in the prescribed manner.
3. Supervisors should periodically review Mobile Audio/Video (MVR) recordings, portable audio/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).
4. Supervisors should properly document these periodic reviews.
5. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
6. The Chief of Police, or their designee, shall initiate investigations of any actual or alleged violations of this policy.
7. 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 ADMINISTRATION**

The Chief of Police, or their designee, should review the efforts of the Department to provide fair and objective policing. The review by the Chief of Police should identify any changes in training or operations that should be made to improve service

## **401.7 TRAINING**

Training on fair and objective policing, implicit bias, and review of this policy should be conducted on a consistent basis.

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