

December 30, 2011

To: State Tribal Relations Interim Committee.
Fr: Jim Smith, Montana Sheriffs and Peace Officers Association
(MSPOA).

Re: Racial Profiling Update.

Good afternoon members of the State Tribal Relations Interim Committee.

My name is Jim Smith. I am a Helena lobbyist. I represent the Montana Sheriffs and Peace Officers Association. Thanks very much for the opportunity to share some information on racial profiling and cross deputization agreements with the State Tribal Relations Interim Committee at your January 13th meeting.

Cross Deputization Agreements.

These are agreements between Tribal Nations and surrounding jurisdictions. The only cross deputization agreement in Montana at this time is between the Fort Peck Tribes and several neighboring jurisdictions: Roosevelt County, The City of Wolf Point, City of Poplar, Valley County, the State of Montana Department of Justice/Highway Patrol, and the Secretary of the Interior of the United States.

Racial Profiling Information and Data from Police Departments and Sheriffs Offices.

When I was before this Interim Committee last June we discussed the requirements in law at MCA 44-2-117 regarding the collection of data on persons stopped for traffic violations. I shared with the Committee in June the fact that at the local level there is not a single, standard method of collecting this data; nor is there a means of routinely aggregating this data. And, there are a lot of traffic stops in Montana.

In early December, I asked the Police Departments and Sheriffs Offices around the state to provide me with any information they have on the traffic stops made

in their jurisdictions, on whether their Officers are getting the training required, on whether there have been any complaints of racial profiling filed with their offices or departments.

I received quite a bit of information, which is attached and included for the Committee's consideration. Here are the documents:

1. Montana Codes Annotated section on racial profiling (MCA 4-2-117). Attached as '44-2-117 Racial Profiling Prohibited.doc.'
2. Missoula County Sheriff's Office Policy Statement. Attached as 'Mizzoo SO Policy on Racial Profiling.doc.'
3. The Model Policy on racial profiling/biased based policing developed by the Montana Association of Counties (MACO), Sheriffs and Peace Officers and other Law Enforcement agencies. Attached as 'P 12 Biased Based Policing, 2007.doc.'
4. Data from the Great Falls Police Department from 2007-2010. Attached as '2007-2010 GF Police Department Review. Docx'
5. Data from the Missoula Police Department for 2011. Attached as 'Racial Statistics msla.pdf.'
6. Data from the Kalispell Police Department, July 2010 thru December 2010. Attached as 'Racial Profiling Review VI 12-31-10.docx' Note: this is one of seven reports from the Kalispell PD.
7. Data from the Kalispell Police Department, January 2011 thru June 2011. Attached as 'Racial Profiling Review VII 12-31-10.docx' Note: this is a second of seven reports from the Kalispell PD.
8. Data from the Helena Police Department, 2008-2011. Attached as 'Racial Breakdown.pdf x 4, 2008, 2009, 2010, 2011.
9. Finally, information and data from thirteen other police departments and sheriff's offices. Attached as '~~STR Info. Racial Prof. 12-20-11.docx.~~' Below:

1. Butte Silver Bow Sheriff's Office.

Sent: Tuesday, December 20, 2011 12:04 PM □

From: Driscoll, Mark □

To: Walsh, John P. □

Subject: State Tribal Relations Committee--Jan. 13th

1. Are you keeping 'racial profiling' statistics on the traffic stops being made by your officers? What does your data demonstrate? Anything you can share in this area would be especially helpful.

The officers are required to enter race, gender, ethnicity and whether or not the subject is of middle eastern descent into their traffic stop CRs under "MORE CORE". SWIFT can spit this stuff out but I have never personally done it.□□

2. Have any 'racial profiling' complaints been filed with your Office?

Not to my Knowledge!□□

3. Are your Officers getting being trained at the MLEA in Montana law as it relates to racial profiling? ???□□

4. Is your Office involved in a 'cross deputization agreement' with a Tribal Nation?

Not to my Knowledge!□□

5. If there is not a formal 'cross deputization agreement' in place, how would you describe the working relationship between your Office and the Tribal Nation?

N/A?

Mark D. Driscoll, Undersheriff
BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT
Tel: (406) 497-1122 Fax: (406) 497-1181
mdriscoll@bsb.mt.gov

2. Livingston Police Department.

Jim,

Chief Troy McGee suggested that agencies provide you with racial profiling data for the upcoming meeting with the state Tribal Relations Committee Meeting. My data is included with my annual report of statistics, which can be viewed on the City of Livingston website (pages 12, 13, and 29 - 30)

http://www.livingstonmontana.org/living/docs/Police_Department_Annual_2010.pdf

Our software program does not allow individual statistics pages (as viewed on pages 29-39) to be e-mailed. They have to be printed out and scanned. I can do this if you desire, but the pages are included in the annual report PFD format. Let me know what you may need. Best wishes for the holidays!

Darren Raney

Chief of Police
414 East Callender Street
Livingston, MT 59047
406-222-2050

3. West Yellowstone Police Department.

Gordon Berger <gberger@townofwestyellowstone.com> 12/20/2011 11:42 AM
Chief McGee,

Our department has not experience any racial profiling in our community.
We do get a high volume of Minority groups traveling through our community
with no problems. I hope this helps thanks.

Chief Berger

4. Powder River County Sheriff's Office.

Jim, I will try to answer your question the best I can.

1. I am not keeping record of the race or ethnicity on traffic stops. I will be ordering new NTA s this next year the new ones will have that option.
2. I would say that 50% of the "Indian" traffic stops that are made something is said about the white cops picking on the Indians. I have only had one formal complaint in the 9 years I have been sheriff. That was dealing with the freedom run, I stood behind my officer, and after several visits with tribal leaders on the phone and in my office the problem was resolved and no citations were written in the first place.
3. PRC Attorney Jeff Noble had planned to do a training for us and that has never been done. PRC dose not have money or officers to cover for trips to Helena for training. I get and offer what ever I can here locally and that is all we get. Your talking to the "red headed step child" here. I do have a RESERVE OFFICER that is helping a lot with some of that type of stuff.
4. We do not have any kind of "cross deputization agreements". We do not border any reservations and for the most part we do not deal with BIA.
5. I have never had a problem with calling and talking with who ever I needed to. I have just never had a problem.

We have a cel tower just inside of PRC near Ashland. That tower picks up a lot of 911 call from the reservation. We forward those call to Rosebud County or to BIA which ever is appropriate.

Where do I get NTA s printed? Am I on my own or is that done by the state

some where?

John Blain, Sheriff
Powder River County

5. Custer County Sheriff's Office.

1. We keep track of the race in our rms system. I looked at it today and it would depend on the type of statistic we would need. I did a one month period of arrests and the percentage of minorities is around 1 to 2 percent. I believe this would be true across the board, but it would require some manual searches and time, but it could be checked.
2. No complaints have ever been filed here that I know of.
3. Yes, all of them, including Sheriff Harbaugh, have been through the training provided by the state.
4. N/A
5. N/A

You probably don't want to get started with my opinions on this issue. My insight on this would only heat things up for you.

Undersheriff Pat Roos
Custer County Sheriff's Office
1010 Main St
Miles City, MT 59301
Work 406-874-3402
Cell 406-951-1388
Fax 406-234-3412

6. Polson Police Department.

"John Stevens" <polsonasstchief@centurytel.net> 12/20/2011 1:30 PM >>>

Hello Chief McGee,

When our department started keeping stats on the racial stats, we were using a form that listed the different races. When the officer completed their traffic stop, they circled a number on the form for that persons race.

These forms were then turned in at the end of each month and filed. As of November 1st, we started keeping the stats through our dispatch via the CAD or SWIFT. The officer would call in at the end of the traffic stop their race and the dispatcher would enter that information into the traffic stop CR.

We have not run any reports to show what the numbers are at this point so if its numbers you need, I would have to do some more research.

I hope this information will be helpful. If there is more you need, don't

hesitate to contact me.

John A. Stevens, Acting Police Chief
Polson PD
883-8229 Office
249-5072 Cell

7. Valley County Sheriff's Office.

1. Yes we are keeping track on the tickets and warnings. Nothing at all, no incidents
2. No complaints. Once in a while in the jail an inmate will say we are treating them different because they are Indians. Generally they are treated better because they are tribal.
3. We have not had a deputy in basic for over two years.
4. We are crossed deputized with the Fort Peck tribes and have been for over eight years. It works great but it is a fairly high maintenance. There are training issues with crimes in Indian county and sensitivity training. The tribe is going to set the training up and they never do. Valley County does not write tribal NTA but we keep the peace until the tribal officers arrive. My years working with Indian people allows me to understand their ways. You just can't get into too big of hurry.

I could talk for hours.

Glen Meier, Sheriff
Valley County

8. Conrad Police Department.

From: "Conrad Police Dept." <conradpd@3rivers.net>

Date: December 21, 2011 12:34:48 PM MST

To: <jimesmith@mt.net>

Subject: Racial statistics.

For 2011 the Conrad Police Dept. issued arrest/traffic citations to the following:

345 - White

54 - Native American

5 - Hispanic

3 - Other

2 - Black

Chief Gary Dent

Conrad Police Dept.

conradpd@3rivers.net

9. Ravalli County Sheriff's Office

Hello Boss, hope the bank is working out for you today. Anyway, here it goes on our Racial Profiling policy corresponding with Mr. Smith's request:

1. Yes, we keep the stats on traffic stops through dispatch by using a David code for race when the stop is cleared. Yearly, 911 provides me with a list of stops by officer and race code. The data doesn't demonstrate anything though. Nearly all of the RCSO warnings and citations are white, there isn't a deputy that has more stops on another ethnic group than anyone else. In fact, we have very few stops on another ethnic group.
2. We have NOT had a "racial profiling" complaint filed in the two years I have been Lieutenant, I could research Joe's files but I never heard of anything.
3. All of our Deputies attended the state's "racial profiling class" when the legislation passed, including Reserve Deputies. We also have a certified instructor on staff. We provide the class to every new RD class, and if we hire someone who is not POST certified they get the course at MLEA Basic.
4. No.
5. I don't think this applies to us, other than the relationship we have with the Salish/Kootenia Tribe, working the few cases a year that end up there or here. I think we have a good relationship with them, but that is only from my personal experience. I have not heard anything different though.

Let me know if you need anything else on this.

Steve

Lt. Steve Holton
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10. Sheridan County Sheriff's Office.

Patrick Ulrickson, Sheridan County Sheriff

1. Are you keeping 'racial profiling' statistics on the traffic stops being made by your officers? What does your data demonstrate? Anything you can share in this area would be especially helpful.

Yes. Our traffic stops show typical demographics for our area. Mostly white males on non-Hispanic ethnicity and not of middle eastern descent.

2. Have any 'racial profiling' complaints been filed with your Office?

Not to my knowledge.

3. Are your Officers getting being trained at the MLEA in Montana law as it relates to racial profiling?

I believe so, or at least they should be during Basic.

4. Is your Office involved in a 'cross deputization agreement' with a Tribal Nation?

No.

5. If there is not a formal 'cross deputization agreement' in place, how would you describe the working relationship between your Office and the Tribal Nation?

Very Good. Limited interaction since we have very few Tribal members living in our jurisdiction, but we try to involve Tribal authority when Tribal members are involved in incidents within the Reservation boundaries in our County. □□

11. Glasgow Police Department.

Jim, Here are the stats from the Glasgow Police Department on all citations issued as of this year to date. If you need anything further feel free to ask.
Thanks

Brien Gault, Captain

Glasgow Police Department

501 Court Square

Glasgow, MT 59230

Phone: 406-228-4333

Direct Line: 406-228-6252

Fax: 406-228-4601

bgault@nemont.net

12. Bozeman Police Department.

From January 1st through November 30th, 2011, Bozeman Police Department has 2,047 subject stops and 8,996 traffic stops. You can have multiple people linked to an event.

The Race Codes are Asian-Pacific Islander (A), African-American or Black (B), Native American or American Indian (I), White (W), and Unknown (U). If a person is Hispanic or Latino, it is recorded as ethnicity in ILeads, however it is not recorded in CAD through Supplemental Information when a person is added for a 10-31.

AG_ID	BOZPD
TYCOD	TS

Count of NUM_1	SEX				Grand Total
RACE	F	M	U	(blank)	
A		19	39		58
B		16	65		81
H		10	41		51
I		12	13		25
N		7	7		14
U		8	23		31
W		2973	4781	1	7755
(blank)		464	813		1326
Grand Total		3509	5782	1	1326

AG_ID	BOZPD
TYCOD	SS

Count of NUM_1	SEX			Grand Total
RACE	F	M	(blank)	
A			2	2
B			1	1
H			4	4
I		1	4	5
N			2	2
U			4	4
W		107	671	778
(blank)		104	610	962
Grand Total		212	1298	962

I think N was being used Native American when I should be used and I think H was being used for Hispanic, see comments above. You can have people of any race be classified as Hispanic or Latino.

If you have any questions, let me know.

Bruce

Bruce E Cunningham
Gallatin County 911 Communications

13. Plains Police Department.

PLAINS POLICE DEPARTMENT
RACIAL PROFILING TRAFFIC STATS DEC 2010 – NOV 2011

		TOTAL	%
CAUCASIAN	C:	159	92.98%
AFRICAN AMERICAN	F:	0	.0
NATIVE AMERICAN	I:	4	2.33%
ASIAN	A:	2	1.16%
HISPANIC	S:	2	1.16%
MIDDLE EASTERN	M:	0	.0
UNKNOWN	H:	2	1.16%
TOTAL		171	