



TO PROTECT AND { UNEQUAL TREATMENT IN THE } SERVE? { BILLINGS POLICE DEPARTMENT }

By **Carrie Tracy** – October 2005

**NORTHWEST FEDERATION OF COMMUNITY ORGANIZATIONS
MONTANA PEOPLE'S ACTION / INDIAN PEOPLE'S ACTION**

TO PROTECT AND SERVE?

{ UNEQUAL TREATMENT IN THE BILLINGS POLICE DEPARTMENT }

Introduction

IN TWO BILLINGS NEIGHBORHOODS, residents live very different lives. In the Heights, higher-income residents live in big houses, on wide, clean, quiet streets. Residents of the Heights feel protected by their police department, secure in the belief that the officers are there to serve and protect them. On the other side of the railroad tracks, lower-income residents of the Southside have no such assurances. Their neighborhood is rundown and neglected by the city. To make matters worse, they cannot rest easy in the knowledge that Billings police officers will protect them from the crime in their neighborhoods or violence in their homes. Instead, Southside residents fear the police officers themselves.

In recent years, the Billings Police Department and its leadership have been in the news with reports of accusations of police brutality and misconduct. A study conducted by Montana People's Action (MPA) reveals deeper problems within the police department that lead to distrust and fear among residents of certain parts of the city. The study has found that in the Southside neighborhood, the Police Department is known for racial profiling and discrimination, gender discrimination, mistreatment of domestic violence victims, and demeaning treatment of low-income

residents. Surveys comparing the sentiments of residents of the Heights and residents of the Southside uncover two sides of the Billings Police Department – one side that serves and protects the wealthier white residents of the city, another that ignores or abuses their poorer neighbors and people of color.

Policing practices reflect the values of a community. While the city pours millions of dollars into revitalizing the downtown area, it ignores the Southside neighborhood. With a new administration, the Billings Police Department has an opportunity to redesign the Department's procedures, policies, and training practices to reflect the values of a city that should not be divided by income or race. The Department can, with these reforms, truly serve and protect the whole community.

METHODOLOGY

MPA DEVELOPED a six question survey. The survey form follows in Appendix A. MPA staff developed the questions, with technical support from the Northwest Federation of Community Organizations. The survey was tested on 20 people to ensure that the questions were clearly worded. MPA staff trained members to administer the survey, with a training session that explained the surveying procedure and required participants to role play administering the survey. MPA staff observed each member's first surveys to ensure that each survey administrator was following the same procedure.

MPA staff and 5 MPA members surveyed 80 people in the Heights' neighborhood, and 80 people in the Southside neighborhood. Survey respondents were chosen at random. MPA staff and members went door-to-door in the two neighborhoods, during the afternoons and evenings when more people would be at home. In the Southside, MPA staff and members also invited people to take the survey at random at two other locations: the Family Services Center and the American Heritage Indian Day fair at South Park.

In 2004, the police released a community survey that showed that 51% of the people surveyed believed that Billings police officers treated all residents fairly. MPA members suspected that the 49% of residents who did not believe that the police treat all residents fairly were low-income residents and people of color. The goal of this survey was to test that hypothesis by comparing the responses of people who lived in a low-income neighborhood with a significant population of people of color with the responses of people who lived in a predominantly white higher-income neighborhood. The questions were designed to ascertain whether residents of the two neighborhoods had different opinions about the attitudes of Billings police officers and different experiences with those officers.

The survey included two questions that asked residents to rank the Department, three questions with yes or no answers, and three open-ended questions. The responses to the ranking questions and the yes or no questions were compiled using the online tool Survey Monkey. The short answers that people provided to the open-ended questions were grouped into categories of responses and quantified.

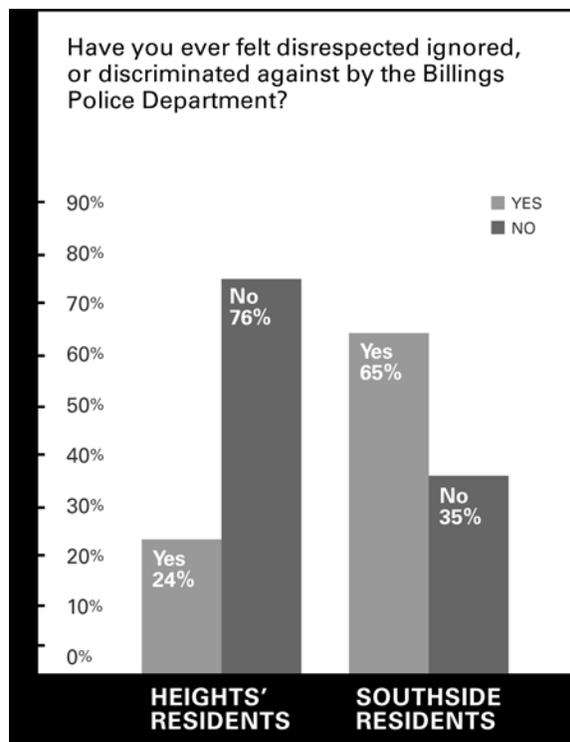
Respondents were also asked if they had a story that they would like to tell about an experience with the Billings Police Department. Four respondents agreed to tell their stories in greater

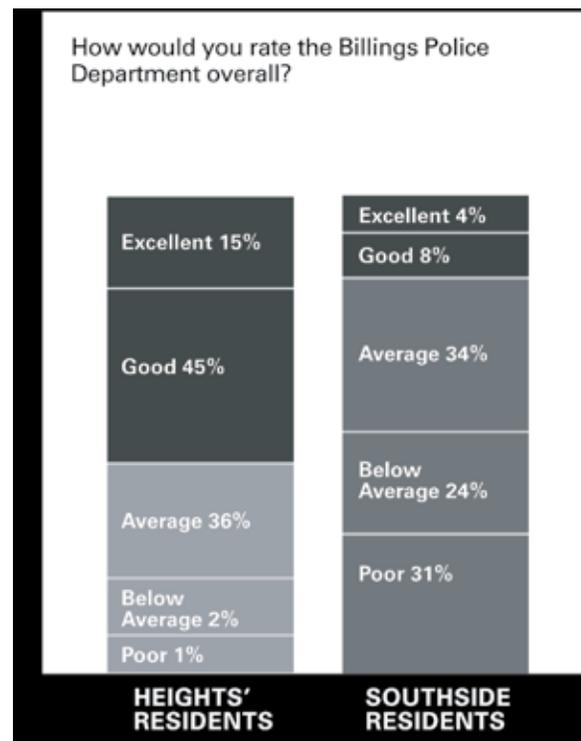
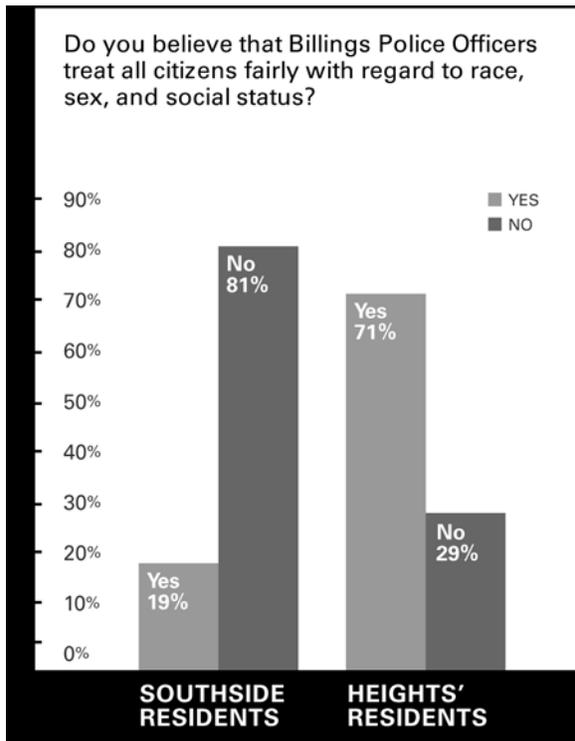
detail. These stories were written up in narrative form as they were told to MPA staff and are included in this report.

FINDINGS

MONTANA PEOPLE'S ACTION surveyed residents of Billings about their experiences with the Police Department and their perceptions of the department. The result was two very different pictures of the Department. Residents of the city's poorer Southside neighborhood describe a racially discriminatory police force that fails to respond to residents' requests for help and complaints about police behavior. Residents of the wealthier Heights neighborhood do not report these problems, and are more concerned that the force needs more resources and more stable leadership. MPA surveyed 80 residents in the Heights neighborhood, and 80 residents in the Southside. As the charts show, while a majority (65 percent) of Southside residents reported that they had felt disrespected, ignored, or discriminated against by the Billings Police Department, a larger portion of Heights residents (76 percent) had never had that experience. And while almost three-quarters (71 percent) of Heights residents believed that Billings Police Officers treat all citizens fairly with regard to race, sex, and social status, fewer than one in five (19 percent) of Southside residents believed it.

FINDING: DIFFERENT COMMUNITIES REPORT VERY DIFFERENT EXPERIENCES WITH THE BILLINGS POLICE DEPARTMENT.





Billings Police Officers treated me with disrespect because I am a woman

I was involved in a car accident earlier this summer. It was at an intersection that was uncontrolled. I was the car on the left, so I was cited for the accident. I did not feel the accident was my fault. I was certain I had taken every precaution at the uncontrolled intersection, and I felt the other driver was speeding and possibly drinking.

The officer that was called to the scene of the accident was rude and dismissive. I am a woman and the other driver was a man. I asked for the accident to be measured (markings, car placements, etc...) The officer dismissed my request, stating that because no one was injured he would not measure.

I also tried to point out to the officer the open beer cans falling out of the other vehicle. My requests were again dismissed. The officer ticketed me for failure to yield the right away (a charge that has now been dropped). The officer rudely and aggressively chastised me for not paying attention; he laughed and explained things respectfully when he was speaking to the other male driver.

I got the distinct feeling, as did the other witnesses with me, that the officer was treating me poorly because I was a woman and the other driver was a man. I deserve the same respect they would afford to anyone else.

FINDING: SOUTHSIDE RESIDENTS ARE MORE LIKELY TO REPORT SLOW RESPONSE TIMES AND NEGATIVE ATTITUDES FROM POLICE OFFICERS.

One concern for Southside respondents to our survey, but not for respondents from the Heights, was that the Billings Police Department fails to respond promptly to calls for assistance or discourages people from pressing for action on their problems.

The Billings Police Department provided 2004 call response times for a Heights beat and a Southside beat. Response times for calls in general and for priority one calls in particular were comparable, or even quicker in the Southside beat. But the perception remains in the Southside that the Billings Police Department does not respond as quickly to calls in that neighborhood, or that officers are less likely to take action on crimes committed in the Southside.

Respondents stated that “[my] friend was abused and [the police] let it slide,” “[the] Sheriff’s Department respond[ed] to request of assist on stalker and BPD didn’t respond after an 1 ½ hours. Billings P.D. and 911 refused to send patrol vehicle. Both operators requested if stalker was a ‘white guy,’” “I once asked for help to change a tire and the officer just drove off,” “when I call cops for [assistance] they can’t come out. Something has to have happened,” “police afraid to come to Southside,” “I called 911 for a house break in in 2002 and waited a few hours and they never did respond.”

FINDING: BILLINGS POLICE DEPARTMENT’S COMPLAINT PROCESS DISCOURAGES RESIDENTS FROM FILING COMPLAINTS, AND DOES NOT PROVIDE ADEQUATE INVESTIGATIONS.

The Billings Police Department, since 2001, has had a two-tier complaint process. The Department takes formal complaints, using a two-page form that requires the complainant to swear to the truth of the allegation before a notary public, and “informal complaints” that are initiated by filling out another “Compliment/Complaint” form. This system has resulted in fewer formal complaints being filed, and fewer investigations.

A 2005 independent investigation that the Billings Mayor hired consultants to perform found that the Department, under former Chief Tussing, “improperly investigated allegations of misconduct based upon complaints or occurrences.” This investigation found that the Department failed to investigate complaints. It also noted that the Chief stated that he was aware that sergeants were failing to document complaints made informally.

When the “informal” complaint form was introduced in 2001, complaints resulting in internal affairs investigations decreased. In 1999 and 2000, there were 13 complaints filed against Police Department Employees each year. In 2001, that number dropped to 10, in 2002 and 2003 there were only two complaints filed each year. In 2004, the number of complaints rose to ten. Assistant City Attorney Bonnie Sutherland told the independent investigators that she believed this decrease in formal complaints was caused when the “informal” process was instituted; she believed that the statistics only counted formal complaints, not all complaints.

Five Billings residents reported in their short answers to the survey that they were discouraged from filing complaints, or that their complaints were ignored.

The formal complaint form is unnecessarily intimidating. The second page of the form requires the complainant to swear before a notary public that the statement is true, and includes a citation to the Montana Code governing false swearing, including the possible penalties. This form makes filing a complaint unnecessarily difficult, and discourages people from using the formal, rather than informal procedure.

FINDING: THE BILLINGS PD DOES NOT ADEQUATELY DOCUMENT OR TRACK INCIDENTS OF USE OF FORCE BY OFFICERS, A FAILURE THAT MAY CONTRIBUTE TO INCIDENTS THAT HARM RESIDENTS AND COULD COST THE CITY MORE MONEY IN LAWSUITS.

There is evidence that excessive use of force is a problem for the Billings Police Department. In April, the department fired Officer Greg Jacobs, who hit a handcuffed suspect in the face and head three times during an arrest on Christmas Eve 2004, acts caught on a patrol car video. Another Billings resident alleges that he was beaten by Jacobs in October 2004, suffering a bite wound, closed head injury, and kidney failure as a result of Jacobs’ attack. Jacobs had previously been suspended without pay for a week in 2000 for slapping a handcuffed man in the face and pulling his hair. Three of the respondents to our survey reported that they had been physically assaulted by Billings Police officers.

Despite these incidents, the Billings Police Department has not taken action to prevent use of force problems by tracking and investigating possible incidents. The Department does not require officers to fill out use of force reports after each incident. Instead, officers simply indicate that force was used when they fill out arrest reports. The department has a separate form only to report the use of a Taser. The Department does

not track use of force incidents in any way that allows it to calculate the number of incidents that have taken place, or the frequency with which individual officers employ force. This failure allows officers to establish a pattern of inappropriate use of force with impunity.

FINDING: BILLINGS PD DOES NOT HIRE A DIVERSE STAFF OF OFFICERS, AND DOES NOT SUPPORT WOMEN AND PEOPLE OF COLOR AS EMPLOYEES

The Billings Police Department has four police officers who are persons of color, and 12 officers who are women. One female officer is a Detective, and 11 are patrol officers. The Department employs 85 patrol officers, with a total of 125 employees. In other words, only five percent of Billings officers are persons of color, and only 14 percent of officers are women.

By contrast, eight percent of Billings residents, and nine percent of Montana residents, are people of color. Fifty-two percent of Billings residents are female. Billings Police Department has failed to hire officers who reflect the demographic makeup of the city.

In response to a question from an MPA member, former Chief Archer said that the Department does not actively try to recruit people of color from outside the city, other than through the Billings Gazette. He said that he did not understand why “minorities” did not apply for Department jobs.

It is not acceptable for the city to claim that it is unable to recruit and hire people of color and women as officers. Within the city, and within the state of Montana, there is a pool of people of color and of women to draw upon in recruiting officers. Other police departments around the nation have succeeded in recruiting and keeping officers of color and female officers. Billings Police Department has not shown that it has done enough to correct this problem. In fact, there is evidence that the Department has had notice that there is a problem and has not attempted to correct it.

Five female police officers in the last seven years have claimed that the Billings Police Department discriminated against them by hiring, promoting, or giving new duties to men who were less qualified. In two cases, the Montana Human Rights Bureau found that women who applied to be officers were discriminated against and the women received cash settlements and were hired as officers.

5. In August 2005, three female officers filed charges of discrimination with the Montana Human Rights Bureau, claiming that they were dis-

criminated against in violation of provisions the state ordered the Billings Police to correct in an earlier case.

Billings officers are racially profiling people and need anti-racism training

— SHAWN (pseudonym)

In the late winter of 2005 I was stopped by a Billings Police officer for a broken tail light. I was unaware that the light was broken and promptly had it fixed. Since the incident, this fairly routine traffic stop has bothered me.

I am a Native American man. I am a professional, which is to say I have a good job that pays well, I am educated, and have a good reputation in my community for the work that I do.

At first, my stop seemed normal (as normal as being stopped by the police can be). The officer explained why he pulled me over and asked for my license, registration, and insurance. I handed him all these things. He returned to his car and after a few minutes he returned, handed me back my documentation and gave me a warning for the broken taillight. All this time his tone had been decent-not polite, but not rude either. Next the officer did something that continues to bother me; before walking back to his patrol car he asked: “Do you have a job?” in a very condescending tone. Before I could really process the question, I answered him affirmatively.

I was given a warning, which carries no monetary fine. I was dressed well and drive a nice car...why in the world would this officer ask me a question like that...with a tone like that?



FINDING: BILLINGS POLICE DEPARTMENT DOES NOT ADEQUATELY TRAIN ITS OFFICERS TO TREAT PEOPLE EQUALLY

In their short answers to open-ended questions, the most common responses of Southside residents were that the Department practices racial profiling or discriminates against residents based on their race. Residents of both neighborhoods, when asked what changes they would like to see law enforcement make, said that officers should learn to treat everyone with respect, or that officers should receive diversity training. These comments made up the majority of responses from survey respondents.

Respondents stated that “[I] was pulled over because of being Native – no other obvious reason,” “[I would like to see] more minorities, diversity training, treat people more equally,” “my experiences with them always seemed negative they treated me like a Native American alcoholic (wino),” “stop racial profiling – just because we are very dark brown doesn’t mean we are worse people. I am a hard working citizen and think we deserve fair treatment,” “[I would like to see] more respect for everyone not just white people,” “[I would like to see] more officers of ethnic background and understanding (cultural sensitivity training.),” “I’m white so I get help always,” and “[the police] disrespected me by the way they talked to me, maybe because I’m Native American. [I’d like to see] better training, talk to people better way,” “[I would like to see] that Indians are treated with more respect and that officers are taught more about the heritage. Knowledge is power,” and “[I would like to see] more female officers, more minority, cultural sensitivity.”

The Billings Police Department has provided some training for its officers in treating people fairly, but this training falls far short of the training that is needed. The Department has not provided any training in cultural awareness, anti-racism or racial profiling since 2002. The Department provided the following list of trainings it has performed:

- Ethics and Integrity Instructor Training (2002)**
- Indian Country Issues Training (2002)**
- Integrity Leadership Training (2002)**
- Cultural Diversity Training (2002)**
- Civil Rights Investigations Training (2002)**
- Racial Profiling Training (2002)**
- Frontline Leadership Training (2003 and 2005)**
- Disability Awareness Training (2004)**
- Community Policing Training (2004)**

The Department needs to shift priorities and address the needs that the community is describing – training that ends the race discrimination that community members are describing.

Billings officers fail to serve and protect low-income residents

— TAMMY (pseudonym)

I am an eighteen year old woman. I live with my father on the South Side of Billings. Early this summer my home was vandalized and robbed, while I was at work and my father was out of town.

It was late in the evening and I was afraid. I did not enter my home, I could see from the screen door that someone had broken in and the outside of the house had been egged. I ran a few houses down to a friends’ and called the police department.

It took two more calls by my friend’s father and an hour and a half for the Billings Police Department to respond. I was scared and upset and when these officers showed up they seemed annoyed and bothered to be responding to this call. They did check the house—no one was in it but the inside too had been egged and vandalized. Nothing appeared to be stolen.

I realize our Police officers are busy and maybe even understaffed. I understand that their job is hard and demanding, but when you have an eighteen year old girl who is alone and scared the least you can do is show some concern and compassion and reassure her. No attempt was made to protect and serve me. I feel like these officers were put out to respond to my home and did the least they HAD to do.

What happens if someone breaks in when I am home? How long will it take to get the Billings Police Department to respond then? I should be able to feel protected by my Police Department but instead it really scares me.



*Native American people
continue to get discriminated
against and mistreated by the
Billings Police Department*

— VELMA PRETTY ONTOP

I am a Professional Native American woman. I work as the Executive Director for a nonprofit organization here in Billings. About ten years ago I was finishing my bachelors degree at MSU Billings and had a horrible experience with a Billings Patrol officer.

On my way home one evening, my brother and I stopped at a local gas station to wait for his ride back to the Crow reservation. We had been in the parking lot, in my car, for about a half-hour when a Billing Police car pulled into the gas station parking lot and circled my car, shining the spot light into the car, and finally stopping immediately in front of me.

The officer approached my car using a flashlight to blind me. He asked for my license and registration. A short while later, he asked me to step out. I complied. He then grabbed me, slammed me against the car and handcuffed me. At this point I was in shock. When my brother heard the thud of my body against the car he jumped out and began asking what was happening.

The Patrol officer pulled his gun, pointed it at my brother, and began yelling at him.

This entire time I had been asking the officer why he was doing this to me. My brother, still confused, then spoke to me in Crow, asking me what was happening. I answered to him in Crow and told him I was being arrested, to follow me to the jail in the car and we would figure it out from there. When the officer heard my brother and I talking in Crow he became very irate and agitated. He told me to, "Shut the f##k up!" and said "We don't talk that way!" He then grabbed me by the hair, told me I should speak English, and began shoving me to the Police car. At this time I was so scared that I literally ran to the police car and as the officer caught up to me he shoved my head right into the top of the door as I leaned to sit in the car. On the way to the jail-house he continued to aggressively and meanly berate me. He continued to tell me I should speak English, and told me he knew what my brother and I were saying.

When I got to the detention facility, as I was being fingerprinted, I found out that I had been arrested for an unpaid traffic violation...my life had been busy and I had simply forgotten to pay it and they had issued a bench warrant. I told the officers about my treatment during the arrest. Those officers agreed I had been mistreated, that I should have been told what I was being arrested for, and I should have been given the opportunity to pay the fine before being arrested.

I did file a formal complaint. I had a meeting the Billings Chief of Police. I told the Chief that I believed this incident was racially motivated, and he refused to acknowledge it. He instead chose to pass it off as a mistake by an over-eager rookie cop and told me the officer had been reprimanded. I still shudder when I see that Policeman, to this day.

I told the Police Chief that I wanted the Police Department to acknowledge its problem with my people. I wanted them to work to get training to stop more incidents like this from happening. Ten years later, I have family and friends who continue to get discriminated against and mistreated by the Billings Police Department. Where is the progress?

RECOMMENDATIONS

RECOMMENDATION: IMPROVE THE COMPLAINT PROCESS AND INSTITUTE A COMMUNITY REVIEW AUTHORITY

The Billings Police Department needs a community review authority to oversee the Department's Internal Investigations. Many cities around the country have community review authorities that have varying levels of involvement in the process.

We recommend a review authority with the power to review the Department's internal investigations after the investigation is complete and recommend disciplinary action or further investigation.

We recommend that Billings use the Minneapolis Civilian Police Review Authority (MCPRA) as a model. The MCPRA is made up of 11 members, six appointed by the city council, and five appointed by the mayor, subject to the approval of a majority of the city council. The members serve for terms of four years. From the members, a chairperson of the review authority is appointed by the mayor, for a term of two years, subject to the approval of a majority of the city council. Members are residents of the city, and city residents currently or previously employed by the Minneapolis Police Department are ineligible to serve as members of the authority. New members of the panel are trained in police use of force, the state data practices act, Open Meeting law and state Labor Relations Act and conflict of interest.

The MCPRA has authority to review claims of inappropriate behavior including claims of use of excessive force; inappropriate language or attitude; harassment; discrimination in the provision of police services or other discriminatory conduct on the basis of race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability or age or sexual orientation; theft; failure to provide adequate or timely police protection; and retaliation for filing a complaint with the review authority. While the MCPRA has paid staff that conducts independent investigations, we recognize that it would be difficult for the city of Billings to invest in a separate investigatory body.

Each month, panels of three board members review complaints, holding hearings as needed. The panel also compiles statistics relating to complaints of police officer misconduct and presents the results on a quarterly basis to a committee of the city council, and review Department policies and training procedures and makes recommendations for change. The MCPRA

facilitates, with the Department, appropriate cultural awareness training for sworn officers chosen by the review authority. It also participates in the performance review of the chief of police. In addition to these duties, the community review authority should have a role in the selection of the Chief of Police.

In addition, the complaint process itself needs to be overhauled. The informal complaint process should be eliminated entirely. If a resident has a complaint to make about an officer, that complaint should be taken down as a formal complaint. The informal process has resulted in a net reduction of complaints, both formal and informal, as residents have been discouraged from filing formal complaints and informal complaints have been ignored.

Another essential step in making the complaint process more accessible is eliminating the second page of the complaint form, requiring that the complainant swear before a notary public with a warning of the penalties for false swearing. This page discourages people from filing complaints, and does not add anything to the process.

Finally, the Department should provide public service announcements and public meetings explaining the new process. The community has lost confidence in the Department, and needs to be informed about how to re-engage with the Department. Complaint forms should be made available online, in self-serve stations within the Police Department and City Hall, and in at least one location that is not within the Police Department.

The complaint process performs an important service for the Department as well as for the residents of Billings. Timely investigation of complaints allows the Department to retrain, discipline, or fire officers who cannot perform appropriately, preventing the kind of lawsuits that have plagued the Department and cost the city hundreds of thousands of dollars in the last decade. Every effort should be made to make the complaint process more accessible, and to thoroughly investigate every claim.

RECOMMENDATION: END THE INAPPROPRIATE USE OF FORCE

The Billings Police Department is taking an important first step toward addressing use of force problems by improving its use of force reporting. Chief of Police St. John reports that the Department will soon have a method of recording and tracking use of force incidents in the Department computer system. This will greatly improve the Department's ability to address misconduct by

officers before it becomes a pattern of behavior. The next step in the process of addressing the Department's problem will be to present monthly reports of use of force incidents to the community review authority for oversight. Improving the Department's complaint process to ensure that each incident of inappropriate use of force is reported will ensure that all sources of information on the problem are accessed.

RECOMMENDATION: IMPROVE HIRING AND TREATMENT OF MINORITY EMPLOYEES AND PUBLIC PARTICIPATION IN THE SELECTION OF THE CHIEF OF POLICE

HIRING

The department must develop a proactive plan for hiring women and people of color as officers. Residents of the city recognize that the uneven hiring policies of the Department play a role in the racial profiling, and racial and gender discrimination that Billings' residents are experiencing.

Having an affirmative action policy is not enough. The Department must design and implement an effective plan that has concrete steps to eliminating the hiring disparities that exist. The plan should include accountability measures that the community review authority can apply yearly.

The Department must make a serious commitment to recruiting a diverse pool of applicants. Police departments in other cities have employed a number of strategies:

DIVERSE RECRUITERS:

The New Haven, Connecticut police department assembles diverse recruiting teams with a male and female officer, one from a community of color and one not, to do outreach and presentations.

CONSISTENT AND CONTINUOUS EFFORTS:

The Albuquerque, New Mexico police department began administering its police exam monthly because it found that less consistent efforts resulted in losing qualified applicants. Right now, the Billings Police Department only accepts applications in March.

TARGETED ADVERTISING IN A WIDE MARKET:

The Department should develop marketing materials that reflect the candidates it is recruiting and disseminate the materials widely. The Portland, Oregon department focused on advertisements on radio stations with a large following of women and people of color, in local minority newspapers and magazines, and law enforcement magazines with a larger minority following^{xv}.

MOVING BEYOND THE USUAL LOCATIONS TO RECRUIT:

The Portland department recruited at local com-

munity events, schools, military installations, colleges and universities with diverse student bodies, and job fairs in diverse locations^{xvi}.

Billings' residents are also concerned with the Department's administration and leadership. The city must address these issues by ensuring public participation in the selection of the new chief of police, which will take place next year. This should include public interviews of the candidates by the community review authority, and an opportunity for the public to ask the candidates questions. The community review authority should have the authority to choose a short list of candidates from which city officials can select a chief of police.

HARASSMENT AND DISCRIMINATION

The Department must also address long-standing harassment and discrimination problems. Appendix B contains the International Association of Chiefs of Police's Model Policy on Harassment and Discrimination. The Department should adopt this policy and rigorously enforce it.

RECOMMENDATION: PROVIDE BILLINGS POLICE OFFICERS WITH TRAINING TO HELP ELIMINATE RACIAL PROFILING AND DISCRIMINATION

BILLINGS POLICE DEPARTMENT SHOULD REQUIRE THAT ALL DEPARTMENT EMPLOYEES PARTICIPATE IN THE DISMANTLING RACISM TRAINING THIS YEAR AND BIANNUALLY.

MPA/IPA's Dismantling Racism training is designed to develop a deeper understanding of where individual biases began; to examine structures, policies and attitudes that allow racism to exist within our organizations; and to explore and develop strategies and tools for organizational change.

In 2000, MPA/IPA trained every officer in Missoula in Dismantling Racism. During five training sessions for the city Police Department and three sessions for the Sheriff's department and emergency personnel, MPA/IPA trained a total of 155 city officers and 55 deputies and emergency personnel. MPA/IPA repeated the trainings for the Missoula Police Department in 2003.

Dismantling Racism training is crucial, in addition to the cultural awareness and racial profiling training required by law, because it addresses the roots of racism within the community and the individual, rather than merely teaching people to behave as if they were not experiencing racist thoughts and feelings at all.

REQUIRE EVERY OFFICER TO PARTICIPATE IN RACIAL PROFILING TRAINING

Under Montana state law, enacted this year, every local department is required to provide all of its officers with cultural awareness and racial profiling training. Billings Police Department last trained its officers in Cultural Diversity and Racial Profiling in 2002. It is clear from the responses to our survey that that training was insufficient. Billings Police Department must comply with the law and provide that training immediately.

REQUIRE EVERY OFFICER TO PARTICIPATE IN DOMESTIC VIOLENCE TRAINING

Residents of the city reported that officers treat victims of domestic violence as criminals, refuse to investigate reports, and otherwise treat women, and particularly women who are abused, with disrespect. The Department needs to end these problems by ensuring that the diversity training that is provided addresses gender discrimination and training in working with victims of domestic violence.

The Missoula Police Department and the Indian's People Action met several years ago and agreed that it was mutually advantageous to enter into dialogue in which we would better our relationship and at the same time, remove barriers that might inhibit members of both organizations from communicating with each other. At the time, there was distrust among Missoula's urban Indians of the police establishment but this communication has helped Indian People's Action understand police and police culture, while officers of the Missoula Police Department has also gained knowledge of the Indian culture.

Under the direction of then Police Chief Pete Lawrenson, all members of the Missoula Police Department attended diversity training that was presented by members of the Indian People's Action. In nearly a year after the initial training there were no complaints fielded from the Indian community. That type of success was absolutely unexpected, but very much desired.

MISSOULA CHIEF OF POLICE
— RUSTY WICKMAN

CITY POLICE
AND COURT

NW



Ideal Treatment: A Billings Police Officer helped my family and treated us with respect and kindness

— PAT LEIKAM

On a particularly nice summer day in June, an hour of sheer terror arose from the depths of miscommunication; however, thanks to the Billings Police Department the day ended happily. My granddaughter decided the time between bus transfers would be a good time to run and get an ice cream cone. Needless to say, she did not think that it was important to communicate to her younger sibling that she was leaving. When he realized his sister was no longer in his immediate area, he panicked and attempted to locate her. He was very distraught, and in front of the courthouse a concerned county employee came to his rescue. The police were called. Since I also work in the courthouse I just happened by and to my surprise my grandson was in the lobby. After calming him and understanding his concern, I also became very concerned. It was within minutes that the Officer arrived and she was definitely attuned to the situation; she was patient in questioning my grandson and very understanding of the dilemma we were imagining. Immediately she took action, contacting dispatch, contacting the City bus terminal to contact their drivers, contacting my daughter at the scheduled meeting place, patrolling the expected route, and still keeping in contact with my daughter and me. My family is culturally diverse and at no time did this officer's reactions reflect anything other than concern for the safety of a child.

This was the first time the children were allowed to ride the bus alone, a practice run that failed and will not be repeated at least until a very far-away future date; however, the reaction of the police officer and other officers involved was phenomenal. The Officer did locate my granddaughter; she did get on a bus and arrived at the scheduled meeting place late. It was an imminent disaster that did not happen; however, the BPD reacted without delay, not knowing what the circumstances may have been, they treated the situation with top priority, and they treated us with the utmost respect and understanding. This incident happened within a matter of an hour; the officer did not question any possibilities of her disappearance, only that she needed to be located. She was terrific and as an example of the BPD was outstanding.

END NOTES

- ⁱ City of Billings, MT. Administrative Personnel Inquiry Complaint of City Administrator Kristoff Bauer against Chief of Police Ronald Tussing, p. 11.
- ⁱⁱ City of Billings, MT. Administrative Personnel Inquiry Complaint of City Administrator Kristoff Bauer against Chief of Police Ronald Tussing, p. 12.
- ⁱⁱⁱ Statistics provided by Billings Police Department.
- ^{iv} City of Billings, MT. Administrative Personnel Inquiry Complaint of City Administrator Kristoff Bauer against Chief of Police Ronald Tussing, p. 13.
- ^v *Billings Gazette*, Ex-cop arrested on beating charge, August 10, 2005.
- ^{vi} Alleged victim of police brutality assists FBI probe, *Billings Gazette*, July 19, 2005.
- ^{vii} *Billings Gazette*, Ex-cop arrested on beating charge, August 10, 2005.
- ^{viii} Conversation with Chief St. John, October 10, 2005; Reiter report.
- ^{ix} Interview with former Chief Archer, July 19, 2005.
- ^x U.S. Census Bureau, State and County Quick Facts, Billings
<http://quickfacts.census.gov/qfd/states/30/3006550.html>
- ^{xi} U.S. Census Bureau, State and County Quick Facts, Billings
<http://quickfacts.census.gov/qfd/states/30/3006550.html>
- ^{xii} Police chief calls hiring practices fair, Becky Shay, *Billings Gazette*, August 27, 2005.
- ^{xiii} All information provided here about the MCPRA is found in the Minneapolis Code of Ordinance, Title 9, Fire And Police Protection: Chapter 172. Civilian Police Review Authority.
- ^{xiv} Community-Centered Policing: A Force for Change, Summary Document, Maya Harris West, Principal Author, Policylink and The Advancement Project, 2001.
- ^{xv} City of Portland Affirmative Action Plan 2002-2004, p. 125.
- ^{xvi} City of Portland Affirmative Action Plan 2002-2004, p. 126.

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APPENDIX A

“The Peoples” Law Enforcement Survey.

Please rate question 1 and 2 on a scale of 1 to 5.
1 = very poor; 2 = poor; 3 = average; 4 = good, 5 = excellent.

1. How would you rate the Billings Police Department overall?

1 2 3 4 5

2. How would you rate the attitudes and service of Billings Police Department Patrol officers?

1 2 3 4 5

3. Have you had a positive/model experience with a Law Enforcement Agency?
Please Explain.

4. Have you ever felt disrespected, ignored, or discriminated against by a Law Enforcement Agency? Please Explain.

5. Do you believe that are citizens are treated equitably by Billings Area Law Enforcement?

YES NO

6. What changes, if any, would you like to see Billings Area Law Enforcement make?

Has Story Needs Follow-Up Wants to Know More

NAME

ADDRESS

PHONE

EMAIL

Model Policy

		<i>Effective Date</i> January 2002	<i>Number</i>
<i>Subject</i> Harassment and Discrimination			
<i>Reference</i>		<i>Special Instructions</i>	
<i>Distribution</i>	<i>Reevaluation Date</i>		<i>No. Pages</i> 3

I. PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. All employees must be aware that they may not engage in any acts that threaten, intimidate, harass, demean or torment fellow employees irrespective of whether the employee is a member of a protected class.

It is a violation of this policy even if the act was not so severe or pervasive as to alter the condition of the victim's employment and/or create an abusive work environment. However, the complained of activity must be objectively unreasonable. A single act may suffice. To determine if the activity is unreasonable, the totality of the circumstances surrounding the incident must be assessed.

II. POLICY

It is the policy of this law enforcement agency that all employees have the right to work in an environment free of all forms of harassment and discrimination by employees, whether sworn civilian or volunteer, or other non-employees who conduct business with this agency. This agency considers harassment and discrimination of others serious employee misconduct.

III. DEFINITIONS

Harassment: Any form of conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating working environment.

Discrimination: A failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored.

Office of Professional Standards (OPS): The agency unit/function responsible for monitoring adherence of employees to agency policy, procedures and rules and for conducting investigations of allegations of employee misconduct.

IV. PROHIBITED ACTIVITIES

A. Prohibited activity under this policy includes but is not limited to the following:

1. Individuals covered under this policy include agency members defined as employees and applicants for employment with the agency, whether sworn, regular, reserve, or civilian, and all volunteers.
2. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
3. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly.
4. No employee shall engage in activity such as slander, sabotage, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile, whether this conduct is of a sexual nature or not. Nor shall any employee allow non-employees who conduct business with this police agency to engage in such activity. All prohibited acts of these types will be judged on the basis of conduct that is "objectively reasonable."
5. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

- b. submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- c. such conduct is objectively unreasonable even though it may not interfere with an employee's work performance or create an intimidating, hostile or offensive working environment to any employee; or
- d. no employee may perform an objectively unreasonable act upon any employee based upon that person's race, sex, religion, national origin, color, sexual orientation, age or disability.

B. Supervisors' Responsibilities

1. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:
 - a. advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment and discrimination;
 - b. monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring;
 - c. stopping any observed acts that may be considered harassment and discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
 - d. a supervisor shall utilize all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity.
 - e. no supervisor shall make any employment decision that affects the terms, conditions, or privileges of an individual's employment based on the basis of that person's race, sex, religion, national origin, color, sexual orientation, age or disability; and
 - f. taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment and/or discrimination. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
2. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation.

3. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint with OPS.

C. Employee Responsibilities

1. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination by:
 - a. refraining from participation in or encouragement of action that could be perceived as harassment and discrimination;
 - b. reporting observed acts of harassment and discrimination to a supervisor; and
 - c. encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
2. Failure of any employee to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

D. Complaint Procedures

1. Any employee encountering harassment and/or discrimination is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment and discrimination in order to provide the fullest basis for investigation. The employee should be advised that he or she must report such acts.
2. Any employee who believes that he or she is being harassed or discriminated against shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment and discrimination and so that appropriate investigative and disciplinary measures may be initiated.
 - a. Where the immediate supervisor is involved in the harassment and/or discrimination, the employee may waive filing a complaint with that supervisor and may proceed to a supervisor higher in the chain of command.
 - b. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment and discrimination, any witnesses to the incident(s) and the date(s) on which it occurred.
 - c. That employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to OPS.
3. OPS shall be responsible for investigating any complaint alleging harassment and/or dis-

crimination.

- a. OPS shall immediately notify the agency chief executive if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape.
 - b. The investigator shall include a determination as to whether other employees are being harassed or discriminated against by the person and whether other agency members participated in or encouraged the harassment or discrimination.
 - c. OPS shall inform the parties involved of the outcome of the investigation.
 - d. A file of harassment and discrimination complaints shall be maintained in a secure location. The chief executive officer shall be provided with an annual summary of these complaints.
4. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
 5. Complainants or employees accused of harassment and or discrimination may file a grievance/appeal in accordance with agency procedures when they disagree with the investigation or disposition of a harassment and/or discrimination claim.
 6. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.
- E. Retaliation**
1. Retaliation against any employee for filing a harassment or discrimination complaint or for assisting, testifying, or participating in the investigation of such a complaint is prohibited by this agency.

2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
3. Monitoring to ensure that retaliation does not occur is the responsibility of the chief executive officer, supervisors and the Office of Professional Standards.

F. Training

1. This agency shall provide periodic and refresher training concerning the nature of harassment and discrimination in the workplace and prohibitions on such actions defined in the policy.

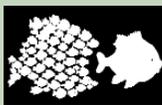
This project was supported by Grant No. 2000-DD-VX-0020 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the U.S. Department of Justice or the International Association of Chiefs of Police.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among other factors.

About the organizations releasing this report



Northwest Federation of Community Organizations (NWFCO) is a regional federation of four statewide, community-based social and economic justice organizations located in the states of Idaho, Montana, Oregon, and Washington: Idaho Community Action Network (ICAN), Montana People's Action (MPA), Oregon Action (OA), and Washington Citizen Action (WCA). Collectively, these organizations engage in community organizing and coalition building in 14 rural and major metropolitan areas, including the Northwest's largest cities (Seattle and Portland) and the largest cities in Montana and Oregon. 1265 South Main Street Suite #305, Seattle, WA 98144, Voice: (206) 568-5400, Fax: (206) 568-5444, Web: <http://www.nwfco.org>.



Founded in 1982, **Montana People's Action (MPA)** is a statewide economic justice organization with over 6,000 member families in Billings, Bozeman, and Missoula. For over two decades MPA has been the primary voice for low- and working-income Montanans around the issues of housing, access to credit and banking services, access to health care, economic development policy, and income security.



Organized as an MPA chapter in 1997, **Indian People's Action (IPA)** builds the voice of urban Native Americans while working for systematic change to alter the balance of power. With over 350 members in Billings, Butte, and Missoula, IPA builds strength in numbers through direct action strategies to impact policies in local and state government, the public school system, law enforcement, and various state and local agencies.

Montana People's Action / Indian People's Action

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