



MISSOULA POLICE DEPARTMENT POLICY MANUAL

Subject:

KNOWN RISK STOPS

Effective Date:
4/25/2018

Original Date:

Next Review:
4/25/2019

Chapter
10

Policy #
10.70

Distribution:

References:
Use of Force Policy, MCA 46-5-401

I. Purpose

The purpose of this policy is to provide guidelines for making vehicle stops or contacts with individuals involving known risk to officers. This would include any enforcement action where a person, a vehicle or its occupants are believed to have been involved in felonious activity or present a known danger based on information available to the officer at the time of the contact.

II. Policy

It is the policy of the Missoula Police Department to recognize the safety of all persons as the primary consideration in any contact or traffic stop. Officers should constantly evaluate their actions in response to the circumstances and information gained during the time of the contact or vehicle stop. An officer's use of force during such stops should be in keeping with department use of force requirements, as well as statutory and case law.

III. Definitions

- A. **Investigatory Stop** – A stop justified by particularized suspicion that a crime has occurred, is occurring or is about to occur as defined by MCA 46-5-401 (Investigative Stop and Frisk)
- B. **Known Risk Stop** – any instance where a reasonable officer either has or gains knowledge that a suspect vehicle or individual presents a high potential of risk to the officer or others.

(Risk considerations may include: particularized suspicion of forcible felony activity, stolen vehicles, CJIN/NCIC caution advisories, possession or accessibility of weapons, or suspect(s) with known violent history, etc.)

- C. **Unknown Risk Stop** – any instance of professional law enforcement contact with persons or vehicles where there is no pre-existing knowledge of potential risk to the officer or others; for example – “routine” traffic stops, field contacts, citizen assists, etc.

IV. Procedures

A. Officers' responsibilities:

1. In **preparation** for a Known Risk Stop, Officers should consider:

- a. Stop location and number of involved persons
- b. Notification of dispatch and supervisor
- c. Availability of back-up officers and other resources, i.e. K9

2. **During** a Known Risk Stop, Officers shall:

- a. Recognize that the safety of all individuals is the primary consideration,
- b. Evaluate information during the unfolding event to assess the need to escalate or de-escalate the use of force or the tactics employed to control the situation,
- c. Establish control of person and the scene,
- d. Conduct preliminary investigation,
- e. Determine presence or absence of probable cause,
- f. Make enforcement decision.

3. **Following** a Known Risk Stop, Officers shall:

- a. Recognize the dignity of the persons stopped, detained, or arrested,
- b. Provide those persons with an explanation for the tactics used during the event, regardless of the final enforcement action taken,
- c. Provide written documentation to support the investigatory stop or arrest, including detailed account of any force used.

B. **Supervisors' Responsibilities:**

1. Respond to the scene of the known risk/felony stop.
2. Supervise the stop if not complete, intervening if necessary.
3. Ensure officers' responsibilities are met.
4. Complete supervisor's use of force report.