

Friday, April 3, 2015

Montana Highway Patrol Settles Traffic Stop Case

By Immigration Prof

From Montana Department of Justice

Montana Highway Patrol and Plaintiffs Settle Litigation over Traffic Stops

HELENA – The Montana Department of Justice announced an agreement with plaintiffs to resolve a lawsuit that challenged the manner in which the Montana Highway Patrol (MHP) handled traffic stops involving people suspected of being in the U.S. illegally. This morning's agreement was reached between Attorney General Tim Fox, MHP Colonel Tom Butler, and Shahid Haque-Hausrath and Brian Miller, attorneys for the plaintiffs. The terms of the agreement require approval by U.S. District Court Judge Dana L. Christensen.

In October 2013, a group of plaintiffs led by Jose Rios-Diaz and the Montana Immigrant Justice Alliance filed suit against the MHP in federal court alleging it had engaged in a practice of detaining Latino drivers and passengers for the purpose of checking into their immigration status.

During the course of the litigation, MHP voluntarily adopted a policy to specifically address handling of traffic stops during which it is suspected or becomes known that the driver or passengers are in the U.S. illegally. Revision of that policy helped the parties to settle the litigation. While the MHP does not admit any wrongdoing in the settlement, both parties agree that these policies and safeguards will address the concerns that gave rise to this litigation.

In reaching settlement, the parties agreed that:

- MHP will comply with the policy adopted in late 2014 and revised in 2015 (available to view/download [here](#))
- For the next five years, MHP will continue to retain Washington State University researchers who conducted a 2013 study titled "MHP Traffic Stop Data Analysis Project." That independent analysis found evidence that the MHP has engaged in racial profiling (the report is available to view/download [here](#))
- MHP will note whether, in the course of a traffic stop, troopers contact U.S. Department of Homeland Security personnel regarding a person's immigration status.
- MHP will retain an independent auditor who, for a period of five years, will review, if requested to do so by a member of the public, the investigations of complaints against MHP.
- MHP will submit annual reports to the Montana Department of Justice, as required by law, regarding

Shahid Haque-Hausrath, an immigration law specialist and attorney for the plaintiffs, praised the actions of the MHP in working with the plaintiffs to formalize these policies and safeguards. “We hope that police departments throughout the state use this policy as an example, and train their officers that they cannot demand that Latinos show them their papers, or detain people just to check their immigration status,” Shahid said.

Col. Butler praised the agreement. “My primary concern has been and continues to be that the Montana Highway Patrol follows the law in terms of how we handle interactions with the traveling public,” Col. Butler said. “Analysis of our traffic-stop data over the last several years has shown that our troopers do not engage in racial profiling or discriminate against persons on the basis of race, ethnicity or national origin. While we believe that we have always done what the law requires, the lawsuit prompted us to enshrine in policy what has already been the practice in the field.”

bh

<http://lawprofessors.typepad.com/immigration/2015/04/montana-highway-patrol-settles-traffic-stop-case.html>