



MEMO

Item No. 18

To: Mayor and Ames City Council

From: Steven L. Schainker, City Manager

Date: November 6, 2020

Subject: Policing in Ames – A Path Forward

As you recall, I presented my report entitled “Policing In Ames, A Path Forward” to the City Council on September 29, 2020. The report contains twenty-one recommendations to address the concerns reflected in the emails that you received regarding the issue of improving our policing efforts. Rather than make any final decisions regarding these recommendations at that meeting, you decided to provide our citizens with sufficient time to review the proposals and offer additional feedback, if desired. I believe you have received a few written comments during this interim period regarding this report in addition to the public comments presented on September 29th. **Now that more than a month has passed since the report was made public, I am placing this matter on the November 10, 2020 Council meeting agenda so that you can provide direction regarding the my recommendations.**

I believe one suggestion that I received during my conversation with Ahmed Ismail who represents the local chapter of Black Lives Matter is worthy of your consideration. He suggested that a committee representing the “marginalize” groups in Ames be established for a short period of time to help identify techniques for us to use to assure better communication with these groups regarding City issues, not just policing issues. We could add this to the Communication category of the report to create a focus group to accomplish this task. It would be compatible with our work with the Community and Regional Planning students.

Once Council direction is given, I will develop an implementation plan with execution dates. It is more important to take our time and get them right than rush to implement all of the changes at one time.

Equally important is the need to publicize the status of the implementation plan periodically in order for our citizens to have confidence that we are following through with our promised improvements. I intend to take advantage of an offer from the local chapter of the NAACP to help with the public outreach needed to accomplish this task.

POLICING IN AMES - A PATH FORWARD

September 29, 2020

BACKGROUND:

As in other cities throughout the country, after the death of George Floyd while in police custody, the City Council began receiving an extraordinary amount of feedback regarding the manner in which our law enforcement and criminal justice systems are being operated. This input has included questions about policing philosophy and operations as well as suggestions/recommendations/demands to modify how the Ames Police Department functions in those areas.

Rather than respond individually to this input over time, the City Council requested that the City Manager compile all the correspondence received, consolidate this information into common themes, and provide recommendations regarding how to address each theme. The following is a list of the common themes:

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This report is structured to deal with each theme separately, highlighting: 1) What has been suggested, 2) What the City is currently doing in regard to each theme, and 3) the City Manager's recommendations to address each theme.

The recommendations reflected in this report were influenced by the following sources:

- Community member suggestions
- Police Department staff suggestions
- Peer department activities and services
- Guidance from the [President's Task Force on 21st Century Policing](#)

THEME I – ORGANIZATIONAL CULTURE

WHAT HAS BEEN SUGGESTED?

Many individuals who provided input wanted to ensure that there is not a culture of racial bias embedded in the Ames Police Department.

WHAT ARE WE CURRENTLY DOING?

An organizational culture is defined by the person that leads the organization. Over the past decades the City Manager has created a values-driven culture for all departments in the City of Ames which is known as Excellence Through People (ETP).

The two goals of this organizational initiative are to: 1) Provide exceptional service at the best price to all of our customers (visitors, residents, business owners), and 2) Provide an enjoyable and stimulating work environment for all those who work for the City of Ames.

In order to accomplish these two goals, it is expected that every employee must bring each of the following values to life every day.

- Continuous Improvement
- Creativity and Innovation
- Customer Driven
- Data Driven
- Employee Involvement
- Excellence
- Fiscal Stewardship
- Honesty and Integrity
- Leadership
- Positive Attitude
- Respect For One Another
- Safety and Wellness
- Teamwork

To achieve the over-arching goals of ETP, it is essential to ensure that systems are in place to reinforce these values. Therefore, the City's initial hiring/selection process, promotional decisions, disciplinary determinations, and pay increases for the non-union employees are tied to whether or not an employee's behavior reflects these values. Each department head, including the Chief of Police, must make sure their employees live the thirteen values each day.

In addition, the City Manager has established two advisory groups: 1) a Community Advisory Committee composed of residents from groups that are traditionally under-represented in the community that provides input regarding how the City organization is

doing in delivering services to these groups of citizens, and 2) a Diversity and Inclusion team made up of City of Ames employees that provides input regarding internal policies and practices that might negatively impact the workforce.

CITY MANAGER'S RECOMMENDATIONS:

The City Manager understands that the City of Ames is not perfect and believes that if there are isolated experiences of inappropriate behavior, they are not the result of a culture of bias embedded within the City or Police Department specifically.

While it can be argued that the existing thirteen ETP values are geared to promoting diversity, equity, and inclusion, these words have not been identified as separate values.

RECOMMENDATION #1:

The values that drive our Excellence Through People initiative will be revised to include the new values of Diversity, Equity, and Inclusion. As with the other ETP organizational values, all City staff members will be expected to conduct their work in a manner that upholds these values. Support of these values will be used to evaluate candidates for entry-level and promotional positions with the City. In addition, annual employee performance appraisals will provide an ongoing assessment of how employees are doing in bringing these values to life in their work.

RECOMMENDATION #2:

The City Manager will be recommending during the next budget cycle (FY 2021/22) that a new full-time position of Diversity, Equity, and Inclusion Coordinator be created. This new position will assist with the training of employees, recruitment of employees, and review of personnel policies to help assure that all departments within the City organization, including the Police Department, support the values of diversity, equity, and inclusion. In addition, this person will provide the staff assistance that will allow the Ames Human Relations Commission to initiate a more pro-active program of work to fulfill its responsibilities within the community.

THEME II – POLICE OFFICER RECRUITMENT AND SELECTION PROCESS

WHAT HAS BEEN SUGGESTED?

The major emphasis expressed under this theme is the need to have a process in place so applicants for an Ames Police Officer position are thoroughly vetted to ensure they do not have a history of abuse, racism, xenophobia, homophobia, transphobia, or discrimination. Some have suggested a periodic follow-up throughout the career of an officer to assure that no discriminatory attitudes have developed.

WHAT ARE WE CURRENTLY DOING?

State Requirements:

Candidates for the position of Police Officer must meet all [state requirements](#) for acceptance into the Iowa Law Enforcement Academy (ILEA) and certification as a Peace Officer in the state of Iowa. These state requirements include:

- U.S. citizenship and status as a resident of Iowa or intent to become a resident upon being employed
- 18 years of age at the time of appointment
- Hold a valid Iowa driver's license
- Not be addicted to drugs or alcohol
- Be of good moral character as determined by a thorough background investigation including a fingerprint search conducted of local, state and national fingerprint files and have not been convicted of a felony or a crime involving moral turpitude
- Successfully pass physical fitness tests
- Not be opposed to use of force to fulfill duties
- Be a high school graduate or hold a GED certificate
- Have uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20, and color vision consistent with the occupational demands of law enforcement
- Have normal hearing in each ear (hearing aids are acceptable if a candidate can demonstrate sufficient hearing proficiency to perform all necessary duties of a law enforcement officer)
- Be examined by a physician and meet the physical requirements necessary to fulfill the responsibilities of a law enforcement officer
- Undergo psychological testing
- Undergo cognitive (Basic Skills) testing

In addition to these minimum state requirements, [Ames Police Officers](#) are required to possess a high school diploma (or have completed the HiSET/GED), plus have completed 60 semester-hours or 90 quarter-hours at an accredited college or university in diversified academic subjects.

Recruitment Process:

Police Officers are civil service employees under Iowa law (Iowa Code Chapter 400). Civil Service is a system of laws and regulations designed to ensure that City jobs are filled based on merit. Civil Service examinations are administered to determine basic qualifications of applicants for each Civil Service position, and the examinations are developed in line with the knowledge, skills, and abilities required for the particular position.

Recruitment of Police Officers for the City of Ames is a centralized process managed through the City's Human Resources Department. At the conclusion of the recruitment process, candidates who have achieved a score of 70 or higher on the Civil Service test for that position are placed on a Civil Service list. Up to forty names may be placed on the list for each recruitment. The list is then certified by the Civil Service Commission and is used to fill any vacancies that may arise in that job for a period of one year. There are procedures to extend the duration of the list and/or initiate a new list, if necessary.

Candidates are not required to be offered employment based on their position on the list. Any candidate achieving minimum score of 70 is considered eligible for selection. However, the employment offer is made contingent upon successfully completing additional post-offer testing components (e.g., physical exam, psychological exam, background investigation, etc.). Candidates are removed from eligibility if they decline an offer of employment, withdraw voluntarily, or fail to successfully complete post-offer testing.

Recruiting for Police Officers includes posting announcements on the City's social media accounts, GovernmentJobs.com, National Minority Update, National Black Police Officer Association, National Asian Peace Officer Association, National Organization of Black Women in Law Enforcement, Iowa Association of Women Police, DiversityJobs, and the Iowa State Daily.

In addition, Police Officer job announcements are submitted through the career services offices at the following universities: Iowa State University (CyHire), Simpson College, University of Northern Iowa, Des Moines Area Community College, Kirkwood Community College, North Iowa Community College, Iowa Central Community College, Hawkeye Community College, Creighton University, Drake University, University of Iowa, University of Wisconsin, Kansas State University, South Dakota State University, University of Missouri, and University of Illinois.

If the City is not actively accepting job applications for the position, prospective job candidates may submit a [job interest card](#). This allows the prospective candidates to be contacted when a recruitment announcement has been posted. At that time, they may then complete an application and compete for the position.

In order to assist candidates in preparing for the testing, the Ames Police Department has taken the extra step of offering test preparation assistance. This is intended to expand

the pool of applicants and reduce barriers to non-traditional police applicants. The preparation has ranged from a one-time overview to a more in-depth physical training and overview program offered with the assistance of the Ames Parks and Recreation Department.

Screening and Selection:

During a recruitment, candidates are initially screened based on the minimum requirements for the position (education, citizenship, etc.). Candidates complete a standardized physical fitness test and are required to obtain a passing score on the state-required Police Officer Selection Test. Candidates who successfully complete these screening components are invited to an oral board interview with reviewers from the Police Department, Human Resources, and other City departments.

During the interview that forms the civil service score (which qualifies candidates to the civil service list and makes them eligible for hire), questions focus on the candidates' maturity, service ethic, and integrity.

Finalists from this list are then selected to interview with a panel of police command staff. Candidates respond to questions about their philosophy of policing, experience with diverse communities, integrity, and values. Staff's philosophy is to interview for character and values knowing that policing skills are easier to teach than core values. Following this step, a candidate who embraces the ETP values may receive a conditional offer of employment, which allows for more detailed evaluation and testing to take place.

Candidates who receive a conditional offer of employment complete a background interview as a basis for a background investigation. The background investigation typically takes 4-6 weeks as a detective interviews friends, family, and acquaintances. Interviews are also conducted with teachers, former employers, landlords, neighbors, and college roommates about attitudes and experiences. Detectives strive to conduct these interviews in-person whenever possible to better assess credibility of these statements and understand the candidate.

Candidates' credit reports and online activity in social media accounts and other postings are examined. Throughout all sources, the investigators look for integrity, fairness, compassion, and a service ethic suitable to the profession. **Investigators also look for bias, extremism, and other attitudes or history that conflict with the values of the City. For those who have worked in another police department, investigators examine that work history very carefully to ensure the candidate has not displayed problematic behavior somewhere else.**

Those candidates who have a satisfactory background complete a polygraph examination. The polygraph focuses primarily on honesty and integrity, verifying that what has been learned about the candidate is accurate and that the candidate is not concealing misconduct or disqualifying behaviors, attitudes, bias, or beliefs.

If the candidate advances after the polygraph, the next step is typically psychological evaluation and an interview with a psychologist. The candidates complete the Minnesota Multiphasic Personality Inventory (MMPI), which is an evaluation required by the state of Iowa. The psychologist reviews the responses the candidate provided on the MMPI and information obtained from the background investigation in preparation for a clinical interview of the candidate. **In the clinical interview, the psychologist evaluates the candidate for evidence of bias, immaturity, emotional instability, propensity to violence, and other factors that would exclude the candidate from law enforcement.**

This psychological evaluation is also used to determine whether the candidate is well suited to law enforcement in the Ames community specifically. The psychologist has the City of Ames Police Officer job description and a statement of the organizational values to assist in evaluating the suitability of candidates. While this is more subjective on the part of the psychologist, it is still an important step to ensure that candidates are suited to the dynamic and diverse community that officers serve.

Passing these steps leads to a medical exam, which utilizes state standards related to hearing, vision, and overall ability to do the job. Once passed, the candidate then becomes employed by the City.

CITY MANAGER'S RECOMMENDATION:

RECOMMENDATION #3:

Realizing that all individuals have some form of implicit bias, the Human Resources staff will explore additional validated evaluation tools to use in the Police Officer selection process to help predict whether candidates have a propensity to inappropriately act upon bias.

THEME III – OFFICER TRAINING/EDUCATION

WHAT HAS BEEN SUGGESTED?

It is important to many who provided input that Police Officers who are hired receive training in the following topics: de-escalation of altercations, medical assistance, systematic racism, the historic role of police in maintaining oppressive social structures, implicit bias, and cultural competency.

WHAT ARE WE CURRENTLY DOING?

Over the years, the Police Department has understood the importance of utilizing training opportunities to make sure officers understand themselves and their own biases and the diversity and cultures of residents officers serve. Through training, officers are given specific skills so they can appropriately interact with these residents. Examples of the training that has been offered over the years include the following:

Training Related to City Values:

The Excellence Through People (ETP) organizational values are outlined on the City's website and are incorporated as expectations in the job description of every employee. Upon hire, new employees receive a copy of the job description listing these expectations and are also provided with a copy of the Personnel Policies and Procedures manual, which outlines the requirements to comply with all adopted policies.

All new employees in the City of Ames, including Police Officers, attend a three-day New Employee Onboarding (NEO) program. Among other information provided to new employees, this program includes a review of the ETP organizational values and goals, as well as presentations regarding respect, rights, and responsibility, ethics, open meetings and open records. These trainings reinforce the expectation of providing exceptional customer service to the community.

New employees also meet in small groups with the City Manager within the first few months of starting work. In these discussions, employees review the principles of ETP in greater depth and consider specific examples of how the values apply to their roles in the organization.

Police Department-Specific Training:

The Police Department conducts training regarding a variety of topics. Some of these training topics are addressed annually as required subjects. Others are provided for officers at the Iowa Law Enforcement Academy (ILEA) as part of the basic certification course.

Officers who attend ILEA for their basic training receive 10 hours of bias/diversity training and 8 hours of de-escalation training. In addition, these topics are woven into the other

training components such as the firearms program, defensive tactics, criminal law, and investigation of criminal activity.

Separately from academy training, some examples of department-wide training conducted by the Ames Police Department include:

- Cultural Diversity
 - Cultural Competency
 - Culture of New Immigrants
- Special Populations
- Fair and Impartial Policing
- Communications/De-Escalation
- De-Escalation/“Verbal Judo”
- Procedural Justice
- Implicit Bias
- Understanding Class in Law Enforcement
- Mental Health First Aid

The Ames Police Department also has certified trainers on staff in the following related areas:

- Fair and Impartial Policing
- Procedural Justice
- Implicit Bias
- Mental Health First Aid
- De-escalation (beginning November 2020)

Various Police Department supervisors have received advanced training in specialized topics such as: Cultural Diversity/Racial Profiling; Beyond Cultural Sensitivity; Law Enforcement and the Transgender Community; FBI Joint Hate Crimes Training; Iowa Summit for Justice and Disparities; Community Lives Matter: Candid Discussion and Solutions for Unifying Cops and Communities; our local Symposium on Building Inclusive Organizations, and various other community conversations and diversity roundtables. As supervisors complete these trainings, they share this knowledge with others in the department.

In the past several years, the staff in the Emergency Communications Center (911 Center) has received training regarding “bias by proxy.” This training encourages the dispatchers to ask more questions of a caller who is reporting activity that is not unlawful, but appears to have a racial undertone. This assists in determining whether or not a police response is warranted for the call.

CITY MANAGER'S RECOMMENDATIONS:

RECOMMENDATION #4:

Work with the Human Resources Department to develop a more formalized training curriculum for officers regarding diversity and bias topics.

RECOMMENDATION #5:

The City Manager will be recommending in the next budget cycle converting a vacant, authorized Police Officer position into an administrative sergeant position. This position will manage departmental training needs, statistical reporting and transparency, and supervision of new officers during the onboarding and Academy processes, in addition to other duties.

THEME IV – DEPARTMENTAL POLICIES

WHAT HAS BEEN SUGGESTED?

A number of emails received by the City Council have called for the following specific policies to be adopted by the Ames Police Department:

- 1. Ban chokeholds/strangleholds/hog-tying methods, and/or neck restraints in all cases.*
- 2. Require officers to de-escalate situations when possible, eliminating or reducing the need to use force. Establish a force continuum that restricts the most severe types of force. Require officers to exhaust all other alternatives, including non-force and other less-lethal force options prior to resorting to deadly force.*
- 3. Require officers to give a verbal warning before shooting*
- 4. Ban shooting at moving vehicles*
- 5. Require officers to report each time they use force or threaten to use force against civilians.*
- 6. Ban transporting civilians in an “uncomfortable positions”, such as face down in a vehicle.*
- 7. Ban the use of tear gas.*
- 8. Require officers to have body cameras on.*
- 9. Require officers to properly subdue a person that is already handcuffed.*
- 10. Require officers after using force to perform the necessary medical care and call the paramedics for support.*

Most of these specific requests align with the “8 Can’t Wait” campaign. In most instances, policies already exist that address these areas.

WHAT ARE OUR CURRENT POLICIES?

The Police Department contracts with Lexipol, a nationally recognized policy advisory firm, to monitor best practices, legislation, and case law. Lexipol assists in ensuring that the Department’s policies are comprehensive and up-to-date. In addition to receiving advice from Lexipol and its staff attorneys, the Department receives advice regarding policies from the Story County Attorney, the Iowa Attorney General, the Ames City Attorney, and attorneys and staff associated with the Iowa Community Assurance Pool.

As policies are adopted, they are assembled into the Ames Police Department Law Enforcement Services Manual, which is distributed to Police Officers and available on the City’s [website](#). Officers receive copies of revised policies and are required to review them and acknowledge that they have read and understand them. Daily training bulletins are provided to assess the officers’ understanding of the policies and how they apply to example situations.

Police Command Staff is involved in the International Association of Chiefs of Police and the Police Executive Research Forum (PERF). Both groups are dedicated to the

improvement of policing. PERF specifically invests in developing and disseminating best practices with a core emphasis on community policing and problem solving. As new community problems arise, Police staff use these resources to identify potential solutions to implement in Ames.

The use of force is a rare occurrence by Ames Police Officers. “Force” includes a variety of potential actions, ranging from an officer taking hold of an individual, the use of chemical agents, use of striking instruments, Taser display, Taser deployment, firearm display, and firearm discharge. In 2019, there were a total of 117 reports of use of force by Ames officers. There were 31,629 calls for service and 1,872 arrests in 2019.

Force was used in 117 of these 31,629 calls for service (0.37%), including 70 of the 1,872 arrests (3.7%). Eighty-two of the 117 use-of-force reports ranged from grabbing the individual to taking them to the ground. There were no incidents in 2019 where officers deployed chemical spray or used a striking instrument such as a baton. A Taser was deployed nine times; in four other incidents, the Taser was displayed but not deployed. Officers displayed a firearm in 22 incidents with no shots fired.

REQUESTED POLICY: Ban chokeholds/strangleholds/hog-tying methods, and/or neck restraints in all cases:

Policy 300.4 speaks directly to use of deadly force and chokeholds. While the current policy does not absolutely ban the use of chokeholds, it does limit the use only to situations where deadly force is authorized. In summer 2020, the Iowa Legislature changed Iowa law to treat chokeholds like other deadly force situations. Paragraph C of the Ames Police Department’s Deadly Force Policy now mirrors the recently passed state law, which is found in Iowa Code 804.8.

Prior to these changes, chokeholds were not expressly forbidden by department policy, and therefore it would not have been prohibited to use a chokehold to restrain a combative person.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- a. An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.

- b. An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- c. The use of deadly force or chokeholds are only justified when a person cannot be captured in any other way and either of the following apply:
 1. The person has used or threatened to use deadly force in committing a felony.
 2. The police officer reasonably believes the person would use deadly force against any person unless immediately apprehended.

For purposes of this policy, "chokehold" means the intentional and prolonged application of force to the throat or windpipe that prevents or hinders breathing or reduces the intake of air. (Iowa Code § 804.8).

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

REQUESTED POLICY: Require officers to de-escalate situations when possible, eliminating or reducing the need to use force. Establish a force continuum that restricts the most severe types of force. Require officers to exhaust all other alternatives, including non-force and other less-lethal force options prior to resorting to deadly force.

There are several policies that address the above statements. The Ames Police Department utilizes the concept of "force options" as opposed to a "force continuum." A "continuum" implies that an officer must move through a set of options in a systematic way, whereas "options" require the officer to evaluate the resistance and use the option that best fits the situation at hand, including using no force.

For example, if an officer arrives at a call and is immediately met with gunfire (deadly force), it is not practical to expect the officer to proceed through a series of escalating force levels prior to returning fire. However, officers are trained to use

the least amount of force to gain control and compliance. Policies 300.2 and 300.3 address some of these concerns.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- a. Immediacy and severity of the threat to officers or others.
- b. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- c. Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- d. The effects of suspected drug or alcohol use.
- e. The individual's mental state or capacity.
- f. The individual's ability to understand and comply with officer commands.
- g. Proximity of weapons or dangerous improvised devices.
- h. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- i. The availability of other reasonable and feasible options and their possible effectiveness.
- j. Seriousness of the suspected offense or reason for contact with the individual.
- k. Training and experience of the officer.
- l. Potential for injury to officers, suspects, and others.
- m. Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- n. The risk and reasonably foreseeable consequences of escape.
- o. The apparent need for immediate control of the individual or a prompt resolution of the situation.
- p. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- q. Prior contacts with the individual or awareness of any propensity for violence.
- r. Any other exigent circumstances.

REQUESTED POLICY: Require officers to give a verbal warning before shooting

Policy 306.7.3 addresses warnings, including both warning shots and verbal warnings. Warning shots are inherently dangerous due to the risk of accidental injury or death to bystanders, and therefore are prohibited by policy and state law.

306.7.3 WARNING AND OTHER SHOTS

The firing of warning shots is prohibited. Verbal warning should be utilized whenever possible unless the utterance would compromise the safety of the officers or others.

REQUESTED POLICY: Ban shooting at moving vehicles

Policy 300.4.1 discusses shooting at moving vehicles. This policy recognizes the general ineffectiveness of shooting at or from a moving vehicle; however, it provides limited circumstances where the officer has no other alternative to avert the threat of the vehicle.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

REQUESTED POLICY: Require officers to intervene and stop the use of excessive force by other officers.

Policy 300.2.1 outlines the duty to intercede and report by Ames Police Officers.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

REQUESTED POLICY: Require officers to report each time they use force or threaten to use force against civilians.

Policy 300.5 mandates an officer report and document use of force. The Shift Commander reviews all reports marked “Use of Force” to ensure that officers are de-escalating when necessary and to ensure that, when force is used, that it is necessary, justified and reasonable. The analysis includes the type of force used, whether the case was a mental health situation, who the officer was, and if there were any injuries to the officer. The ethnicity, sex, and age of the individual force was used against is also recorded.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- The application caused a visible injury.
- The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- The individual subjected to the force complained of injury or continuing pain.
- The individual indicates intent to pursue litigation.
- Any application of the conducted energy device or control device.
- Any application of a restraint device other than handcuffs, shackles, or belly chains.
- The individual subjected to the force was rendered unconscious.
- An individual was struck or kicked.
- An individual alleges unreasonable force was used or that any of the above has occurred.

REQUESTED POLICY: Ban transporting civilians in an “uncomfortable positions”, such as face down in a vehicle.

Ames Police Department Policy 904.4 addresses transporting detainees. Generally, all persons are properly restrained by a safety belt and placed in a seated position. It is well known that detainees placed face down while restrained are susceptible to positional asphyxiation and this technique is not used.

904.4 PROCEDURES

Members transporting a person in custody should ensure:

- a. All persons are properly restrained by a safety belt or other approved safety restraint system.
- b. All persons in custody remain in a seated or otherwise safely restrained position in the rear of the vehicle.
- c. Any person behaving in a manner so violent or uncooperative that he/she cannot or will not sit upright is:
 1. Reviewed for a medical condition by an emergency medical services provider and if a medical condition exists, transported by ambulance for a medical examination.
 - a. If no medical condition exists or an ambulance is unavailable or unwilling to transport the prisoner, alternative transportation should be arranged (e.g., special transport van).
- d. A verbal welfare check is made with a person in custody every 10 minutes.

1. If a person being transported is not responsive or indicates a medical condition, the transporting member should advise dispatch and render aid as soon as practicable (see the Medical Aid and Response Policy).
 2. Special conditions (e.g., suicidal persons, persons wearing a spit hood) may require closer observations or visual monitoring as indicated in other parts of this policy and in the Handcuffing and Restraints and Temporary Custody of Adults policies.
- e. All areas of the vehicle accessible to a person in custody are searched before and after each transport.
- f. A person in custody is searched immediately after his/her arrest, before transport in any department vehicle, after transportation and any time another person assumes custody.
1. Whenever practicable, the search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.
- g. Transport is accomplished in a direct and timely manner.
- h. The same consideration is shown to a person in custody as would be reasonably shown to any other passenger (e.g., avoiding loud or objectionable music, excessive heat or cooling).
- i. The manner in which a person being transported is not used as a form of punishment or retaliation.
- j. Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.
- k. Persons in custody are transported individually when practical, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances:
1. Juveniles are not to be transported with adults.
 2. Females are not to be transported with males. When possible, transgender or intersex persons should be transported with persons of the gender they identify with.
 3. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, are not to be transported together.
- l. Dispatch is advised of the following:
1. The time when a transport begins and the vehicle's mileage.
 2. The time, vehicle's mileage and reason for any stops.
 3. The time of arrival at the destination and the vehicle's mileage.

- m. Reasonable efforts are made to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- n. Direct visual observation and audio communication is provided during transport of:
 - 1. Individuals in auxiliary restraints (see the Handcuffing and Restraints Policy).
 - 2. Individuals in leg restraints.
 - 3. Individuals wearing a spit hood.
 - 4. Individuals who are a suspected suicide risk.

REQUESTED POLICY: Ban the use of tear gas.

The Ames Police Department policies do not currently prohibit the use of tear gas or other chemical munitions. The use of chemical munitions is limited to riot situations where life and/or property is endangered (this would not include peaceful protests). Deployment of chemical munitions, including tear gas, would have to be justified under Policy 300.3.2 (Factors Used To Determine The Reasonableness Of Force, described on page 14 of this report).

Tear gas, although deployed extremely infrequently, can be an effective dispersal tool when circumstances warrant. Without this option, officers with a need to disperse a violent crowd would need to resort to alternative force techniques (e.g., batons or hands-on techniques). These alternatives can present a greater risk of injury or death to individuals and to officers.

The use of tear gas is subject to several policies. Policy 303.6 describes who is authorized to deploy tear gas and in what circumstances.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects, based on the circumstances. Only the Shift Commander, Incident Commander or Emergency Response Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation, if needed.

Policy 430 discusses First Amendment Assemblies, and distinguishes between lawful, peaceful assemblies and assemblies that meet criteria to be unlawful due to the destruction of property or harm to others. In an unlawful assembly, the use of force may be justified if there is a potential for harm to officers or other, or substantial property loss or damage. Use of force in an assembly is a specific situation discussed in Policy 430.7.

430.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

REQUESTED POLICY: Require officers to have body cameras on.

Policy 424.5 addresses the circumstances that require activation of cameras, both body-worn and in-car cameras. Generally, officers are expected to activate cameras during law enforcement interactions.

424.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations.

- a. All enforcement and investigative contacts including stops and field interview situations
- b. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- c. Self-initiated activity in which an officer would normally notify the Communication Center
- d. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

REQUESTED POLICY: Require officers to properly subdue a person that is already handcuffed

Policy 302 addresses handcuffing and restraints including the proper application. Specifically, Policy 302.4 addresses the application of handcuffs or plastic cuffs.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

REQUESTED POLICY: Require officers after using force to perform the necessary medical care and call the paramedics for support.

The Use of Force policy also addresses some medical considerations.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. **Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.**

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "drug-induced delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical

emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

CITY MANAGER'S RECOMMENDATIONS:

RECOMMENDATION #6:

As revisions are made to Police Department policies, revised versions will be updated on the City's website.

RECOMMENDATION #7:

An independent review of the Police Department policies will be periodically undertaken by a citizen committee. See Recommendation #16 regarding the creation of an Ames Citizen Police Advisory Committee (ACPAC).

RECOMMENDATION #8:

As new laws are adopted at the federal and state levels and clarified by the courts, the City will continue to use Lexipol to review the Ames Police Department's existing policies to ensure compliance with the law and commitment to fair and impartial policing. Lexipol will continue to recommend new policies to address areas where policies do not yet exist.

THEME V – CITY ORDINANCES AND STATE LAW

WHAT HAS BEEN SUGGESTED?

Some people who are aware of the Police Department policies are concerned that they can be altered by the city administration. Therefore, they would prefer that certain prohibitions be placed into ordinances where the City Council has control over what actions are illegal and must be publicly voted on to eliminate or modify. Suggestions for new local ordinances include ordinances to:

- Ban racial profiling*
- Prohibit racial bias in policing*
- Prohibit an unjust accusation from one person against another to the Police because of their race*
- Decriminalize the use and possession of marijuana for less than 40 grams.*

WHAT DO OUR CURRENT ORDINANCES SAY?

The following four topics are not directly addressed in current local ordinances. Several of these topics are addressed either in Police Department policies or in state law.

Racial profiling and racial bias in policing are prohibited in the Police Department's Bias-Based Policing Policy. This policy is Policy 401 in the Police Department Policy Manual.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Ames Police Department's 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 group outreach, 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, religion, 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.

401.2 POLICY

The Ames Police 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. 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, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 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 supervisor. Members should, 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 (e.g., arrest report, field interview (FI) card), 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.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) 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.

1. Supervisors should document these periodic reviews.

2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) 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 Patrol Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service. Supervisors should review and the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Patrol Commander and include training offered by the Iowa Law Enforcement Academy (ILEA) (Iowa Code § 80B.11).

It should be further noted that actions of the Police are considered a “public accommodation” under the Iowa Civil Rights Act. Therefore, in addition to violating Police Department policy, accusations of racial discrimination in policing can be investigated by the Iowa Civil Rights Commission.

There is no local ordinance regarding making a false, unjust allegation to police because of a racial characteristic. Iowa Code Chapter 718.6(1) prohibits knowingly reporting false information to law enforcement agencies. Providing false information to a law enforcement agency is punishable as a simple misdemeanor, except when the falsely alleged criminal act is a serious or aggravated misdemeanor or felony, in which case the false report is punishable as a serious misdemeanor.

The use and possession of marijuana is addressed in state law. Under state law, the possession of 40 grams of marijuana is a serious misdemeanor. If this quantity of marijuana is separated into baggies and in proximity to a scale, the circumstances could justify a charge of possession with intent to deliver, which is a Class D felony. Serious

misdemeanors are punishable by a minimum fine of \$430 and/or up to 30 days in jail. Class D felonies are punishable by a minimum fine of \$930 and/or up to five years in prison.

The Municipal Code does contain a specific section regarding the possession of dope paraphernalia, Section 17.23. This section prohibits the sale or display of marijuana pipes, along with a variety of other paraphernalia used to administer controlled substances. A violation of this section is a municipal infraction punishable by a \$50 fine for a first violation or \$100 for subsequent violations.

CITY MANAGER'S RECOMMENDATIONS:

RECOMMENDATION #9:

Adopt an ordinance prohibiting any member of the City of Ames organization from racial profiling or taking actions that are indicative of bias in the delivery of City services.

RECOMMENDATION #10:

Adopt a local ordinance that prohibits filing false reports or providing false information to police against an individual because of race or another protected characteristic.

Although it is possible to adopt a local ordinance prohibiting false reports, the City may only charge someone with up to a simple misdemeanor. Therefore, if an individual who files a false report does so in a manner which would warrant a serious misdemeanor violation under state law, the local ordinance would not apply, and the charge would be a state violation, not the local violation.

The Council should also be aware that proving the intent of a person filing a report or providing a statement can be difficult. However, a local ordinance can provide some measure of prosecution in instances where evidence does exist of a person's malintent. Additionally, a local ordinance regarding this topic makes a strong statement that maliciously filing reports against an individual because of race or another characteristic is not tolerated in the Ames community.

THEME VI – TRANSPARENCY

WHAT HAS BEEN SUGGESTED?

In order for the citizens to better gauge how successful our Police Officers are doing in providing unbiased policing, it is important that data be furnished to the public. It has been suggested that data should be periodically released such as arrest records, stop records, the number of civilian deaths that occur while in police custody, and the number of civilian deaths that occur as the result of force. It has been further suggested to break these reports down according to various demographics.

WHAT ARE WE CURRENTLY DOING?

It is important to note that the Police record management system is designed to take information from the field and get it to the court system. Demographic data, such as race, is not typically a dataset important to the courts, so it is not always available in the records management system. Therefore, the current records management system is not an efficient tool to conduct statistical analysis of demographic data. Improving the reporting of demographic data requires increased staff time to analyze.

There are two types of logs that the Ames Police Department publishes online. The first, the Press Log, describes general information about calls for service, while the second, the Arrest Report, lists the names and charges for each person arrested.

Annual reports, including the information provided in the City Budget, provide a statistical and financial summary of department activity. Significant crimes and community events are announced using press releases and social media. Ames Police also report crimes to state and federal databases and participate in efforts to improve state and federal crime reporting.

In 2019, the Ames Police Department and Iowa State University Police Department voluntarily initiated a stop study to evaluate whether racial disparity exists in the traffic stops conducted by both departments. The results of this study should be available in Fall 2020.

CITY MANAGER'S RECOMMENDATIONS:

As with other City services, City staff believes information about services provided should be shared with the public. In the case of the Police Department, crime statistics are a basic set of data the public should be able to obtain and review.

RECOMMENDATION #11:

Publish quarterly summaries on the Police Department website for citations (e.g., traffic tickets, municipal infractions, simple misdemeanors) and arrests, with a breakdown of race and other demographics, where known*.

RECOMMENDATION #12:

Publish quarterly reports on the Police Department website with use of force statistics, with a breakdown of race and other demographics, where known*.

*It should be understood that demographic information is not collected in every police interaction. Some state reports require collecting demographic information and some do not. If demographics are not provided on an individual's documentation (such as an ID card), officers will not ask or make assumptions to obtain this information.

RECOMMENDATION #13:

Create a new system for citizens to report bias incidents, publish this data on the Police Department website, and share these reports with the Human Relations Commission for follow-up (Bias incidents are events where there is a connection to racial bias, but do not meet the requirements for a hate crime).

RECOMMENDATION #14:

Conduct periodic studies of traffic stop statistics to identify whether racial disparity exists in the traffic stops conducted by the Police Department.

THEME VII – ACCOUNTABILITY IN COMPLAINT HANDLING AND DISCIPLINE

WHAT HAS BEEN SUGGESTED?

It has been suggested that complaints regarding inappropriate action by Police Officers cannot be fairly addressed when the discipline process is contained within the department. Therefore, it has been suggested that an independent body be created to investigate and determine discipline for officers accused of such actions.

WHAT ARE WE CURRENTLY DOING?

Complaints about officer conduct can be handled through the City's internal complaint process or through external processes. Externally, an individual could file an Iowa Civil Rights Commission (ICRC) complaint, if the person believes they were treated unfairly on the basis of race, gender, age, or another characteristic protected by the Iowa Civil Rights Act. Generally with these complaints, the City would receive a questionnaire from ICRC and be asked to provide information regarding the circumstances of the complaint. ICRC would review this information during its investigation and determine whether there is probable cause that discrimination has occurred. If so, a mediation can take place, or the complainant may receive a "right-to-sue" letter, which could be used to bring a civil lawsuit against the City.

Additionally, a person could file a complaint with the Iowa Ombudsman's Office. This office provides impartial investigation of complaints regarding services provided by state or local government. If a failure of City or state policy has occurred, the Ombudsman may provide a formal report with recommendations to take corrective actions.

A complaint filed directly with the Ames Police Department would be handled in accordance with the Department's Personnel Complaints/Internal Affairs Policy. The internal complaint investigation functions are outlined as Policy 1010 in the APD Law Enforcement Services Manual. This manual is available on the Police Department's web page. This policy distinguishes various types of complaints and provides different methods to resolve them depending on the nature of the allegation.

A complaint about officer conduct or a policy violation may come to the City's attention from the public or internally through a co-worker or supervisor. Every complaint is investigated.

Receipt of Complaints:

Complaints may be filed in writing or orally. They can be accepted from anonymous and third-party sources. However, complainants are encouraged to file written complaints in

person, so contact information and other details may be collected to enable future follow-up to occur.

Personnel complaints are those where an allegation of misconduct or improper job performance has been made that, if true, is a violation of established policy or law.

Inquiries about conduct that, if true, would not be a violation of law or policy are not considered a personnel complaint. These inquiries are handled informally by a supervisor.

Supervisors are responsible to ensure all complaints are documented on a complaint form. All complaints and inquiries are documented in a log, including the nature of the complaint and the actions taken to address it.

Investigating Allegations of Misconduct:

Generally, personnel complaints are investigated by the immediate supervisor of the employee in question. In some situations (such as when the supervisor is involved in the allegation), another supervisor may investigate the complaint. Serious allegations are investigated by the Department's Internal Affairs Coordinator. Complainants are notified of the investigator's name. Efforts are made to obtain names and contact information of witnesses. Evidence is collected, such as photographs of alleged injuries.

If the complaint can be resolved immediately, the supervisor is to notify the complainant within 24 hours. Complaints that cannot be resolved quickly are referred to the shift Lieutenant, who will determine whether to contact the complainant or assign the complaint for investigation.

Body cameras are worn by every uniformed Police Officer and are used to record most public interactions (see Policy 424.5 – Activation of the Audio/Video Recorder on pages 20-21 of this report). These recordings are reviewed when there are complaints or when developing performance appraisals. If a complaint involves an interaction that would be recorded on a body-worn camera, that footage can be retrieved and reviewed, provided the complaint is regarding a recent interaction.

When circumstances warrant, the accused employee may be placed on paid administrative leave or temporarily reassigned to a different shift (if appropriate) until the conclusion of the investigation.

Peace Officer Bill of Rights (Iowa Code Chapter 80F):

Iowa law provides that certain steps must take place when a Police Officer who is the subject of a complaint is interviewed in an administrative investigation by a supervisor or a member of the Internal Affairs Unit. These steps include:

1. The officer must receive a written summary of the complaint prior to being interviewed
2. The interview must be audio recorded
3. The interview must take place at a facility of the investigating agency
4. The officer has the right to have legal counsel and either a union representative

The Bill of Rights also requires that if an officer is interviewed more than once, the officer is entitled to a copy of the recording of the prior interview in advance. Additionally, no more than two interviewers should ask questions of an accused officer.

Garrity Advisement:

City policies provide that an accused officer may be required to answer questions in the course of the investigation. Employees who refuse to cooperate in answering questions are subject to discipline. This is a common practice in employment investigations both in and outside law enforcement. However, when the employer is also a law enforcement agency, an employee who is compelled to answer questions in a process that may lead to criminal charges is given a Garrity advisement prior to questioning.

The Garrity advisement stems from U.S. Supreme Court case law. The advisement provides that the employee may be required to answer questions, but that the statements gathered from that testimony may not be used in any subsequent criminal investigation. This balances the employer's right to demand cooperation in an employment action with the employee's right to not self-incriminate if a criminal act has taken place.

In cases where an employee is accused of potentially criminal conduct, the criminal allegations are investigated by a separate supervisor or investigator from the administrative investigation. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

Report Outcomes:

Police personnel complaints are classified with one of the following dispositions:

1. Unfounded – The alleged facts did not occur or did not involve department members.
2. Exonerated – The alleged act occurred but the act was justified, lawful, and/or proper
3. Not sustained – There is insufficient evidence to sustain the complaint or fully exonerate the employee

4. Sustained – The act occurred, and it constituted misconduct
5. Policy failure – The allegation is true, and the action was not inconsistent with policy
6. Not involved – The individual subject of the complaint was not involved in the alleged incident.

Pre-Disciplinary Hearing:

The officer who is the subject of a complaint is notified of the outcome at the conclusion of the investigation. The disciplinary process is handled in collaboration between the Chief of Police, Human Resources, and the City Manager's Office. This involvement of staff outside the Police Department ensures that two objectives are met: First, it ensures critical procedural steps are correctly followed. Second, it ensures that any proposed discipline aligns with similar levels of discipline imposed in similar situations elsewhere in the City organization.

If disciplinary action against an officer is warranted, the Chief of Police determines the proposed level of discipline in consultation with the City Manager's Office and Human Resources. As with other City employees, discipline can take various forms depending on the circumstances, such as oral reprimand, written reprimand, suspension, demotion, or termination.

The Chief of Police will provide the employee with a written notice that discipline is being considered, along with access to the materials considered by the Chief in reaching that decision. The employee has five days to respond orally (recorded) or in writing. The purpose of the response from the employee is to offer reasons why the proposed discipline should not occur, by offering either further avenues of investigation or mitigating factors to consider. The employee is not permitted to present testimony or witnesses.

Imposing Discipline:

Following the employee response, the Chief of Police may impose the discipline, if warranted, by providing the decision in writing along with the grounds and reasons for the discipline. In compliance with a recent state law change, employees are also notified that information in their personnel file as a result of disciplinary action may become a public record.

If an employee resigns or retires while under investigation, prior to the conclusion of the disciplinary process, the fact that the investigation/discipline was pending is noted in the employee's personnel file. Additionally, resigning while under investigation may prevent the officer from obtaining full retirement benefits from the Municipal Fire and Police Retirement System of Iowa. An investigation may continue even after an employee resigns.

Appeal Process:

If an investigation results in an officer being disciplined, including if the officer is terminated from employment, state law provides that the disciplinary action must be delayed by ten days if the accused officer alleges a violation of the procedures and protections outlined in the Peace Officers Bill of Rights. **Therefore, a disciplinary process disputed by the employee is not likely to be resolved in a matter of days, as has been seen in some cities in other parts of the country in the aftermath of alleged policy or law violations.**

Employees may appeal discipline in accordance with the terms of the collective bargaining agreement (for Police Officers who have completed their probationary period) or personnel rules (for all Police Officers of sergeant rank or higher). Probationary employees do not have rights to appeal disciplinary action either through the collective bargaining agreement or to the Civil Service Commission.

All non-probationary Police Officers, regardless of rank, are civil service employees under Iowa law, and therefore have rights to appeal certain actions to the Civil Service Commission.

Police Officers may appeal oral and written reprimands through the grievance process outlined in the collective bargaining agreement. This process provides procedures and time limits for these actions to be appealed to:

- Step 1: Within five days of the action, to the immediate supervisor. Response must be delivered within five working days
- Step 2: Within five days of Step 1 response, to the Chief of Police. Response must be delivered within five working days
- Step 3: Within five days of Step 2 response, to the City Manager or designee. Response must be delivered within ten working days
- Step 4: Within five days of Step 3 response, to arbitration

A failure of the employee to meet any grievance appeal time limits is considered a waiver of the appeal right. A failure of the supervisor/manager to respond within the time limits is considered a denial at that step.

In cases of suspension, demotion, or discharge, any non-probationary Police Officer, regardless of rank, may appeal to the Civil Service Commission for a hearing within 14 calendar days of the decision to impose such action. The City must provide to the Commission the reasons for the discipline. A failure by the City to provide such information within the time limits obligates the Commission to reinstate the disciplined officer.

If properly filed, the Commission will hold a hearing, where it may subpoena witnesses and documents and hear arguments from the appellant and the City. The Commission will issue a decision upholding or overturning the disciplinary action, which either party may appeal to District Court within 30 days of the decision.

CITY MANAGER'S RECOMMENDATIONS:

RECOMMENDATION #15:

Make forms to document complaints more readily available on the Police Department website to provide ample opportunities for the public to register their concerns about incidents.

RECOMMENDATION #16:

Create an Ames Citizen Police Advisory Committee (ACPAC) in accordance with the following model presented below.

City staff has explored a variety of models for this type of advisory committee. **Due to the constraints of state law with regards to civil service, collective bargaining law, and the Peace Officers' Bill of Rights, staff has concluded that the best model for such an advisory committee would be as follows:**

The goals of the ACPAC would be to:

1. Incorporate a citizen perspective into the evaluation of citizen complaints against the Ames Police Department (APD)
2. Provide thoughtful recommendations regarding the policies and practices of the APD
3. Report concerns regarding complaint investigation outcomes to the City Manager
4. Increase public confidence in the professionalism and accountability of the APD

The membership of the ACPAC would be:

1. Seven individuals
2. Representative of the diversity of the community
3. Appointed by the Mayor with the consent of the Council
4. Trained after appointment in contemporary policing practices and legal standards based on recommendations from the National Association for Civilian Oversight of Law Enforcement (NACOLE)
5. Committed to impartiality and to a review of complaints based only upon facts and evidence. Members must not be prejudiced in favor of complainants or police officers
6. Subject to confidentiality requirements

The scope of the ACPAC's responsibilities would be:

1. Accept complaints from the public regarding the conduct of sworn Police Officers and forward such complaints to the Ames Chief of Police for appropriate investigation.
2. Advise the Chief of Police regarding complaints from the public.
 - a. ACPAC may review complaints from the public related to:
 - i. Police Department policy violations
 - ii. Improper or inadequate investigation
 - iii. Excessive force
 - iv. Discrimination
 - v. Harassment
 - vi. Any other complaint in which the Chief of Police determines ACPAC review would be desirable
 - b. When such a complaint is received from the public by the APD either directly or by ACPAC referral, it would be investigated in accordance with APD policies and applicable law. At the conclusion of the investigation into a complaint, the Chief of Police would convene the ACPAC to discuss the investigation and seek ACPAC's input, prior to the Chief making a decision as to personnel action.
 - c. ACPAC's review and recommendation would be advisory in nature. ACPAC's role is separate from the investigation process and from the disciplinary process.
3. Review departmental policies and procedures and provide comments and suggestions for improvement to the Chief of Police and City Manager.
4. Conduct outreach to individuals and groups in the Ames community regarding:
 - a. Concerns related to public safety and police procedures
 - b. Rights and responsibilities of citizens in law enforcement interactions
 - c. Processes and resources for filing complaints
5. Provide feedback to the Chief of Police regarding whether an officer's conduct merits commendation, in instances where a commendation is being considered.
6. Issue an annual report to the Mayor and Ames City Council containing the following information:

- a. The number of complaints reviewed and the nature of such complaints
- b. Demographic information of complainants, where disclosed by complainants
- c. A summary of policies reviewed and any changes recommended
- d. A summary of Committee training received
- e. A summary of outreach activities conducted
- f. Concerns regarding complaint investigation outcomes, if any

THEME VIII – COMMUNICATION

WHAT HAS BEEN SUGGESTED?

When the Chief of Police responded in writing to inquiries received this summer regarding the City's departmental policies, many were pleased to learn that the policies of the Police Department already addressed these concerns. Therefore, it appears from this feedback that the Police Department needs to do a more effective job communicating with under-represented populations.

WHAT ARE WE CURRENTLY DOING?

For several years, the Police Department has been utilizing social media in its strategy to engage with the public. This social media strategy began with the use of Facebook, which was utilized to issue press releases to people who may not have otherwise seen them. The department has expanded its efforts with the use of Twitter; this platform seems to reach a slightly different segment of the Ames population. On both platforms, timely information is distributed to alert residents to scams, weather events, crime alerts, press releases, and community outreach activities.

While events such as National Night Out and the school supply giveaway reach thousands, the social media posts about these events reach many more. This is also the case with other Police Department outreach events, including Shop with a Cop, Carving with Cops, Donuts in the Park, and Coffee with Cops.

The department has partnered with the Ames Branch of the NAACP to host a series of programs in the past about "Know Your Rights", where rights during police interactions, such as traffic stops, were discussed. More recently, representatives of the Ames Police Department participated in a broadcast series with the NAACP, Taking the Lead 2020, where contemporary policing issues were discussed.

Since 1999, the Ames Police Department has offered a [Citizen Police Academy](#) program for the public. This program is a hands-on learning experience for individuals in the community who wish to learn more about the Police Department's activities and operations. Each class participates in eight three-hour sessions covering topics such as use of force, investigations, firearms, and narcotics. Participants also take part in a ride-along and meet Police Department staff to hear from their experiences. The program is offered twice per year to groups of 14-16 participants.

CITY MANAGER'S RECOMMENDATIONS:

While the events hosted by the department are important for the public to be aware of, further efforts could be made to engage the public in areas such as police policies and procedures, the complaint process, and the Body Worn Camera Program.

The City Council is aware of the challenges faced in effectively communicating with those who reside in the community, not just as it relates to the Police Department, but to all services provided by the City. Towards this end, the Council has established as one of its goals to “Use the best communication engagement techniques and modern technologies to engage the community by reaching people in geographic areas using multiple channels.”

In order to accomplish this goal, the City Manager recommended that the City Council engage the services of a class from the Department of Community and Regional Planning at Iowa State University to identify the various groups of residents that live in the community, catalog the various communication techniques/strategies that have been used successfully in cities throughout the country, recommend which strategy will prove more effective for each of the identified resident groups, with an emphasis on those under-represented in the community. It is anticipated that this information will be available by December 2020. Depending on what transpires with COVID-19, a second class in the Spring will focus on testing some of these strategies in relations to City issues.

RECOMMENDATION #17:

Adopt the City Council-approved recommendations from the ISU Community and Regional Planning class(es) regarding the best communication techniques to reach under-represented populations in Ames.

RECOMMENDATION #18:

Provide periodic updates to the public from the Chief of Police regarding activities, current events, policies, and less understood aspects of the Police Department through the use of social media, cable television, videos, radio, and other media.

RECOMMENDATION #19:

Refresh the Police Department pages of the City’s website to ensure the information is clear, concise, and user-friendly for community members.

THEME IX – FUNDING

WHAT HAS BEEN SUGGESTED?

Calls are being heard throughout the country to “defund” police departments. This call includes the suggestion that the savings realized from reducing the department’s budget be reallocated to various social service agencies, programs related to mental health, social work, crisis intervention, homelessness, drug prevention/treatment, affordable housing, public transit, before and after school programs, parks and recreation programs, community engagement, food security, and holistic collaborative services.

It has also been repeatedly suggested that the City not purchase nor accept surplus military vehicles for Police Department use.

WHAT ARE WE CURRENTLY DOING?

The adopted FY 2020/21 City budget appropriates \$10,596,148 to the Law Enforcement program, which represents 4% of the total City budget. It should be noted that 88% (\$9,298,828) of the expenditures in total Law Enforcement program pay for personal services, which are the salary and benefits of those who work in the department. The remaining portion of the budget is allocated 8% (\$800,355) for Internal Services, 3% (\$346,165) for Contractual expenses, and 1% (\$150,800) for Commodities/Other. In addition, of this \$10,596,148 total, \$8,171,183 is earmarked for Police Services with the remaining \$2,424,965 directed towards the Administration/Records and Emergency Communication functions.

Unlike most similar-sized cities throughout the country, Ames has access to Local Option Sales Tax revenues. This tax, which is 1% on most purchases of goods and services in Ames, has allowed the Ames City Council to provide substantial funding for local human services agencies that serve low and moderate income residents in the Ames community. This funding is provided through a collaboration known as ASSET. In FY 2020/21, City funding for these agencies will total \$1,524,850. In addition to the City’s commitment to human services agencies, Story County, United Way, and Iowa State University Student Government are contributing a combined \$3,010,453 for a collective total of \$4,535,303 in FY 2020/21 to human service agencies.

These funds are used to purchase childcare, rent/utilities assistance, shelter services for homeless individuals, mental health and substance abuse prevention and treatment services, food pantry programs, transportation, nutrition, home health assistance, youth development programs, and domestic violence services.

In addition, the City Council has directed that all Community Development Block Grant (CDBG) and HOME program funding received this fiscal year from the Department of Housing and Urban Development be earmarked to develop a new housing subdivision for multiple family housing units and single family detached homes that meet the needs

of low and moderate income residents in Ames. In FY 2020/21 the total for this funding source is \$826,442.

The City also participates in collaborations such as the Mental Health/Criminal Justice Task Force and the newly developed drug diversion program. The latter is a program created to divert non-violent offenders with drug addiction from the criminal justice system. A representative from each law enforcement agency in Story County, including the Ames Police Department, will be a member of the drug diversion team. Relationships such as these are a result of police, human service agencies, and community members working together towards the best outcomes for the citizens they serve.

For several years, the Police Department has been reducing officer involvement in some nuisance and social problems. There are several nuisance regulations in Ames that do not rise to the level of crimes but have traditionally been handled by police. For example, officers are no longer making contact on noise complaints where no violations exist. Instead, these complaints are being referred to apartment managers or property owners to address with tenants. In other instances, neighbors are being encouraged to make contact to discuss and resolve the issues.

The department is currently evaluating the issuance of no-trespass orders and whether these are better handled civilly as opposed to involving a Police Officer in the contact. The Police Department has also limited its responses to “smell of marijuana” calls, instead referring these to apartment managers and owners.

The Police Department has employed a Mental Health Advocate (MHA) for the past seven years. The MHA is ¾-time employee who evaluates police calls for service and selects those cases with a mental health component. The MHA then sends this information to area mental health care providers and practitioners to keep open lines of communication and ensure those with mental health conditions are receiving proper services. The MHA works with individuals with mental health issues and their families to navigate both the criminal justice system and mental health services. The MHA also works closely with Police Officers and is a member of the both the Wellness and Peer Support Teams.

While the Police Department is frequently called to respond to calls involving a mental health component, it is not always appropriate. Over the past few years, the Police Department has begun diverting mental health calls for service to the Mobile Crisis Response Team (MCRT), managed by Eyerly Ball Community Mental Health Services. MCRT has been utilized to take these calls that do not require a Police Officer response. MCRT responders are trained in mental health crisis management techniques and are on-call to respond to calls from citizens or law enforcement.

The MCRT teams can take up to 45 minutes to arrive once called, which in some cases results in the incident being resolved by police before the team arrives. However, in incidents where the MCRT team can arrive quickly, these mental health professionals can assist in stabilizing the situation and providing resources for the individual in crisis to receive follow-up support. The department’s MHA works closely with MCRT to share

information about crisis incidents and residents with mental health issues who have encountered law enforcement.

The Ames Police Department does not currently possess any surplus military vehicles. Until approximately 2003, the Department owned a surplus military ambulance that was converted to transport officers to incidents. That vehicle was replaced with more effective civilian vehicle for that purpose.

CITY MANAGER'S RECOMMENDATIONS:

A review of the Police Department budget reveals that the vast majority of the funding is directed towards pay and benefits. In fact, of the \$10,596,148 for the Law Enforcement budget, only \$1,297,320 is earmarked for expenses other than personal services. Any substantial redirection of funding out of this budget would have to come from personal services which would reduce the number of officers and thereby severely impact the City's ability to provide adequate service to the community.

Fortunately, a substantial amount of funding is currently being allocated through the ASSET process to support various human services for low and moderate income residents.

RECOMMENDATION #20:

Adopt a City Council policy that no surplus armored military vehicles may be purchased or accepted for City use.

RECOMMENDATION #21:

If the City Council wishes to do so, the allocation of ASSET funds could be reprioritized in the next budget cycle and concentrated in human services that better meet the City Council's social justice goals.

SUMMARY OF CITY MANAGER RECOMMENDATIONS

RECOMMENDATION #1:

Pg. 3

The values that drive our Excellence Through People initiative will be revised to include the new values of Diversity, Equity, and Inclusion.

RECOMMENDATION #2:

Pg. 3

The City Manager will be recommending during the next budget cycle (FY 2021/22) that a new full-time position of Diversity, Equity, and Inclusion Coordinator be created.

RECOMMENDATION #3:

Pg. 7

Realizing that all individuals have some form of implicit bias, the Human Resources staff will explore additional validated evaluation tools to use in the Police Officer selection process to determine whether candidates have a propensity to inappropriately act upon bias.

RECOMMENDATION #4:

Pg. 10

Work with the Human Resources Department to develop a more formalized training curriculum for officers regarding diversity and bias topics.

RECOMMENDATION #5:

Pg. 10

The City Manager will be recommending in the next budget cycle converting a vacant, authorized Police Officer position into an administrative sergeant position. This position will manage departmental training needs, statistical reporting and transparency, and supervision of new officers during the onboarding and Academy processes, in addition to other duties.

RECOMMENDATION #6:

Pg. 23

As revisions are made to Police Department policies, revised versions will be updated on the City's website.

RECOMMENDATION #7:

Pg. 23

An independent review of the Police Department policies will be periodically undertaken by a citizen committee. See Recommendation #16 regarding the creation of an Ames Citizen Police Advisory Committee (ACPAC).

RECOMMENDATION #8:

Pg. 23

As new laws are adopted at the federal and state levels and clarified by the courts, the City will continue to use Lexipol to review the Ames Police Department's existing policies to ensure compliance with the law and commitment to fair and impartial policing. Lexipol will continue to recommend new policies to address areas where policies do not yet exist.

RECOMMENDATION #9: Pg. 27
Adopt an ordinance prohibiting any member of the City of Ames organization from racial profiling or taking actions that are indicative of bias in the delivery of City services.

RECOMMENDATION #10: Pg. 27
Adopt a local ordinance that prohibits filing false reports or providing false information to police against an individual because of race or another protected characteristic.

RECOMMENDATION #11: Pg. 28
Publish quarterly summaries on the Police Department website for citations (e.g., traffic tickets) and arrests, with a breakdown of race and other demographics, where known.

RECOMMENDATION #12: Pg. 29
Publish quarterly reports on the Police Department website with use of force statistics, with a breakdown of race and other demographics, where known.

RECOMMENDATION #13: Pg. 29
Create a new system for citizens to report bias incidents, publish this data on the Police Department website, and share these reports with the Human Relations Commission for follow-up (Bias incidents are events where there is a connection to racial bias, but do not meet the requirements for a hate crime).

RECOMMENDATION #14: Pg. 29
Conduct periodic studies of traffic stop statistics to identify whether racial disparity exists in the traffic stops conducted by the Police Department.

RECOMMENDATION #15: Pg. 35
Make forms to document complaints more readily available on the Police Department website to provide ample opportunities for the public to register their concerns about incidents.

RECOMMENDATION #16: Pg. 35
Create an Ames Citizen Police Advisory Committee (ACPAC) according to the model identified on pages 35-37.

RECOMMENDATION #17: Pg. 39
Adopt the City Council-approved recommendations from the ISU Community and Regional Planning class(es) regarding the best communication techniques to reach under-represented populations in Ames.

RECOMMENDATION #18:

Pg. 39

Provide periodic updates to the public from the Chief of Police regarding activities, current events, policies, and less understood aspects of the Police Department through the use of social media, cable television, videos, radio, and other media.

RECOMMENDATION #19:

Pg. 39

Refresh the Police Department pages of the City's website to ensure the information is clear, concise, and user-friendly for community members.

RECOMMENDATION #20:

Pg. 42

The City will adopt a policy that no surplus armored military vehicles may be purchased or accepted for City use.

RECOMMENDATION #21:

Pg. 42

If the City Council wishes to do so, the allocation of ASSET funds could be reprioritized in the next budget cycle and concentrated in human services that better meet the City Council's social justice goals.