Just Voices

SPEAKING TRUTH. SEEKING JUSTICE.

Years of research, interviews, and study, have shown that Iowa has a problem with racially-biased policing. Just Voices is an initiative to raise victim's voices, speak their truth, and seek justice.

FACT SHEET: Police Accountability

Holding Police Accountable

Police, like all professionals, are not perfect; they make mistakes. But, unlike most professions, their mistakes can change the trajectory of someone's life, cause emotional trauma, or result in injury or death in extreme cases. When police officers make mistakes, accountability is key to preserve public trust and provide transparency. According to the website, Transforming the System, four mechanisms can help to hold law enforcement accountable: community-based, political, civil, and criminal. We'll touch on the first three in this fact sheet.

Community-Based Accountability

An accountable police force is one directly responsible to the people they serve and includes practices that can increase collaboration between police and the community. Civilian oversight, both on a policy level and for specific review of complaints and disciplinary measures, creates direct accountability that also provides the opportunity for police to learn from and build a relationship with those they serve.

In Berkeley, California, the Police Review Commission holds bi-monthly meetings that are open to the public where representatives of community organizations "voice criticisms, make proposals and introduce resolutions to review or reform specific police policies." Civilian review boards also keep police accountable when used in a disciplinary fashion. However, communities must work to overcome the practical obstacles to the creation and effective implementation of civilian review boards, including resistance from police departments.

Accountability, Transparency, and Body Cams

According to Transforming the System, "An important aspect of building community trust and keeping police accountable is transparency. Creating clear procedures by which police officers provide information to and are transparent about their practices with the community creates the basis for mutual respect. This can include policies that require police officers to provide their name, badge

number, and an informative card on how to report complaints to people with which they interact. This can also include wearing body cameras with adequate privacy protections for the public and strengthening the right of civilians to record police interactions."

Political Measures to Increase Police Accountability

Political measures can influence the ways police departments are structured and behave. "Political checks" both on a national and local level, including contingent federal funding, internal review, and increased reporting, can make police departments and officers more accountable. These political accountability measures can work in tandem with civil and criminal lawsuits to pressure police departments into adopting best practices.

Police officers can also be made subject to "political" checks, such as peer reviews during incidents of misconduct and internal disciplinary panels. At the same time, by regularly providing data to the public on the disciplinary dispositions of all misconduct complaints it will be easier to identify and address systemic problems in those processes. Internal police procedures can also reflect a commitment to accountable, fair, and unbiased policing.

Changing the Law

To hold police more accountable, local, state, and county legislators could adopt or pass laws that prohibit racially-biased policing/profiling. Typically, this type of legislation has to be demanded from the

community and pushed up to the lawmakers. Seldom does a state or city admit to racially biased policing and initiate legislation to address it.
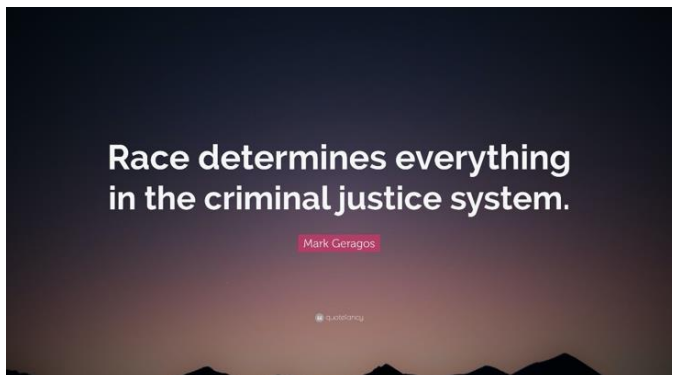
The *New Era of Public Safety – Tool Kit,* contains a comprehensive guide on Making Change that includes a guide to model legislation on the issue of racial profiling and issues related to modern police practices.

On June 22nd, 2020, The Des Moines City Council made Des Moines the 2nd city in Iowa to pass an ordinance banning racial profiling. The council also passed a series of resolutions related to the ban:

- A Resolution directing the City Manager to develop a request for proposals to determine best practices for research and data collection methods…;
- A Resolution supporting the decriminalization of marijuana and creating a task force to minimize enforcement for possession of marijuana for personal use.
- A Resolution directing the City Manager to include Implicit Bias Training, de-escalation training and cultural competency training in employee training and education.

A history of the political work that preceded these actions can be found here.

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Legal Remedies

Criminal charges, even for minor offenses, can be challenged when there is police misconduct. For example, misconduct can lead to the exclusion of evidence.

Police officers and governmental bodies can also be held accountable through civil lawsuits. These include state causes of action and federal lawsuits brought under existing civil rights laws and under 42 U.S.C. 1983, the federal statute that prohibits constitutional violations by those operating under the "color of state law." Samuel Walker and Morgan Macdonald recommend using Section 14141 of the 1994 Violent Crime Control Act as one example. Civil lawsuits are one mechanism to hold police officers and departments accountable for their actions.

More Actions to hold Police Accountable

Here are more ways to hold police departments and individual officers accountable:

- Filing of complaints for wrongful conduct;
- Filing of a Civil Rights Complaint;
- Filing motions to suppress evidence in criminal cases where a wrongful search has been conducted;
- Filing a civil lawsuit seeking monetary damages for a violation of law;
- Filing a federal lawsuit under the provisions of 42 U.S.C. – which is the federal statute that prohibits constitutional violations by those operating under the "color of state law".