

Community-Generated Anti-Racial Profiling Initiative

A. BAN RACIAL PROFILING

A law enforcement officer is prohibited from engaging in profiling/discriminatory policing practices. It is the intent of the Council to prohibit the use of profiling/discriminatory policing practices and to create a safe community for all and set forth best practices that the public is entitled to expect from the police department.

B. BAN PRETEXTUAL STOPS

Banning pretextual stops is vital to addressing discriminatory policing. Pretextual stops are what they sound like: they are a traffic stop that the officer says they make for one reason, like a minor traffic or vehicle equipment violation, but that is a pretext, because they actually make the stop for a different reason that would not provide a lawful basis to make the stop under the constitution, like finding the driver's race, location, sex, car or record "suspicious."

C. MANDATE ANNUAL DATA COLLECTION AND DATA COLLECTION RELEASE TO THE PUBLIC

- Provide for the annual collection of data on all routine or spontaneous investigatory activities, and adopt a standardization form to be used by the DMPD in collecting data to be submitted to Council.
- Require that the Police Department shall publicize conspicuously the data compiled under this Ordinance on at least a monthly basis on the City website.
- Require that the Police Department shall maintain all data collected under this Ordinance for not less than four years.
- Provide for the protection of privacy of the persons whose data is collected
- Require when practicable that each law enforcement officer who makes a stop shall provide a standard notice developed by the Citizens' Review Board to each person stopped of the person's right to file a complaint with the Citizen's Review Board.

D. CREATE CITIZEN REVIEW BOARD

- The City shall establish a citizens' review board to review complaints of profiling/discriminatory policing practices made against a law enforcement officer.
- The board shall adopt regulations to carry out the functions of the board pursuant to this Ordinance, including the procedures and forms for persons to file complaints of profiling/discriminatory policing practices.
- The board shall develop a standard notice form to be provided, when practicable, to each person stopped by the law enforcement officer who makes a stop notifying the person of their right to file a complaint with the board if the person believes that he or she has been stopped in violation of this Ordinance.

- The board shall review and investigate complaints or profiling/discriminatory policing practices.
- Upon completion of the investigation, the board shall determine if the stop or arrest was in violation of this Ordinance.
- If the stop or arrest was in violation of this Ordinance, the board shall impose disciplinary measures against the law enforcement officer(s) who engaged in the profiling/discriminatory policing practice.
- A person, advocacy organization whose interests are germane to the purpose of this section, the board, or the County Attorney, may bring an action in district court to enjoin a violation of this section, or to enforce the disciplinary measure ordered by the board following the board's determination that a stop or arrest was in violation of this Ordinance.
- The findings of the board shall be admissible in any criminal or civil proceeding.
- The board shall compile an annual report of all complaints received and investigated for profiling/discriminatory policing practice and submit the report to the Council each year, and be made accessible from the City website.

E. ANNUAL IMPLICIT BIAS TRAINING AND DE-ESCALATION TRAINING

- The Police Department shall provide training to officers on issues related to the prohibition on profiling/unlawful discriminatory policing practices and on data collection and reporting methods.
- Every law enforcement officer must participate in annual training pursuant to this Section.
- The Des Moines Police Department Academy shall develop and disseminate guidelines and training for all law enforcement officers.
- All law enforcement officers must adhere to the standards approved by the Des Moines Police Department Academy on the racial and cultural differences among the persons within the jurisdiction of the department.

F. MARIJUANA POSSESSION AS LOWEST LAW ENFORCEMENT PRIORITY

- The Police Department shall make the investigation, arrest and prosecution of marijuana offenses, where the marijuana was intended for personal use, the City's lowest law enforcement priority.
- The Police Department shall compile an annual report of all marijuana arrests and submit the report to the Council by November 1 of each year, which report shall be public record accessible from the City website.