

ORDINANCE NO. 20-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, IOWA, BY ADDING CHAPTER 30.11 – UNBIASED POLICING POLICY

WHEREAS, the City of Windsor Heights seeks to promote the public health, safety, general welfare and aesthetics of the community through consistent, content- neutral and nondiscriminatory code requirements within its city limits; and

WHEREAS, the City Council of the City of Windsor Heights do hereby find and declare that the addition of Chapter 30.11 is necessary and will promote the safety and general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, POLK COUNTY, IOWA:

SECTION 1. Purpose. The purpose of this ordinance is to amend Chapter 30.11 of the Windsor Heights Code of Ordinances to add Chapter 30.11 – Unbiased Policing Policy

SECTION 2. Chapter 30.11 is hereby added to read as follows:

30.11. UNBIASED POLICING POLICY

30.11(A) POLICY STATEMENT

30.11(B) DEFINITIONS

30.11(C) PROCEDURES

30.11(D) COMPLAINTS & COMPLIANCE

30.11(E) TRAINING

30.11(F) ANNUAL REVIEW

SEC. 30.11(A) POLICY STATEMENT

The Windsor Heights Police Department shall be committed to the unbiased, equitable treatment of all. Department employees shall treat all in a fair, impartial and objective manner, in accordance with law, and without consideration of their individual demographics as defined in this policy.

SEC. 30.11(B) DEFINITIONS

Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. **Biased Policing** means differential treatment in the performance of law enforcement duties or delivery of police services towards a person or classes of persons when one or more individual demographics was a motivating factor in the action taken. If a person's individual demographics

played a motivating factor in the city employee's decision, then that personal characteristic was a motivating factor of the action taken.

2. **Fair and Impartial Treatment** means the belief that persons, irrespective of individual demographics, shall be treated in the same basic manner under the same or similar circumstances. Reasonable concessions and accommodations may be made, when dealing with individuals with physical or mental disabilities, injury, illness, or similar conditions, or when information about them necessitates different treatment.
3. **Individual Demographics** means personal characteristics to include, but not limited to: race, ethnicity, national origin, religion, age, gender, gender identity/ expression, sexual orientation, socioeconomic status, disability, immigration status, housing status, occupation, language fluency, cultural group, political status or any other identifiable characteristics.
4. **Police Services** means actions and activities that contribute to the overall well-being and safety of the public. These tasks include but are not limited to: crime prevention and investigation, preventive patrol, traffic control, traffic accidents, medical emergencies and lifesaving services, assistance at fire scenes, public information and education.
5. **Racial Profiling** means a law enforcement action where a motivating factor of the action taken is based on an individual's race, color, ethnicity, religion or national origin rather than on the individual's behavior or on information of the type and kind customarily and reasonably relied upon in identifying the individual as having engaged in prohibited activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of prohibited activity. Racial profiling includes but is not limited to vehicle, pedestrian, and bicycle stops where race, color, ethnicity, religion or national origin was a motivating factor for the stop or enforcement action taken during the stop. Illegal discriminatory pretextual stops under state or federal law are prohibited by this ordinance.

SEC. 30.11(C) PROCEDURES

FAIR & IMPARTIAL TREATMENT

1. Biased policing is prohibited both in enforcement of the law and the delivery of police services by any employee.
2. Racial Profiling is prohibited both in enforcement of the law and the delivery of police services by any employee.
3. Employees shall exercise their authority, take equivalent enforcement actions and provide equal services to all persons in the same or similar circumstances.
4. Employees shall not consider individual demographics when performing law enforcement duties or delivering police services except when such characteristics are part of a specific subject description.
5. Employees shall not intentionally use any terms, language or remarks that are commonly viewed by society as derogatory, tend to belittle, show contempt for or defame any individual demographic, except when necessary for the preparation of official reports or testimony.
6. Employees must be able to articulate reasonable suspicion or probable cause supporting any police action.

DEPARTMENT POLICIES AND PROCEDURES ACCESSIBLE TO THE PUBLIC

All department policies and procedures shall be made available to the public through readily accessible publication. Publication shall occur on the department webpage; hard copies shall be available at the department headquarters and available for reading there. Hard copies will be provided when requested, however copies are subject to current city of Windsor Heights fee schedule costs and such costs must be paid prior to the hard copies being provided.

SEC. 30.11(D) COMPLAINTS & COMPLIANCE

1. Anyone may file a complaint if they feel they had an encounter of biased policing or racial profiling. No person shall be discouraged, intimidated or coerced from filing such a complaint, nor shall they be discriminated against because they have filed a complaint of this nature.
 - a. Employees who witness or who are aware of instances of biased policing or racial profiling shall report the incident to a supervisor and shall provide all information known to them before the end of the shift during which they make the observation or become aware of the incident or as soon thereafter as practicable under the circumstances.. Furthermore, employees shall intercede anytime they witness or suspect biased policing or racial profiling incidents occurring. Where use of force occurs, officers have a duty to intervene to prevent or stop the use of unreasonable force by another officer when it is safe and a reasonable opportunity exists.
2. Supervisors will ensure the working environment is free of bias and free of racial profiling. This may include periodic inspections of body and in-car audio/video systems, reports and field inspections during police/citizen interactions. Supervisors will:
 - i. Take the appropriate action when a violation of this policy occurs.
 - ii. Ensure that there is no retaliation for individuals reporting such violations.
3. All complaints of biased policing or racial profiling shall be directed to the Support Services Division Commander for investigation. The Support Services Commander will immediately notify the Chief of Police of any such complaint and shall regularly update the Chief of Police on the status of the investigation.
 - a. The Support Services Division Commander will ensure a thorough investigation is completed, consistent with the established complaint process, for review by the Chief of Police.
 - b. If the complaint is substantiated, the department will take appropriate measures commensurate to the severity of the substantiated complaint.
 - c. The Support Services Division Commander shall maintain data relating specifically to complaints of biased policing and racial profiling. Information shall be provided to the Chief of Police or designated authority in a manner most suitable for administrative review, problem identification, and development of appropriate corrective actions to prevent biased policing and racial profiling.

SEC. 30.11(E) TRAINING

All employees will receive training and guidance in regard to unbiased policing and prohibited racial profiling while conducting law enforcement activities. At least annually all sworn officers shall receive said training, which shall include de-escalation and implicit bias and may include, but is not limited to:

training on subjects related to police ethics, cultural diversity, police-citizen interaction, standards of conduct, conducting motor vehicle stops, implicit bias, and related topics suitable for preventing incidents of biased policing and racial profiling.

SEC. 30.11(F) ANNUAL REVIEW

This topic and policy under this Article will be reviewed annually and the City Administrator shall certify such review to the City Council no later than the first day of the fiscal year.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall be effective after the final passage, approval and publication as provided by law.

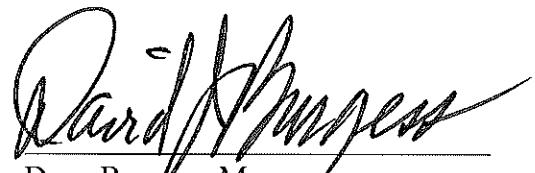
Passed and Approved this 20th day of July, 2020.

1st Reading: 7/16/20

2nd Reading: 7/20/20

3rd Reading: waived

Publish Date: 7-29-20


Dave Burgess, Mayor

(SEAL)

ATTEST:


Travis Cooke, City Clerk