

ORDINANCE NO. 235

**UNIVERSITY HEIGHTS COMMUNITY POLICE RELATIONS ORDINANCE:
AN ORDINANCE PROHIBITING RACIAL AND OTHER PROFILING; PROVIDING
FOR LAW ENFORCEMENT IMPLICIT BIAS AND OTHER TRAINING; DIRECTING
THE COLLECTION AND REPORTING OF DATA; AND ESTABLISHING A
CITIZENS' ADVISORY BOARD**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS,
JOHNSON COUNTY, IOWA:

Section 1. Statement of Intent. It is the intent of the Council to prohibit the use of explicit or implicit biases, especially in relation to profiling/discriminatory policing practices, and to create a safe community for all, provide for the collection of pertinent data, set forth best practices that the public is entitled to expect from the City and University Heights Police Department ("UHPD") and this section shall be construed toward this end.

Section 2. Definitions. The definitions established by this section shall apply wherever the defined terms appear in this ordinance, unless the context in which any such term is used clearly requires otherwise.

1. "Law enforcement officer" means any peace officer certified by the Iowa law enforcement academy and employed by the UHPD.
2. "Profiling" means any of the following discriminatory practices when an officer is deciding to initiate law enforcement activities including the use and scope of such activities, except when the action relies on a specific suspect's description-based notification, an individual's behavior, or when there is trustworthy information, relevant to the locality and time frame, that links the person to an identified criminal incident or scheme:
 - a. Consideration or reliance upon actual or perceived race, color, ethnicity, religion, or national origin.
 - b. Disparate treatment of a person.
 - c. Making or conducting a discriminatory pretextual stop.
3. "Specific suspect description-based identification" means a reasonably detailed physical description of the personal identifying characteristics of a potential suspect, including but not limited to age, sex, ethnicity, race, or English language proficiency.
4. "Discriminatory policing practice" means any law enforcement action against an individual by a law enforcement officer that relies, on to any degree, on actual or perceived race, color, ethnicity, religion, or national origin, except when the action relies on a specific

suspect's description-based notification, an individual's behavior, or when there is trustworthy information, relevant to the locality and time frame, that links the person to an identified criminal incident or scheme.

5. "Stop" means the detention of a person by an officer, including a temporary detention.
6. "Pretextual stop"
 - a. Pretextual stop means a stop by an officer of a driver or passenger, a bicyclist, or a pedestrian for an alleged violation of the law, to allow the officer to then question and probe for information that might suggest the person has committed some not apparent or yet-to-be identified law violation.
 - b. A pretextual stop is not unlawful under this Chapter. Only a "discriminatory pretextual stop" is unlawful under this Chapter.
7. "Discriminatory pretextual stop"
 - a. Discriminatory pretextual stop means a stop involving disparate treatment by the officer or a stop for which the person's race, color, ethnicity, religion, or national origin was considered or relied upon or was a motivating factor in the officer's decision to make the stop or to take other action during the stop, including a request to consent to a search, or to prolong the stop beyond the amount of time when the law enforcement tasks tied to the alleged infraction are or reasonably should have been completed.
 - b. It is not a discriminatory pretextual stop when an officer bases the officer's decision to make a stop on a specific suspect description-based identification that includes in the suspect's identification one or more of the personal characteristics or traits listed in subsection 3.
8. "Specific suspect description-based notification" means reasonably detailed physical descriptions by law enforcement officers of the personal identifying characteristics of potential suspects, including age, sex, ethnicity, or race, which shall not be based on generalized assumptions.
9. "Disparate treatment" means differential treatment of a person on the basis of race, color, ethnicity, religion, or national origin, except when the action relies on a specific suspect's description-based notification, an individual's behavior, or when there is trustworthy information, relevant to the locality and time frame, that links the person to an identified criminal incident or scheme.

Section 3. Prohibition on discriminatory practices. A law enforcement officer is prohibited from engaging in profiling, discriminatory policing, and disparate treatment in the course of performing law enforcement duties. Discriminatory pretextual stops by an officer are unlawful under this section.

Section 4. Citizens' Advisory Board.

1. The Council shall establish a citizens' advisory board to review complaints of profiling, discriminatory policing practices, and allegations of prohibited disparate treatment made against a law enforcement officer and to review the below-referenced data collected by UHPD on an annual basis, to the extent the subsets of data are available to the public. The

board shall be chosen by two city council members and the President, or his or her designee, of the local area NAACP and consist of the following persons, with a majority (2 out of 3) making the selection if it is not unanimous:

- (a) a minimum of three (3) residents of University Heights;
 - (b) a resident or nonresident of University Heights who holds or held a position in law enforcement of no less than five (5) years; and
 - (c) a resident or nonresident of University Heights who is a member of the NAACP.
2. The Council shall decide what training is appropriate for board members chosen pursuant to Section 4, and the board members shall receive the training to continue serving on the board.
 3. Not later than six months following the effective date of this Ordinance, the board shall propose to the University Heights City Council procedures to carry out the functions of the board pursuant to this Ordinance, including procedures, forms, and the public notice for persons to file complaints of profiling/discriminatory policing practices.
 4. UHPD shall post information on the UHPD website explaining the above-referenced procedures, upon such procedures being adopted by Council.
 5. Within 90 days of receiving a complaint, the board shall review and investigate complaints or refer the complaint to the NAACP.
 6. Upon completion of the investigation, the board shall report a summary of the facts found by the board and its determination of recommended changes in procedure or other actions to the Council. If the stop or arrest appears to have been in violation of this Ordinance, the board shall provide a written determination of its findings to the Council. If the officer's conduct, performance, etc. is under review, the officer shall have the right to a closed session of the City Council, and shall have the protection of all other rights under UHPD and University Heights personnel policies and under Iowa law.
 7. For complaints and investigations not individually reported to Council, the board shall compile a monthly report of all complaints received and investigated for profiling, disparate treatment, and discriminatory policing practice and submit the report to the Council by the time of the regular meeting each month. The report shall contain: (a) the number of meetings held by the board, (b) the number of complaints brought to the board, and (c) the number of complaints that resulted in a finding that there was police contact in violation of Section 3. No other information shall be disclosed in this report, and any additional information regarding the board's findings shall only be disclosed to the public or made a public record if required by Iowa law.
 8. The board shall research and recommend training options to the Chief of Police for the Chief's consideration under Section 6, below.

Section 5. Data Collection and Analysis.

1. Not later than six months following the effective date of this Ordinance, the Chief of Police shall:
 - a) direct the UHPD to collect data;

- b) update the UHPD policy and procedures department manual to require that the new data collection methods shall be utilized for all contacts as soon as reasonably possible following the contact;
 - c) post the data compiled under this section on the City website and provide in the Chief's report to Council, each year or as otherwise directed by Council;
 - d) maintain all data collected under this section for not less than five years;
 - e) Provide for the protection of privacy of the persons whose data is collected in the following manner:
 - 1. Information released by the UHPD shall not provide individual names and identifying information about either the particular law enforcement officer(s) who made the stop or the person(s) stopped.
 - 2. UHPD shall not use or disclose the data collected under this Ordinance except pursuant to the purposes set forth in this Ordinance, and subject to the limitations of this Section. Nothing in this section is intended to make any information part of a public record that is not required to be public pursuant to Iowa law.
2. UHPD shall collect data in relation to police contacts consistent with the data capabilities of the Iowa City Police Department as of the adoption of this Ordinance. Such data collection includes, but is not limited to, the following information:
- a) Age
 - b) Gender
 - c) Race/Ethnicity
 - d) Residency
 - e) Reason for contact
 - f) Consent obtained
 - g) Property searched
 - h) Pat downs
 - i) Search type
 - j) Use of force
 - k) Outcome
 - l) Arrest outcome
 - m) Arrest non-discretionary options
 - n) Officer comments

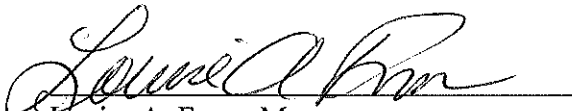
Section 6. Training. The Chief of Police shall ensure training for himself and all officers on issues related to the prohibition of profiling and disparate treatment including implicit bias training; and on data collection and reporting methods. Every law enforcement officer must participate in two annual trainings pursuant to this Section. The Chief has discretion to decide the specific training, and the Chief shall report the training chosen to the Council on an annual basis. The NAACP is

anticipated to provide these two trainings each year that would fulfill the requirements of this provision.

Section 7. Saving Clause. In the event any word, phrase, sentence, paragraph or section contained in this ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this ordinance would have been enacted and remain in full force and effect.

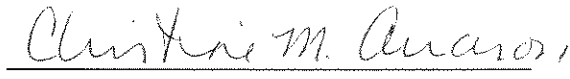
Section 8. Effective Date. This Ordinance shall become effective 90 days following adoption.

Adopted by the University Heights City Council this 12th day of February, 2019, and approved this 12th day of February, 2019.


Louise A. From, Mayor

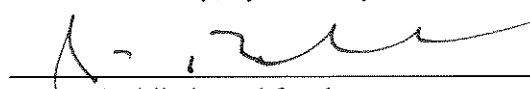
(SEAL)

ATTEST:

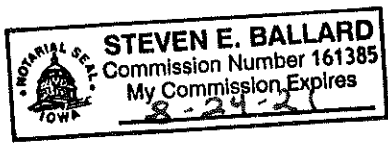

Christine M. Anderson, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF JOHNSON)

On this 12th day of February, 2019, before me, a notary public in and for the state of Iowa, personally appeared Louise A. From and Christine M. Anderson, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the city; and that said instrument was signed and sealed on behalf of the city, and that Louise A. From and Christine M. Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the city, by it and by them voluntarily executed.



Notary Public in and for the
State of Iowa



STATE OF IOWA)
)
) ss:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the 21st day of FEBRUARY, 2019.

Christine M. Anderson,
Christine M. Anderson, City Clerk

Signed and sworn to before me on the 21st day of FEBRUARY, 2019, by Christine M. Anderson, Clerk of the City of University Heights.

[Signature]
Notary Public in and for the
State of Iowa

