



AGENDA

Civil Rights Commission

6:00 PM - Wednesday, October 6, 2021
City Hall, 1225 6th Avenue

Page

CALL TO ORDER

ROLL CALL

PUBLIC FORUM

This time is for comments from the public on topics listed on the agenda or general comments related to work of the Commission. Please understand the Commission will not take any action on comments that are unrelated to the current agenda due to requirements of the Open Meetings Law, but may do so at a future meeting.

PRESENTATIONS/GUEST SPEAKERS

REGULAR AGENDA

1. Motion to approve the September 1, 2021 minutes 3 - 6
[Civil Rights Commission - Sep 01 2021 - Minutes - Pdf](#)
2. Executive Committee Report
3. Cedar Rapids Executive Director's Report 7 - 8
[MCRC ED Report 9.30.21](#)
[Marion Inquires & Intakes October 2021](#)
4. Community Equity Task Force Report 9 - 17
[Recommendations Draft](#)
[Equity Initiative Report](#)
[Police Accountability Memo](#)
5. Vote Regarding Community Equity Task Force Recommendation
6. School Board Meeting Report Out
7. Community Outreach
 - Indigenous People Day
 - Election Day Outreach
8. Annual Chair & Vice Chair Election Update

COMMISSIONER COMMENTS

During this portion of the meeting, Commissioners may bring forward communications, concerns, and reports on various matters.

ADJOURN

Upcoming Proclamations -

- National Disability Employment Awareness Month: October 7, 2021 (Staff)

Any visually impaired or hearing impaired person needing assistance to participate in this meeting should contact the Civil Rights staff liaison at (319) 743-6301 at least 48 hours prior to the meeting.



MINUTES

Civil Rights Commission

6:00 PM - Wednesday, September 1, 2021

City Hall, 1225 6th Avenue

Minutes are in draft format until approved at the next meeting

The Civil Rights Commission of the City of Marion, Linn County, Iowa met virtually on Wednesday, September 1, 2021, at 6:00 PM, with the following members present:

PRESENT: Frederick Brown, Okpara Rice, Angelica Vannatta, Kent Jackson, Chris Stoner, Jennifer Tibbetts, Bret Nilles, Dave Baumler, Renae Forsyth-Christy, and Ann DiGiacomo

ABSENT: Selita Jansen

STAFF PRESENT: Amal Eltahir and Alicia Abernathey

OTHERS PRESENT: Stefanie Munsterman-Scriven, Steve Moshier, Jo Smith B

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

ROLL CALL

Commissioners, staff, and guests introduced themselves.

Jackson stated there are two new commissioners joining the Commission including Ann DiGiacomo and Steve Moshier. DiGiacomo introduced herself and shared her background. Abernathey clarified Moshier is not a member until September 2, 2021.

PUBLIC FORUM

This section was inadvertently missed.

PRESENTATIONS/GUEST SPEAKERS - None

REGULAR AGENDA

Motion to approve the August 4, 2021 minutes

Moved by Rice, seconded by Nilles, to approve the August 4, 2021 minutes.

Approved unanimously

Election of Commissioner to Serve on Community Equity Task Force

Jackson stated this in an action item because Brown is stepping down and there needs to be a replacement on the task force. Eltahir stated Moshier is already on the task force so it is recommended the Commission have him fill the Commission vacancy.

Nilles asked if Steve Moshier was already serving on the task force. Eltahir confirmed that is correct. Nilles asked if Moshier could continue serving as a resident and someone else from the Commission take Brown's place. Eltahir stated that would result in three Commissioners serving on the task force and could not happen. Vannatta asked if electing Moshier to serve as a Commissioner would result in the task force needing a new resident member. Eltahir confirmed that is correct.

Moved by Rice, seconded by Brown, to elect Steve Moshier to serve on the Community Equity Task Force on behalf of the Commission.

Approved unanimously

Strategic Plan Discussion

Vannatta provided an overview of the discussion that took place at the special meeting, including determining the Commissions purpose, vision, and goals for the strategic plan.

Dave Baumler joined the meeting at 6:13 p.m.

Jackson stated he is in agreement with disbanding the subcommittees in the updated plan. Brown encouraged the Commission to engage with City leaders to bring more diverse celebrations to the community.

Vannatta stated a second special meeting will be held on September 13. Tibbetts asked if the meeting will be virtual. Eltahir confirmed it will be virtual. Brown suggested breakout groups be utilized for the meeting with each group focusing on a different goal.

Commissioners provided positive feedback on the draft strategic plan. Rice asked if goal #2 should include investigations. Vannatta stated the Commission does not investigate cases, but may need to hear a case in the future. Stefanie Munsterman-Scriven, Cedar Rapids Civil Rights Commission (CRCRC) Executive Director, shared which cases would be investigated by the CRCRC versus other agencies. Vannatta requested the spreadsheet of cases be shared with Commissioners.

Executive Committee Report

Jackson stated the Committee met to discuss the agenda.

Cedar Rapids Executive Director's Report

Munsterman-Scriven shared upcoming outreach events and provided an update on the recent inquiries for cases in Marion.

Tibbetts asked if Commissioners can attend the social media training at the upcoming CRCRC meeting. Munsterman-Scriven confirmed Commissioners can attend. Tibbetts stated Catherine McAuley is hosting events for Welcome Week and she will share that information.

Community Equity Task Force Report

Tibbetts stated the last meeting focused on policing and a presentation was given by the consultant regarding his recommendations. Tibbetts stated the Commission's goal of community dialogue is needed and fits with discussions the task force is having.

Brown stated there were discussions about a citizen review board and a lot of information was shared about the Marion Police Department, including that complaints can be made to the police chief through the City's website. Brown stated each member shared what they wanted out of the task force. Brown stated the meeting footage is viewable online.

Munsterman-Scriven asked what the opposition is to a citizen review board. Brown stated the name itself is polarizing and research of other communities showed review boards are ineffective. Tibbetts stated statutes were quoted showing some information is protected and could not be shared with a review board due to privacy concerns.

Eltahir stated information was also shared regarding civil service laws with regards to public safety employees. Eltahir stated the City is obligated to protect the rights of all parties and therefore it makes the concept of a review board challenging. Eltahir stated the City is investing in new systems that will assist the police department in transparency and accountability.

Tibbetts stated the City is currently reviewing all policies, procedures, and practices to ensure they are all equitable through a gender and racial lens. Vannatta suggested the Commission come up with a statement to share with the City regarding a recommendation for a review board. Vannatta asked if community dialogues are held, how much support would there be from the City. Eltahir stated the City's strategic plan includes community engagement regarding equity and inclusion.

Hispanic Heritage Month: September 9, 2021

Abernathy stated she is working with the Mayor and Festival Latino to create a proclamation and it may include a name change. Abernathy asked if anyone was interested in receiving the proclamation at the September 9 Council meeting on behalf of the Commission. Nilles volunteered.

COMMISSIONER COMMENTS

Tibbetts stated the Marion and Linn-Mar school districts have requested a meeting to discuss equity, inclusion, and safety that will be held next week. Tibbetts stated she will attend on behalf of the Commission. Tibbetts stated the conversation with the schools stemmed from the discussion at the last meeting regarding what happened at the Linn-Mar middle school with regards to the LGBTQ community. Tibbetts stated the mayor will also be present at the meeting.

Rice asked if the City will change their position on masks in City buildings. Eltahir stated the City is working on a policy to make masks mandatory in City buildings.

Commissioners thanked Fred Brown for his service to the commission and wished him well in his future endeavors.

Vannatta stated the Commission is partnering with the CRCRC and Waypoint to conduct a presentation on domestic violence and sexual abuse victims in October. Vannatta stated September is National Voter Registration Month and September 28 is National Voter Registration Day.

Brown shared his thoughts on serving on the commission.

ADJOURN

Moved by Bret Nilles, seconded by Okpara Rice to adjourn the meeting at 7:12 p.m.

Approved unanimously

Respectfully submitted by:

Alicia Abernathey, Administrative Assistant

Marion Civil Rights Commission (MCRC)
Executive Director's Report
October 1, 2021

OUTREACH AND EDUCATION

Past Events

- **Five Seasons (Vet) Stand Down and Resource Fair**
September 10. This event connected homeless or near-homeless Veterans to services that help them transition to community living.
- **Festival Latino 2021**
September 12. Celebration of Latin culture
- **Welcoming Week**
September 10-19, 2021. A nation-wide initiative that encourages local support and efforts to engage new Americans and create inclusive and welcoming communities. We shared our Storytelling videos this week.
- **AsianFest 2021**
September 18. Event to celebrate and recognize Asian culture and heritage.
- **HF802 Panel Discussion for Educators / Parameters for Racism and Sexism Training**
September 29, 7-8:30pm. Guidance for educators in Iowa in response to HF802. Panelists include: Cedar Rapids Civil Rights Commission ED, EJI attorney, Humanize My Hoodie rep., and students.

Upcoming Events

- **African American Museum of Iowa History Makers Gala**
October 7 at The Hotel at Kirkwood Center
Recognizes individuals who have made a positive impact in their communities.
- **Domestic Violence Awareness Panel Discussion**
October 12, 6:30pm, virtual
Provide information around domestic violence and how we can be better allies
- **Racial Equity Allyship Panel**
November 9, 6-7:30pm, Cedar Rapids Library, downtown branch
How to be an ally in everyday life.
- **Native American Panel Discussion**
TBD, Virtual (Tentative)
Celebrate rich cultures and raise awareness and understanding by providing a platform for the community to hear the experiences and history of Native American and Indigenous people.
- **Outreach Report**
 - The full Outreach Report for September 2021 is attached.

INTAKES/INQUIRIES

- List of received intakes, calls, emails, or walk-ins from January 2020 to present included in meeting packet.

Respectfully,
Stefanie Munsterman-Scriven, Executive Director

Marion Intakes/Inquiries Received Since September 1, 2021				
Complaints were referred to the Iowa Civil Rights Commission, HUD, or another agency				
	Date	Area	Basis	Details
1	January 2, 2020	Education	Race	Child being harrassed, followed, and "grabbed" by teachers
2	February 11, 2020	Housing	Association, Mental Disability, Physical Disability, Sex, National Origin	Feels harassed regarding emotional support animal, such as receiving notices regarding barking; feels landlord is monitoring her unit, activities, and guests; getting in trouble for smoking when males don't
3	April 23, 2020	Housing	Race	Landlord accusing tenant of dealing drugs from unit because of numerous visitors. Visitors are bringing supplies/food due to COVID-19. Landlord threatened to report tenant to Leased Housing if visitors continue
4	May 4, 2020	Housing	Physical Disability	Landlord requiring tenant to pay for accessible parking sign and indicating parking space cannot be located near the entrance, but would need to be 10 spaces away
5	May 4, 2020	Housing	N/A	Tenant is having issues with a "nuisance neighbor" and landlord will not do anything about it
6	June 5, 2020	Public Accommodation	Race	Differential treatment of children based on race
7	June 26, 2020	Employment	Race	Differential treatment based on race
8	July 14, 2020	Housing	N/A	Tenant is having issues with a neighbor and indicated the HOA will not do anything. No protected class. Referred for legal advice
9	November 20, 2020	Housing	Disability/ESA	Tenant states she was denied her ESA by her HOA. She will officially request the ESA and follow up with our office with the results
10	December 31, 2020	Public Accommodation	N/A	Caller stated she felt discriminated against but did not indicate protected class or basis of discrimination.
11	August 4, 2021	Employment	Sex	Differential treatment based on sex; has not been paid for several hours of work
12	August 31, 2021	Housing	Service Animal	Landlord is asking tenant to pay a monthly pet fee for her service animal
13	September 1, 2021	Housing	N/A	Water is shut off for several hours several times each month during the spring and summer months; tenants have been unable to reach landlord
14	September 24, 2021	Public Accommodation	Physical Disability	Local business does not have adequate wheelchair access to the building
15	September 24, 2021	Housing	N/A	Mobile home park manager asked tenant to give them the title to his mobile home so they can tear it down; told him they would charge him for tearing it down if he doesn't give them the title



Proposed Taskforce Recommendations Draft

On August 6, 2020, the City Council approved a 13-member Taskforce to make actionable recommendations to City Council on how the city can instill a transformative change towards equity at the individual, institutional, and systemic levels. The Taskforce began its work in November of 2020. From August of 2020 to the present, the City of Marion and the Chief of Police, both independently and with the cooperation of the Taskforce have taken strong steps toward ensuring equitable treatment of all citizens and employees more fully described in the attached document.

This Taskforce is now ready to make actionable recommendations to City Council.

1. City Policies and Practices: City progress is reflected in the attached report.

The Taskforce recommends that the City Council continues support for the implementation of changes reflected in the City's progress report. The review of city policies and implementation of streamlined approaches to hiring and discipline will take 12 months and the process of increasing training will begin this fall and will be ongoing. In addition to support for these efforts, the Taskforce recommends the City Council approve funding for training of all staff, police officers and Board and Commission members plus additional funding to support policing data review and reporting.

2. Equitable Policing: The Taskforce is in support of the positive changes done by the Chief of Police reflected in paragraphs 4, 5, 9 & 18 of the attached report.

- a. There are three categories of positive change to ensure continued efforts towards equitable policing in the City of Marion. The first changes were policy driven and *the Taskforce recommends* the City Council provide continued support for the implementation of these changes. The second were staff changes including the hiring of a full-time mental health liaison. There remain questions regarding the need for funding of another part-time mental health liaison depending on the volume of work or to cover overnight events. The Taskforce recommends that the City Council ask for data on the status of the need for additional mental health staffing at six months and again at 12 months. The Taskforce recommends the City Council support funding for additional training for officers on reducing risks of implicit bias. This funding may include some added staffing in the MPD as providing sufficient training requires coverage, as well as funding for the training itself. The third, and most important category was data-collection, which is the most effective tool for both transparency and accountability. Much of the data necessary to evaluate progress will not be available for 18 months. At that time City Council will review the need for added accountability based on analysis of that data and the response of the public.
- b. The Taskforce does not recommend the creation of a Review Board for the reasons described in the attached memo and because the transparency and accountability provided by the data collection, body cam footage, and access to that data by affected individuals and members of the public as well as the

continued awareness and oversight of the City Council will provide stronger protections for the public. The Taskforce recommends that the City Council review the data collected and evaluate the efficacy of these processes and any need for a Review Board at 12-18 months or when enough data becomes available.

3. Public Education on Transparency and Accountability: The Taskforce supports the positive steps taken towards improvement in City policies and practices and within the MPD. These updates need to be communicated to the public to raise awareness and enhance community engagement.

- a. The Taskforce further recommends providing financial support for informing the public of the efforts taken by the City and this Taskforce. A well-informed public is important to ensuring not only transparency but accountability which are important guardrails to ensure equitable policing and to reduce risks of bias at all levels of city government. Public education should include continuing education on the rights of citizens to a) access data produced by the City on policing and employment practices, b) seek personal review of police conduct via review of the body cam footage related to that resident's interaction with police, c) to remind residents they have access to the City Council and the Marion Civil Rights Commission for review of unfair or illegal practices, and d) increased public education on implicit bias and the need for transparency and accountability to reduce harm from bias.
- b. The Taskforce recommends that the City Council consider funding for a dedicated staff member tasked with communications and coordination of diversity, equity, and inclusion efforts, as well as highlighting and facilitating the public's role in ensuring accountability and continued progress toward equitable policing.

City of Marion Equity Initiative PROGRESS REPORT

Marion is committed to creating a vibrant community; a welcoming community that is accessible, attractive and open to all residents and visitors.

2020 was a year that brought racial equity and justice issues to the forefront across our nation, and Marion was sadly reminded that no community is immune to the impacts of racism and hate. It prompted important conversations around race and equity and augmented efforts to ensure that Marion is a welcoming and inclusive community where *all* people feel safe and valued.

This report outlines the City's efforts and ongoing commitment to becoming a more diverse, high-performing and inclusive organization - all in support of our promise to be the best place in Iowa to raise a family and grow a business.



1. SAFE COMMUNITY FOCUS AREA - MARION STRATEGIC PLAN

Goal setting October 2019; Plan adopted September 2020

Under Goal 5.1: Develop optimal staffing model to provide expected level of responsiveness by Police, Fire, and Emergency Communications

Three strategies were set to serve the goal:

1. Increase the use of data analytics to improve service deployment and resource utilization
2. Partner with the community to identify and address barriers to feeling safe in Marion
3. Engage the community to identify and address barriers to inclusiveness



2. PERSONNEL CHANGES - MARION POLICE DEPARTMENT

February 2020

The Marion Police Department added two more sergeants to the Patrol Division to have three assigned to each shift. This ensures that experienced officers, with management responsibilities, are available on each shift to respond to calls which have the highest potential of becoming volatile or potentially require the use of force.



3. EXPANDED DATA COLLECTION - MARION POLICE DEPARTMENT

Spring 2020

To ensure greater transparency and accountability, the Marion Police Department updated its camera policy and data collection practices. The policy mandates that patrol officers keep their cameras in "stand by" mode whenever they are on duty. This makes it easier for officers to start recording in an emergency situation. Body cameras are now synched to dashboard cameras and will start automatically recording whenever the lights and siren of a squad car are activated in the immediate vicinity so long as they are in the "stand by" mode.



4. MENTAL HEALTH LIAISON - MARION POLICE DEPARTMENT

April 2020; Contract approved October 2020

In partnership with Foundation2, the Marion Police Department was able to embed a full-time crisis counselor as a mental health liaison within the department. This improves the Police Department's response to calls involving mental health issues by decreasing incarceration rates and increasing access to services for individuals with mental illness or co-occurring mental health and substance abuse disorders. Between the mobile crisis service and the liaison, the community is covered 24/7/365. The City is tracking data and plans to continue to assess the need for service to right-size resources.



5. USE OF FORCE POLICY UPDATES - MARION POLICE DEPARTMENT

June 2020

The City and Marion Police Department have not had any shootings, choke hold use or other improper use of force incidents, but steps were taken to ensure this would remain the case. Clarifying language was added to the Marion Police Department's use of force policy, specifically: banned choke holds unless a deadly force situation exists; mandated de-escalation techniques be utilized prior to other techniques if feasible; banned warning shots; banned shooting at moving vehicles unless occupants are shooting at others or using the vehicle as a deadly force weapon; mandated handcuffed subjects be placed in upright, standing or seated position as soon as they are secure; and required that officers intervene and report any instance they believe constitutes the use of excessive force.



6. EQUITY AND INCLUSION SURVEY

July 2020-September 2020

Using an online platform, the City conducted a community-wide survey to assess community perception and to help community leaders understand the experiences of residents from all walks of life. The survey asked about safety, fairness, respect, and how welcome people felt in Marion. There were 316 individuals who participated in the survey and helped establish a baseline for future outreach. Marion's community outreach resulted in the City being chosen as the Finalist for the 2021 Voice of the People awards for Excellence in Equity/Inclusion Engagement.



7. COMMUNITY EQUITY TASK FORCE

Established in Aug./Sept. 2020; Appointments approved in Sept./Oct. 2020

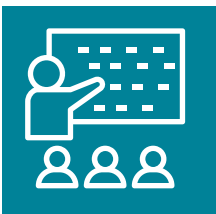
A 13-member task force and member guidelines were approved by Marion City Council in August and September 2020. Member appointments were approved in September and October 2020. The task force is set to make actionable recommendations to City Council on how the City can instill a transformative change towards equity at the individual, institutional and systemic levels.



8. COMMITMENTS TO THE COMMUNITY - MARION PUBLIC LIBRARY

August 2020

The Marion Public Library is committed to improving for staff, patrons and the community every day. This commitment to action is built into its core Mission, Vision, Values, and Strategic Initiatives and was published in August 2020. Equity is a strategic priority of the Marion Public Library, demonstrated in staff training and library programming. The library has removed barriers to service through its fine free initiative, added a variety of inclusive programs and serves as a hub and connector for those seeking human services.



9. IMPLICIT BIAS AND DE-ESCALATION TRAINING

Fall 2020

Marion Police officers participated in implicit bias and de-escalation train-the-trainer courses. Each member of the department received two hours of implicit bias training and two hours of de-escalation training in April 2021 as part of the department's annual in-service training. The second block of both disciplines will be delivered in the fall of 2021.

10. ASSESSMENT OF DATA COLLECTION CAPABILITIES

October 2020

When the Marion Civil Rights Commission requested demographics statistics on use of force data and the details on charges, the police chief pointed out inadequacies in the data due to limitations of the existing records management system. This accelerated the timeline for a new system which will be implemented over the next 18 months.

Similarly, the City identified a need for more detailed data associated with the hiring and discipline of employees. The City assessed its software capabilities for applicant tracking and determined that there is a need for adding an HR solution to collect the data. The City is in the process of acquiring a solution with additional capabilities to allow for better tracking and reporting. Note: The City's employment application does ask about race and ethnicity; however, they are optional questions.



11. ADDED PUBLIC POLICE REPORTS TO CITY WEBSITE - MARION POLICE DEPT.

October 2020

The Police Department discussed the design of a transparency hub web platform, and the department's plans for community engagement. The proposed project would include diversity and use of force demographics dashboards and is intended to be a resource for presenting crime stats and calls for service in a user-friendly format. The interactive page is on hold to be designed in conjunction with a new Records Management System, however transparency information was added to the Documents & Reports page of the Police Department's site and is updated monthly to provide an overview of department activities, citations and other statistics.



12. PROCUREMENT OF A NEW POLICE RECORDS MANAGEMENT SOFTWARE

November 2020

Initial assessment identified a need for purchasing new records management software. The budget was approved as part of the CIP Budget in January 2021. Shortly after, Tyler Technologies met with individuals representing key functional areas within the Police and Fire Departments to identify technology gaps that hinder dispatch, recordkeeping, patrol, investigations and reporting. Review focused on current operations, the systems used to automate those functions, challenges users face with the existing software and the goals of a software replacement including need for analytics and reporting. A service agreement with Tyler Technologies valued at \$1.2 million was unanimously approved by City Council in August 2021. An implementation kickoff meeting is set for Sept. 2021.



13. INITIAL TASK FORCE WORK PLAN & SUB-COMMITTEE ASSIGNMENTS

November 2020

The first task force meeting occurred at the end of 2020. The group's mission, values, and priorities were discussed. Seven priorities were identified and grouped into three categories as they pertain to the community and the City organization. They include:

Policy

- Establish a framework to look at all policy decisions through an equity lens
- Police operations
 - Profiling
 - Review board

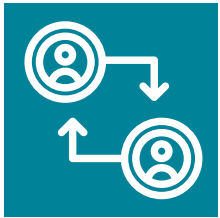
Practice

- Community policing
- Connecting with youth

Perception

- "Shadow" over the Police Department
- Welcoming & inclusive community - outward facing
- Visibility of diversity with a sense of safety

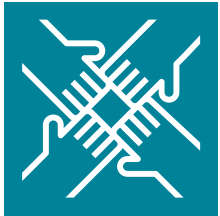




14. RESEARCHED BEST PRACTICES ON CHANGE MANAGEMENT

February 2021

City leadership reviewed and discussed an International City/County Management Association (ICMA) report on how American local governments are actively addressing social and racial inequity in their communities. The report considers the challenges and opportunities faced by public administrators when adopting an equity lens in their day-to-day operations. The task force reviewed the ICMA's Equity and Inclusion Toolkit, the Government Alliance on Racial Equity (GARE) toolkit and Equity Change: A Model, Framework and Tool were also discussed. The task force recommends that a tool be incorporated through all phases of change to align organization and individual decisions.



15. TASK FORCE SCOPE OF WORK

February - May 2021

Multiple conversations occurred at the staff level and among the task force related to problem definition, the role of the city and how to approach addressing equity at individual, structural and community levels. Consensus was built around the importance of managing culture, working with community partners to close the feedback loop and educating the community.

Staff further discussed scope of work to come up with a framework and how an equity lens might be applied to policy review. An RFQ was developed to engage a consultant.

In April, the mission statement was approved by the task force.

"Marion's Community Equity Task Force exists to ensure Marion embraces diversity and inclusion. A group of diverse community members and city employees have come together to cultivate and advance more equitable and inclusive policies, practices and processes in the city. This task force aligns with the city's goal of creating a vibrant community: a welcoming community that is accessible, attractive and open to all residents and visitors."



16. CITY ENGAGED EQUITY & INCLUSION CONSULTANT

May 2021

The City retained Tom Newkirk as a consultant to assist the City with its efforts towards advancing equity and fostering inclusion in its policies and practices. The consultant is facilitating conversations with the task force and reviewing policies and practices.



17. PROPOSED ORDINANCE FOR AUTOMATIC TRAFFIC ENFORCEMENT

May 2021

The Marion Police Department researched and proposed adding Automatic Traffic Enforcement (ATE) cameras within the city limits. The proposed ATE system is a progressive and a proactive solution to balance the need for traffic enforcement while simultaneously abating racial profiling concerns in areas covered by ATE systems. As proposed, the system would address speeding and red-light violations.



18. CHANGE IN RESPONSE PROTOCOLS - MARION POLICE DEPARTMENT

June 2021

The Marion Police Department changed its response protocols in June 2021 to when/how it responds to calls from the Four Oaks residential site in Marion. The department no longer will respond to attempt to apprehend residents who walk away from the Four Oaks facility or Learning Resource Center nor will it respond to enforce internal rules or policies unless a crime is/has been committed, a teen is violent or someone is a danger to themselves or others.



19. CITY IMPLEMENTS PLAN TO REVIEW PERSONNEL POLICIES

June 2021

In September 2020, the City hired an HR director tasked with creating more centralized policies and practices. The goal is to ensure consistency in hiring and discipline practices throughout the organization. As such, the department has developed a plan to review all personnel policies for consistency with federal and state laws (via legal) and for risks of bias or impact based on race, gender and other protected groups. The review will take several months.



Administration
1225 6th Avenue, Suite 110
Marion, Iowa 52302
www.cityofmarion.org

memo

September 22, 2020

TO: Community Equity Taskforce
CC: Tom Treharne, Acting City Manager
FROM: Amal Eltahir, Asst to City Manager
RE: Equity Initiative- Emphasis on Police Accountability

Proactive Measures

The city is committed to becoming a more diverse, high-performing, and inclusive organization. It sets higher performance expectations for its employees and provides them the resources and the environment to facilitate meeting expectations, through resources, policy, and guidance. As part of its equity initiative, the city took active measures to proactively maximize accountability, reduce bias risk, and eliminate potential for misconduct. The following are the most recent updates:

- ✓ Required bias and de-escalation training
- ✓ Mandated de-escalation protocols
- ✓ Added Officer oversight at each shift
- ✓ Mandated officer intervention and reporting if excessive force is used,
- ✓ Increased data collection and tracking as means for performance evaluations and management (micro-level accountability)
- ✓ Created a transparency hub for community access to reports on operations
- ✓ Proposed automated traffic enforcement for efficiency and for eliminating the risk of bias by taking the human judgement out of traffic enforcement in some areas. (Speeding and red-light categories)
- ✓ Updated its [use of force policy](#) banning choke holds unless a deadly force situation exists; banned warning shots; banned shooting at moving vehicles unless occupants are shooting at others or using the vehicle as a deadly force weapon; and mandated handcuffed subjects be placed in upright, standing, or seated position as soon as they are secure.
- ✓ Invested 1.2 M in a new information management software with more data tracking, diagnostics, and analytical capabilities for management and timely reporting (Dashboards)
- ✓ In the process of procuring an HR software that allows for better tracking and reporting on recruitment, hiring, and professional development.

By doing so, the city took considerable efforts towards improvement and risk management. The police department will continue to assess itself and is committed to continuous improvement, building trust in the force, and maintaining its community relations.

City Decision Making Process

As a government, the City of Marion is taxpayer funded and acts as the trustee of public resources; and fiscal responsibility is a highly regarded organizational value. Therefore, staff holds themselves accountable for following a rational planning model in the decision-making process concerning resource allocations. When addressing community issues and concerns, staff's approach to solving problems starts with defining the problem and evaluating alternative solutions to recommend the most effective solution with the highest return on investment. Moreover, public resources are limited, therefore staff is expected to evaluate and prioritize many competing demands. This is done through a long budgeting process and throughout the policy development process in service to the public interest, staff is expected to act in a fiscally responsible manner and to be fair, objective, and reasonable with recommendations to City Council. When a recommended budget or a policy is presented to council, staff lays out the problem/needs and issues at hand, presents impacts, and justifies recommendations, for council to be able to make an informed decision on behalf of the residents of Marion.

Police Review Board

In absence of supporting data, setting up a police review board to evaluate, make recommendations, and manage police performance is not justifiable at this point for the following reasons:

1. Analyzing data on a regular basis and providing policy recommendations are professional city administration staff responsibility. It's done as part of service delivery modeling, management, and program evaluations and governed by community vision and city council's level of service expectations.
2. Performance and program evaluations help identify areas of service delivery that need improvement and determine whether a department is achieving its goals/objectives and operating according to its core values. The police department updated its use of force policy and invested in a new data tracking system to support its performance measurement and micro level accountability components, enhancing its culture of accountability. It will take time for implementation and data collection before it can produce a robust evaluative report on its service delivery assessment. Undoubtedly, equity is a top evaluative criterion.
3. The City's civil rights commission, as an independent recommending body, is tasked with voicing and making recommendations on equity concerns to city council "service as a source of information and recommendations relative to various civil rights matters". The commission as the protector of civil rights acts as an enforcer and the guardian of the city's [civil rights ordinance](#) "protect the personal health and general welfare, and to promote the interests, rights and privileges of individuals within the City". The commission is concerned with all matters related to protected classes and racial equity is a core civil rights business.
4. Marion Police Chief, Mike Kitsmiller, is a retired FBI Agent. During his FBI career he was the Civil Rights Program Coordinator in Iowa and Nebraska for 8 years. In that capacity, he investigated or managed all civil rights cases, to include hate crimes and criminal police misconduct, in the two states area. He has received extensive training in Color of Law violations, detecting police corruption, as well as patterns and practices of misconduct which led to consent decrees between the Department of Justice and law

enforcement agencies. He has provided instruction to other law enforcement professionals on police misconduct matters and taught a Federal Civil Rights block of instruction at law enforcement academies in Iowa and Nebraska. In addition to being a qualified civil rights investigator, he is committed to a high level of accountability. He has shown intolerance to substandard behavior as evidenced by a recent personnel matter, which was reported in the local media. There is no reason to doubt his ability, or conviction, to ensure the police department operates in a professional manner.

5. Outcome evaluations are planned, as part of implementation of the [City's strategic](#) plan that calls for developing an optimal police staffing model to provide the community's expected level of responsiveness, to examine the results of programs (intended or unintended) and to examine if there are differences between the outcomes and the program's stated goals and objectives.

Outcome evaluations may examine processes and activities to better understand how outcomes are achieved and how quality and productivity could be improved. An equity impact evaluation is a subset of this outcome evaluation. It assesses the causal links between activities and outcomes. Generally, the evaluation process assesses whether a program is operating as intended and identifies opportunities for improvement and whether program activities and outputs conform to statutory and regulatory requirements, policies, and citizen expectations.

The city will consider setting up a police review board if the measure is deemed necessary and justifiable from both a fiscal perspective and whether the tool is proven to be an effective and appropriate solution for Marion, should accountability concerns arise as a result of outcome evaluations.

Commitment to Continuous Improvement: Community Engagement

The police department welcomes [feedback](#) from community members and has a complaint policy that provides guidelines for the impartial and timely processing of complaints and procedures for investigating allegations of officer misconduct. The prompt resolution of complaints in a fair manner is designed to ensure a high level of integrity and efficiency is maintained within the department. Based upon the findings of the investigation, a policy or procedure may be reviewed or changed, or an employee disciplined. When a complaint is filed, the complaint procedure is activated.

The city conducts a [citizen survey \(NCS\)](#) on a biannual basis as means of soliciting community feedback on city services and city government performance on expectations. Being responsive to community needs, the city incorporates feedback/input results in the decision-making considerations regarding resources allocations. Survey results are tracked overtime to assess progress. The 2021 survey results are planned to come out in November, just in time for the Fiscal Year 2023 budget process.