

COUNCIL ACTION FORM

SUBJECT: AMES RESIDENT POLICE ADVISORY COMMITTEE (ARPAC)

BACKGROUND:

On September 29, 2020, the City Council received a report entitled *Policing in Ames: A Path Forward*. This report contained 21 recommendations in response to concerns voiced by community members about policing methods, policies, transparency, and philosophies.

On October 10, 2020, the City Council again reviewed the report and provided direction regarding the action steps to advance further. The final report was amended and delivered on November 10, 2020, reflecting the Council's direction. Among the recommendations to implement, the [final report](#) proposed the creation of an "Ames Police Resident Advisory Committee" (ARPAC). The discussion regarding accountability in complaint handling and discipline, including the specific recommendations regarding the creation of ARPAC, can be found on pages 30-37 of the final report.

GOALS OF ARPAC:

The *Policing in Ames: A Path Forward* report noted that there are a variety of laws and policies that constrain the ability of an entity such as ARPAC to be the ultimate authority regarding personnel matters. These constraints include Iowa Civil Service law, Collective Bargaining law, and the Iowa Peace Officers' Bill of Rights. With these constraints in mind, the City Council directed staff to prepare for an advisory committee with the following goals:

1. Provide a resident perspective to the Chief of Police into the evaluation of complaints against the Ames Police Department (APD)
2. Provide thoughtful recommendations regarding the policies and practices of the APD
3. Report concerns regarding complaint investigation outcomes to the City Council

(note: the final report indicates these concerns should be reported to the City Manager, but elsewhere the report indicates that concerns should be included in the ARPAC's annual report to the City Council. For consistency, this goal has been adjusted to report concerns to the City Council).

4. Increase public confidence in the professionalism and accountability of the APD

ARPAC'S SCOPE OF RESPONSIBILITIES:

To accomplish the goals outlined above, City staff recommends the scope of responsibilities that follows below:

1. Accept complaints from the public regarding the conduct of sworn Police Officers and forward such complaints to the Ames Chief of Police for appropriate investigation.
2. Advise the Chief of Police regarding complaints from the public.
 - a. ARPAC may review complaints from the public related to:
 - i. Police Department policy violations
 - ii. Improper or inadequate investigation
 - iii. Excessive force
 - iv. Discrimination
 - v. Harassment
 - vi. Any other complaint in which the Chief of Police determines ARPAC review would be desirable
 - b. When such a complaint is received from the public by the APD either directly or by ARPAC referral, it will be investigated in accordance with APD policies and applicable law. At the conclusion of the investigation into a complaint, the Chief of Police will convene the ARPAC to discuss the investigation and seek ARPAC's input, prior to the Chief making a decision as to personnel action. A summary of the input received from ARPAC also will be provided to the City Manager.
 - c. ARPAC's review and recommendation will be advisory in nature. ARPAC's role is separate from the formal, internal investigation process and from the disciplinary process.
3. Review departmental policies and procedures and provide comments and suggestions for improvement to the Chief of Police and City Manager.
4. Conduct outreach to individuals and groups in the Ames community regarding:
 - a. Concerns related to public safety and police actions or procedures
 - b. Rights and responsibilities of residents in law enforcement interactions
 - c. Processes and resources for filing complaints

5. Provide feedback to the Chief of Police regarding whether an officer's conduct merits commendation, in instances where a commendation is being considered.
6. Issue an annual report to the City Council containing the following information:
 - a. The number of complaints reviewed and the nature of such complaints
 - b. Demographic information of complainants, where disclosed by complainants
 - c. A summary of policies reviewed and any changes recommended
 - d. A summary of Committee training received
 - e. A summary of outreach activities conducted
 - f. Concerns regarding complaint investigation outcomes, if any

ARPAC MEMBERSHIP:

The original proposal for ARPAC included the following membership characteristics:

1. Seven individuals
2. Representative of the diversity of the community
3. Appointed by the Mayor with the consent of the Council
4. Trained after appointment in contemporary policing practices and legal standards based on recommendations from the National Association for Civilian Oversight of Law Enforcement (NACOLE)
5. Committed to impartiality and to a review of complaints based only upon facts and evidence. Members must not be prejudiced in favor of complainants or police officers
6. Subject to confidentiality requirements

At the November 10, 2020 meeting, the City Council discussed several points relating to the membership aspects of ARPAC. First, the Council adopted a motion for staff to explore potential options for term limits that would be more inclusive to having Iowa State University students be able to serve. Most City boards and commissions have three-year terms for members. Two commissions provide for one of the positions to have a special 1-year term, and two others have special student positions (see table below).

BOARD/COMMISSION	REGULAR TERM	1-YEAR TERM OPTION?
Ames Human Relations Commission	3 years	X
Ames Int'l Partner Cities Ass'n	3 years	
ASSET	3 years	
Board of Review	6 years*	
Building Board of Appeals	3 years	
Campus and Community Commission	3 years	No, but ISU student positions are indefinite terms
Civil Service Commission	4 years*	
Commission on the Arts (COTA)	3 years	
EUORAB	3 years	
Historic Preservation Commission	3 years	
Library Board of Trustees	3 years	
Parks and Recreation Commission	3 years	X
Planning and Zoning Commission	3 years	
Property Maintenance Appeals Board	3 years	
Public Art Commission	3 years	
Transit Board of Trustees	2 years	2 students with 1-year terms
Zoning Board of Adjustment	5 years*	

*term length set by state law

These positions are intended to provide a greater opportunity for ISU students to participate, since a three-year commitment may be challenging for a student who may graduate. In the event an ISU student does not apply for one of the ISU student positions, a non-student is typically confirmed to fill the one-year term.

It is possible to create a special one-year term for an ARPAC appointee to be an ISU student. However, City staff has concerns about the ability of an ARPAC appointee to become trained and fully functional in a one-year period. ARPAC is expected to involve a significant amount of member education and training around legal standards, policies, and practices. It would be difficult to absorb this education and then apply it in a one-year period. The draft ordinance does not include a one-year term position. However, it remains possible to appoint a student who is able and willing to serve multiple years on the advisory committee.

In addition to the Council's formal motion regarding student terms, the City Council discussed the topic of member selection at the November 10th meeting (but made no motions providing direction to staff). In particular, Council Members inquired as to: 1) the application process, 2) the selection process, and 3) whether the Mayor would provide the Council a rationale for those chosen. The Council Members also discussed the idea of an automatic sunset to ARPAC.

City staff envisions that applications would be taken for ARPAC using the standard Board and Commission application form, but supplemental statements would be requested of ARPAC applicants to gauge the commitment of applicants to impartiality, as described in the Committee's charge. **The ordinance creating ARPAC has been drafted to reflect this. However, further information could be collected from applicants if City Council desires.**

The draft ordinance has also been prepared to include a requirement that the Mayor submit nominees along with a rationale for their appointment. If the City Council desires to include a sunset for the Committee, it would be appropriate to direct staff to modify the ordinance for second reading to include a sunset date.

Once the ordinance is approved, City staff will prepare orientation, training, and ongoing educational plans for the group.

ALTERNATIVES:

1. Approve on first reading the attached ordinance creating the Ames Resident Police Advisory Committee, as reflected in the revised “Policing in Ames: A Path Forward” report dated November 10, 2020.
2. Approve first reading of the attached ordinance with modifications to term length, sunset date, application process, or other aspects as directed by the City Council.
3. Do not approve the attached ordinance and decline to proceed with the creation of ARPAC.

CITY MANAGER’S RECOMMENDED ACTION:

The City Manager’s Report regarding “Policing in Ames: A Path Forward” identified the creation of an advisory committee to be a key step in improving the involvement of community members in the Ames Police Department. The proposed ARPAC provides an opportunity to gather a resident perspective more intentionally regarding policies and complaints.

A committee such as ARPAC is constrained by limits in state law and collective bargaining agreements. Since these rules differ from state to state and community to community, there are many different examples of models for a policing committee. The proposed ordinance allows for formalized resident input, while remaining compliant with the laws and policies that govern employment actions.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 2.50 THEREOF, FOR THE PURPOSE OF ESTABLISHING AN AMES RESIDENT POLICE ADVISORY COMMITTEE, REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 2.50 as follows:

“Sec. 2.50. AMES RESIDENT POLICE ADVISORY COMMITTEE ESTABLISHED.

There is hereby established the Ames Resident Police Advisory Committee (ARPAC) for the City of Ames, Iowa.

Sec. 2.51. CHARGE.

The mission of the Ames Resident Police Advisory Committee is to provide a resident perspective to the Chief of Police into the resolution of complaints against the Ames Police Department, provide thoughtful recommendations regarding the policies and practices of the Ames Police Department, report concerns regarding complaint investigation outcomes to the City Manager, and increase public confidence in the professionalism and accountability of the Ames Police Department.

Sec. 2.52. MEMBERSHIP.

(1) The Committee shall consist of seven members appointed by the Mayor with the approval of the City Council. The members of the committee shall be representative of the diversity of the community, insofar as practicable.

(2) Applicants for the Committee shall provide with their application a statement of their commitments to serve impartially, to review complaints based only upon facts and evidence, and to remain unprejudiced for or against police officers or complainants. Applicants must agree to hold in strict confidentiality any record or deliberation that qualifies as a confidential record or deliberation under Iowa law. When presenting a prospective Committee member for City Council approval, the Mayor shall include a statement describing the rationale for selecting the appointee.

(3) The term of office shall be three (3) years, and shall begin April 1 of the year of appointment, except that the Mayor may prescribe a shorter term for any appointment or reappointment in order to stagger terms. Vacancies shall be filled for any unexpired term in the same manner as original appointments. No member who has served six (6) consecutive years is eligible for reappointment.

(4) The Committee shall elect one of its own members to be chairperson and another to record minutes of its proceedings.

(5) Any member or all members may be removed from office at any time by the Mayor with the approval of the City Council, for good cause.

Sec. 2.53. RESPONSIBILITIES.

The Ames Resident Police Advisory Committee shall have the following responsibilities:

(1) To accept complaints from the public regarding the conduct of sworn Ames police officers and forward such complaints to the Chief of Police for investigation in accordance with Police Department policies and applicable law.

(2) To review policies and procedures of the Police Department and provide comments and suggestions for improvement to the Chief of Police and City Manager.

(3) To conduct outreach and engage individuals and groups in the Ames community regarding concerns related to public safety and police procedures, rights and responsibilities of residents in law enforcement actions, and processes and resources for filing complaints.

(4) To provide feedback to the Chief of Police regarding whether a police officer's conduct merits commendation, in instances where a commendation is being considered.

(5) To issue an annual report to the City Council containing the number of complaints received and the nature of such complaints, demographic information of complainants (when disclosed by complainants), a summary of policies reviewed and any changes recommended, a summary of training provided to the Committee, a summary of outreach activities conducted, and concerns regarding complaint investigation outcomes, if any.

Sec. 2.54. COMPLAINT REVIEW PROCESS.

(1) When a complaint regarding the Ames Police Department or one of its sworn officers is received, the complaint shall be investigated in accordance with Police Department policies and applicable law.

(2) At the conclusion of an investigation into a complaint, the Chief of Police shall convene the Committee to discuss the investigation and seek the input of the Committee, prior to making a decision as to personnel action, if any. A summary of the input received from the Committee regarding a complaint shall be provided to the City Manager. The review of the complaint by the Committee shall be advisory in nature and separate from the formal internal investigation and disciplinary processes.

(3) The Chief of Police shall seek the review of a complaint by the Committee when the complaint concerns Police Department policy violations, improper or inadequate investigation, excessive use of force, discrimination, or harassment, or any other complaint in which the Chief of Police determines a review by the Committee to be desirable.

(4) The Committee is authorized to convene in closed session upon advice of the City Attorney to discuss confidential records and other matters as prescribed by and in accordance with the procedures outlined in state law. All meetings held in closed session will be attended by the Chief of Police or designee.

(5) To preserve impartiality, once a complaint has been filed, members of the Committee may not engage in communications with a party to that complaint until the complaint has been disposed of.

Sec. 2.55. MEETINGS, RESOURCES, AND TRAINING.

(1) The Committee shall hold regular meetings not less than four times per year and shall hold special meetings as needed to review complaints upon the request of the Chief of Police. The Police Department shall provide meeting space and materials as necessary for the Committee to conduct its meetings. The Chief of Police or designee shall attend meetings to serve as a resource to the Committee; however, the Committee is not empowered to direct the Chief of Police or the activities of the Police Department.

(2) The Police Department shall allocate funding in its budget each year for the operations of the Committee, including for supplies, materials, training, and other resources.

(3) Committee members shall receive ongoing education and training in subjects recommended by the National Organization for the Civilian Oversight of Law Enforcement, including local ordinances, state law, City and departmental policies, organization and roles of the Police Department, traffic stops, searches, seizures, arrests, booking, use of force, police equipment and facilities, the investigative process, biased-based policing, officer selection and training, and other pertinent matters.

Section Two. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of the conflict, if any.”

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor