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ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE CITY OF WATERLOO CODE OF ORDINANCES BY REPEALING ARTICLE A, POLICE DEPARTMENT, OF CHAPTER 6, MUNICIPAL DEPARTMENTS, TITLE 1, ADMINISTRATION, AND ENACTING IN LIEU THEREOF A NEW ARTICLE A, POLICE DEPARTMENT, OF CHAPTER 6 MUNICIPAL DEPARTMENTS, TITLE 1, ADMINISTRATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WATERLOO, IOWA AS FOLLOWS:

Section 1. That Article A, Police Department of Chapter 6, Municipal Departments, Title 1, Administration, is hereby repealed and a new Article A, Police Department, of Chapter 6 Municipal Departments, Title 1, Administration, is enacted in lieu thereof as follows:

ARTICLE A. POLICE DEPARTMENT

1-6A-1: DEPARTMENT ESTABLISHED:

1-6A-2: DEFINITIONS:

1-6A-3: POLICE CHIEF:

1-6A-4: GENERAL DEPARTMENT POWERS AND DUTIES:

1-6A-5: MANDATORY POLICIES:

1-6A-6: RESERVE UNIT:

1-6A-1: DEPARTMENT ESTABLISHED:

All ordinances of the city creating, establishing and structuring the police department, not inconsistent with the provisions of this code, are hereby expressly saved from repeal.

1-6A-2: DEFINITIONS:

Biased Policing: Discrimination in the performance of duties, based on personal prejudices or partiality of officers that interferes with their professional judgment, training or adherence to law. Biased policing includes, but is not limited to, making prejudicial decisions affecting individuals in classes protected by federal, state, and local law.

Racial Profiling/Biased-Based Profiling: A law enforcement-initiated action based on an individual's race, ethnicity, gender, sexual orientation, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complaints or other citizen contacts.

1-6A-3: POLICE CHIEF:

The chief of the police department shall be appointed by the mayor with approval of the city council from the police chief civil service list. Nothing herein contained shall prevent the removal of and the termination of the appointment of the chief as provided by law or employment agreement.

1-6A-4: GENERAL DEPARTMENT POWERS AND DUTIES:

The police department shall provide for the preservation of public peace and enforcement of all state laws, city ordinances, and orders of the mayor during civil emergencies; Work to prevent and solve crimes; Respond to emergency calls for service involving life threatening situations and/or in-progress crimes; May assist the city attorney whenever requested in the examination of the facts concerning any case or possible case against the city; Maintains a secure system for police records and evidence. Employees of the police department shall devote their whole time

and attention while on duty to the business of the department and shall at all times be subject to the rules and regulations made by the chief of police concerning their conduct and duties.

1. Officers shall police in a proactive manner and investigate suspected violations of law. It is the duty of the WPD to actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity, or national origin, and to police within the scope of the Constitution.
2. Officers shall conduct themselves in a respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by the United States constitution are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The WPD will respect both, the rights of all persons to equitable treatment under the law, and the right to be free from unreasonable searches and seizures. Engagement by any WPD officer in racial profiling or biased based policing is, both unacceptable, and strictly prohibited.

1-6A-5: MANDATORY POLICIES:

The Chief of Police shall develop, implement, and enforce training, programs, or policies that address the following:

1. Establish a Chief's Policy and Disciplinary Review Board.
2. Prohibit racial profiling.
3. Require biased free policing.
4. Require in car video and body-worn cameras.
5. Require crisis intervention training.
6. Require training for interactions with transgender individuals.
7. Require officers to de-escalate situations, when possible, before using force.
8. Require a use of force rational decision-making model that defines or limits the types of force to the minimum force necessary standard that can be used to respond to levels of resistance.
9. Restrict or prohibit chokeholds and strangleholds, including positional asphyxia and carotid restraints.
10. Require officers to give a verbal warning, when possible, before using deadly force.
11. Prohibit officers from shooting at people in moving vehicles unless the person poses a deadly threat by means other than the vehicle.
12. Require officers to exhaust all other reasonable alternatives before resorting to the use of deadly force.
13. Require officers to adhere to their duty to intervene, to stop another officer from using disproportionate force, and requiring officers to report conduct that is inconsistent with the policies, procedures, directives, standard operating procedures, mission, vision, ethics, values, and guiding principles of the department, and the City of Waterloo.
14. Require officers to report both uses of force and threats of or attempted uses of force.

1-6A-6: RESERVE UNIT:

A. Creation: There is hereby created the Waterloo police reserve unit in accordance with the provisions of Iowa Code chapter 80D.

B. Definition: A reserve police officer is a volunteer, non-regular, sworn member of a law enforcement agency who has regular police powers while functioning as an agency's representative and participates on a regular basis in the agency's activities.

C. Membership; Qualifications:

1. Membership and Size: The size of the police reserve unit shall be determined by the chief of police. The reserve organization shall consist of a police reserve coordinator assigned by the chief of police from the membership of the police department, a reserve captain, a lieutenant and sergeants to serve as squad leaders for each squad of five (5) or more reservists as deemed necessary. Membership in the police reserve shall be determined upon standards established and approved by the chief of police. Applicants for membership shall be certified by the chief of police upon recommendation of the police reserve coordinator after satisfactory completion of the training standards. Each reserve member shall take an oath of office.

2. Physical Examination: All police reserve officers shall satisfactorily pass a department-approved physical examination at their expense prior to being appointed as a police reserve officer.
3. Standards and Training: All standards and training required under Iowa Code chapter 80D shall constitute the minimum standards for police reserve officers.
4. Status: Members of the police reserve shall be considered employees of the city while they are performing police duties as authorized and directed by the chief of police. However, they are not subject to the conditions of the collective bargaining agreement of the police bargaining unit nor can they derive any benefit from the police pension. They are also not subject to the civil service provisions of Iowa Code chapter 80D.
5. Compensation: They shall receive a salary of two dollars (\$2.00) yearly from the city at the beginning of each fiscal year.

D. Officers Duties and Responsibilities:

1. Reserve Coordinator: The police reserve coordinator shall be assigned by the chief of police from the membership of the police department and responsible to the chief of police for the supervision, training, recruitment and activities of the police reserve unit.
2. Reserve Captain: The police reserve captain shall be responsible to the reserve coordinator for the command, control and direction of police reserves. It shall be his duty to assist the police department in the enforcement of all laws and city ordinances in such a manner and at such time as directed by the police chief.
3. Reserve Lieutenant: The police reserve lieutenant shall assist the reserve captain and supervise the reserve sergeants.

E. Removal: Members of the police reserve shall serve at the discretion of the chief of police. They shall be appointed, promoted, removed and discharged from such position by the police chief who may consider the recommendation of the police reserve coordinator.

F. Rules: The police reserves may adopt a constitution, rules and regulations for the conduct of meetings and activities consistent with city ordinances and the laws of the state. All police reserve officers are subject to the police department code of conduct and such other regulations as established by the chief of police.

G. Uniform and Safety Equipment:

1. The city shall furnish all reserve officers with the following equipment and uniform items:

- 1 reserve breast badge
- 1 reserve badge
- 1 ID card
- 1 police reserve patch
- Ammunition for weapon

2. Reserve officers shall furnish, at their own expense, the following items (items shall be replaced as needed to provide the minimum as listed from department approved suppliers):

- 1 pair of pants, navy blue
- 1 summer shirt, navy blue
- 1 winter shirt, navy blue
- 1 cap, navy blue
- 1 tie, black
- 1 jacket, navy blue
- Leather equipment, i.e., to consist of belt, handcuffs with case
- Freeze +P spray with case

- 1 department approved firearm
- 1 ASP Baton
- 1 ballistics vest
- 1 helmet
- Name tags for shirts and jacket

3. During their hours of duty, members of the police reserve shall wear the uniform as prescribed by the chief of police.

H. Records: The police department shall keep an accurate record of all members of the police reserves, their dates of admission and discharge.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

INTRODUCED: _____, 2020
PASSED 1st CONSIDERATION: _____, 2020
PASSED 2nd CONSIDERATION: _____, 2020
PASSED 3rd CONSIDERATION: _____, 2020

PASSED AND ADOPTED this ____ day of August 2020.

Quentin Hart, Mayor

ATTEST:

Kelley Felchle
City Clerk

