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## I. INTRODUCTION

Throughout 21st Century Policing Solutions' (21CP) engagement with the City of Des Moines and Des Moines Police Department (DMPD), residents and DMPD staff asked what precise incident precipitated our work in the City. Multiple parties inquired if DMPD's contract was spurred by DMPD's management of the protests following the death of George Floyd others about how the Department's culture compared to other organizations.

In contrast to many police departments in which 21CP has worked, there appeared to be no specific event or issue precipitating the firm's involvement in Des Moines. Rather, this review seemed to result from a genuine desire expressed by a number of sources—community members, City Council leadership, the City Manager's Office, and DMPD itself—to determine how the DMPD's policies, practices, training and culture compared to national best practices and performance. In many ways, this review was inspired by the national conversation around policing and the entire City's commitment to ensure it had a world-class police force. To this end, this is precisely the type of review in which the 21CP review team engaged.

At no point during its engagement with DMPD did the 21CP team encounter a Department in disarray or without ability to be managed. At the same time, as with most of our work with communities and police agencies across the country, we did identify some areas where the Department can improve and enhance its performance. Indeed, in at least a few areas, those issues are significant and need to be addressed quickly.

Given the strong feelings around American policing today, this analysis may both frustrate and validate the concerns of many individuals. However, while there are substantial issues for DMPD and the City to address—including cultural issues that are causing both morale challenges within DMPD staff as well as some community consternation—there is also significant evidence of sections of the Department that are well-functioning, and appearing to perform very well. Especially if the City and DMPD follow the recommendations contained in the report, DMPD has the capacity to become a leader in certain areas for local and national policing.

On the positive side of the ledger, DMPD continues updating its policies and procedures in accordance with national certification programs to ensure alignment with national best practices, supports a strong training program, has developed modern mental health alternative policing practices, and has a consistent and strong leadership team. However, the Department

also has a number of deficits, including, as others have noted, a weak system of data collection and analysis around areas of constitutional policing making analysis about stops and use of force difficult, an unclear strategic direction due to a lack of strategic plan, relationships with some active community groups that appear to be strained, a need to significantly improve its accountability system and address workforce diversity head-on, the necessity to improve its promotions system, and a fundamental need to be more transparent—both internally and externally. All of the areas of improvement might reasonably be captured under one overarching concern: that **DMPD must focus on developing a data-driven culture of self-criticism where the Department can identify, on its own, areas for improvement and be transparent about its work towards that end.**

Where there is room for improvement, this report aims to provide specific guidance, and practical recommendations, for DMPD and the City of Des Moines (several recommendations will require policy support or funding from the City). Overall, we offer 46 recommendations responding to the areas covered in our assessment—and several related to issues that came up during our review that were not specifically identified in 21CP's scope of work.

Finally, it should be noted that DMPD is not alone in policing across the country, or in municipal governance overall, in needing to improve areas of its policy, practice, and culture. 21CP has conducted similar reviews for many other jurisdictions, addressing many of the same issues and challenges, and in some cases offered similar recommendations to what is outlined here based on the same types of best and emerging, promising practices. The City and DMPD should be lauded and encouraged for requesting this review and supported by other parts of City government—and the broader Des Moines community—for embracing this report and its recommendations.

## **II. SCOPE & APPROACH**

### **A. Scope of the Assessment**

The City of Des Moines (Des Moines or the City) engaged 21CP Solutions (21CP) in November 2022 to assess the Des Moines Police Department's (DMPD or the Department) policies, procedures, protocols, training, and culture regarding various types of community interactions. 21CP's assessment included review of such issues as voluntary contacts, field interrogations, stops, searches, and seizures; use of force; crisis intervention, interactions with individuals experiencing behavioral health, mental health, and/or substance abuse challenges, and interactions with other vulnerable persons and populations; First Amendment issues; crowd and protest management; community and problem-oriented policing; community engagement, partnership, and participation; and fair and impartial policing by DMPD members. Where improvement opportunities were identified, 21CP developed pragmatic recommendations to strengthen the Department's relationship with the Des Moines community and to ensure DMPD's activities and operations are just, effective, lawful, and consistent with best and emerging practices.

### **B. Approach**

As in the majority of its work with police departments, 21CP's assessment of DMPD and the recommendations made in this report are based on an analysis of three primary sources of information: paper, performance, and people. This work requires a significant amount of gathering of documents and data, as well as contacting individuals to interview. In order to facilitate this work, DMPD identified a person to serve as the Department's point of contact (POC) to coordinate with 21CP's project manager throughout the assessment. The DMPD POC helped ensure that the Department responded expeditiously to 21CP's requests for information, assisted when 21CP sought to identify Departmental subject matter experts and community members, and helped with developing schedules and finding meeting space for 21CP's two on-site visits to Des Moines.

The 21CP team began its assessment with the “paper” by providing the Department with a request for documents and receiving in return an array of written materials and information related to DMPD operations. While by no means a comprehensive and complete list, documents provided to 21CP included policies, procedures, training curricula, union contracts,

DMPD demographic data, promotion process details, and DMPD annual reports, as well as descriptive information about specific units and their work. As the assessment moved forward, other information was requested, such as data related to mental health call responses, progress in implementing 30X30 goals, and data regarding staffing levels. 21CP sought clarification about these materials through interviews of subject matter experts and others, and the material ultimately was evaluated in light of emerging and best practices and national standards relevant to the various topics involved. Documents received from the Department were supplemented by materials received from internal and external stakeholders with whom 21CP met. Some of the specific written documents received from DMPD and stakeholders are referenced throughout the report.

21CP's document requests were voluminous and the Department's effort in updating its policies was occurring simultaneously, so it is possible that some relevant information was not received and could not be considered or that updated information became available since the time 21CP received and analyzed earlier material. Where 21CP is aware of such a discrepancy, it is noted in the report.

The second area of analysis focuses on DMPD's operational execution—that is, its “performance.” In light of community concerns about DMPD interactions with community members, including use of force, particularly during the summer 2020 protests, and allegations regarding discriminatory stops, 21CP intended to review data related to these issues. However, because of data limitations highlighted in other recent reports (described below) that are not yet resolved, 21CP was not able to conduct an in-depth analysis of DMPD use of force or stops. However, 21CP was able to review use of force policy, observe use of force training, and consider several specific incidents in which force was used, and has identified opportunities for improvement important for Des Moines to consider. These recommendations are discussed in Sections IV.A and B below.

The third source of information for 21CP's assessment was “people.” 21CP conducted virtual and in-person focus groups, listening sessions, and interviews with stakeholders inside and outside DMPD, set up a confidential email address where input could be provided in writing, and administered a work climate survey for DMPD employees. The team also participated in ride-alongs with DMPD officers, toured the Department and Regional Police Academy, and observed recruits undergoing several training sessions at the Academy and current DMPD officers during in-service training required of all officers. Participating stakeholders in our “people” process included Des Moines residents, elected officials, and representatives of community and business organizations in Des Moines. As discussed below, 21CP also received

input from both sworn and civilian employees of all ranks and a variety of positions and assignments.

Initially, 21CP worked with the City Manager and DMPD representatives to identify community stakeholders who might be interested in providing input to the DMPD assessment. The City Manager started with a list of stakeholders identified through a previous DMPD report (described below) and coordinated with others to update stakeholder contact information. As stakeholder information was received, 21CP contacted individuals and organizations listed by email, inviting them to share their experiences with, and perspectives about, the DMPD. 21CP scheduled a series of focus groups and stakeholders were encouraged to participate in a group planned for a day and time convenient for them. During these focus groups, 21CP asked the participants to provide names of others 21CP should contact and encouraged stakeholders to ask community members to provide input by participating in a focus group or submitting written information to the confidential email address set up for the Des Moines assessment. Focus groups with approximately 45 stakeholders external to the Department were held beginning in January 2023 and continuing to as recently as July 31, 2023. All members of the community who requested to participate in a focus group or to otherwise provide input for this assessment were provided an opportunity for at least one conversation with 21CP. While we were not able to accommodate all requests for follow-up interviews, we did speak with several stakeholders on more than one occasion; met with a group of approximately 15 community members in Des Moines, including some with whom we had met earlier over Zoom; and scheduled an additional focus group to accommodate last minute requests to provide input.

Our work in “people” also included a multi-faceted approach to connecting with staff, both sworn and civilian, within the DMPD and City of Des Moines government. Not surprisingly, an organization’s capacity to evolve depends in large part on the “health” of the organization as reflected in the perspectives of its most important assets – its personnel. 21CP frequently uses a number of tools to measure the range of employees’ (and residents’) experiences, attitudes, and concerns in order to better understand the workplace culture and identify any areas for leadership to focus attention in working towards change. First, 21CP held virtual and in-person focus groups with approximately 60 DMPD civilian and sworn employees. Individual cohort groups from throughout the Department were invited to meet together with 21CP, such that Police Officers, Senior Police Officers, Sergeants, Captains, Majors, the Assistant Chief, civilian non-supervisory personnel, and civilian managers generally only met with others of their same rank or position in a focus group. The goal of meeting in cohort groups was to help employees feel comfortable in being candid with 21CP, without fear of retribution from employees holding a higher rank or position who might negatively judge perspectives shared in the focus groups.

21CP started with a standard set of questions for focus groups with external and internal stakeholders, though often delved more deeply into issues raised by group members as the group conversation proceeded. Focus groups were informed that 21CP would not attribute comments to specific individuals in its report, nor would the firm share names of individual participants with DMPD. When meeting with subject matter experts, such as those providing use of force training at the academy or personnel overseeing DMPD's alternative response to calls involving mental and behavioral health issues, 21CP's questions focused on the particular topic at issue. Similarly, when meeting with City of Des Moines government representatives—including individuals from the Des Moines City Council, the City Manager's Office, the City Attorney's Office, the Human Resources Department, the Civil Service Commission, and the Des Moines Civil and Human Rights Commission—21CP asked about interactions with DMPD from the perspective of the role each representative serves in Des Moines' governmental structure. Ultimately, 21CP received a wide range of information and perspectives about the Department from individuals who participated in focus groups. 21CP also observed leadership meetings at DMPD that included the Department's senior leadership group, including Chief Wingert.

Finally, 21CP collected input from DMPD employees by administering a work climate survey. 21CP used an online platform called Alchemer, through which DMPD employees could access the survey. The platform was administered wholly outside the purview of the Department and Des Moines governmental offices. DMPD employees could access the survey from any computer or smartphone, at work or from home, at any time of the day during the time the survey was conducted. Before completing and submitting their survey, a respondent could return to earlier questions and change their responses, or start the survey, sign out, and then return to complete the process at a later time. The survey initially was available May 3 - 15, 2023, and the deadline for submission was extended to May 31, 2023, allowing for a significant number of additional responses. While the survey asked for some limited demographic data, no identifiable information was tracked and employees could skip the demographic questions and still respond to the rest of the survey.

DMPD Chief Wingert, union leadership, and 21CP sent a joint message to all DMPD employees to explain the purpose of the scheduled focus groups and survey, and to encourage employee participation in the exercise. After 21CP initially provided employees with links to sign up for a focus group and to directly access the survey, follow-up emails went out regularly to remind them about providing input into 21CP's assessment.

The link for employees to use in accessing the survey was sent to 468 employees (370 sworn and 98 civilian employees).<sup>1</sup> 248 employees (53% of all employees) responded to the survey.<sup>2</sup> The great majority of employees answered all questions, including questions asking for demographic information.<sup>3</sup> Seventy-eight (78 or 31.5%) of the survey takers added comments at the end of the survey, responding to an open-ended question inviting them to clarify their responses to the earlier questions or to share any other information about their experience working at the DMPD that they would like 21CP to know. DMPD's overall 53% response rate is slightly higher than the 49% average response rate for surveys involving police personnel.<sup>4</sup> In indicating the capacity in which they are employed at DMPD, 197 survey respondents designated they are law enforcement personnel (53% of the 370 sworn total) and 49 as civilian personnel (50% of the 98 civilian total).<sup>5</sup> The breakdown regarding respondents' supervisory role in the Department is as follows:

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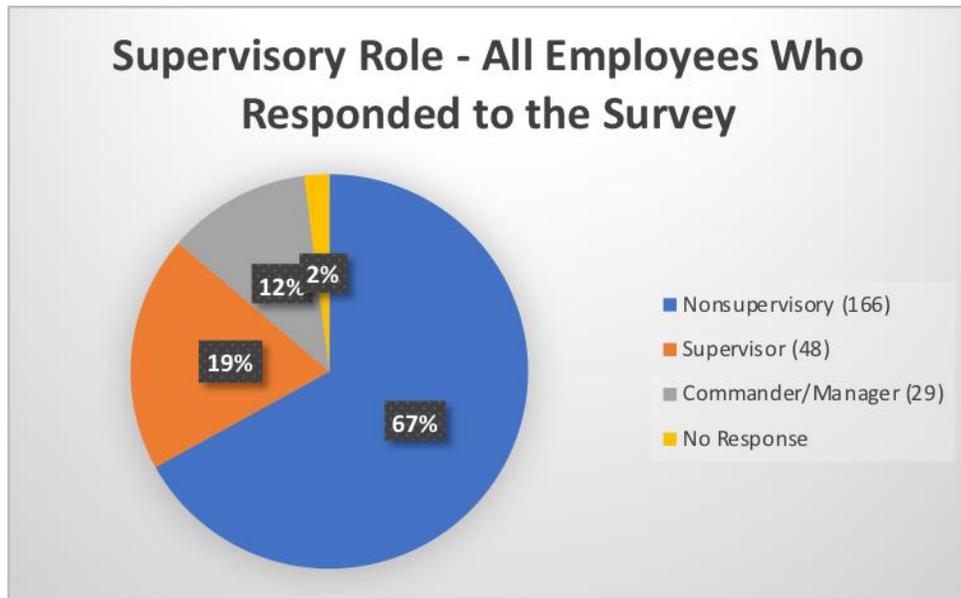
<sup>1</sup> When 21CP sent out the original email with the survey link and reminder emails, a few emails were returned as undeliverable because the employee no longer worked for DMPD, was using a different email address, or was out of the office. Because there are new hires and new separations from the Department occurring regularly over time, and the survey was administered over 28 days, it is difficult to be precise as to the actual number of DMPD employees who potentially could have participated. Thus, in computing response rates, 21CP uses the 468 total employees and 370 sworn/98 civilian employee numbers. Note that these personnel numbers are slightly lower than what is authorized: 380 officers and 113 civilians.

<sup>2</sup> The 248 figure does not include the 49 respondents who opened the survey, but did not answer any questions.

<sup>3</sup> Each work climate question had a range of 246 - 248 responses.

<sup>4</sup> Nix, Justin, Justin T. Pickett, Hyunin Baek, and Geoffrey P. Alpert. *Police Research, Officer Surveys, and Response Rates*, Policing and Society: Vol. 29, No 5 (2019). <https://doi.org/10.1080/10439463.2017.1394300>. The researchers reviewed response rates for 497 police surveys reported in 390 articles published in 15 journals from 2008 to 2017. In addition to finding the average police survey response rate was 64% (considering mail, telephone, in-person, and Internet based survey methods combined), the researchers found that in-person surveys achieved higher response rates - averaging 79% - and surveys distributed through other means, including over the Internet, averaged a response rate of 49%. The researchers note, however, that anonymous self-administered Internet surveys tend to obtain the most accurate self-reports on sensitive topics, while honesty in self-reports is more of an issue with surveys administered in-person (citations omitted).

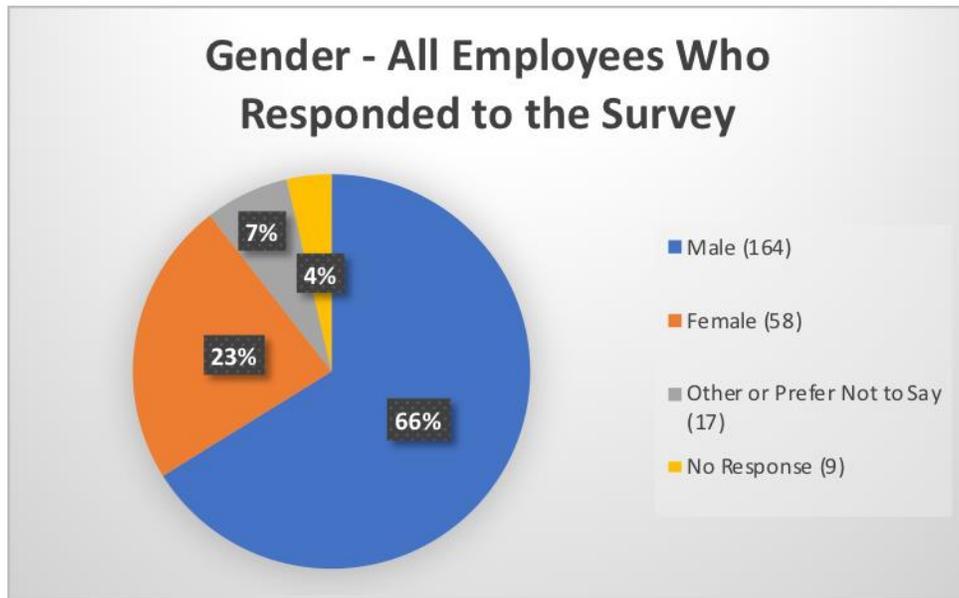
<sup>5</sup> Two (2) employees did not answer the question concerning the capacity in which they are employed.



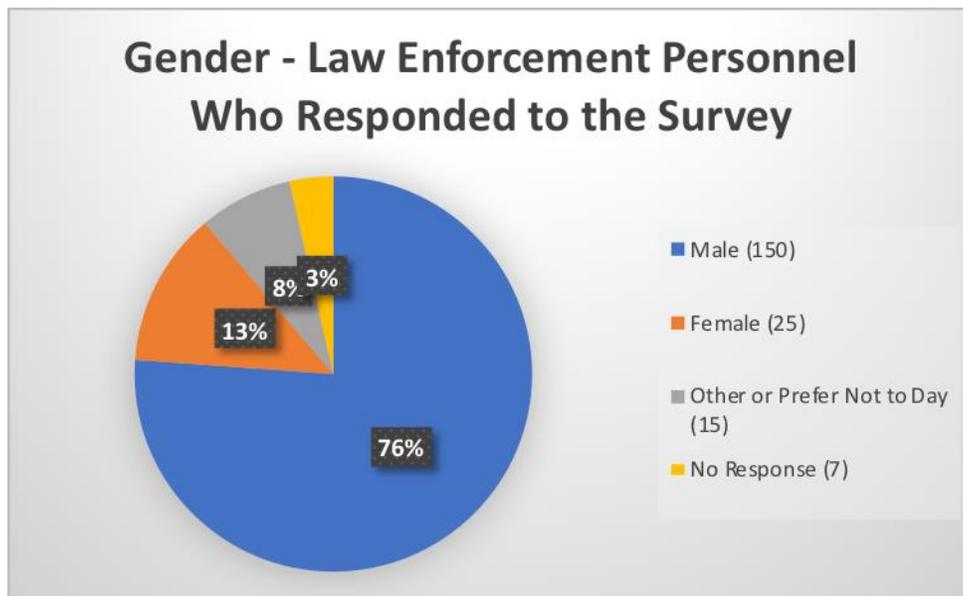
Of the 248 employees who took the survey, 164 (66%) identified as a man and 58 (23%) as a woman. Another 17 employees (7%) indicated "other or prefer not to say," and 9 individuals (4%) did not answer the question concerning gender. As males make up approximately 75% of all DMPD employees and 25% of employees identify as a woman, the gender representation for survey respondents is fairly close to that found in the Department.<sup>6</sup>

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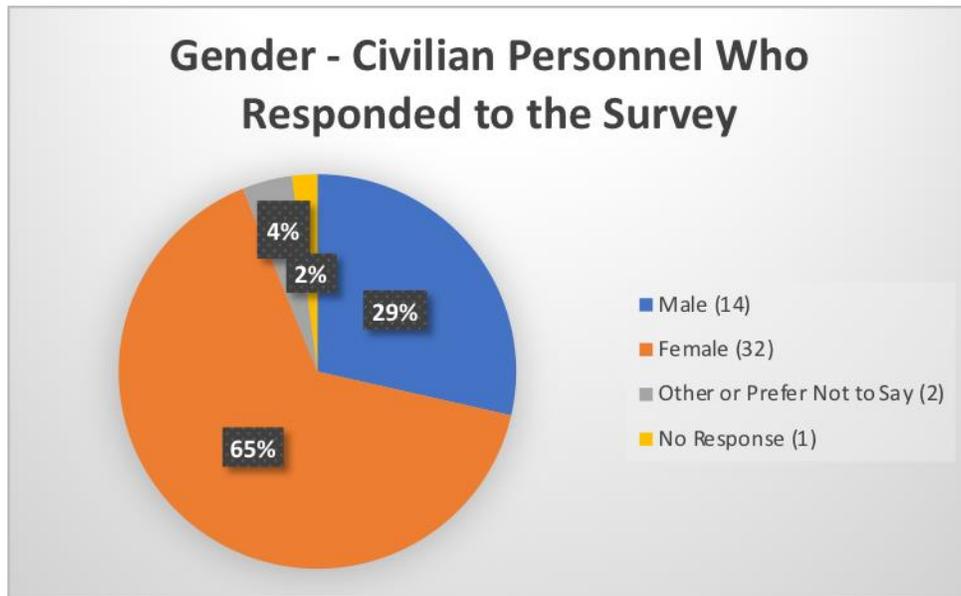
<sup>6</sup> The data presented for police in the Des Moines Equal Employment Opportunity Workforce Analysis for the 3rd Quarter Period Ending September 30, 2022, was used as a reference to compute the gender breakdown of DMPD employees.



Of the 197 survey respondents who are law enforcement personnel, 150 (76%) indicated they are male, 25 (13%) indicated female, 15 (7%) designated "other or prefer not to say," and 7 people did not respond to the question asking about gender.



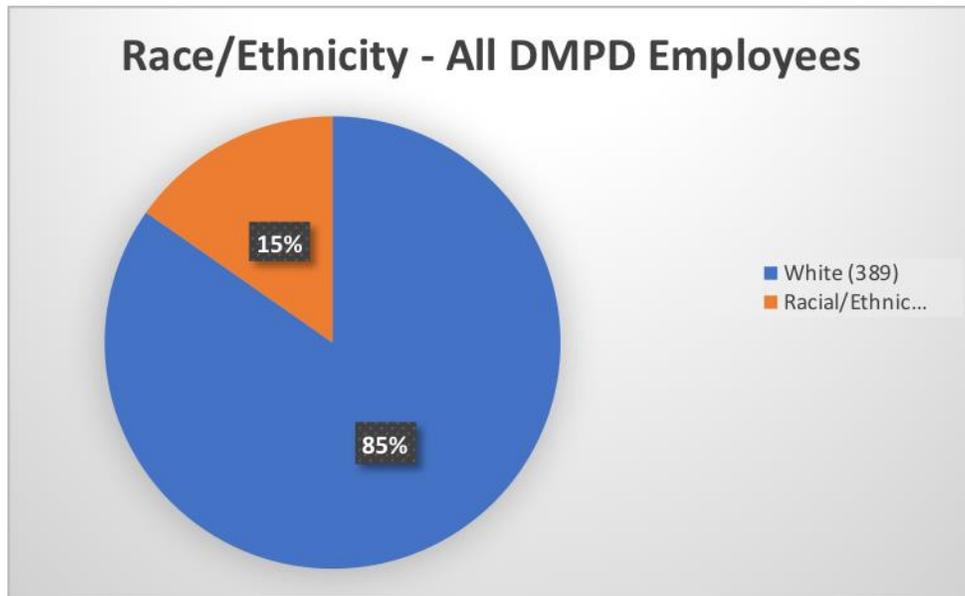
Of the 49 civilian respondents, 32 (65%) indicated they are female, 14 (28%) indicated they are male, 2 (2%) answered "other or prefer not to say," and one person did not respond.



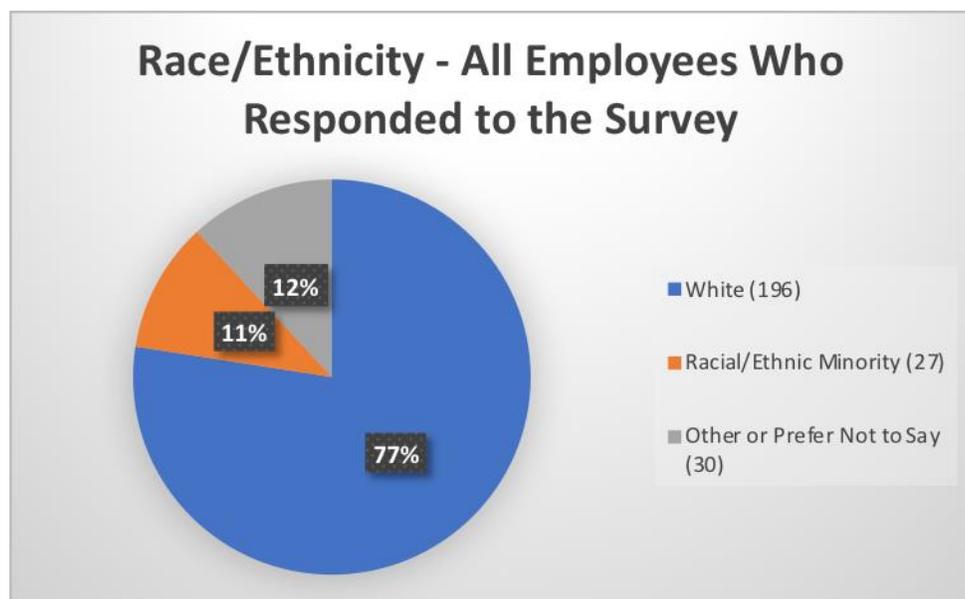
Respondents were asked to designate their race/ethnic status, by checking one or more of the following options:

- White
- Black/African American
- Indigenous Person/Native American
- Hispanic
- Asian/Asian American
- Other or prefer not to say

Current DMPD employees are categorized using the same race/ethnicity options, except the "other or prefer not to say" designation is not used by the Department. Given the relatively low numbers of employees and survey respondents in each racial/ethnic minority group, the individual racial/ethnic groups were combined in considering both total employees and survey respondents, allowing for some limited analysis where racial/ethnic disparities exist, while protecting the confidentiality of survey respondents. Based on EEO data for 459 total DMPD employees at the time, 389 identified as White and 70 as a Racial/Ethnic Minority, as represented in the following chart:



The following represents the race/ethnicity indicated by respondents who took the survey:



Because respondents could check more than one box when designating their race/ethnicity, the total number of responses (253) is higher than the number of respondents (248). In order to further protect employees' confidentiality given the relatively low number of individuals identifying as non-White, 21CP did not break down the race/ethnicity data by analyzing whether respondents are sworn/civilian, male/female, or regarding which specific mixed-race categories were designated.

Data concerning how DMPD survey takers responded to questions concerning the culture or work climate of the Department is discussed below, where relevant to a particular subject area covered by 21CP's assessment.

### **C. Role of This Report**

This report focuses on those areas relating to various DMPD interactions with the community. Although 21CP's assessment aimed to be as comprehensive as possible within these parameters, it cannot and should not be considered exhaustive. Any large organization like a police department performs a broad, complex array of functions and services. Many areas of operations and administration influence performance in other areas. This makes the prospect of a single evaluation of every conceivable aspect of a police department's performance, operations, and administration unrealistic. Where appropriate in this report, we note areas where it may be useful for the Department to devote additional resources in the future or to partner with its rich academic and intellectual resources to explore further or to conduct additional analysis.

21CP approached its engagement with DMPD, and the crafting of the recommendations contained in this report, with humility. Although we believe that the recommendations outlined here are grounded in best practices, emerging and promising approaches, and an understanding of critical dynamics in Des Moines, 21CP is not a part of the Des Moines community. It is very possible, if not probable, that these and other limits to our approach may have led us to overlook details, miss nuance, or bypass some areas of importance.

This report aims to provide specific guidance, and practical recommendations, for DMPD. Many recommendations are highly specific or unique to DMPD and the needs of the Des Moines community.

However, as noted previously, DMPD and the City of Des Moines are not alone in encountering the topics that this report addresses. 21CP has conducted, and is conducting, similar reviews for other municipalities that address many of the same issues and topics. Perhaps unsurprisingly, given the common challenges that communities and police departments are facing, some of the recommendations we propose for DMPD are the same. Indeed, some portions of this report address the logic and rationale for those recommendations using the same language, examples, discussions, and/or citations as we did in reports prepared for other communities or in other contexts. Nevertheless, even where this report makes the same or similar recommendations to those that may apply to other communities, the specific realities of DMPD and the Des Moines community are the focus and foundation of all of this report's recommendations.

Finally, this report does not have all of the answers. We do not have all of the answers. For that matter, it is unlikely that any one Des Moines stakeholder alone has all of the answers when it comes to issues surrounding policing and community safety. In that spirit, this report is aimed at identifying some specific approaches that DMPD and the DMPD community might embrace to help strengthen and enhance policing and public safety in Des Moines.

### III. CONTEXT & BACKGROUND

#### A. Des Moines Police Department Overview

The Des Moines Police Department is the largest and most urban law enforcement agency in the State of Iowa. DMPD was created in 1869<sup>7</sup> and today serves a population of over 212,000 residents.<sup>8</sup> The Department is organized into four Divisions:

- Administrative Services Division
- Operations Division
- Investigations Division
- Executive Projects

A copy of the Department's organizational chart is included below, providing details concerning the operational units falling under each Division.<sup>9</sup> As of December 31, 2022, the Department's authorized strength was 373 sworn and 103 civilian employees.<sup>10</sup> Because Des Moines has encountered difficulty recruiting and retaining employees at the authorized level, similar to other departments across the country, the actual number of employees at the end of 2022 year was 356 sworn and 95 civilians.<sup>11</sup> The majority of sworn and civilian employees (274) are assigned to the Operations Division (Patrol Services and Homeland Security), with 89 individuals assigned to the Investigations Division, 75 working in the Administrative Services Division, 11 providing Administration and Office of Professional Standards, and two individuals assigned to Executive Projects.<sup>12</sup>

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<sup>7</sup> [https://www.dsm.city/departments/police-division/general/chief\\_of\\_police.php](https://www.dsm.city/departments/police-division/general/chief_of_police.php)

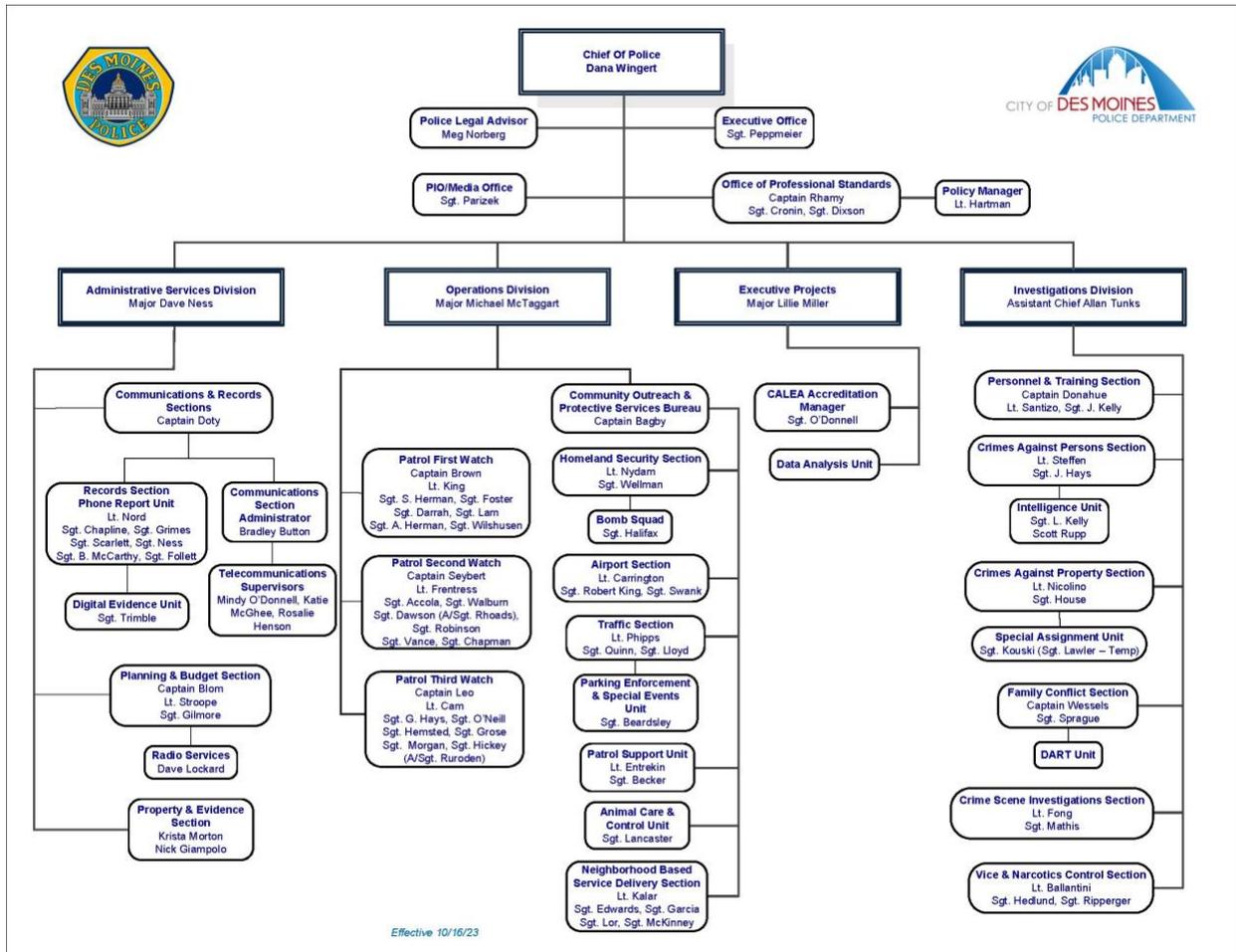
<sup>8</sup> Based on 2020 Census conducted by the U.S. Census Bureau.

<sup>9</sup> This version of the DMPD organizational chart was accessed by the 21CP team on December 6, 2022. The individuals assigned to a particular Division or Unit might have changed in some circumstances since the access date.

<sup>10</sup> "Des Moines Police Department Personnel Report, As of December 31, 2022."

<sup>11</sup> Note that the total number of DMPD employees reported here (451) is different than the total (459) reported above when discussing the race/ethnicity of employees, likely because the City's Human Resources Department compiled the race/ethnicity data and perhaps used different parameters.

<sup>12</sup> *Id.*



As multiple stakeholders noted during interviews, the number of authorized sworn personnel in the Department has not kept pace with the growth of the Des Moines population. For example, using data provided to 21CP and reported in the chart below, in 2000, there were approximately 538 Des Moines community members for every authorized sworn officer. In 2016, that number rose to 562 Des Moines individuals for each authorized officer, and in 2020, the number increased to 574. In other words, over the past 20 years the population of the City of Des Moines has increased significantly, but there has been no comparable increase in the authorized strength size for DMPD.

<b>DMPD Authorized Personnel Over Time Compared to Des Moines Population and Calls for Service<sup>13</sup></b>			
	2000	2016	2020
<b>Des Moines Population</b>	198,682	210,330	217,945
<b>DMPD Personnel (Authorized)</b>	415	481	476
<b>Sworn Personnel</b>	369	374	372
<b>Civilian Personnel</b>	46	107	104
<b>Calls for Service<sup>14</sup></b>	Unknown	190,734	195,576

The Department is led by Chief Dana Wingert, a 31-year veteran of the DMPD, who has headed the organization since 2015. His immediate leadership group consists of the Assistant Chief, all Majors, and members of the Chief’s Executive Office. The Chief reports to the City Manager of Des Moines, under the City’s Council-Manager form of municipal governance.

**B. Types of Data Considered and DMPD Data Reporting Generally**

21CP reviewed a number of reports focused on DMPD metrics, including (though not limited to) a broad evaluation of DMPD’s approach to data, DMPD’s annual statistic reports for the years 2018 - 2022, and various batches of data available on the website from Just Voices Iowa, a nonprofit community organization working to ban alleged racial profiling by the DMPD. While the City has maintained that the Just Voices data contains a number of factual inaccuracies, 21CP reviewed and considered all data presented during the assessment.

Early in the assessment process, the 21CP team reviewed the Law Enforcement Data Report (Public Works Report) produced in April 2022 by Public Works LLC (Public Works), which highlighted a number of general data reporting challenges also encountered during 21CP’s

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<sup>13</sup> Personnel numbers reported in this chart for 2020 were derived from the Des Moines Police Department Personnel Report, January 31, 2020. All Des Moines population figures and DMPD personnel numbers for 2000 and 2016 were extracted from a document called "Staffing Overview, 1900 - 2040," which was provided to 21CP by Union leadership. The City noted the Union documentation differs from official City data. As both the City and the Union support the goal of increased staffing, aligning on a common set of DMPD personnel and Des Moines population figures and other relevant data will contribute to a transparent assessment of recruitment and hiring efforts.

<sup>14</sup> The calls for service figures were derived from a CAD-CFS (Calls for Service) document provided by the City that lists a yearly total for calls for the years 2016 - 2022. After a high of 204,481 calls for service in 2018, for the years 2020, 2021, and 2022, there was an average of 196,515 calls per year. Also, the City noted that the number of calls classified as Priority 1 has been rising.

assessment.<sup>15</sup> Public Works studied the types of law enforcement data that DMPD collected, analyzed and applied to Departmental practices and policies, and shared with the Des Moines community. Public Works found that DMPD collects data on stops resulting in citations, arrest data, calls for service, use of force, offenders and victims of crime, but determined there was room for improvement based on promising practices in the law enforcement field and insights gained from the Des Moines community. Public Works' recommendations were organized around the "basic principle that data systems should achieve four core attributes - they should be accountable, analytic, transparent, and actionable."<sup>16</sup> 21CP agrees that the Department should strive to ensure its data systems meet these core attributes and has learned more during its assessment about the progress being made and the challenges that have been encountered as DMPD has worked to enhance its data collection, analysis, and reporting functions. A letter dated May 31, 2023, to the Des Moines Mayor and City Council Members from City Manager Scott Sanders and Police Chief Dana Wingert provides a summary of progress made to implement the Public Works recommendations, with updates noted throughout this report when relevant to 21CP's assessment. Overall, the City continues to make progress on the recommendations, including significant progress in *collecting* data under the report's "Accountable" section, though reporting in the "Analytic" section remains limited. Finally, in the "Transparency" section remains in progress.

The 21CP team also was provided copies of DMPD annual statistics reports for 2018 through 2022, including specific reports on use of force, which are available through DMPD's website. Each statistics report provides information on:

- Calls for service by priority level and source (wireless 911, landline 911, and non-911)
- Narcotics seizures, including type, amount and street value for leading drugs seized
- Crimes cleared, listed by type (burglary, arson, theft, motor vehicle theft, murder, rape, robbery, and aggravated assault) and number and percentage cleared for each type.
- Reports on the amount, type, and level of uses of force across the DMPD.

These reports provide numbers and/or percentages for the various categories listed, but there is no analysis such as consideration of trends within the data, how the data compares to other years, whether it represents improved public safety or challenges for the Department and Des Moines. In other words, most of the data is good and important to report, but the reports do

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<sup>15</sup>[https://cms2.revize.com/revize/desmoines/document\\_center/Police/Data%20Reports/20220421%20DSMcity%20Law%20Enforcement%20Data%20Report.pdf?pdf=April%202022%20-%20Law%20Enforcement%20Data%20Report&t=1667315903632&pdf=April%202022%20-%20Law%20Enforcement%20Data%20Report&t=1667315903632](https://cms2.revize.com/revize/desmoines/document_center/Police/Data%20Reports/20220421%20DSMcity%20Law%20Enforcement%20Data%20Report.pdf?pdf=April%202022%20-%20Law%20Enforcement%20Data%20Report&t=1667315903632&pdf=April%202022%20-%20Law%20Enforcement%20Data%20Report&t=1667315903632)

<sup>16</sup> *Ibid.*, ii.

not appear to be reviewed and analyzed in such a way as to make it actionable for leadership at DMPD.

For example, while comparisons are made of amounts of use of force year over year, the reports offer no analysis of why the trend line occurred—or if anything should be done to address the change. Most of the annual statistics reports also include recruit class details for that year's newly hired officers. In 2018, DMPD also issued a picture-filled document called "Always - Community Report," which provides information about the Department, its mission and values, and some of its services.

Finally, in community stakeholder meetings, 21CP learned about the work of Just Voices, which obtained citation and arrest data involving stops by DMPD officers from the Iowa Department of Transportation and the Polk County Sheriff's Office. Just Voices analyzed records from January 1, 2016 - December 31, 2020, by race and from a number of perspectives, including:

- All citations issued for any reason and resulting actions such as arrests and bookings, for certain offenses
- Stops leading to equipment violation citations
- Stops resulting in speeding violation citations
- Arrests for interference with official acts

According to representatives from Just Voices, there is an absence of laws in Iowa banning racial profiling and pretextual stops and these various analyses indicate "racial bias in policing is a key factor in higher rates of traffic stops, citations, and arrests among Black people."<sup>17</sup> Just Voices also created a list of officers noting for each officer the number and percentage of people arrested by race. DMPD representatives indicated that some data included in the Just Voices' analyses was incorrect and, regardless, the Department did not agree with its conclusions. Just Voices' representatives stated that the organization shared its data analyses with DMPD, but that the Department did not provide feedback or otherwise engage Just Voices about the analyses and conclusions reached. As stated above, while the City refutes much of the data and the conclusions drawn from the data presented by Just Voices, 21CP reviewed all material provided, regardless of source, during the course of its review of the Department. While the City is not responsible if a community member or group fails to accurately analyze and report on DMPD data, and recognizing that differing conclusions might be drawn from the same set of data, DMPD's continuing efforts to implement the Public Works' recommendations

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<sup>17</sup> <https://justvoicesia.org>

to enhance the Department's data collection, analysis, and reporting functions will help serve accountability and transparency goals.

### **C. Overview of External and Internal Stakeholder Views About the Department and Policing in Des Moines**

The 21CP team heard a range of perspectives from both external and internal stakeholders about ways DMPD does a good job in providing public safety services in Des Moines and how the Department can be improved. Many external stakeholders noted that DMPD does a very good job in connecting with the community through its Neighborhood Based Service Delivery (NBSD) Unit and that more officers should be assigned to work in the NBSD Unit. Other stakeholders stated that all DMPD officers should be using community policing principles and be more engaged with community members regardless of their assignment. A number of external stakeholders and city government representatives commented that most DMPD officers are service-minded, committed to the Des Moines community, and try to problem solve—all traits that are viewed as part of the Department's culture.

A group of external stakeholders feel strongly that DMPD officers regularly engage in racial profiling and biased policing, particularly for stops, citations, and arrests, as discussed above. Others were less focused on issues of potential racial bias and more concerned with what they believe was an overly militaristic approach used by the Department during the Summer 2020 protests following the murder of George Floyd. Many external stakeholders expressed concern about both issues.

External stakeholders fairly consistently commented on a lack of alternative responses to mental and behavioral crises available through the DMPD. While everyone agreed that the availability of alternative responses is integral to reducing police use of force and for providing avenues to treatment instead of arrest, there was little awareness among many stakeholders of the work of the Mobile Crisis Response Team (MCRT) and the Crisis Advocacy Response Effort (CARE), programs provided in partnership between DMPD and Broadlawns Medical Center (BMC). For community members who are aware of MCRT and CARE, they strongly felt that more budgetary and personnel resources should be made available to expand these programs.

Some community stakeholders expressed an interest in seeing more diversity among DMPD officers and opined that more diversity might increase community policing and help in building a sense of trust between minority community members and the Department. Others noted the challenge all police departments are encountering in hiring and retaining qualified applicants, regardless of race/ethnicity considerations.

Two traits mentioned frequently were a lack of openness to criticism and resistance to change among DMPD leadership. Both stakeholders who are often critical of the Department and others who are generally supportive made these observations. Many also expressed the opinion that the Department's approach to external communications, including with the media, is often defensive and dismissive of community concerns. An example that was provided by community members and some City government representatives concerned a 2021 draft City Council ordinance to make marijuana possession the lowest enforcement priority for DMPD. Chief Wingert responded to the effect that it is problematic to treat any offense as more or less of an enforcement priority, beyond what is established by the Iowa Code.<sup>18</sup> The Chief minimized the ability of DMPD to prioritize enforcement activities, from the perspective of some stakeholders, and did not engage in problem-solving with community members and City Council about alternative ways to address the issues involved.

The issue of treating marijuana possession as a low-level enforcement priority was included with a list of concerns presented to City Council by the Iowa Citizens for Community Improvement (CCI). Other issues raised in a 6-point plan included demands to ban racial profiling, ban pretextual stops, mandate annual data collection and data collection release to the public, create a citizen's review board, and implicit bias and de-escalation training.<sup>19</sup> CCI and others were successful in urging DMPD to document all stops they make, rather than only making a record when a citation is issued or an arrest is made. CCI and Just Voices argued that documenting all stops is necessary for the collection and analysis of such data to determine if Blacks or other minorities are stopped more frequently than would be expected given their representation in the local population. The City notes that DMPD began collection of data on all stops in October 2022 on its own volition to improve data transparency and at the recommendation of the Public Works report.

Stakeholders who are internal to the Department - sworn and civilian personnel - also expressed a range of perspectives about their experience providing public safety services in Des Moines. For example, the following two employee comments demonstrate very different perspectives about working for the Department:

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<sup>18</sup> <https://www.desmoinesregister.com/story/news/2021/01/26/des-moines-prepares-decriminalize-pot-legalize-marijuana-iowa-legislature-congress/6699546002/>

<sup>19</sup> As reported in section IV.F Fair and Impartial Policing, state law requirements that new police recruits receive training on biased policing and DMPD provides annual in-service training on implicit bias and related topics. De-escalation training also is taught during the Academy to new recruits and through in-service training. DMPD arranged to have the Police Executive Research Forum (PERF) train officers in a de-escalation approach called Integrating Communications, Assessment, and Tactics (ICAT). It was very well received in the Department

"DMPD is the best department to work for in the state of Iowa. I believe there is a reason we don't have officers leaving for other departments. It is because we have a great department that has solid leadership, excellent training, opportunities for advancement and great pay/benefits."

"For being the largest department in the state we should be leading the way in training, facilities, policies, equipment, standards, etc. In my experience we are behind in all of this and it's embarrassing."

There was general agreement among internal stakeholders that DMPD has a culture of continually asking employees to do more with less. While some employees see this as a positive attribute, in that employees are fulfilling the Department's mission despite a lack of resources, most expressed dismay and believe DMPD has reached a tipping point.

There was concern expressed in some of our interviews about how employees' mental health is being impacted by what some perceived to be relentless work schedules and ways in which newer recruits will be disappointed (and maybe leave) by the state of the Department's technological resources. Despite growth in the Des Moines population and the number of people who commute into the city to work and for other activities, many DMPD employees pointed to staffing levels that have remained relatively constant since at least 2016. One officer commented, "I've never been more stressed at any point while working for this Department," and said the stress had impacts on the job and while at home. The City noted that sworn and civilian employees' work schedules are negotiated and that most overtime is voluntary, though appreciate some employees might feel pressured to work overtime. While DMPD is attempting to address some of its technological deficiencies, some employees expressed concern about the risk management problems created when employees cannot complete relatively simple tasks, such as uploading evidence, and continually need to look for work arounds or simply ignore the task at hand.

An example that was given about ways staffing problems can snowball was that of DMPD's practice of using acting sergeants even when there are not enough officers available to cover basic patrol. One internal stakeholder commented that, "[i]t seems there are never vacancies on command staff, but other positions are not filled." Whether accurate or not, some have the perception that DMPD leadership prioritizes filling higher level positions over support for the rank and file.

DMPD civilian employees as a group indicated within the survey results and during interviews that they do not feel valued, wanted, respected, or heard. As with sworn personnel, civilians report that minimum staffing has not changed in many years. These stakeholders expressed strong dislike for the 6/2 rotation schedule and resent having to work mandatory overtime.

DMPD personnel are also deeply frustrated by the Civil Service Commission promotional practices. Many feel the process is unfair and can result in the wrong person being promoted based on an applicant's test taking skills alone. Internal stakeholders also pointed to a lack of transparency with both the promotional system and with the selection process for assignments outside of the formal ranking system, which feeds a sense of distrust among many employees.

Only forty-three percent (43%) of all employees who responded to 21CP's survey believe that there is a culture of trust in the Department. Similar to some community stakeholders in the advocacy field who find DMPD leadership to be defensive and dismissive, a number of internal personnel shared experiences of having their problem-solving ideas disregarded and essentially being told, "This is the way we've always done things." Given that many employees do not perceive DMPD to demonstrate a culture of trust, even if their ideas were duly considered, the employees might perceive there is a lack of openness and receptivity in the organization.

There is a lack of understanding inside the Department and with the Des Moines community about the organization and some of its activities. For example, many internal and external stakeholders were unaware of the Public Works' study or did not know any details about DMPD's implementation strategy or if progress is being made on the recommendations—despite numerous attempts by the City to communicate about the report (including at in-service trainings, discussions at City Council and publishing the report on its website). Survey data points to a lack of communication as a likely explanation for this lack of knowledge about the Public Works study among employees. Forty-three percent (43%) of employees who responded to the survey disagree there is good communication in the Department and thirty-one percent (31%) do not think they receive needed information in a timely manner. The need to develop varied and repetitive communication methods, depending on the significance of the message and the intended audience, has been discussed with the City Manager's Office, Chief Wingert, and others.

The external and internal stakeholder concerns summarized above are discussed throughout this report and 21CP's recommendations are aimed at addressing such problems that were raised by those providing input to the assessment, along with other issues identified by 21CP.

#### D. CALEA Accreditation

DMPD is undergoing the process of obtaining accreditation by the Commission on Accreditation for Law Enforcement Agencies ("CALEA"). While there are a number of benefits associated with accreditation, including helping a police department develop an organizational framework and perceptions of increased professionalism, CALEA accreditation should be considered just one of many steps DMPD can take to ensure it meets community expectations about public safety services.

"CALEA was founded in 1979 by the International Association of Chiefs of Police, the National Organization of Black Law enforcement Executives, the National Sheriffs' Association, and the Police Executive Research Forum."<sup>20</sup> The process of CALEA accreditation involves, primarily, an agency assessing itself against a set of codified standards.<sup>21</sup> CALEA representatives then conduct a one-week, on-site visit. CALEA does not provide an agency with policies, procedures, or protocols. Instead, it provides a mechanism for the police agency to assess itself along many dimensions and for CALEA representatives to verify compliance with these standards. Many CALEA standards relate to organizational, managerial, and administrative concerns like "personnel administration," "detainee and court-related services," and "auxiliary and technical services."<sup>22</sup> Proponents of accreditation say that:

The benefits of accreditation are improved police effectiveness, identification of problem areas, the development of documentation of performance, decreased insurance premiums, decreased liability potential, and demonstration to the community that its police department runs a state-of-the-art operation.<sup>23</sup>

Such advocates "claim that accreditation facilitates the diffusion of best practices and builds a culture of professionalism in an agency."<sup>24</sup>

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<sup>20</sup> S. Daughtry Jr., "Time to Take Another Look at Law Enforcement Accreditation," 63 *Police Chief* 20 (1996).

<sup>21</sup> *Id.* ("The heart of the accreditation process is the self-assessment phase, in which the agency measures its efforts against each standard and prepares a brief file that documents compliance.").

<sup>22</sup> Jim Burch, National Police Foundation, "CALEA Accreditation - A Platform for Excellence and Reform," <https://www.policinginstitute.org/onpolicing/calea-accreditation-a-platform-for-excellence-and-reform/> (last visited June 10, 2023).

<sup>23</sup> Manuel P. Teodoro & Ada J. Hughes, "Socializer or Signal? How Agency Accreditation Affects Organizational Culture," 72 *Public Administration Review* 583, 583 (2012).

<sup>24</sup> *Ibid.*

There is some evidence that accreditation may be beneficial, especially with respect to how people view the professionalism of a police department. Some studies have identified meaningful differences in accredited agencies with respect to police officer selection and training.<sup>25</sup> When surveyed, police departments say that they "view accreditation as beneficial to their departments."<sup>26</sup>

However, other studies cast doubt on whether accreditation is linked to enhanced performance. Because accreditation "standards reflect greater concern with internal organization issues than with substantive community problems," obtaining a CALEA accreditation does not automatically correspond to better policing outcomes.<sup>27</sup>

For instance, an often-cited study found that an agency's accreditation was not statistically related to the organization's number of use of force incidents.<sup>28</sup> A separate examination of police departments in Florida found that "accreditation status does not affect violent and property crime clearance rates," with such rates more affected by an agency's number of officers and "law enforcement expenditures per capita."<sup>29</sup> Another study of 628 departments found "that no difference exists between CALEA-accredited agencies and non-accredited agencies in: (1) the total number of complaints received; (2) the number of sustained citizen complaints."<sup>30</sup> Other research found that "agency accreditation was not associated with the degree to which officers engaged in community oriented policing activities."<sup>31</sup> A further study found "no association between accreditation and officers' own values."<sup>32</sup>

To this extent, then:

Police agency accreditation endures because it provides a veneer of professional assurance while accepting a wide range in the substance of formal policies, most of which have little consequence for the

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<sup>25</sup> Stephen A. Baker, *Effects of Law Enforcement Accreditation: Officer Selection, Promotion, and Education* (1995).

<sup>26</sup> S. Cheurprakobkit, "Law Enforcement Accreditation," 3 *Telemasp Bulletin* 2 (May 1996).

<sup>27</sup> G.W. Cordner & G.L. Williams, "Community Policing and Accreditation: A Content Analysis of CALEA," *Quantifying Quality in Policing* (Larry T. Hoover, ed. (1996)).

<sup>28</sup> Geoffrey P. Alpert & John M. MacDonald, "Police Use of Force: An Analysis of Organizational Characteristics," 18 *Justice Quarterly* 393, 405–06 (2001).

<sup>29</sup> William M. Doerner & William G. Doerner, "Police Accreditation and Clearance Rates," 35 *Policing* 1, 1 (2012).

<sup>30</sup> Ross A. Wolf, "Accreditation in Police Agencies: Does External Quality Assurance Reduce Citizen Complaints," 90 *The Police Journal* 1 (2016).

<sup>31</sup> Richard R. Johnson, "Examining the Effects of Agency Accreditation on Police Officer Behavior," 15 *Police Organization Review* 139 (2013).

<sup>32</sup> Manuel P. Teodoro & Adam J. Hughes, "Socializer or Signal? How Agency Accreditation Affects Organizational Culture," 72 *Public Administration Review* 583, 583 (2012).

day-to-day practices of police . . . Its greatest significance is in the symbolic realm, not the everyday experiences of the police and the public.<sup>33</sup>

DMPD is committed to the CALEA process and currently working to align its policies to CALEA standards. To the extent that the CALEA framework and requirements help the Department organize its operations, this may be useful. To help ensure feedback from the community is considered, CALEA requires that a public portal be created for community members to comment on an agency's compliance with CALEA standards, delivery of public safety services, engagement with the community, and other concerns.<sup>34</sup> 21CP was informed that though CALEA only requires the portal be available 60 days each year, DMPD elected to keep the portal open continuously.

Ultimately, however, “CALEA provides agencies with a blueprint for ‘what, not how’”,<sup>35</sup> leaving police departments to determine for themselves the best ways for *how* to precisely address issues for their communities. The body does not certify the *effectiveness* of what a department like DMPD is doing to realize the *outcomes* that its community wants. CALEA is a framework, not a prescription. A department’s assertion that something has been “CALEA-certified” does not necessarily mean that it aligns with best practices, that it is effective in realizing positive outcomes, or that it aligns with the values and needs of the community.

As such, the accreditation process should be considered a foundation and not a ceiling for DMPD’s efforts to provide the Des Moines community with just, fair, effective, and equitable public safety services. Therefore, and as previously described, this report looks to best practices, the promising experiences of peer departments, research, evidence, data, and the experiences of Des Moines stakeholders to identify opportunities for the Department to better serve the Des Moines community. There is little, if any, downside in participating in the CALEA process, and much good can come of it (e.g. addressing policy gaps), but it is important to understand how and in what ways it assists the Department, and not expect it to be a panacea for internal or external challenges.

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<sup>33</sup> S. Mastrofski, “Police Agency Accreditation: A Skeptical View,” 21 *Policing* 202, 205 (1998).

<sup>34</sup> <https://cimrs2.calea.org>

<sup>35</sup> Jim Burch, National Police Foundation, “CALEA Accreditation – A Platform for Excellence and Reform,” <https://www.policefoundation.org/calea-accreditation-a-platform-for-excellence-and-reform/> (last visited Mar. 8, 2021).

#### IV. ASSESSMENT AREAS

As noted above, our overall assessment covered a number of specific subject areas within which reviews of aspects of existing policy, procedures, training, and culture were analyzed. As 21CP conducted its review and research, several other areas of analysis were noted beyond the topics listed in the original scope, including issues related to hiring, promotions, and the 30X30 Initiative. Also, while policy, procedure, training and culture are considered in each section, we have provided an additional separate section for review of overarching culture issues of note that we observed during the course of our work.

##### A. Voluntary Contacts, Field Interrogations, Stops, Searches, Seizures

Along with use of force, stops by police of residents and visitors—and how those stops are effectuated and handled—are a major touch point for communities across the country, often regardless of if the department uses best practice policies and procedures. Our research and focus groups suggested that Des Moines is no different than many other US cities in this regard. We encountered a number of community members and groups who had questions about, and raised issues with, stop and search policy and practice at DMPD, including specific instances of behavior that were questioned. 21CP accordingly considered data of stops and searches, policies around these practices, and the training and culture of DMPD surrounding these types of encounters with police to determine if the Department’s practices are aligned with best practices.

**RECOMMENDATION 1: DMPD should complete all recommendations from Public Works Report regarding data collection regarding stops, searches, and racial/demographic data for each. Recognizing that DMPD can only do so much in this regard unless it is supported by the City of Des Moines, we recommend that the City prioritize providing financial and staffing support for DMPD in hiring data analysts and building infrastructure to publicly report (through information dashboards) this data.**

Here, as in other parts of our analysis, we were hampered because of the lack of data that is described above and outlined in the Public Works Report, and were thus unable to determine how the department compared to others in terms of types, numbers and demographic breakdowns of stops and searches. Because there are few state or federal regulations that require reporting of this information, it is not unusual for departments to still not collect robust data or information about stop encounters. However, many departments, particularly departments in larger jurisdictions, have long collected this information and it is, in our experience, a best practice. After recognizing that the Department and the Des Moines

community lacked sufficient ability to understand, analyze, supervise, and scrutinize a core component of police officer activity, DMPD recently took the step of requiring that officers routinely report uniform information about all stop encounters. DMPD should continue to meaningfully and fully implement the recommendations from the Public Works Report.

**RECOMMENDATION 2: DMPD should, through the use of current staffing or hiring of data analysts or auditors, build formal feedback structures through which the organization reviews, analyzes and reports out on data trends in stops, searches, and seizures.**

Many departments, like DMPD, report out data such as stops, arrests, and uses of force in annual reports without context as to how the raw data informs the work of the department. On some level, this is not surprising: police departments are charged primarily with protecting the peace and ensuring rapid response when crime occurs. However, with the rise of data analysis, the modern best practice for a department includes hiring (mostly) civilian staff to manage the data developed in the delivery of policing services, analyze the information, and ensuring that there is sufficient capable staff to determine what conclusions can be drawn from the work.

Although 21CP was unable to deeply review data related to searches and stops, we were able to review some summary data work (cited above) and review DMPD's search and seizure policies and compare them to our experience, conduct focus groups of officers on their approaches to these topics, review trainings on search and seizure, and complete a number of ride-alongs to observe departmental practice in the field.<sup>36</sup>

**RECOMMENDATION 3: Given that DMPD has recently completed its update of, and published, the specific chapter of policies on voluntary contacts and another on "stops, searches, and seizures," it should continue to regularly review and refresh these policies, in alignment with national best practices.**

Generally, in recent years the City noted that the topics of stops, seizures, and searches needed to be more deeply addressed and updated in DMPD policies. The City specifically noted the need to review its policies to align them with best practices and was in the process of updating these policies during the period of 21CP's review. The policies that were reviewed by 21CP included significant limitations from what would be expected in a modern search and seizure

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<sup>36</sup> Policies reviewed included the following:

- GO Chapter 22.4 Vehicle Impound and Inventory Search Property
- GO Chapter 22.2 Disposition of Property
- GO Chapter 22.1 Property - Money, Drugs, Firearms, Hazardous, Digital, Bulk Size
- GO Chapter 22 Property and Evidence Handling Size

policy, or suite of policies, so that this critical subject could provide specific information to officers about the complex legal and procedural requirements associated especially with involuntarily detaining individuals based on reasonable articulable suspicion and, in some instances, conducting limited searches during those encounters. Although some topics relating to detentions and searches were referenced in some DMPD policies that 21CP was provided (e.g., “Seizure for Forfeiture” and “Vehicle Pursuits” policies), the core Fourth Amendment issues surrounding stops, searches, seizures, and arrests that are critical—and too regularly implicated by typical police work—needed to be addressed and updated by DMPD. While these topics were covered by training, DMPD noted the need to align itself with the ever-growing number of police agencies that provide specific, pragmatic guidance to officers to ensure that interactions are fair, legal, and effective. 21CP is aware the policies have now been updated and we encourage the Department to engage in an ongoing process of reviewing and refreshing these policies as much as is practicably possible.

**RECOMMENDATION 4: Given the recently published policies on search and seizure, DMPD should also refresh its training systems to ensure all officers have a baseline understanding of DMPD’s approach to, and respect for, constitutional practices around these topics.**

By the time 21CP completed its assessment, DMPD addressed concerns that policies related to stops, searches, and seizures required updating, both to align with best practices and as part of its work to achieve and remain in compliance with CALEA accreditation. In alignment with best practices and given these recently updated policies, DMPD should continue to provide regular training to officers on stops, searches, and seizures.<sup>37</sup> Training on these and other core topics should incorporate modern adult learning techniques grounded in interactive, scenario-based approaches.

**RECOMMENDATION 5: DMPD should undertake a review of best practices for tracking and improving policies and practices through accountability systems specifically. This effort will allow the Office of Professional Standards to determine moving forward what trends and patterns may have existed, or continue to exist, in all areas where improvement is necessary and determine training and culture around these topics.**

One additional area of significant concern that should be addressed, and will be discussed below in both the use of force section and culture regards the DMPD accountability systems. DMPD currently employs an internal system for cataloguing, addressing, and managing

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<sup>37</sup> The City notes that it provides such training at the Academy and through training bulletins, exercises, and through in-service training.

complaints around officer conduct.<sup>38</sup> While we will discuss accountability systems more broadly below, as it relates to stops and searches it was unclear to 21CP in our interviews how the current accountability model catalogues complaints about these topics in order to isolate problematic trends or areas for specific training. In our experience, healthy accountability systems will use the data they capture in community (and supervisory) complaints around stops, searches, and seizures to determine what areas might be ripe for training and overall department improvement. For instance, if the department determines that a disproportionate number of poor interrogations have occurred in one division, the problem may be best dealt with through a systemic solution of improving training or supervision—rather than disciplining individual officers. In our estimation, adopting this approach, and a more systematic review protocol in the Office of Professional Standards, could be very beneficial for DMPD.<sup>39</sup> In many ways, developing a systemic approach to complaints and challenges in DMPD practices will allow the Office of Professional Standards in the future to serve in the role 21CP has done in this report.

**RECOMMENDATION 6: Efforts should be made by DMPD leadership to reengage community members who are particularly concerned about the issue of stops and searches, and public effort should be made, to the extent possible, to further explain high profile events such as those described throughout this report.**

Some community members 21CP interviewed and news stories reviewed focused on several high profile or particularly concerning events, including several stop encounters that raised concerns about the search practices at DMPD. These events included the stop of a son of an activist and concern around the arrest of a mentally disabled individual (specific factual

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<sup>38</sup> DMPD's Office of Professional Standards is responsible for overseeing the Department's complaint system. As stated on the Office website ([https://www.dsm.city/departments/police-division/general/office\\_of\\_professional\\_standards.php](https://www.dsm.city/departments/police-division/general/office_of_professional_standards.php)), complaints are resolved in the following fashion:

**"Informal Inquiries** - Inquiries that are minor in nature and can be resolved without a formal process may be referred to the officer's supervisors. The supervisors will investigate the inquiry, communicate with the initial caller, and identify a resolution to the inquiry.

**Formal Inquiries** – (1) The Office of Professional Standards personnel will determine if the complaint should rise to a formal investigation. OPS will interview and obtain statements from the citizen and all available witnesses. All relevant material and evidence will be made part of the investigation; (2) When the investigation is complete it will be forwarded to the employee's supervisor and commanding officers. The officer's chain of command will review the investigation and make recommendations to the Chief of Police; (3) The Chief of Police will determine the final outcome and disposition of the investigation; (4) The investigation and the Chief of Police's findings will be reviewed by a committee consisting of the City Manager, Human Rights Director, and City Attorney; (5) The City Manager will either concur with the disposition as determined by the Chief of Police or refer the matter back to the Police Department for further investigation and consideration; and (6) The citizen will receive a final letter from the City Manager summarizing the department's findings."

<sup>39</sup> See generally, <https://portal.cops.usdoj.gov/resourcecenter/ric/Publications/cops-p164-pub.pdf>

descriptions about the incidents are included in the footnote).<sup>40</sup> Further, several community members referenced “stop and sniffs” and indiscriminate stopping of people of color in Des Moines as a systematic problem with DMPD.

Although we were unable to determine through data analysis if any widespread problem exists, it was clear that communication between DMPD leadership and some community members has broken down, making it difficult for the Department to provide its perspective on high profile incidents in ways that will help assure the community that it promptly and thoroughly investigates and addresses all officer conduct that is alleged to be unlawful. While this topic is discussed more thoroughly below, it is worth mentioning here due to the connection to stops, arrests, and use of force specifically. To the extent that such relationships can be mended, it would be advisable to do so, as it would be exceedingly beneficial to the community's understanding of both constitutional stops and searches, as well as other issues addressed in greater detail below in this report. Further, it was clear from our interviews with DMPD staff and leadership that they did not fully recognize the level to which the above incidents caused rancor for some in the community. While each of these incidents was complex and difficult to explain to community members, it did appear useful to 21CP for DMPD to work more intentionally to describe the “what and why” in each of these incidents—why it occurred, and what actions were taken by the Department in response to any problematic conduct discovered.

## B. Use of Force

Use of force, like search and seizure, is an issue of fundamental concern to most residents. Whether it be unlawful arrests or issues that lead to the physical harm or death of residents, force is both a quotidian and fundamental concern. While policies that ensure all police use force safely and constitutionally are obviously important as a fundamental matter, policies that guide the consistent and accountable application of force, including de-escalation and the use of alternatives to force, advance equity and fairness by bringing clarity to expectations. When

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<sup>40</sup> A March 17, 2023, letter from Harvey Harrison of Just Voices to the 21CP team leads, Roberto Villasenor and Kathryn Olson, cited and described at least ten incidents, several that were mentioned by community members on multiple occasions including:

- The stop of Montray Little and Jared Clinton – A 2018 incident allegedly involving a pretextual stop and racial profiling leading to a \$75,000 legal settlement with the City of Des Moines.
- An alleged excessive use of force in arrest of Lentern Woods – A 2021 incident involving a man with long-term mental health issues who was observed walking and was stopped by a DMPD officer in a vehicle, eventually leading to a videotaped incident involving allegations of excessive use of force.
- An alleged pre-textual stop of Clifford Wright – A 2022 incident observed by Just Voices member Laural Clinton.

officers know what, when, and how to use and report force, any disparities in application are more easily analyzed. As such, the recommendations below, although in large part technical, will better promote principles of equity around the use of force. One need look no further than recent events in Minneapolis or Louisville to understand how critical these issues are and could become in Des Moines.

Here, in contrast to the section above, DMPD does report out data on use of force, separately from data included in its annual statistics reports. Throughout 21CP's assessment, we were able to review the DMPD policies, many of which the Department is currently updating to align with the CALEA process described above. Further, we observed how policy was put into practice through both training and work in the field. It should be noted here that while DMPD does use an electronic database system called BlueTeam<sup>41</sup> to track and report on uses of force, it is unclear how feedback loops are created between the data and systemic changes to training or other follow-up as needed. In other words, while DMPD does a substantially better job of tracking data regarding use of force as compared to stop, search, or seizure data, the effort is not entirely ideal. Individual officers and teams may receive updates on how to improve performance, but this data is not widely shared with the public nor used to create a feedback loop department-wide to improve operational excellence. While state law limits how much officer specific complaint and discipline information can be publicly released, sharing general data about the number and nature of complaints received and overall outcomes, along with details about how DMPD investigates and addresses misconduct, including misuse of force, is vital for improved accountability and transparency.

Community groups with whom we met voiced concerns in a number of our interviews and meetings about a lack of data and transparency around use of force, along with other items mentioned in the Public Works, LLC, report. While DMPD publishes annual use of force reports, publicly identifying any problem issues with uses of force and the steps that will be taken by the Department in response to these issues, provides necessary transparency and can help address community concerns. In 21CP's experience, placing more user-friendly versions of use of force data online, also can be helpful in building better trust between police and the community. Many other departments have put this type of data online, including the Chicago Police Department, Seattle Police Department, and Nashville Police Department. Some departments also use public methods such as force review boards, wherein the department structurally

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<sup>41</sup> BlueTeam is a proprietary software program from IAPro that allows police departments to report, catalogue, and track all uses of force by officers across the organization. The system allows frontline officers to enter uses of force following an incident and then tracks supervisor review and approval through the department's chain of command (<https://www.iapro.com/pages/blueteam>).

reviews significant uses of force with a multitude of leadership and/or community members, to build a better sense of transparency and accountability.

In general, 21CP found the policies are in alignment with national best practices, with a focus on not being overly prescriptive. While many agencies have policies approaching twenty or more pages, it is clear those policies are written by legal experts and are often confusing to the officers. DMPD has incorporated some of the elements of the best practice policies our team members have worked with, and they did it in a very succinct manner—leaving sufficient space for officer interpretation and experience. For example, in alignment with best practices, the de-escalation policy includes clear definition of terms and the required (“shall”) language rather than permissive (“should”) in describing the use of de-escalation techniques.

However, this approach to drafting then requires good scenario-based training (which DMPD does well) and constant feedback loops from the field. Further, in many instances, the policies call out Iowa law, and case law updates are required on an annual basis, all of which is very good, but the Department must ensure that this occurs. The policies that 21CP reviewed included all of the policies the Department indicated addressed use of force.<sup>42</sup>

Additionally, the trainings that we observed were thoughtful and well-crafted with attention to modern approaches to technique, specifically scenario-based training that places officers in real-world situations and tests responses. The team visited the training academy on several occasions and each member was able to observe at least some part of one training or oral materials presented to recruits (though not all observed training involving uses of force). The specific amount of live use of force training observed was limited to one day, but it was diverse and exceeded the team’s expectations.

Policies that guide the consistent and accountable application of force, including de-escalation and the use of alternatives to force, ultimately advance equity and fairness by bringing clarity to expectations. When officers know what, when, and how to use and report force, any disparities

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<sup>42</sup> Policies reviewed included the following:

- GO Chapter 17 Vehicle Pursuits (UOF potential)
- GO Chapter 08.1 Conducted Energy Weapon
- GO Chapter 08 Defensive and Alternate Weapons
- GO Chapter 07.3 Firearms - Bean Bag Shotgun
- GO Chapter 07.2 Firearms - Shotgun
- GO Chapter 07.1 Firearms - AR-15 Rifle
- GO Chapter 07 Firearms
- GO Chapter 06 Use of Force Reporting
- GO Chapter 05 Use of Force

in application are more easily analyzed. As such, the recommendations below, although in large part technical, will better promote principles of equity around the use of force.

**RECOMMENDATION 7: DMPD should consider formalizing the use of a standing use of force review committee or force review board beyond General Order Chapter 6, to include representatives from the training department and professional standards, along with executive leadership and legal personnel, tasked with reviewing every serious use of force. The findings of the committee or board should address how the incident was handled, areas in which it could have been improved, and recommendations for how the Department can improve in addressing similar incidents in the future. Formally identifying a more robust structure and its findings will provide leadership for the Department on how to systematically improve use of force at DMPD.**

Ultimately, any use of force review process should entail a comprehensive, 360-degree inquiry – one that looks squarely at whether the force was consistent with the Department’s policy but also at the extent to which the force, regardless of whether consistent with policy, suggests any tactical, training, policy, or other issues.

**RECOMMENDATION 8: DMPD should revise its policy manual to reflect more clearly the Department’s commitment, in all of its activities, to valuing and upholding equity and fairness, honoring the sanctity of human life, and using de-escalation across all encounters.**

While sharp and thoughtful policies are important in use of force, setting out the important values and direction for DMPD members is critical to ensuring they understand the mentality the Department promotes in its interactions. While some of these topics are covered in other policies, the policies in the Use of Force chapter of the policy manual should be more explicit.

**RECOMMENDATION 9: DMPD or the City Manager should maximize its transparency by publishing data and reports on its website and regularly reporting the information to the Des Moines City Council that include trend analysis and specific actions taken to address any trends and problems identified.**

As covered elsewhere in this report, DMPD must do a better job in learning from the data it collects to become a model 21<sup>st</sup> Century police department. Here, reporting out data publicly and stating to City leadership, and frontline officers, what the Department is learning from what it gathers will go a long way toward improving performance and accountability.

**RECOMMENDATION 10:** Under definitions and de-escalation, DMPD uses “when objectively reasonable, officers shall attempt to utilize de-escalation”. This language should be emphasized to “de-escalation should be employed in all situations where it would not jeopardize the safety of another person or the escape of a suspect”. It should also include “use of barriers” in the definition of de-escalation.

**RECOMMENDATION 11:** The definition of use of force should be amended to ensure that broken bones, such as arms or fingers would qualify as “serious injury.”

**RECOMMENDATION 12:** Under “Procedures - Proportionality,” DMPD should amend the Use of Force policy to include “and adjust accordingly” to the introductory sentence so that the policy reads “[o]fficers shall consider and adjust accordingly throughout their decision-making process:”

**RECOMMENDATION 13:** Under Procedures - Use of Less-Lethal Force, DMPD should adjust the Use of Force policy language to include alternatives in the following section: “[w]hen objectively reasonable, *and no non-force alternative exists*, an officer may consider utilizing agency-approved, less-lethal force techniques.” This approach will encourage officers to focus on creative use of non-force techniques and avoid uses of force overall.

Each of these recommendations will better align the Department’s Use of Force policy with national best practices. De-escalation should be prioritized at all times and language should provide a full understanding of how officers can deploy the tactics as described above. The serious injury, “adjust accordingly,” and “non-force alternative” recommendations better ensure awareness of the impact of officer behavior on others as well as ensure critical thinking is prioritized throughout DMDP officer uses of force.

21CP believes these recommendations reflect best practices in constitutional policing and implementation will build both performance from DMPD officers and trust with the broader Des Moines community. To the extent that any recommendations go beyond a lower bar set by current Iowa law or practices in other jurisdictions in the State, 21CP believes that DMPD would be the better for adopting 21CP's recommendations to be in the national vanguard of police departments across the country.

**RECOMMENDATION 14:** DMPD should ensure in annual reporting that all officers received an annual update to Iowa Statutory updates and case law changes regarding use of force (and all other changes).

Finally, and importantly, given the role that training plays in discrete language used in the Use of Force policy, officers must be informed of case law updates and changes in statutes as soon as they occur so that they can better interpret DMPD policy in the field. While this is generally expected of a professional police department (and it currently managed by DMPD through training bulletins and an annual legislative update), it is critical to place emphasis on this point here given the high priority placed on DMPD's training system and approach of officer interpretation reflected in the drafting of overall policy. Including mention of all such training in DMPD's annual report and otherwise helps to build police legitimacy by assuring the public and elected officials that departmental information and training systems are kept up to date.

### C. Crisis Intervention

The Centers for Disease Control and Prevention estimates that more than 50 percent of Americans will be diagnosed with a mental health disorder at some point in their life; one in five will experience a mental illness in any given year; and approximately one in 25 Americans are living with a chronic, serious mental illness, such as schizophrenia, bipolar disorder, or major depression.<sup>43</sup> Consequently, police officers frequently respond to situations involving individuals experiencing mental health, substance abuse, and other behavioral health challenges. Indeed, studies suggest that as many as 10 percent of all police encounters with the public involve individuals experiencing a behavioral health crisis.<sup>44</sup>

Accordingly, in providing public safety services, police officers often are responsible for responding to incidents involving people with mental or behavioral health challenges - as well as substance abuse disorders, chronic homelessness, and other factors that may make individuals especially vulnerable. Officers are not adequately trained to intervene with people experiencing such a crisis and community members believe that law enforcement's involvement too often results in an unnecessary use of force or arrest.<sup>45</sup> As DMPD Sgt. Lorna Garcia noted in an April 2023 media interview, "[t]he response needs of someone having a mental health crisis are generally far different than someone with criminal intent."<sup>46</sup> Increasingly, police departments use one or more of the following strategies to address police calls that involve mental health behavioral issues:

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<sup>43</sup> Centers for Disease Control and Prevention, *Mental Health, Learn About Mental Health* <https://www.cdc.gov/mentalhealth/learn/index.htm> (last visited Apr. 21, 2021).

<sup>44</sup> Martha W. Deane, "Emerging Partnerships Between Mental Health and Law Enforcement," 50 *Psychiatric Services* 99 (1999).

<sup>45</sup> Smyton, Robin. "How Racial Segregation and Policing Intersect in America." *Tufts Now*, June 27, 2020.

<sup>46</sup> Clayworth, Jason. "Counselors have replaced police in hundreds of 911 responses." *Axios*, April 18, 2023. <https://www.axios.com/local/des-moines/2023/04/18/mental-health-desmoines-police-counselors-911>

- Altering the way police officers are trained to increase their preparedness for these difficult and deep-seated societal challenges.
- Teaming officers with professionals with the knowledge, skills, and experience to address them.
- Investing responsibility for certain types of responses to non-police professionals who are better trained and experienced in providing the types of response and services necessary.<sup>47</sup>

DMPD has used all three strategies, to varying degrees. First, with respect to training, given that roughly one in four people killed by police has a mental health condition, programs that train officers on how to respond to people in crisis hold the potential to save lives.<sup>48</sup> To this end, a 40-hour Crisis Intervention curriculum has been provided to all recruits at the Des Moines Police Academy since 2011. Despite this relatively recent focus on providing this specialized training on behavioral and mental health crises to new Academy recruits, only about half (186 of 370) of sworn DMPD personnel have completed the training. Separately, in Iowa, law enforcement officers, including those at DMPD, are required to receive a minimum of 12 hours per year of law enforcement-related in-service training that includes mental health training.<sup>49</sup> Iowa law requires that, "all law enforcement officers complete a course on mental health at least once every four years. In developing the requirements for this training, the director shall seek input from mental health care providers and mental health care consumers."<sup>50</sup> In 2023, for instance, DMPD provided an in-service training course, "Police Psychology - Management of Posttraumatic Stress," that was taught by Dr. Phil Ascherman, a licensed psychologist.

Research shows that, while providing intensive crisis intervention training to all officers in a department maybe be helpful in some ways, it does not automatically result in a specialized response to those in crisis:

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<sup>47</sup> "Shifting Police Functions," CCJ Task Force on Policing, Policy Assessment (May 2021).

<sup>48</sup> "Shifting Police Functions," at FN 34.

<sup>49</sup> §80B.1, 8.1(1), the Iowa Law Enforcement Academy and Council Act. The list of topics to be addressed are: Annual firearms qualification, National crime information center (NCIC) certification (Federal Bureau of Investigation), Hazard communications (OSHA Standard 1910.1200(h)), Hazard materials (OSHA Standard 1910.120(q)(8)(i)), Bloodborne pathogens (OSHA Standard 1910.1030(g)(2)), Implicit bias/de-escalation training (Iowa Code section 80B.11G), Mental health training (Iowa Code section 80B.11(1)"c"(3)), and Cardiopulmonary resuscitation (CPR), AED and foreign body airway obstruction for all age groups (Standards defined by the International Liaison Committee on Resuscitation).

<sup>50</sup> Iowa Code section 80B.11(1)"c"(3).

The key distinction is this: Training all officers assumes that – as a result – all officers will be equally skilled in responding to these specialized calls. Research and experience suggest that this is not the case. In contrast, the CIT program identifies the officers with the greatest interest, most amenable attitudes, and best interpersonal skills, then provides them with intensive training and deploys them specifically as a first-line response to these specialized calls.<sup>51</sup>

Even as DMPD is providing intensive CIT training to all new recruits and routine in-service training to all officers on issues related to interfacing with community members experiencing mental health or other behavioral health challenges, the Department has also teamed officers with mental health professionals and invested responsibility, for some types of responses, to specialized non-police professionals.

As described in the Public Works report, "Recognizing the need for mental and behavioral health professionals to assist police officers in responding to calls that appear to need such support, the DMPD operates a Mobile Crisis Response Team (MCRT)" and Crisis Advocacy Response Effort (CARE).<sup>52</sup> "Both initiatives are provided in partnership between the DMPD and Broadlawns Medical Center (BMC)."<sup>53</sup> The Department established MCRT in 2001 and CARE was operationalized as an alternative approach in July 2022.

MCRT is the umbrella program for DMPD's alternative crisis intervention approaches, with CARE operating in conjunction with MCRT. The Department has identified a small group of officers who are particularly adept at working with community members experiencing a mental health crisis and who are assigned to MCRT:

Broadlands Medical Center [BMC] provides 24/7 coverage of a professionally trained mental health staff member (Mobile Crisis Worker) who will respond to a dispatched call for assistance. They co-respond with a police officer and meet the officer on the scene. The BMC mental health Mobile Crisis Worker determines a 'level of care through an assessment and advises the DMPD officer of the appropriate course of action.' The Mobile Crisis Worker does not act alone on a scene; they collaborate with the police officer.<sup>54</sup>

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<sup>51</sup> Borum, Randy. "Police training and specialized approaches for responding to people with mental illnesses." From the Selected Works of Randy Borum (2003). [https://works.bepress.com/randy\\_borum/24/](https://works.bepress.com/randy_borum/24/).

<sup>52</sup> "Law Enforcement Data Report for the City of Des Moines," Public Works (April 2022), 29.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.* (Citing to the Scope of Services Agreement Attachment 1 of Agreement between City of Des Moines DMPD and Broadlawns Medical Center.)

The Department's CARE program was developed with input from DMPD dispatchers, DMPD management, MCRT members, members of Polk County Dispatch and Health Department, and Broadlawns representatives. That work group structured the CARE approach to be similar to a highly regarded alternative response process used by the Austin Police Department.<sup>55</sup> Under the CARE program, a team of mental health professionals employed by Broadlands is physically located at DMPD and able to coordinate with 911 Communications Center dispatchers.

When a call for service comes into DMPD's 911 Communications Center, a determination is made by the dispatcher as to whether there is a mental health crisis or mental health component involved in the call. The caller might ask for MCRT or CARE to respond or the dispatcher gathering information might conclude a mental health professional should be involved, such as when the subject has a documented mental health history. A DMPD police officer handling a call or on-viewing an incident also might request the presence of a mental health professional after an initial assessment of the subject.

Communication Center dispatchers use a set of written guidelines addressing the use of MCRT for deciding the level of response appropriate for each call received. These guidelines apparently were developed by Communication Center supervisory personnel, who have also drafted directions for dispatching CARE professionals.<sup>56</sup>

The MCRT guidelines developed by the Communications Center specifically note that, if a caller requests MCRT, an available Mobile Crisis Worker should be dispatched with an officer and if nobody is available, the caller should be told so. "The major complaint from community members is that when they request Mobile Crisis they don't show up...Mobile Crisis is a resource that community wants access to, and we can provide better service by ensuring that they are utilized for mental health calls, especially when requested....By dispatching Mobile Crisis more often, Officers will have assistance in determining what a person in crisis needs, and that person will receive the appropriate level of care. This will build trust between DMPD and the community and further prove how valuable this resource is."<sup>57</sup> In some cases, the CARE team lead coordinates with DMPD dispatchers to decide whether a joint police/mental health response (MCRT) is appropriate or if mental health professionals should respond

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<sup>55</sup> *Ibid.* at 30. For a detailed description of the alternative response program used by the Austin Police Department, see, Lawrence, Rob. "The fourth 911 option: Mental health services." EMS1 by Lexipol (August 11, 2022). <https://www.ems1.com/communications-dispatch/articles/the-fourth-911-option-mental-health-services-zsPESRMBXR01Xqaz/>.

<sup>56</sup> The Communications Center has also developed a set of guidelines for CARE, though the 21CP team did not have an opportunity to review the document.

<sup>57</sup> "Guidelines for Dispatching the Mobile Crisis Response Team," a document used by DMPD Communications Center dispatchers.

without a police presence (CARE). If there is a threat to self or others and the subject has access to weapons, it is more likely MCRT (or officers alone) will be dispatched instead of CARE.

**RECOMMENDATION 15: DMPD should develop a policy addressing crisis intervention generally and the appropriate use of alternative responses, including MCRT and CARE, so that all DMPD officers have guidance on when to appropriately use these resources.**

Although communications personnel benefit from a codified policy addressing the use of MCRT and issues relating to the response to individuals experiencing mental and behavioral health crises, DMPD officers do not. The Department does not maintain a DMPD-wide policy addressing crisis intervention generally or the MCRT and CARE options specifically. It should.

**RECOMMENDATION 16: The Communications Center guidance on dispatching MCRT and CARE should be reviewed jointly with the MCRT sworn supervisor and Broadlawns mental health clinicians to develop one standard operating procedure (SOP) shared by all dispatchers, officers, and mental health professionals involved in the process.**

**RECOMMENDATION 17: The City of Des Moines should make resources available to ensure that data regarding calls for alternative police response options is collected, analyzed, and shared with DMPD and the Des Moines community, to help assess current services and establish the need for on-going or expanded alternative responses. Teaming up with university level criminal justice and/or mental health academicians and researchers who can help oversee and direct data analysis is strongly encouraged.<sup>58</sup>**

The DMPD 911 Communications Center received an average of 453 calls per month that potentially were appropriate to refer to MCRT or CARE during the period December 2022 through April 2023. By May 2023, total calls involving mental health crises had risen to 543. The majority of calls during the December 2022 through April 2023 period were referred to MCRT, but by July 2023, CARE had responded to 1,530 calls that in the past would have involved at least a partial police response.<sup>59</sup> The MCRT/CARE team is also tracking incidents when CARE is used with MCRT as back-up, calls that start out with CARE and convert to MCRT, and calls handled as regular dispatch.

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<sup>58</sup> Developing a relationship with a university to help study crisis intervention services is also recommended in the Public Works Report, p.128.

<sup>59</sup> <https://www.weareiowa.com/article/news/health/des-moines-police-crisis-advocacy-response-effort-care-mental-health-program/524-f4dcb47b-9d74-47dc-a0eec531fc6fdd8f#:~:text=The%20CARE%20program%20was%20launched,officers%20time%2C%20resources%20and%20money.&text=DES%20MOINES%2C%20Iowa%20-%20First%2C,mental%20health%20expert%20should%20respond.>

During the period of time data was available for 21CP's analysis, most crisis intervention related calls were received by the Communications Center during Second Watch (0800 - 1600), with Third Watch (1600 - 0000) also receiving a significant number of calls.

Because the Communications Center serves a number of suburban agencies and Polk County, these numbers reflect a relatively small number of calls where non-DMPD officers are involved. Nevertheless, the great majority of calls (421 of the total 453 calls during the initial five months analyzed) involve DMPD's jurisdiction. Additionally, several suburban agencies are setting up their own crisis intervention response, with mental health clinicians riding in patrol cars with officers to respond to certain incidents. 21CP understands that, due to the limited hours these resources are available, Broadlawns mental health professionals will continue to be dispatched at times.

As available response resources, agencies relying on MCRT/CARE resources, and other factors continue to evolve, it is vital that DMPD devote resources to collecting and analyzing data related to alternative police responses. This requires a commitment by the Communications Center to record all information related to these calls for service and the availability of DMPD and/or Broadlawns personnel who have the time and skills necessary to fully analyze the data collected. In particular, although dispatchers appear to appreciate the important role played by MCRT and CARE, some data related to crisis intervention calls might be missed due to a shortage of dispatchers and supervisors. For example, if mental health professionals are tied up with one call when a second comes in requesting their services, officers might resolve the second call before the mental health clinicians can be dispatched, and the community member's original request for mental health services is not recorded. Such a missed opportunity to provide the community with what it requests is apparently being addressed with the addition of personnel, but nonetheless illustrates the importance of collecting thorough data. As noted in the Public Works Report, using the MCRT and CARE approaches to handling incidents previously processed only by police officers results in a variety of rich data that should be closely analyzed to better understand the outcomes related to using alternative response strategies.<sup>60</sup>

**RECOMMENDATION 18: A Behavior and Mental Health Work Group should be formed and comprised of dispatchers, police officers, MCRT and CARE officers and clinicians, and representatives of interested non-profits, health care providers, and youth workers.**

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<sup>60</sup>*ibid.*

Public Works recommended that a "Behavior and Mental Health Work Group" be formed and be comprised of dispatchers, police officers, MCRT and CARE officers and clinicians, and representatives of nonprofits, health care providers, and those working with youth beyond DMPD and Broadlawns Medical Center staff.<sup>61</sup> 21CP agrees that this kind of coordination and cross-stakeholder collaboration can assist DMPD, MCRT, and CARE in providing the best resources possible to address community problems. Given that the CARE program is relatively new and a variety of procedures and processes are being developed to guide deployment of CARE professionals, MCRT/CARE coordination, the role of dispatchers, education of officers and community members about alternative police responses, and other matters, a Behavior and Mental Health Work Group with diverse resource representatives can facilitate collaboration in furthering the work on alternative police response options.

**RECOMMENDATION 19: DMPD, Broadlawns, and other City government and community organizations should collaborate on a process to assess whether the current structure and system of alternative police response options in place can be enhanced to promote the experience of both providers and community recipients.**

As previously noted, CARE professionals are Broadlawns employees, who are embedded in the DMPD facility. The CARE staff as a group are experienced, confident, committed to the mission, and routinely give up scheduled time off to help cover shifts. The CARE team leader works closely with the MCRT Sergeant to advertise MCRT/CARE services and network. However, the CARE team is not integrated into the larger DMPD organization, is disconnected from some DMPD lines of communication, and does not have any regular facetime with many patrol officers. At the same time, Broadlawns management has little involvement with the CARE program and the lack of deep familiarity might impact the CARE team's development down the line as the need for more personnel and other resources develops. Furthermore, MCRT/CARE professional staff are paid on the same scale as other Broadlawns staff, despite the very different working conditions and challenges encountered responding to calls throughout Des Moines as compared to the relatively static Broadlawns environment. Because these concerns might eventually impact further development of alternative police response options, it is advisable to consider such structural issues as early in the process as feasible.

**RECOMMENDATION 20: While DMPD is encountering a challenging sworn personnel shortage, it should consider ways to assign or involve more officers with mental health expertise in the work of MCRT.**

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<sup>61</sup>Public Works Report, p. 128.

As the calls for alternative police response options continue to grow and the number of civilian mental health clinicians involved increases, there is also a need for more DMPD officers with mental health expertise to be assigned to the MCRT Unit. The success of the overall alternative options program is grounded in providing a range of services, including ensuring that mental health professionals, sworn personnel with mental health expertise, and traditional patrol officers are all available to respond so that professionals with the most appropriate training and expertise can respond to situations that can benefit from it.

Both sworn and civilian personnel involved with MCRT and CARE noted that DMPD officers in general are sensitive to those with mental health needs and appropriately engage MCRT Officers and mental health professionals working with the Department. In conversations with numerous DMPD officers expressed appreciation for the experience and perspective Broadlawn's mental health specialists bring to incidents formerly handled by police alone. Along with the more typical ride-along experience, 21CP team members were provided the opportunity to observe a MCRT response in which, following a very short initial assessment, the assigned officer stepped to the side and remained present as the mental health professional (who is also a nurse) engaged a person contemplating suicide and ultimately helped the individual to voluntarily commit themselves for treatment. This type of dynamic response mechanism – where officers are involved in the response but do not necessarily take the lead role in a response – can be both necessary in some circumstances and effective in ensuring the safety of subjects and mental health responders while establishing mechanisms for trained mental health experts to use their particular skills to help individuals experiencing crises. Accordingly, 21CP recommends that DMPD consider ways of assigning or involving more officers with mental health expertise in MCRT's work.

#### D. 1<sup>ST</sup> Amendment, Crowd Management, and Protest

The First Amendment guarantees the right to free speech and expression, the right to freely organize and participate in lawful assemblies, and the right to observe and record the actions of law enforcement officers.<sup>62</sup> While the First Amendment generally protects protest activity that occurs in public spaces, individuals engaging in threats of imminent death or injury to particular persons, threats of imminent violence to particular property, or other unlawful conduct may be ordered to disperse or may be arrested.<sup>63</sup> “Unlawful activity by a few protesters is not generally

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<sup>62</sup> See, e.g., Baltimore Police Department, Policy 804, First Amendment Protected Activity (September 7, 2021).

<sup>63</sup> Fact Sheet prepared for the Institute for Constitutional Advocacy and Protection at Georgetown University Law Center in collaboration with 21CP Solutions and the Crime and Justice Institute.

<https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2020/12/Law-enforcement-First-Amendment-Guidance.pdf>

enough to transform a peaceful assembly into an unlawful assembly, but where the protesters have shown a common intent to resort to force or violence that creates a clear danger to public safety, law enforcement may declare an unlawful assembly and order the protesters to disburse.”<sup>64</sup>

During the protests during the summer of 2020 following the death of George Floyd, DMPD and many other police departments across the country needed to calibrate their responses to ensure protection of First Amendment rights and public safety. Community members in Des Moines subsequently filed eleven (11) complaints with DMPD that included allegations of misuse of force during the protests and four (4) internal use of force complaints were generated.<sup>65</sup> The four internal complaints were all sustained policy violations, with two involving the use of OC Pepper Spray, one based on a closed fist strike, and one involving deployment of a Conducted Energy Weapon/Taser (CEW). Litigation challenging DMPD’s response to the 2020 protests also was initiated. As with any major event or critical incident that DMPD encounters, the 2020 protests should be viewed as an opportunity for the Department to engage in critical self-analysis and to prepare for the next high-profile police incident or other event requiring that DMPD support First Amendment rights while protecting protesters and ensuring public safety.

Both DMPD officers and some community members raised concerns in conversations with 21CP about the Department’s protest management approaches in 2020. From the DMPD perspective, we heard concerns about the preparation of the Department, cooperation with other police agencies over the course of multiple weeks of protests, and support for officers in terms of physical exhaustion and mental health. Additionally, while officers and leadership described after-action activities undertaken by the Department to learn from DMPD’s performance during the protests, these lessons were not broadly or publicly shared in a manner that could improve overall improvements. The City properly notes that two General Order sections (Chapter 30 (Crowd Management) and Chapter 30.1 (Dispersal Order Guide and Recommendations)), were updated specifically based on lessons learned from the protests.

Community members with whom we spoke noted concerns about the early days of the protests from the perspective of management, use of force, and freedom of speech. At the same time, officers and some community members noted that the Department appeared to learn rapidly during the course of the early days of protests and improved its performance significantly.

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<sup>64</sup> *Ibid.*

<sup>65</sup> It was reported to 21CP that about 90% of the misconduct complaints filed with DMPD concerning the 2020 protests alleged misuse of force and/or unlawful arrest.

Finally, it was noted that Des Moines did not experience the protracted violence or substantial property damage that other jurisdictions experienced. As one City government representative noted: “DMPD learned from the protests...in that they learned that their presence is (to a degree) an escalator...so when they stay a few blocks away, managing traffic, and not face to face...this is more effective.”

Although 21CP was able to review video of the protests, DMPD did not appear to be readily knowledgeable about the number and scope of public complaints that it received related to its performance during protests. Both protestors and the DMPD Office of Professional Standards agreed that, for varying reasons, protestors felt most comfortable filing lawsuits related to the protests rather than filing official complaints with the Department, though eleven (11) complaints of misuse of force were lodged with DMPD, along with four internal complaints. It should also be noted here that, in our discussions with the Office of Professional Standards, little, if any, attempt was made to systematically review the complaints or lawsuits for DMPD improvement. Though there were four sustained use of force complaints, 21CP was not provided any review by DMPD of all protest related complaints, whether sustained or not, and an analysis of ways that they could be related for insights about the larger system of DMPD response to the protests. The 21CP team was especially concerned about this issue after reviewing protest videos that appeared to contain multiple instances of behavior that potentially violated DMPD policies. The City may reasonably be restricted in sharing information on this topic due to ongoing litigation and, if so, it should share these materials once the litigation has concluded.

**RECOMMENDATION 21: The DMPD should develop a policy and provide training on First Amendment protected activity that addresses First Amendment rights more broadly than what is covered in GO Chapter 31 - Recording Police Activity, and make changes to GO Chapter 31 regarding the observation and recording of police activity, as noted below.**

DMPD has a policy addressing the right to observe and record the actions of DMPD officers. GO Chapter 31 clearly and appropriately provides that the First Amendment provides the right of the public to record officers if it does not interfere with the officers' duties or the safety of others. Chapter 31 provides examples of the circumstances under which recordings can be restricted (e.g., someone observing or recording law enforcement activities cannot enter an area designated as a crime scene, cannot impede emergency equipment or personnel, and cannot jeopardize anyone's safety). DMPD's policy also provides that persons engaged in recording cannot obstruct police actions, though notes that “[o]vert verbal criticisms, insults, or

name-calling does not of itself justify an employee taking enforcement action or ordering a recording be stopped."

**RECOMMENDATION 22: DMPD should develop an approach to handling critical incidents that includes development of policies, protocols, and training that address pre-event planning, critical incident operational outlines, and timely after-action reviews**

Supporting individuals' First Amendment rights to free speech and participation in protests while simultaneously protecting public safety can be a challenging task for any law enforcement agency and requires clear policy and on-going training that provides in-depth guidance on planning for critical incidents (including mass demonstrations), the development and execution of an operational plan outlining the police agency's response to a specific event, and after-action reviews for insight about what worked well and where there are opportunities for improvement. DMPD Chief Wingert recently issued a memorandum to all DMPD supervisors announcing the rollout of Incident Command System (ICS) and National Incident Management System (NIMS) training.<sup>66</sup> All DMPD sergeants and above are required to complete 4 online courses<sup>67</sup> requiring a total of 6 hours of training time. Supervisors are required to complete the first two courses within 30 days of assignment. Once the third and fourth courses are assigned, they also must be completed within 30 days of their assignment. Once the online courses are completed, all DMPD commanders will complete at least the 300 level hands on, tabletop exercise course that the department will work to schedule at a later date.<sup>68</sup> This ICS training is a good first step in the direction of developing a comprehensive plan for handling critical incidents, including mass demonstrations. DMPD will also need to develop related policy and procedures, as well as an operational plan to outline able to adapt for use for a specific event, and a structure and process for conducting after-action reviews.

**RECOMMENDATION 23: In developing critical incident policies and training and conducting after-action reviews, DMPD should strive to involve both internal and external stakeholders, to increase transparency, accountability, and legitimacy for enforcement activities.**

At all stages of the incident planning and review process, the Department should involve internal and external stakeholders to provide input while creating policies and operational

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<sup>66</sup> Memorandum No. 2023-05, Supervisor Incident Command System Training (April 24, 2023).

<sup>67</sup> ICS 100 and NIMIS 700, followed by ICS 200 and NIMS 800.

<sup>68</sup> See PERF Trending: People, Ideas, and Events (March 25, 2023); Monday morning quarterbacking – looking at events in other jurisdictions to better understand how your department would respond; are there issues with tactics, communication, supervision, lack of de-escalation, proportionality. List of questions that can be asked.

plans, and to elicit feedback during the after-action review. For example, the patrol officers who responded to the Summer 2020 protests likely would have some useful input about how to improve DMPD's response that provides a perspective different from Commanders who were involved. Finding ways to share with community members about what went right and where improvements could be made provides transparency, accountability, and legitimacy for DMPD's enforcement actions and could positively impact how the community reacts should a similar situation arise. Including community organizational representatives, such as chaplains working with congregational members participating in the protests, bring voices that can relay critical perspectives and voices that might not otherwise be included.

**RECOMMENDATION 24: DMPD should formally summarize and disseminate to the Department and community the lessons from an after-action review and policy review of the handling of the 2020 protests surrounding the death of George Floyd.**

Across community members and frontline DMPD staff we heard concerns about what the DMPD learned from the experience of the response to the protests following the death of George Floyd. While completing a full after-action report might be difficult or inefficient at this time (it is understood that the Department has done some informal reviews at various times), formally sharing what DMPD leadership believe were the topline takeaways and, critically, what the Department is doing to address the lessons. We note here that any such effort may be especially difficult given pending litigation arising from the protests; however, we believe a nuanced approach could be undertaken to share areas for improvement without creating liability for the City.

**RECOMMENDATION 25: DMPD should formally review and make any necessary changes to the mutual aid agreements with law enforcement bodies that partnered with the DMPD during the George Floyd protests. In discussions with multiple stakeholders, including DMPD staff and leadership, there was widespread agreement that alignment between agencies during the protest response could have been dramatically improved as it led to much confusion both within DMPD and community groups around roles.**

During 21CP's interviews in Des Moines, multiple community members alleged excessive use of force by law enforcement members in uniform during protests following the death of George Floyd. However, some individuals said it was hard to distinguish the department to which the law enforcement member belonged. To address this challenge, and to ensure that DMPD is accountable for the behavior of its officers, and not members of a different organization, the Department should clearly identify and place rules around the agencies with which it partners.

In at least one jurisdiction where 21CP team members have worked, addressing this concern through clear mutual aid agreements served as a way to resolve this issue. Given the standing Mutual Aid Compact agreements DMPD maintains with other departments, the issue is best addressed through a specific notification to staff on these partnerships as well as training on how to operationalize the tools involved.

Law enforcement has long understood that multi-agency cooperation can benefit efforts to address activities which cross jurisdictional boundaries. It is also widely acknowledged that a single police department cannot staff, prepare for, or respond to large-scale natural or human-initiated emergencies which may occur in their jurisdiction. For these reasons, public safety agencies enter into mutual aid agreements with other agencies to obtain support and resources when such emergencies occur. The idea is straightforward, but many agencies have learned—through some difficulties—that successful mutual aid requires careful, advanced attention to the details of management, command and control, planning and joint training.<sup>69</sup>

A Mutual Aid Agreement is the first step in a successful mutual aid arrangement. The Agreement should govern the nature of the support, conditions under which the support is provided, and roles and responsibilities of agencies and their personnel. The purposes of Mutual Aid agreements include:

- Coordination of planning;
- Multiplying the response resources available to any one jurisdiction;
- Ensuring timely arrival of aid;
- Arranging for specialized resources; and
- Minimizing administrative conflict and litigation post-response.

Mutual Aid Agreements are formal agreements, entered into under authorization of state and (often) local law, that require a formal request for assistance. Such agreements generally cover a larger geographic area than generic, blanket aid agreements. Agreements may be with neighboring jurisdictions, regional, statewide, or even inter-state partners. Regardless of the level, current best practice calls for arrangements to be memorialized in a written document signed by all participating parties, supplemented by a deployment-specific operational plan that covers the specific resources, tasks, personnel, asset allocations, roles, responsibilities, integration, and actions that mutual aid participants execute respective to their assignments.<sup>70</sup>

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<sup>69</sup> International Association of Chiefs of Police, *Mutual Aid: Concepts and Issues Paper* (2008).

<sup>70</sup> N.C.G.S § 160-A-288.

#### E. Community & Problem-Oriented Policing/Community Engagement, Partnership, and Participation

The killing of George Floyd, and the significant national conversations about race and policing that it precipitated, have underscored that the relationship between police and community is a complex and challenging one. The differing experiences, histories, and values of communities lead many people to advance different views about how the police should and should not interact with the public and roles for police departments in promoting public safety within their communities.

Since the early 1990s, after the passage of the Violent Crime Control and Law Enforcement Act, the United States Department of Justice and other federal agencies have given over \$14 billion to jurisdictions across the country for community policing initiatives.<sup>71</sup> The objective of many of these programs was, according to the Department of Justice’s Office of Community Oriented Policing Strategies (“COPS”), to “promote organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.”<sup>72</sup>

However, the term “community policing” has “suffered from conceptual confusion in both research and practice.”<sup>73</sup> First, different agencies have tended to group widely varying types of initiatives, approaches, and programs under the banner of “community policing.”<sup>74</sup> Second, in many departments, “community policing” refers to isolated and disconnected community engagement programs—like providing popsicles to children on summer days or having officers participate in youth basketball games—rather than an overriding, operational approach to conducting policing. Third, and relatedly, a number of purported community policing efforts devoid of proper execution and design ultimately have become “check the box” activities rather than meaningful methods of cultivating community collaboration and problem-solving. Finally, and as this section discusses further below, 21CP has regularly heard from community and law enforcement alike that “community policing” is, at this point, a dated term that lacks a true

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<sup>71</sup> U.S. Department of Justice, Office of Community Oriented Policing Services, <https://cops.usdoj.gov/grants> (last visited May 10, 2021).

<sup>72</sup> U.S. Department of Justice, Office of Community Oriented Policing Services, “Community Policing Defined” at 1 (2014), <http://www.cops.usdoj.gov/pdf/vets-to-cops/e030917193-CP-Defined.pdf>.

<sup>73</sup> A. Gersamos Ginakis, et al, “Reinventing or Repackaging Public Services? The Case of Community-Oriented Policing,” 58 *Public Administration Review* 485 (1998).

<sup>74</sup> The Leadership Conference on Civil and Human Rights, *New Era for Public Safety: A Guide to Fair Safe and Effective Community Policing* (2019).

definition across the field—and can often be perceived as a framework for expanding police presence in historically marginalized communities.

In a message on DMPD's website, Chief of Police Dana Wingert notes:

“The Des Moines Police Department has a strong community policing program, recognizing that our citizens are full partners in addressing issues that affect their quality of life. We work closely with our citizens to set priorities for police and local government response and then collaborate on problem measures. Our commitment to community betterment, for the good of all, is a top priority.”<sup>75</sup>

A critical part of 21CP's assessment was a review of how DMPD's community policing program is manifested and consideration as to whether there are ways to enhance community engagement.

**RECOMMENDATION 26: DMPD should develop an overarching community policing and community engagement strategic plan ("Community Safety Plan") that clearly states the goals involved, the organizational structure that supports the strategic plan, and the processes and protocols involved in facilitating the plan, including relationships with other DMPD entities such as patrol operations.**

21CP found that there was little understanding as to how all of the following aspects of community policing fit together under one overarching strategy. Further, in discussions with DMPD leadership and others throughout the Department, no one could explain how DMPD's approach to community policing strategically interacts with patrol operations or whether it is siloed in the Neighborhood Based Service Delivery Unit. The following are elements of the Department's community policing strategy, though the relationship among the units and programs is not clear. Other important aspects of the Community Safety Plan are discussed below.

i. DMPD's Neighborhood Based Service Delivery

The Department's Neighborhood Based Service Delivery (NBSD) Unit offers a program that combines policing services with services offered by other city departments including Zoning/Housing Code Enforcement, Public Works, and Parks and Recreation. "The primary objective of these teams is to assist neighborhoods in identifying and prioritizing concerns,

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<sup>75</sup> [https://www.dsm.city/departments/police-division/general/chief\\_of\\_police.php](https://www.dsm.city/departments/police-division/general/chief_of_police.php)

planning a course of action, and implementing solutions to solve problems."<sup>76</sup> NBSD officers participate in monthly and quarterly neighborhood association meetings, participate in school events to try to build positive relationships with students and their families, and form close relationships with minority communities and businesses, along with enforcing parking ordinances, assisting housing and zoning inspectors, and taking police reports.<sup>77</sup> NBSD has a Lieutenant in command and ten Senior Police Officers and Sergeants are assigned to 10 specific areas of Des Moines to provide services. The NBSD Unit also houses 5 other Sergeants and Senior Police Officers assigned to the Mobile Crisis Unit (discussed above under Crisis Intervention), the Downtown Skywalk, the Youth Services Coordinator, and Crime Free Multi Housing.

Though 21CP heard about and observed ways that DMPD officers in general try to engage with the community and not only play a reactive role, both DMPD members and community stakeholders shared positive feedback about the work of NBSD, in particular. Stakeholders provided examples of NBSD officers being engaged with and responding to community needs in "very healthy" ways, as one individual noted. The NBSD Unit as a whole appears to be building valuable relationships with individuals and organizations throughout the Des Moines community.

Several stakeholders told 21CP that more officers should be assigned to NBSD, as there is variance in the size of the neighborhoods NBSD officers are assigned to, along with different kinds of challenges that typically arise. However, as one stakeholder noted, to the extent that mental health professionals assume some of the duties DMPD previously handled, officers might be freed up to address more traditional law enforcement issues, including community engagement and problem-solving.

A number of stakeholders noted that it would be helpful if more officers were bilingual, particularly when engaging with the Spanish speaking community. The Department rightfully pointed out in response to inaccurate information provided to 21CP of limited numbers of bilingual officers that they have 20 certified bilingual sworn staff, 12 of whom speak Spanish. Also, officers who are not bilingual have translation resources available, including the Language Line and contracted interpreters. The U.S. Census Bureau reports that 14.6% of the Des Moines community identifies as Hispanic, which suggests that an internal communications effort to expand the awareness of the number of DMPD officers with Spanish language skills would be

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<sup>76</sup>[https://cms2.revize.com/revize/desmoines/document\\_center/Police/nbsd\\_brochure.pdf?pdf=NBSD%20Map%20%26%20Officers&t=1686944333530&pdf=NBSD%20Map%20%26%20Officers&t=1686944333530](https://cms2.revize.com/revize/desmoines/document_center/Police/nbsd_brochure.pdf?pdf=NBSD%20Map%20%26%20Officers&t=1686944333530&pdf=NBSD%20Map%20%26%20Officers&t=1686944333530)

<sup>77</sup> *Ibid.*

especially beneficial.<sup>78</sup> Further, it is noted that this issue extends to other languages within DMPD that should be addressed given the diversity of Des Moines.

ii. Downtown Skywalk

The Des Moines Skywalk system is 4.2 miles in length and connects 55 buildings and 12 parking ramps. The Skywalk system is open 6 a.m. to 2 a.m. every day of the week. A DMPD Senior Police Officer is assigned to patrol the Skywalk and coordinate law enforcement activities with private security employed by some of the larger businesses located along the Skywalk. 21CP team members walked the Skywalk with the assigned Patrol Officer for a period of a few hours during an on-site visit.

**RECOMMENDATION 27: DMPD should formally state (through the Community Safety Plan or otherwise) the role that the Skywalk team plays in its overarching community policing and engagement strategy. Further, the Department should seriously consider the success of the Skywalk model and how its work could be replicated in other parts of Des Moines.**

The officer patrolling the Skywalk is familiar with the people who work in businesses adjacent to the Skywalk or frequently pass through the enclosed walkway and greeted many of them by name. Security officers and others have the DMPD officer's phone number and are invited to contact him 24/7. The officer has a great deal of latitude in how he approaches problem solving when issues arise, with successful outcomes. One elected official noted that the officer does a good job in de-escalating incidents, though it can be challenging to remove individuals who are trespassing on private sections of the Skywalk or who are using the Skywalk for shelter, particularly in the early morning and late evening, and during inclement weather.

The overall relationships developed and displayed between DMPD personnel, local businesses, residents, and transient populations in the Skywalk exemplifies strong community policing techniques and strategies. By knowing the physical space and its culture, DMPD members helped resolve crime through partnership and respect rather than coercion.

Still, it is unclear to 21CP how the Skywalk team fits in with the rest of the community policing strategy for DMPD - that is, whether the Skywalk initiative is essentially a “standalone” initiative that benefits from the particular skills and relationships that current personnel have formed or, instead, whether the Skywalk initiative reflects or embodies broader DMPD commitments and approaches. To ensure that the approaches that are working as part of the current Skywalk

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<sup>78</sup> <https://www.census.gov/quickfacts/desmoinescityiowa>

team's efforts continue well beyond the tenure of current personnel, the Department should formally codify the approaches of the Skywalk team. Additionally, the Department should consider how it can incorporate lessons learned from the Skywalk team to other parts of the Department.

iii. Citizen's Police Academy

DMPD has offered a Citizen Police Academy since 1992. The class meets one time a week over nine weeks and is operated through the Des Moines Regional Police Academy. Community members who enroll in the class are exposed to many aspects of policing and police training, including topics such as Community Policing, Crime Prevention, Crime Scene Analysis & Investigation, Domestic Violence/Victim Services, K-9 Program, School Resource Officers, and Traffic Enforcement & Tactical Operations.<sup>79</sup>

Departments offering a community academy find that it can be an effective community engagement tool, allowing community members to learn first-hand about police functions and operations and gain a better understanding of policing challenges. As one former officer observed, "When... police instructors discuss the why of what... [they] do as well as how...[they] do it, greater understanding, trust, and cooperation can be garnered from members of the community."<sup>80</sup> Graduates of the class can serve as unofficial "ambassadors" sharing information learned and their experiences with police representatives and with others in the community.

Community academies often include classroom instruction, demonstrations, and hands-on exercises. The Polk County Sheriff's Office ("PCSO") Citizen Academy also offers participants the opportunity to job shadow and do ride-alongs. The PCSO class concludes with a graduation ceremony to recognize community members' participation and achievements and leads to the opportunity for continued partnership through community outreach events and the Citizen Ambassador Program.<sup>81</sup> To the extent that DMPD is not already using these approaches in its Citizen Police Academy, they offer opportunities to immerse students in aspects of the Department's work, which serves the goals of increased transparency and legitimacy, provides recognition for community members' participation and builds on the investment of teaching community members about policing by having students go into the community to share insights from the program and further the reach of their knowledge.

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<sup>79</sup> [https://www.dsm.city/departments/police-division/investigations/citizen\\_police\\_academy.php](https://www.dsm.city/departments/police-division/investigations/citizen_police_academy.php)

<sup>80</sup> Demand, John. "How a Citizens' Police Academy can be a positive approach to public relations." *Police1* (Oct. 21, 2015). <https://www.police1.com/community-policing/articles/how-a-citizens-police-academy-can-be-a-positive-approach-to-public-relations-H3ekAqVXz9TH1vO5/>

<sup>81</sup> <https://www.polkcountyiowa.gov/county-sheriff/community-relations/pcso-citizen-s-academy/>

**RECOMMENDATION 28: Because the Des Moines community includes non-citizens who have recently immigrated to the U.S. or have not attained citizenship for a variety of reasons, DMPD should change the name of its Citizen Police Academy to "Community Police Academy," conveying a message that the Department serves all community members and strives to be inclusive in all of its community engagement.**

During the period 2010 to 2019, Des Moines' immigrant population was among the fastest growing in the U.S., increasing from about 40,000 in 2010 to about 60,000 in 2019, representing more than a fifth of the city's total estimated population growth during that time.<sup>82</sup> Many among Des Moines' immigrant population are non-citizens who have only recently arrived in the U.S. or have not attained citizenship for a variety of reasons. Immigrants, including non-citizens, are nonetheless members of the community served by DMPD and, under DMPD policy, officers are to provide fair and impartial treatment in the performance of law enforcement duties, regardless of a person's immigration status.<sup>83</sup>

It follows that DMPD's use of the label, "Citizen Police Academy," might imply to some that the program offered by the Department to help educate people about day-to-day police operations is limited to U.S. citizens. By changing the name of the program to the "Community Police Academy," DMPD can convey a message that the Department serves all community members, regardless of immigration or citizenship status, and that it strives to be inclusive in its engagement with the Des Moines community.

**RECOMMENDATION 29: DMPD's approach to collaborating with the community, responding to community needs and issues, and fostering community relationships should be specifically memorialized in a written, strategic plan (the "Community Safety Plan" or the "Plan") accessible to both the community and police personnel.**

To maximize community engagement, partnership, and participation, DMPD should develop and implement a community and problem-oriented policing strategic plan. Among other things, this includes identifying community needs and issues, how they are currently addressed, and what the best or most optimal responses should be to those needs and issues going forward. It may be that the best response to some community problems will be government or community services, and not DMPD, while other issues may still be best addressed by the Department.

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<sup>82</sup> <https://www.desmoinesregister.com/story/money/business/2021/05/26/des-moines-iowa-immigrant-population-growth-ranked-among-united-states-fastest-heartland-forward/7437283002/>

<sup>83</sup> See, e.g., G.O. Chapter 2, Unbiased Policing.

The City should ensure that the Plan delineates community needs, identifies how DMPD may help to serve those needs, and identifies how mechanisms other than the Department may help to serve those needs.

In the process of developing the Community Safety Plan, the City, as well as DMPD, should consider the following:

**RECOMMENDATION 30: Des Moines community stakeholders representing a diversity of interests should be involved and collaborate with DMPD members (the "Community Safety Plan Committee") on both the development and implementation of the Community Safety Plan.**

Community members are eager to be involved in helping DMPD set priorities and should be included in the development and implementation of the Community Safety Plan. Their involvement will bring new perspectives to the issues involved and improve outcomes, as a result. Involvement of community stakeholders will also increase transparency and legitimacy for the final Plan and help facilitate the implementation process.

**RECOMMENDATION 31: The Department should continuously evaluate how effectively it is fulfilling its roles and responsibilities, as set out in the Community Safety Plan, and regularly report to both DMPD members and the community through various engagement efforts and by building a more user-friendly website, which should include a problem-solving dashboard reflecting specific community concerns, the strategies or steps being utilized to resolve community problems, with up-to-date information for both DMPD personnel and the Des Moines community.**

Currently, it appears that communications about DMPD's performance, through annual reports and otherwise, focus on presenting crime statistics. For example, the two most recent annual reports, covering 2021 and 2022 statistics, provide information from the Administrative Services Division, Communications, on calls for service by priority level and the means by which dispatch calls were received (Wireless 911, Landline 911, and Non-911); the leading types of drugs seized as reported by the Investigations Division, Narcotics Control; and the Investigations Division, Detectives, summary of crimes cleared by category. The 2021 report includes a group picture and short description of the 79th Recruit Class and the 2022 report

highlights the 18 promotions made in May 2022, with another brief overview and group picture.<sup>84</sup>

While these crime statistics likely are of interest to some internal and external stakeholders, all stakeholders expressed a desire for more information in general and more robust analysis of available data. As noted previously, many community members voiced frustration about the lack of public data regarding use of force and stops made by DMPD officers, leading them to attempt to retrieve and analyze data themselves, despite some inherent limitations in this approach.

The DMPD website includes links to the Department's annual statistical reports for 2018 - 2022, use of force reports for the years 2020 and 2021, the 2019 EEO Utilization Report, and the Public Works Law Enforcement Data Collection and Analysis Report (April 2022). The reports are under the link for "Forms and Documents" on DMPD's home page, which is not necessarily an intuitive means of locating the use of force and other reports that are available. This might at least partly explain why some external stakeholders appeared unaware that the Department made public information related to force.

Similarly, both community stakeholders and DMPD personnel were largely unfamiliar with the Public Works Report, or were aware the analysis of data systems had been conducted but had no idea as to whether any follow-up on the recommendations had been made. Considering other means to publicize the Department's routine review of force and other important information and reports would be helpful in addressing this disconnect between DMPD and its external and internal stakeholders. Steps the Department will take might be formally incorporated into the Community Safety Plan as one of many mechanisms for ensuring opportunities for feedback, collaboration, communication, and transparency.

**RECOMMENDATION 32: DMPD needs to enhance its outward-facing communication efforts to reflect and promote the Community Safety Plan.**

DMPD's website includes annual statistical crime reports and some use of force data, but leaves Des Moines community members and Department personnel without valuable information and insight into strategies the Department is using to address public safety issues and community

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<sup>84</sup>The 2021 annual report is available through this link:

<https://cms2.revize.com/revize/desmoines/2021%20Statistics.pdf?pdf=2021%20Statistical%20Report&t=1686885472709&pdf=2021%20Statistical%20Report&t=1686885472709> and the 2022 report is available here:

<https://cms2.revize.com/revize/desmoines/2022%20Statistics.pdf?pdf=2022%20Statistical%20Report&t=1686885472709&pdf=2022%20Statistical%20Report&t=1686885472709>

problems and how well those approaches are working. As a Community Safety Plan is developed and refined, it will be useful for the City to establish an accessible Community Safety portal on its website, and to develop non-web-based resources for those without ready internet access, that addresses community safety, well-being, and neighborhood problem-solving and the Plan's specific components.

**RECOMMENDATION 33: DMPD needs to enhance its in-service training to reflect and promote the Community Safety Plan.**

Currently, community policing training provided to recruits in the Academy does not seem to be reinforced as much as it should be in the Department and across officers' careers. DMPD should provide regular, ongoing, skills-based training and professional development focused on community problem-solving and engagement.

iv. Internal and External Communications

Successful organizations engage, collaborate, and communicate with a variety of stakeholders including community members and organizations, elected officials, sworn and professional staff, and union representatives. Best practices in this area encourage consistent communication with stakeholders in reliable and clear formats. Whether it be through in-person meetings, email, intranet notices, or press releases, both internal staff and community members should be able to cite how DMPD leadership communicates with stakeholders and the general schedule by which it does so. Ultimately, authentic engagement helps build trust and legitimacy with stakeholders, which in turn contributes to more effective collaboration.

However, throughout our work we heard consistent concerns from officers about DMPD leadership's work on internal communications—conveying changes to strategy, policy, human resources, and other matters—and from community groups and elected officials about external communications. Internally, concerns focused on the consistency of messaging and the ability of frontline officers and staff to understand when and how messages would reliably be delivered. While the Department maintains a long-term and well-known PIO and leadership team, Chief Wingert and his leadership team should not expect that messages will reach staff through relationships and established communications paths, but rather deploy a modern and identifiable internal communications strategy. 21CP team members have personally experienced the competing demands on police executives and recognize that prioritizing internal engagement can be time consuming and requires active involvement by all commanders.

Transparent engagement with internal stakeholders can be challenging given the different cultures and generations in the workplace, along with the many competing demands leadership encounters. The executive leadership team has relied on a variety of internal communication methods to engage with staff, including email, memorandums, and in-person training and roll call visits; however, very few officers could cite for the 21CP team precisely how messages were consistently delivered and if a particular form of communication denoted a specific type of message (e.g. the intranet for day-to-day messaging, memorandums for human resources issues, etc.).

**RECOMMENDATION 34: DMPD leadership should develop and disseminate a communications strategy or memorandum that explicitly states how and in what ways messaging will be shared across the organization.**

Externally, communications concerns were focused mostly in our interviews on two points: (1) the consistent identification of DMPD's PIO with a strong voice for DMPD, and (2) the concerns of several interconnected community groups whose work in part led to this report, that DMPD had reduced its communications directly with them in recent months. In many communities, the police department's Public Information Officer, or PIO, is the most identifiable police officer for community members outside of the Chief due to participation in press conferences, televised interviews, and comments in public. While DMPD's PIO is not unique in this regard, many community members, as well as internal DMPD staff, noted that because of the high-profile nature of his role, he had now become a focus of some community frustration because of positions he has advocated for on behalf of the department. Chief Wingert noted he is aware of, and comfortable with, the PIO's positioning in the community, but it is worth noting as an issue.

Generally, across our community conversations, positions about DMPD were complex and mixed, reflecting both positive and negative sentiments as with most of the cities in which we have worked. However, with two particular community groups, Just Voices and Iowa Citizens for Community Improvement (CCI), and several smaller groups with which they worked, sentiment was highly critical of the DMPD and its practices. While this is not abnormal—to have highly critical activist groups within a community—the breakdown in conversation with DMPD was notable. On several occasions, members of these groups and DMPD leadership cited the inability to have a constructive dialogue as a block to improving police-community relationships. From the perspective of the organizations, it appeared that DMPD leadership no longer cared to hear their voices in improving the Department, and from DMPD's perspective, it appeared that the groups were not interested in a constructive dialogue but rather looked to

create issues to diminish the reputation of the DMPD or its leaders. Regardless of the source of the breakdown in dialogue, it appeared to be beneficial to no one and a “reboot” of the relationship would be helpful, and beneficial to both sides.

**RECOMMENDATION 35: DMPD and Chief Wingert should consider a formal initiative to reboot official communications structures and systems to develop a good working relationship with community groups that helped prompt this assessment. Such formal trust-building exercises can improve both police-community relations as well as address challenging issues of community concern before they develop into more challenging problems. This effort can be a specific initiative that lives within the Strategic Plan for community engagement and policing described below.**

#### F. Fair & Impartial Policing<sup>85</sup>

Some community stakeholders have made allegations that at least some DMPD officers engage in biased policing. 21CP heard from stakeholders about several complaints and lawsuits involving young Black men who allegedly were treated differently by DMPD officers as compared to others in the Des Moines community. The organization Just Voices also alleges DMPD engages in systemic racial profiling based on its analysis of traffic stops and other data. DMPD's reluctance to engage with individuals who conducted the analysis actually feeds their message that racial profiling is taking place. While it is not 21CP's role to determine if any specific incident or Just Voices' analysis establishes evidence of racial bias, even a perception of bias must be addressed by the Department and City.

Although explicit bias and racism may lead to disparate impact and treatment, not all disparities necessarily arise from intentional or conscious bias. Indeed, we may have an “implicit bias” to judge all actions as “intentional by default.”<sup>86</sup> At the same time, research has increasingly confirmed that, even among individuals with an expressed commitment to treating people equally,<sup>87</sup> “attitudes or stereotypes . . . [may] affect our understanding, actions, and decisions . . . involuntarily and without an individual’s awareness or intentional control.”<sup>88</sup> Indeed,

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<sup>85</sup> As the term is used for purposes of 21CP's assessment of DMPD, it is distinguished from the organization, Fair and Impartial Policing, LLC, which is a nationally recognized business that has been providing implicit-bias-awareness training to law enforcement agencies since 2011. <https://fipolicing.com>

<sup>86</sup> Evelyn Rosset, "It's No Accident: Our Bias for Intentional Explanations," 108 *Cognition* 771 (2008).

<sup>87</sup> Justin D. Levinson, "Forgotten Racial Equality: Implicit bias, Decision-making, and Misremembering," 57 *Duke Law Journal* 345, 360 (2007)

<sup>88</sup> Kirwan Institute for the Study of Race and Ethnicity, "State of the Science: Implicit bias Review 2014" at 16.

everyone, from lawyers and judges to physicians and teachers,<sup>89</sup> appears to have implicit, or subconscious, biases to some extent because, in the same way that the brain is hard-wired to identify patterns and associate certain characteristics with certain phenomena:

“Over time, the brain learns to sort people into certain groups (e.g. male or female, young or old) based on combinations of characteristics as well. The problem is when the brain automatically associates certain characteristics with specific groups that are not accurate for all individuals in the group . . . “<sup>90</sup>

Thus, disparity may stem from implicit or subconscious bias, modes of thinking that may not be readily apparent or obvious to individuals as they operate within the world.

It may also be the case that some explanation for disparity with respect to law enforcement activity is related to disparities across the criminal justice system and broader social life. Systemic racism and enduring bias in education, housing, employment, the courts, public health, and other foundational areas of American life may be reflected in data on those with whom police departments interact, arrest, and the like.

Regardless of the web of reasons for why there are disparities, police departments occupy a singular place in helping to consider and implement solutions that might address and affect disparate outcomes. A critical part of addressing disparities in law enforcement is ensuring that a department has the policies, procedures, training, and processes for critical self-analysis in place that can identify disparities and work with the community to determine if it might adopt different approaches that would reduce disparity. The specific recommendations in this section are therefore necessary but by no means sufficient, by themselves, to address issues relating to bias and disparate impact.

DMPD's Unbiased Policing policy is generally sound. Under the policy, "Biased policing and racial profiling is prohibited both in enforcement of the law and the delivery of police services by any employee. Discriminatory pretextual stops are prohibited under city ordinance and state and federal law...Employees shall exercise their authority and act to accord fair and impartial

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<sup>89</sup>Christine Jolls & Case R. Sunstein, "The Law of Implicit Bias," 94 *California Law Review* 969, 975 n.31 ("The legal literature on implicit bias is by now enormous"); Theodore Eisenberg & Sheri Lynn Johnson, "Implicit Racial Attitudes of Death Penalty Lawyers," 53 *DePaul Law Review*, 1539, 1553 (2004) (implicit bias among defense attorneys); Alexander R. Green, et al, "Implicit Bias Among Physicians and its Prediction of Thrombolysis for black and White Patients," 22 *Journal of General Internal Medicine* 1231, 1237 (2007) ("[P]hysicians, like others, may harbor unconscious preferences and stereotypes that influence clinical decisions.")

<sup>90</sup> National Center for State Courts, "Helping Courts Address Implicit bias: Resources for Education" (2012).

treatment to all persons."<sup>91</sup> Specific terms are defined, including biased policing, racial profiling, fair and impartial treatment, and individual demographics.

**RECOMMENDATION 36: DMPD should clarify that its policy on Unbiased Policing applies to all personnel whether on- or off-duty.**

The Unbiased Policing policy prohibits biased policing and racial profiling "in enforcement of the law and the delivery of police services,"<sup>92</sup> though the policy should be clear that it applies to all personnel whether on- or off-duty. Police departments increasingly are encountering challenges originating from officer conduct while not in uniform or on duty, such as in postings made on social media. In recognition that the particular roles and responsibilities of a police officer make off-duty behavior potentially relevant to their ability to do the job well and with the community's confidence, many departments take the approach that officers should demonstrate the values of bias-free policing and fair and impartial treatment whether on- or off-duty.

DMPD's current policy does a generally good job of addressing issues of individual officer behavior or performance. For example, 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 employee's decision, then that personal characteristic was a motivating factor of the action taken."<sup>93</sup>

The Department's policy should go further, however, to address how the *aggregate activities of the Department* might result in disparate outcomes. For instance, some departments commit to periodically analyzing policy and data to help identify where certain practices may have a disparate impact on particular protected classes relative to the general population. This process of a law enforcement agency gathering data about its enforcement activities, analyzing such information to determine if the burden of law enforcement is falling disproportionately on particular populations or communities, and exploring whether alternative approaches could address or alleviate disparity is critical to implementing a comprehensive approach to policing that is committed to equity and fairness.

**RECOMMENDATION 37: As part of their routine performance evaluations, DMPD supervisors should be evaluated on their handling of any instances or complaints of biased policing and**

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<sup>91</sup> DMPD General Orders: Chapter 2.III.A.1 and 2.

<sup>92</sup> *Id.*

<sup>93</sup> *Id.* at II.

**the frequency and quality of their periodic inspections of body and in-car audio/video systems, traffic stop data, reports and field inspections during police/citizen interactions.**

DMPD's Unbiased Policing policy takes several important steps in the direction of a more comprehensive approach to ensuring equity and fairness. First, the Unbiased Policing policy provides that supervisors shall, "Ensure the working environment is free of bias and free of racial profiling. (1) This oversight responsibility may include periodic inspections of body and in-car audio/video systems, traffic stop data, reports and field inspections during police/citizen interactions."<sup>94</sup> However, the policy does not have an accountability provision to ensure supervisors are fulfilling their responsibility to ensure an unbiased working environment.

**RECOMMENDATION 38: DMPD should continue to ensure that data related to biased policing or racial profiling complaints is collected, analyzed, and appropriately addressed, and is summarized, along with other misconduct complaint information, for transparency with stakeholders inside and external to the Department. Given the challenges DMPD currently faces with data collection and analysis, the Department could consider partnering with a university to accomplish this task in the short-term.**

The Unbiased Policing policy also provides that, "OPS shall maintain data relating specifically to complaints of biased policing. 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."<sup>95</sup> According to information received during the assessment, the number of racist/biased policing complaints received by DMPD the past few years is as follows:

- 2023: 1 (as of July 24, 2023)
- 2022: 5
- 2021: 1
- 2020: 4

21CP was informed that, because of the relatively low number of biased policing complaints, OPS does not report separately regarding complaints of biased policing, but includes information concerning such allegations in periodic reports to the Chief summarizing complaints, administrative reviews, tort claims, Iowa Civil Rights complaints, and Civil Service reviews of discipline appeals. These reports are sent to the Chief and his staff when new

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<sup>94</sup> *Id.* at III.B.2.

<sup>95</sup> *Id.* at III.B.5.

investigations are initiated through any of these avenues of complaint or there is a status change in on-going investigations.

This approach to consideration of all complaint investigations for problem identification and risk management may meet the basic intent behind DMPD's policy on reviewing biased policing complaints, though analyzing these complaints as a separate category within OPS reports to the Chief, even if over time when the complaints can be considered as a larger subset, could be instructive for DMPD. In order to assure stakeholders that DMPD takes all misconduct complaints seriously and has a system to investigate complaints in a thorough, timely, and fair manner, including those raising allegations of racist/biased policing, it is vital that the Department provide more transparency about its complaint processes and outcomes. The Department reports on use of force complaints in its annual use of force report and can similarly summarize other complaint information in ways to protect confidentiality, while providing insights for stakeholders who often seek unreliable sources of information if a police agency does not find a means to be more transparent about complaint handling.

Another important step taken in DMPD's policy to help ensure equity and fairness more comprehensively is to involve the Civil and Human Rights Commission Director in the review of all completed investigations of biased policing or racial profiling complaints.

DMPD's Unbiased Policing policy also requires all sworn officers to participate in training related to unbiased policing and prohibited racial profiling, at least annually.<sup>96</sup> 21CP was told that the Department has invested a lot of time and thought into the training and a 21CP team member appreciated the opportunity to observe the 2023 in-service training. The curriculum was made available to the entire team.

The training was co-led by a Chaplain from the Des Moines community and involved a panel of five community stakeholders. The training started with a short PBS video on Jennifer Eberhardt's training with officers in California. DMPD officers were then asked about their learnings from the prior year's interactions with community members and how it impacted their law enforcement efforts. There also was a discussion about an article on the death of Tyre Nichols in Memphis by five Black police officers and the role of race in policing.

After the panel of community members and law enforcement attendees all introduced themselves, the officers were split into small groups to dialogue, with community members moving among all of the smaller groups. Community members shared their understandings,

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<sup>96</sup> *Id.* at III.C.

fears, and beliefs about law enforcement and where race might play a role. Both community members and officers were encouraged to ask each other questions and develop strategies to build bridges between the police and community. Community members and the trainees then processed their experiences of dialoguing with each other and shared any insights they gained. Finally, officers were asked about any concrete strategies they identified for building bridges with the community and how they might be implemented. The training apparently is well received among DMPD officers.

**RECOMMENDATION 39: DMPD and those involved with presenting training on unbiased policing should consider bringing back a method used in the past of having officers identify a project to work on during the upcoming year and then share any insights and learnings they gained when the class meets the following year.**

While the unbiased policing training observed by the 21CP team offers opportunities for officers and community representatives to share relevant perspectives and experiences, the Department should bring back a method used in the past of having officers identify a project to work on during the upcoming year and then share insights and learnings they gained when the class meets the following year. 21CP learned of one officer who recognized they had a bias against people who are homeless, but began volunteering with homeless groups and completely changed their perspective and attitude in the process.

#### G. Other Topics Reviewed, Though Not in Original Scope

##### i. Promotional Process

As previously mentioned, a common theme 21CP heard during its assessment of DMPD was that the promotional process is not perceived as providing a legitimate means to identify employees who are most qualified to serve as supervisors or in higher positions in the Department. DMPD sworn and civilian employees generally have civil service protections under state and local law, relevant in considering the Department's promotional process. Chapter 400 of the Iowa State Code provides that the mayor of a city the size of Des Moines is required to appoint at least three people, with city council's approval, to serve as civil service commissioners for staggered 4-year terms. They are not to be compensated and minimum qualifications for appointment as a commissioner and prohibited conduct while serving are established under § 400.2 of the Code. Section 400.8 of the Iowa State Code addresses a commission's role regarding entrance examinations and appointments, while §400.9 requires that commissions, including the Des Moines Civil Service Commission, "hold competitive promotional examinations for the purpose of determining the qualifications of applicants for

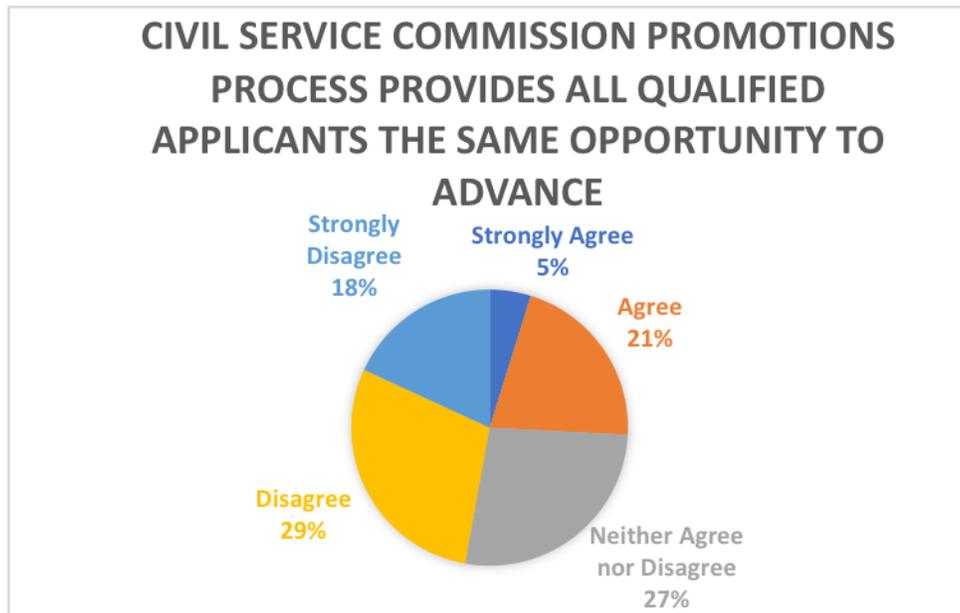
promotion to a higher grade under civil service, which examinations shall be practical in character, and shall relate to such matters as will fairly test the ability of the applicant to discharge the duties of the position to which the applicant seeks promotion."

The Des Moines Civil Service Commission is comprised of seven (7) Commissioners. They have a formal role in DMPD's hiring, promotion, and discipline processes. Informally, they work on recruitment with the City's Human Resources Department to help ensure the Department's makeup reflects the diversity of the community it serves. While they do not routinely interact with community members, some Commissioners expressed concern that some community members are not aware of all of the services provided by DMPD and that some have a negative perception about the Department. However, it was noted that the Civil Service Commission does not hear a lot of complaints from community members.

Des Moines uses an external testing company for the written tests and candidates must take as the first step of the promotion application process for those seeking to advance to the position of Sergeant or Lieutenant. A list of those who pass is created. The Civil Service Commission then interviews the candidates and assigns a score for each candidate's oral interview. That information is provided to Human Resources where the interview scores are combined with the written scores to create a top-down list of candidates. In the past, the Commission was provided a copy of each candidate's personnel file. Now, Commissioners only receive a copy of each candidate's application, but no information related to leadership experience, commendations, discipline, or other factors relevant to the decision to promote an officer to a supervisory or managerial position.

**RECOMMENDATION 40: DMPD should work with the City Human Resources Department and the Civil Service Commission to develop a more valued and relevant promotional process that includes factors such as prior job performance, leadership experience, and discipline/commendation history as elements of consideration for promotion.**

Forty-seven percent (47%) of DMPD employees who completed the assessment survey indicated they disagreed or strongly disagreed that the Civil Service promotion process provides an equal opportunity to advance for all qualified applicants, while only twenty-six percent (26%) of employees agree or strongly agreed with the statement.



Many survey takers added comments about the promotion system in response to the survey's open-ended question and these comments echoed what 21CP heard from many internal stakeholders during focus groups and interviews. Typical comments included:

- The Civil Service process is "anachronistic" and "doesn't result in the best candidates" being promoted.
- The Civil Service system is "ancient and broken."
- "Poor leaders are promoted simply because they made the list."
- An employee's "career path hinges on how one performs on a single test."
- An employee's "work performance history, discipline record," and other important factors "are not considered" when a promotional decision is made.

Other criticisms voiced by employees included: supervisors are promoted who don't know basic policing to model or enforce and don't know how to have difficult conversations with officers; the system focuses on promoting women and racial minorities and not necessarily the most qualified candidate; and DMPD will not promote people after a certain age or within 5 years of their expected retirement.

DMPD employees commented on the survey and during focus groups along the lines that "promotions should be based on performance, job knowledge, and the ability to lead others." A number of suggestions were made to improve the promotional process, including the addition of a "scored practical scenario testing portion" to allow for evaluation of "an officer's

potential, demeanor, capabilities, personal qualities, and ability to make on the spot judgment calls."

ii. 30X30 Initiative and Recruitment & Hiring in General

The 30x30 Initiative is a "coalition of police leaders, researchers, and professional organizations who have joined together to advance the representation and experiences of women in all ranks of policing across the United States."<sup>97</sup> Over 300 police agencies have signed on to the 30X30 Initiative.<sup>98</sup> DMPD has been working with the Initiative for approximately two years and, while a group of female officers were interested in helping the Department meet the 30X30 standards when it first rolled out, numerous interviewees indicated interest has waned in the face of slow progress in hiring more women, whether attributable to recruitment strategies, marketing plans, or other factors. Ultimately, the need to recruit large numbers of new hires can crowd out messaging on encouraging gender diversity at DMPD, which while understandable, creates challenges. A recent Department of Justice Community Oriented Policing report noted that "prioritizing diversity and inclusion throughout the hiring process and throughout an officer's career is critical to ensuring that officers represent the communities they serve ...[a]ttention to equity and inclusion efforts will benefit agencies not only by making their applicant pools more diverse but also simply by making them larger; with more candidates to choose among, agencies will be able to build stronger classes of recruits."<sup>99</sup>

Participation in 30X30 requires that the Department work towards specific standards as it moves through different phases intended to support the agency in meeting 30X30 goals. In a January 5, 2023, memo to Chief Wingert, the lead for DMPD's 30X30 efforts outlined the Phase One requirements and the Department's progress in meeting the standards.

The 30x30 initiative began with distribution of an anonymous survey to women DMPD officers in Fall 2021 to learn their concerns, priorities, and perspectives on culture, parity, and opportunities within the department. Results were combined with another agency's responses to ensure anonymity for participants.

The 30x30 Initiative also anticipates that DMPD formally make hiring, retaining, and promoting qualified women a strategic priority through public statements and internal orders, and include improving gender diversity in the mission statement, strategic plan, and/or other public

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<sup>97</sup> <https://30x30initiative.org>

<sup>98</sup> Joining the 30X30 Initiative also was seen as a good step in light of the recent sexual harassment lawsuits against DMPD.

<sup>99</sup> <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1136-pub.pdf>

documentation of agency priorities. While City-wide communications demonstrate public commitments along these lines, in our interviews some staff questioned whether DMPD leadership consistently sends an internal message highlighting its support for 30x30 goals. Thus, it would be worth making further public and internal statements of support on the topic, helping to ensure all staff are aware of the Department's position. Data from the survey distributed by 21CP indicate that announcing a strategic priority to hire, promote, and retain women might not be well received by a significant portion of DMPD personnel, as 37% of survey respondents indicated the Department puts too much emphasis on matters of diversity, equity, and inclusion. That is not a reason to not pursue 30x30 goals and other initiatives to increase diversity, but is indicative of how important it is that the Department help employees understand the positive impacts associated with having a diverse workforce.

In the two years prior to the memo, six out of twenty-four Sergeant promotions involved women and one woman each was promoted to Lieutenant, Captain, and Major. The relatively low number of qualified women who seek promotion was identified as the biggest obstacle, though strategies to encourage applicants should be identified in order to improve this rate.

Despite recruitment efforts that resulted in "adequate percentage of female applicants, not a single one made it to the final phase."<sup>100</sup> 30X30 Initiative leaders indicated that they continue to gather information on novel approaches to try in recruiting women (e.g., in laundromats) and share these ideas with the Regional Police Academy [NOTE: The 21CP team were concerned that a strategy to recruit women in laundromats would be seen as gender stereotyping and can suggest approaches used in other jurisdictions without the same potential problem]. In 2022, the DMPD Regional Police Academy hosted training seminars specific to females and attended by DMPD employees, including Calibre Press Courses - The Female Enforcer, Emotional Survival for Female Enforcers, and Women in Command - and the Storm Training Group's Female Arrest & Control Tactics Course. The Regional Police Academy sponsored the Hero Academy for girls ages 4-18 years old, providing an opportunity for DMPD female employees to work together on the project and provide encouragement and serve as role models for the girls. Also, a one-day conference, Women Without Limits, was presented exclusively by DMPD female employees.

The memo reported and affirmed zero tolerance for discriminatory practices or harassment, particularly with regard to demographics such as gender and gender identity, race and ethnicity, and sexual orientation.

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<sup>100</sup> January 5, 2023, memo to Chief Wingert providing a 30X30 Update.

Other elements emphasized at this stage of the 30X30 Initiative include, ensuring there is a private and sanitary designated space for nursing mothers who have returned to work after giving birth to express breast milk (pump) as needed to include the availability of refrigeration, seating, cleaning supplies, and electrical outlets; allowing nursing mothers who have returned to work flexibility in their schedules to accommodate expressing breast milk; ensuring that all equipment for women officers is appropriate and designed to fit their proportions. DMPD is addressing an issue discovered that female recruits do not have an option of getting their uniform in women's sizing and, as all officers are getting new duty gear, female officers will have a choice of belt style that many find to be more comfortable and easier to take on and off while providing more usable belt space.

The memo also noted that construction was underway for equal locker room facilities for female employees at the Des Moines Regional Police Academy.

DMPD personnel also shared with 21CP the approaches being taken to recruit and hire racial/ethnic minorities. For example, of six historically Black colleges, two are within a 5-hour drive of Des Moines, including Lincoln University (Missouri). Through efforts made to develop relationships with faculty and staff, two candidates were referred, with one person still being processed and the other, a woman, who unfortunately did not pass the Cooper physical examination. These historically Black colleges could be prime targets for recruiting Black applicants generally and Black females, in particular. Efforts have also been made (by whom?) to tutor ESL applicants and to teach test taking strategies

**RECOMMENDATION 41: DMPD and the Des Moines Human Resources Department should create a partnership to work together on recruitment and hiring efforts, including those identified in the 30x30 initiative. Meetings should be held at least quarterly to review the status of recruitment and hiring and to strategize on ways to productively move forward. Efforts that are being made and the results in terms of sworn and civilian hires should be routinely shared throughout DMPD, to help build a sense of trust in DMPD's and the City's commitment to recruiting and hiring goals. This also involves careful tracking of the recruitment and hiring process to understand the individual characteristics of those applying and why women and minorities fall out of the process. Sharing this data with 30X30 Initiative leaders and others is necessary to identify strategies for supporting women and minorities through the hiring process.**

It is important that the Des Moines Human Resources Department carefully track the recruitment and hiring process to understand which recruitment efforts result in DMPD applications, individual characteristics of those applying, and where and why women and minorities fall out of the process. Gathering and analyzing such data is central to Phase 2 of 30X30, though also relevant for all of DMPD's recruitment and hiring goals. Further, in order for DMPD to successfully implement the 30x30 initiative, the Human Resources Department needs to share race and gender information with DMPD to strategize on ways to address challenges identified.

Though there is supposed to be a dedicated resource person in Human Resources working on police recruitment, more can be done to encourage and engage candidates. DMPD has made a number of suggestions, such as regularly reaching out to applicants to help them feel connected and committed to DMPD, sending automated texts and emails to remind applicants about upcoming deadlines, helping to explain and simplify the application process, providing alternative test-taking sites so applicants do not need to travel to Des Moines, and providing an alternative to US.gov where it is difficult to get information by phone. Department personnel do not know if Human Resources has followed up on any of these ideas.

#### H. Culture

Throughout our research and conversations with the “people” of DMPD, both within and outside the Department, we encountered strong sentiment about the strengths and areas for improvement in DMPD culture.

Chief Wingert has been with DMPD for his entire career and led the DMPD for almost eight full years (since 2015). Much of the current executive leadership group has been a part of the leadership team for an extended period leading to a strong top-down leadership driven by a consistent and stable team. The length of the Chief's tenure and leadership group is an advantage for the Department to the extent that it has led to little turnover, the vision and execution has been consistent, close and almost family-like bonds have developed within DMPD, and there appears to be a great deal of pride within DMPD in how business is conducted. Further, DMPD maintains a good reputation in the public dialogue in Des Moines, most City Councilmembers are broadly supportive of current leadership, and at the time of presenting this report, leadership appears capable of addressing the complex challenges issues ahead.

On the more problematic side, 21CP heard concerns about the leadership structure of the department as insular and lacking in diversity and lacking in a culture of constant improvement. Only forty-five percent (45%) of DMPD employee survey respondents indicated that they agreed or strongly agreed that the Department has a culture of continual improvement.<sup>101</sup> Additionally, our internal surveys and focus groups also demonstrated concerns around a variety of topics including transparency and fairness in promotions, internal communications, accountability challenges, and racial/gender diversity and treatment issues.

Conversations with community members (including those with elected officials) echoed many of the same themes: a general diversity of opinion on department performance, including great pride about DMPD and a sense of operational excellence; but also significant concerns around specific issues of conduct (many described in this report), lack of transparent communications, and an insular culture. Ultimately, while we did not encounter widespread cultural challenges in terms of abuse or malfeasance (and express no opinion regarding the lawsuit by female officers alleging sexual harassment and discrimination), we note that DMPD can create a stronger self-driven culture of constant improvement in order to be identified as the best in its field across the country rather than one that focuses on doing better than what was done previously at DMPD or in Iowa policing. To be seen as setting a national standard, DMPD must seek to be a department that intentionally creates and requires critical self-analysis, internal accountability, and organizational learning that moves beyond the state border. This leads to a sense that, while many pieces of the DMPD culture are good and lead to *good* outcomes, the Department sometimes lacks the internal capacity or mission to identify problems before they manifest themselves publicly, obligating DMPD to resolve issues in crisis-mode—rather than fostering a culture that idealizes national best practices in policing. The City's request that 21CP conduct the assessment underlying this report is a great step in this direction as it demonstrates an interest in input on national best practices. Other important steps would be continued active involvement or familiarization with policing organizations on the forefront of national best practices, including the International Association of Chiefs of Police, Police Executive Research Forum, and Major Cities Chiefs Association, and collaborating on opportunities to engage in evidence-based research such as that developed through the National Institute for Justice.

In 2021, five female employees filed a lawsuit against the Department alleging long-term sexual harassment and gender discrimination.<sup>102</sup> Due to the ongoing litigation, DMPD leadership was

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<sup>101</sup> In contrast, eighty percent (80%) of respondents agree or strongly agree that the people with whom they work most closely are committed to producing top quality work.

<sup>102</sup> <https://www.desmoinesregister.com/story/news/crime-and-courts/2021/09/28/des-moines-police-officers-employees-sue-over-sexual-harassment-gender-discrimination-allegations/5891704001/>

unable to discuss what internal investigations and reviews were conducted. Though 21CP is not privy to any details, based on those internal investigations and reviews, DMPD should prioritize critical self-analysis and learning from its performance, whether good or bad.

**RECOMMENDATION 42: DMPD should begin the process of reviewing its current strategies and business systems and adopt and publish *a new strategic plan*. The plan should address what the current and future community policing and engagement strategies are for DMPD, how to improve transparency, and how to address issues of diversity. The plan should be rolled out internally and externally through a robust communications effort to ensure the plan becomes readily identifiable as the Department’s core approach to policing in Des Moines.**

**RECOMMENDATION 43: DMPD should adopt a culture of constant improvement with a publicly available explanation of how the Department identifies and addresses issues internally to improve operational excellence. The approach should also highlight the way in which the Department will assign staff and project managers to address the concerns, and monitor improvement and long-term success through data analysis.**

Organizations—police and non-police alike—should follow best practices by creating a stated vision and supporting strategic documentation to ensure that all members of the organization are aligned on the goals, direction and values of the organization. This approach will help the department and its members avoid following prey to moving standards or pressure from crowds, and instead focus on the key directional initiatives and metrics for the body. Further, by designing ways in which all staff can be aligned on reaching the organization’s stated goals, staff can hold each other to account to staying focused on the critical mission, vision, and values driving work and utilize data and identify and develop projects to push the organization forward without outside pressure.

**RECOMMENDATION 44: DMPD should consider partnering with the City of Des Moines and community members to adopt an accountability board (parties varyingly call this a Community Review Board, Community Advisory Board, or Citizen Advisory Board). This approach could help begin to surface community concerns before they occur and productively develop a policy-making partnership.**

Across the country, and Des Moines is no exception, there has been a long-standing debate about the role of civilian advisory boards and the amount of authority boards should have to improve the state of police-community relationships. The Policing Project at NYU School of Law

defines community advisory boards as: [g]roups of community representatives who are assembled to meet with police to discuss the means, ends, and consequences of local policing . . . [they] are asked to provide advice and recommendations to policing leadership or to other officials...<sup>103</sup> Ultimately, these types of advisory boards usually “make recommendations to the police department regarding high-level policy and operational strategies.” However, they may not have any authority to mandate the adoption of their recommendations.<sup>104</sup>

There is no “right way” to create the organizational and operational structure for this type of work. However, these boards can have a significant role in improving relations with community groups and providing “a seat at the table” for residents in improving policy police. Further, these boards also provide a way for police departments to explain the “why” and “how” of specific policies and thus serve as a powerful educational tool for residents to understand how policing works.

**RECOMMENDATION 45: DMPD should engage in a robust self-assessment about the diversity of the Department and adopt and plan for how to improve racial and gender diversity at DMPD—irrespective of any litigation. As a part of this work, the Department should review best practices to ensure that any underlying cultural issues that could lead to a workplace where gender discrimination could occur at DMPD are prevented. Additionally, the Department should adopt a plan of action to address any potential areas that might lead to a lack of willingness of female employees to identify these issues within the current employee culture. Without admitting that sexual harassment or any other discrimination has occurred, leadership should again explicitly state in internal and formal external documents that DMPD has a zero-tolerance policy regarding sexual harassment. In addition to current policy prohibiting all forms of harassment and despite the number of times the Department's zero-tolerance position has been stated in the past, reinforcing the sentiment in the current climate is critical to reinforcing the Department’s message of inclusion and ensuring a workplace free from discrimination.**

**RECOMMENDATION 46: The City of Des Moines should adopt and provide financial support for Chief Wingert’s proposal to hire a Diversity and Equity Coordinator within the Des Moines Police Department.**

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<sup>103</sup> Julian Clark & Barry Friedman, NYU School of Law Policing Project, *Community Advisory Boards: What Works and What Doesn’t: Lessons from a National Study*

<sup>104</sup> Sharon R. Fairley, “Survey Says: U.S. Cities Double Down on Civilian Oversight of Police Despite Challenges and Controversy,” *Cardozo Law Review De Novo* 8 (2020), [http://cardozolawreview.com/wp-content/uploads/2020/01/FAIRLEY.DN\\_2019.pdf](http://cardozolawreview.com/wp-content/uploads/2020/01/FAIRLEY.DN_2019.pdf).

As noted above, DMPD is generally racially homogenous and lacks in gender diversity—despite some efforts by the Department to improve its hiring and promotional practices. To address this issue, the Department must intentionally address how to move forward in a challenging national environment for recruiting and within a context in which there is a pending lawsuit against the Department alleging harassment and discrimination by multiple female officers. There is only one way to face these issues: head-on. A robust self-assessment and strategic approach to building a diverse and inclusive workplace will be a strong first step in addressing these challenges. Further, in other interviews, Chief Wingert expressed a strong desire to hire a Diversity and Equity Coordinator role at DMPD. This role seems a prudent step for the Department and mirrors efforts at other departments across the country.

## V. CONCLUSION

21CP had an overarching goal of providing all stakeholders an opportunity to contribute to its assessment of DMPD. The 21CP team sought input from external and internal stakeholders through focus groups and interviews, and held virtual and in-person listening sessions. Stakeholders also were invited to submit information through a confidential email address or by sending information directly to team members. Further, a confidential and anonymous survey was administered as another means for DMPD personnel to share their perspectives. All of this input was synthesized and considered along with other sources of information, including DMPD policies, training curricula, annual reports, and data reviews, to lead 21CP to make the recommendations for improvement outlined in this report. Best and developing practices were used as a guide and adapted for recommendations where appropriate.

21CP leaves DMPD and the City of Des Moines with a significant amount of work ahead to review and implement the recommendations made. This next stage in the process of making the Department the best it can be is served by approaching 21CP's recommendations with the following suggestions in mind:

- Involve community stakeholders and representatives from throughout DMPD during the implementation phase. Create a work group that advises Departmental leadership on prioritization of the recommendations, identifying the resources necessary for implementation, and estimating short-, medium-, and long-term steps towards implementation, along with the timelines involved.
- Create a public facing dashboard that tracks the implementation process, providing as much data and other details as feasible and with a means for stakeholders to ask questions along the way.
- Set up a communications plan, such that the Department regularly reports out on the status of implementation and invites comments from stakeholders about ways to improve the work being done.
- Celebrate major accomplishments as recommendations are implemented and regularly demonstrate appreciation for everyone involved, whether internal or external to the Department.

This approach to implementation is in line with many of the recommendations 21CP makes in the body of the report, where transparency and accountability are paramount, with a goal of increasing police legitimacy and trust in public safety providers.

21CP offers its sincere gratitude to the Des Moines Police Department and all sworn and civilian DMPD personnel who openly shared information and their experiences and perspectives throughout this assessment. The 21CP team also very much appreciates the contributions made by the many external stakeholders, community members and government representatives outside DMPD, who provided input and ideas about ways to improve the DMPD. It is clear to the 21CP team members that both internal and external stakeholders are deeply committed to Des Moines and to doing what is necessary to make DMPD the best it can be.