
 <input checked="" type="checkbox"/> General Order <input type="checkbox"/> Division Order <input type="checkbox"/> Bureau Order <input type="checkbox"/> Special Order  Order No.: <b>23-76</b> <hr/> <input checked="" type="checkbox"/> Procedure <input type="checkbox"/> Plan <input checked="" type="checkbox"/> Rule	<b>Iowa Department of Public Safety</b>	
	<b>TITLE/SUBJECT:</b> Unbiased Enforcement and Services	<b>IDENTIFIER:</b> 01-02.08
	<b>TO:</b> All DPS Personnel	<b>CC:</b>
	<b>RELATED DIRECTIVES/FORMS:</b>	
	<b>APPLICABLE CALEA STANDARD(S):</b> 1.2.9	
	<b>EFFECTIVE DATE:</b> August 23, 2023	<b>REVISION #:</b> 5
	<b>INSTRUCTIONS:</b> Changes have been made in sections III, V.D. and V.E.	
	<b>APPROVED BY:</b>   <b>Nathan Ludwig, Executive Officer to the Commissioner</b>	<b>DATE:</b>  <b>August 9, 2023</b>

## I. Purpose

The purpose of this policy is to emphasize this Department's commitment to unbiased and equitable treatment of all persons in enforcing the law and providing services.

## II. Policy

- A. It is the policy of this Department to enforce all laws under the Department's jurisdiction and provide Department services without regard to race, color, national origin, ethnic background, gender, sexual orientation or gender identity, religion, economic status, age, cultural group, disability, income level, limited English proficiency, or any other identifiable groups.
- B. It is the policy of this Department to uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and related non-discrimination authorities as identified in the FMCSA Title VI Program Assurance signed by the Department's Commissioner.
- C. Biased policing as defined below is prohibited.
- D. Violations of this policy may be the basis of corrective measures ranging from counseling and remedial training to disciplinary action up to and including discharge from the Department. Egregious violations of a person's civil rights may result in individual liability and/or criminal sanctions.

## III. Definitions

*Biased Policing* - Discrimination in the performance of law enforcement duties, delivery of community caretaking functions (i.e. assistance at fire scenes, traffic collisions, and medical emergencies, lifesaving services, crime prevention, preventive patrol, traffic control, public information, education, assistance, and similar activities), or other Department services, based on personal prejudices or partiality of members that interferes with their professional judgment, or training, departmental policy, or adherence to law. Bias-based policing—also referred to in some instances as “profiling”—includes but is not limited to prejudicial decisions affecting individuals in

classes protected by federal and state law. It also includes, for example, persons with whom members have such "personal involvement" that they cannot act impartially.

#### **IV. Responsibilities**

A. While acting as a member of the Iowa Department of Public Safety, all employees shall:

1. Recognize and respect each person's civil rights.
2. Comply with federal and state laws and regulations in all contacts with the public, coworkers, and other business contacts. Comply with DPS Title VI Program Compliance Plan.
3. Treat all persons with dignity, respect, fairness and courtesy.

B. All officers shall:

1. Be vigilant in traffic contacts, field contacts, and asset seizure and forfeiture efforts and assure that bias is absent from actions taken.
2. Assure that enforcement actions are based on a person's conduct or other specific suspect information, supported by specific articulated facts that would indicate there is reasonable suspicion to believe a person has violated a law under the jurisdiction of the Department or is currently presenting a threat to the safety of themselves or others.

#### **V. Complaints**

A. Members who witness or who are aware of instances of biased policing shall report the incident to their supervisor.

B. The department takes seriously allegations of biased policing. All such complaints shall be forwarded to the Department's Professional Standards Bureau for investigation.

C. The Professional Standards Bureau shall maintain data relating specifically to complaints of biased policing. Information shall be provided to the Commissioner or designee in a manner most suitable for administrative review, problem identification, and development of appropriate corrective actions.

D. Procedures for receiving and processing complaints against Department personnel are established by the Professional Standards Bureau (PSB) and include on-line, in-person, and telephone options.

1. Complaints can be filed on-line at URL: <https://dps.iowa.gov/form/psb-info>.
2. Complaints received by a member of the Department shall be handled as directed in [26-02.01 – Handling Complaints Against Department Employees](#).
3. Public Notice Of Title VI Program Rights: [Iowa DPS Title VI Public Notice](#)
4. Complaints received reference Title VI compliance shall be disposed according to the Complaint Disposition Process section of DPS Title VI Program Compliance Plan. PSB shall oversee all complaints based on race, color, national origin, sex, age, disability, income level, or limited English proficiency. DPS Title VI Program Compliance Plan shall identify the Title VI Program Coordinator.

E. Investigations shall be conducted as appropriate and in accordance with guidelines established in [26-02.01 – Handling Complaints Against Department Employees](#).

## **VI. Training**

- A. Officers will receive basic and in-service training and, where deemed necessary, remedial training as defined by the Professional Development Bureau (PDB) on subjects related to police ethics, cultural diversity, police citizen interaction, standards of conduct, conducting motor vehicle stops, and related topics suitable for preventing incidents of biased policing.
- B. Annually, the Department shall provide to and document in-service training for all enforcement personnel on the issues of biased policing, including legal aspects.
- C. When deemed necessary, in-service and remedial training may be required for non-enforcement personnel as well.
- D. The Department shall provide Title VI program-related training to personnel conducting traffic enforcement, compliance reviews, and safety audit activities, including the adherence to FMCSA Enforcement Memorandum regarding ELP versus LEP (MC-ECE-2016-006).

## **VII. Annual Review**

The Professional Standards Bureau shall conduct an annual administrative review of agency practices, including citizen concerns, regarding civil rights and bias based issues. This will include a review of traffic and field contacts, asset seizures and forfeiture efforts, use of force, pursuits, and citizen complaint data. The review shall be documented in a report and presented to the Commissioner for review by March 15<sup>th</sup>, with a completion date of March 31<sup>st</sup>, for the prior calendar year.