Minutes of the Des Moines Civil & Human Rights Commission Meeting on November 14, 2019, 4:30 PM at Municipal Services Center, 1551 E. Martin Luther King Parkway, Des Moines, IA 50315.

Commissioners present: Kameron Middlebrooks, Emily Shields, Izaah Knox, Rachelle Hunt Russian, Claudia Schabel

Commissioners absent: Veronica Ouya

QUORUM PRESENT
Staff present: Doug Philiph, Joshua Barr, Manisha Paudel, Matt Hoeg, Holly Clark, Yudith Andrade

Middlebrooks called the meeting to order at 4:40 pm. Knox took roll.

Approval of Minutes –
September 12, 2019 Regular Commission Meeting Minutes – Knox moved to approve. Hunt-Russian seconded. Pass 4-0

Knox made a motion to move items, under new business, ICRC Cooperative Agreement FY19-20 and Racial Profiling Ordinance to the top of the agenda with public comment occurring for item Racial Profiling Ordinance with a two-minute limit per person. Hunt Russian seconded. Pass 4-0

NEW BUSINESS –

ICRC Cooperative Agreement FY 19-20: Barr stated Iowa’s Civil Rights Commissions Cooperative Agreement for year 2019-2020 an annual formality to renew any additional items which, is signed by Chair and Director. Knox made a motion to move, Hunt Rushian seconded it. Pass 4-0

Racial Profiling Ordinance: Middlebrooks shared an update on The Racial Profiling Ordinance. The discussion with the City Manager’s office to do a request for information for code and law enforcement disparities research to make recommendations on best practices for data collection has not been finalized. The Commission will work with legal to draft RFP language for research and develop a timeline on that process. It was agreed to create a Policy and Practice Review Committee (PPRC) to focus on reviewing data and recommendations for policy and practice modifications to improve code and law enforcement policies and practices. The Commission will work with Legal on duties, assigned persons, and timeline of the review committee launch. This PPRC will also include other code enforcement departments in the city. The commission will

Human Rights Commission Webpage:
humanrightsDSM.org
develop a timeline with the Human Resources Department on the de-escalation training for all city employees to start sometime in 2020 as well as cultural competency and implicit bias training for city employees that started in October of this year. The Commission will draft language for City Council to vote on regarding training for boards, commissions and council members. The Commission will add review of disparate impact concerns regarding ordinances, policies, or practices to the powers of the Commission as assigned by City Council or City Manager. This power would be similar to the State’s minority impact review powers.

In addition to these steps, the Commission met with community organizational leaders (CCI, NAACP, ACLU, as well as attorney Harvey Harrison) this past Tuesday. Based the input of organization leaders, the Commission noted the following concerns: making a separate ordinance and not under the Human Rights cod; the expansion of the definition of “Racial Profiling; no limit on the dollar amount awarded to somebody as damages; adding a clause that defines pretextual stops and the training for implicit and de-escalation is written into the ordinance. Middlebrooks noted that they would bring those concerns to the city administration and arrange a meeting between community organization leaders and the City Manager and Legal Department.

Public Comment: Representative of CCI, Harvey Harrison, made comments about the Racial Profiling process. Mr. Harrison stated that city officials who have worked on this for now something around four years have no intention of actually addressing the issues that the community members have raised or engaging in a serious dialogue about ending racially biased policing in the city of Des Moines. Mr. Harrison stated that the proposal is meaningless and accomplished nothing. Mr. Harrison states it makes the situation for people who are being victimized by racially biased policing worse, not better. Mr. Harrison also stated it limits the possibilities of litigation on cases that would justify that, and it eliminates appropriate civil recoveries by people who were victims of racially biased policing. In addition and most important, it does not address any of the requests made by the citizens in the six point initiative that was presented to the council one year ago.

Laura Young a member of the Racial Justice team at the Iowa CCI Action and a concerned black citizen. Ms. Young stated that the Iowa Freedom of Information Act, revealed three sets of data related to recorded stops by the Des Moines Police Department, citations issued by DMPD and Polk County sheriff records on bookings made by the DMPD and case disposition records from the Iowa Data Warehouse. Ms. Young stated Black people make up 11% of the population of Des Moines but in timeframe of 2014 through 2018 black people represent 22% of all citations and then 33% of those citations result in a booking.

Member of CCI Action and the Racial Justice committee, Ron Goodman stated that all the city has come up with is a lukewarm ordinance directing city employees to treat people fairly. Mr. Goodman stated that the proposal the community asked for has to do with the police. Mr. Goodman also stated the community must recognize the encounters with the police can be much more consequential than the contact with city workers. Mr. Goodman stated that only the police are equipped with lethal weapons and the authority to use them. Only the police can initiate actions that may lead to humiliation in front of your children, incarceration, loss of access to employment and housing, loss of rights to vote, to legally posses a gun and ultimately, physical injury and death. Mr. Goodman urged the Civil and Human Rights Commission to reject the current proposal and to call for an ordinance that addresses the six concerns identified by the community.
Betty Andrews, member of CCI Racial Justice, suggested lowering the priority on marijuana arrests. Ms. Andrews stated the Des Moines Police Department seems to believe black people naturally smell of marijuana from the womb and uses this tactic for pretextual stops. Ms. Andrews stated people are arrested for small possessions of marijuana and it is wasting taxpayer’s money, causing individuals to incur financial and mental distress. Ms. Andrews stated thousands of people are repeat DUI offenders that are a danger to public safety, they attach a breathalyzer to their vehicles and can drive, live and work. Ms. Andrews states that lives are being ruined over small marijuana amounts.

**COMMITTEE REPORTS**

**Officers Report:** Middlebrooks reported the racial profiling update. The Commission has been meeting with city staff and discussed the next steps for racial profiling, which was outlined in the Racial Profiling Discussion.

**Internal Committee Report:** Knox reported they discussed the issue with the assault that occurred in the Skywalk. Knox reported they are working on racial profiling that occurs at any time in the city, no matter if you are driving a car or not and it helps extend that racial profiling ordinance as well in the community.

**External Committee:** Schabel reported that at their last meeting they had an extensive agenda, which they did not get to because they had a community impromptu meeting that addressed exactly the issue that was addressed tonight but couldn’t get to the other items. Schabel reported the plan is to continue the conversation via email to discuss items that were on the agenda.

**Equity Report:** Mila Kaut, Holly Clark and Manisha Paudel spoke about a need for more data and more information about the state of equity in the city of Des Moines. They recognize that research is kind of a prerequisite for effective and sustained change to effectively come up with solutions and a long-term strategy. Presently looking at two areas: community conditions and city services and operations. Identifying first which disparities and inequities exist and who is disproportionately affected and then identifying where those inequities are coming from and what approaches to take to address them. They report the first findings are as follows: Des Moines is quickly diversifying, reports on inequities in the community are specific to certain demographics and to certain issues and little communication action has followed the release of these reports and the areas where inequities exist and are interconnected and historically rooted. The limited understanding of the strengths and challenges of historically marginalized communities is hindering our capacity to act. The place-based research is needed in order to assess community conditions and coupled with this research we need to get a deeper understanding of inequity and that requires doing outreach to communities and involving these communities in more direct ways. They also reported that the outreach has been trial and error. Finding success is tabling and surveys based on economic needs in places like food pantries, clothing closets, ethnic community events like Latino Heritage Festival. An outreach guide and a facilitation guide and an equitable opportunity guide is now available on the city’s website. From the surveys they have obtained 68 responses broken down...
by ward/location. The internal Equity Services team plans to share all this information in a council work session in hopes to obtain more resources for research.

**Director's Report:** Barr reports a total of 23 complaints filed between September and October of this year. 13 of those were dismissed. 10 had charges drafted for investigations. Eight of those cases were employment, five were housing, two were municipal practices and two were public accommodations. And one closed. The annual report will be ready by November 18th for review. Barr shared that there was a 73% increase in the number of cases closed, many of those conciliated. Human Rights Symposium moving along fine. Barr shared that the City Manager has approved the 100,000 coming out of Local Option Sales Tax Dollars for Bridging the Gap updates, Ladder Up and the grant program. Barr shared that H.R. submitted the proposal for Bridging the Gap not allowing city employees to inquire about immigration status to the City Manager for his signature. Barr shared the next cultural competency and implicit bias trainings is on November 21st after that it will just be for city employees. Barr spoke about encouraging more employees to live within the city limits and the housing survey that will be sent out next month, to city employees to learn about ways to incentive employees to live in the city limits.

**OLD BUSINESS**

**LGBTAC:** Discussion regarding the change of rules; if the subcommittee already exists, the subcommittee to review the nominations with the staff and then present the applications with the commissioners. The Commission reviewed all 12 nominations and Middlebrooks made a motion to approve the list of 12. Schabel moved and Hunt Russian second. **Pass 4-0**

**Commissioner's Activities Updates:** Schabel and Paudel presented at the Way Up conference and discussed the process of Bridging the Gap dialogues which was very receptive.

Hunt Russian attended the Latino Festival back in September, visited the Redline exhibit and attended the GARE Conference.

Middlebrooks attended the GARE Conference and LULAC's presidential town hall. Through the work with NAACP, Middlebrooks held a school board forum and then three Civil Council forums for the Mayor's race. They also put together an economic summit in partnership with the director's council wo put out One Economy report where over 125 young professionals and students attended for a full morning of opportunities to learn personal financial skills as well as small business development. Then NAACP hosted a presidential forum where 12 candidates showed up. Last weekend 500 people attended the 44th annual banquet.

**Adjourn:** Meeting adjourned at 7:14 pm.