



# CIVIL RIGHTS

<i>Original Date of Issue</i> <b>May 20, 2000</b>	<i>General Order Number</i> <b>89-04</b>
<i>Effective Date of Reissue</i> <b>December 10, 2018</b>	<i>Section Code</i> <b>LEG-01</b>
<i>Reevaluation Date</i> <b>December 2019</b>	<i>Amends</i>
<i>C.A.L.E.A.</i> <b>1.2.3, 1.2.5</b>	<i>Reference</i> <b>(see "INDEX AS:")</b>

## **INDEX AS:**

Civil Rights  
Rights, Civil  
Rights, Individual

Arrests  
Warrants  
Search and Seizure

Use of Force

## **I. PURPOSE**

The purpose of this order is to consolidate the policy of the Iowa City Police Department on civil rights as already expressed in current Department rules, directives, and other publications. This order will reaffirm the Department's determination to observe, uphold, and enforce all laws pertaining to the individual rights of each person without regard to age, race, color, creed, religion, sex, national origin, economic status, marital status, disability, sexual orientation or gender identity.

## **II. POLICY**

It is the policy of the City of Iowa City and the Iowa City Police Department to ensure that the civil rights of the residents of Iowa City are upheld. Members of the department shall ensure that all constitutional protections are afforded those parties with whom the department is involved.

### III. PROCEDURES

#### INDIVIDUAL RIGHTS

- A. All persons are guaranteed protection against unlawful arrest and unreasonable search or seizure. (see general order 00-01, Search and Seizure)
- B. Department personnel shall uphold these rights by:
  - 1. Taking a person into custody only when there is reasonable grounds to believe that:
    - a. An arrest warrant exists for the person, or
    - b. The person has committed or is committing a violation of the law, or
    - c. The person may be a harm to themselves or others.
  - 2. Entering a private dwelling only when he/she:
    - a. Has in his/her possession a search warrant authorizing him/her to do so, or
    - b. Has reason to believe that immediate entry is necessary to protect a person within such private dwelling from death or serious injury, or
    - c. Can otherwise legally justify his/her action.
  - 3. Taking from an individual only such property as he/she is legally authorized to take, and recognizing that he/she is responsible and must account for all such property.
- C. When making an arrest or searching and seizing property, Department personnel shall use only such force which is reasonable and necessary and in compliance with departmental directives pertaining to the use of force. (see general order 99-05, Use of Force)
- D. At all times Department personnel shall:
  - 1. Never exhibit any bias or prejudice against any group or individual.
  - 2. Act, speak, and conduct themselves in such a manner as to treat all persons with courtesy and with that respect due to every person as a human being.

#### FIRST AMENDMENT RIGHTS

- A. All persons have the right to:
  - 1. Freedom of speech
  - 2. Peaceful assembly
  - 3. Peaceful picketing
  - 4. Distribution of handbills providing such distribution is not in conflict with the provisions of any City Ordinance
  - 5. Redress of grievances.
- B. The rights set out in paragraph A, above are not absolute, that is they do not mean that everyone with opinions or beliefs to express may do so at any public place, in any manner, and at any time. The exercise of these rights of free expression must not:
  - 1. Conflict with the governmental responsibility to keep public streets and public facilities open and available for public use.
  - 2. Use inflammatory language in public which the person using the language knows or reasonably should know is likely to provoke an imminent violent reaction by another.

- C. Resources of the Department will be employed to rapidly and decisively enforce statutes and ordinances which provide for the protection of the rights and property of all persons.
1. To the extent possible, Watch Commanders will assure that adequate staffing is available to control and maintain order in every instance where crowds have formed or are expected to form.
  2. Police personnel in command at the scene of any assembly must be aware of their responsibility to afford protection to both participants and non-participants, and will deal with illegal acts promptly, decisively, and impartially.
  3. The City of Iowa City and the Iowa City Police Department expressly prohibit any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in non-violent civil rights demonstrations.
  4. The City of Iowa City and the Iowa City Police Department shall enforce any applicable federal, state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent civil rights demonstration within its jurisdiction.
  5. The City of Iowa City and the Iowa City Police Department shall enforce this general order within its jurisdiction and will facilitate the filing of a complaint by any individual or group who feels that the City of Iowa City and/or Iowa City Police Department has not complied with this policy.

#### ARRESTED PERSONS

- A. All persons are guaranteed certain basic constitutional safeguards. These safeguards will not be denied any person even though he/she has committed, or is suspected of having committed, a criminal act.
- B. Department personnel will at all times be aware of a detainee's rights and shall:
  1. Permit the detainee to communicate with his/her attorney and/or a family by making a reasonable number of telephone calls.
  2. Expedite all necessary processing so the detainee will be detained no longer than necessary.
  3. Never use force or coercion in seeking admissions of guilt or confessions.
  4. Recognize and respect the detainee's right to refuse to give evidence against him/herself; however, there is no encroachment upon a detainee's rights if he/she should voluntarily supply such information.

#### RESPONSIBILITY

No officer shall base an action or decision on a person's age, race, color, creed, religion, sex, national origin, economic status, marital status, disability, sexual orientation or gender identity.

Each officer shall familiarize him/herself with the laws and Department directives pertaining to civil rights to insure his/her:

- A. Recognition of each person's civil rights and
- B. Compliance with all laws and Department directives relating to civil rights.

VIOLATIONS

Violations of this policy may be the basis of disciplinary action up to and including discharge from the Department. Egregious violations of persons' civil rights may result in individual liability and/or criminal sanctions.

---

Jody Matherly, Chief of Police

**WARNING**

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.