

AN ORDINANCE adding 36.05: “POLICE DEPARTMENT, REQUIRED USE OF BODY CAMERAS BY MEMBERS OF THE FORT WAYNE POLICE DEPARTMENT” to Chapter 36: Personnel Policies, of the Fort Wayne Municipal Code of Ordinances

WHEREAS, the City of Fort Wayne Code of Ordinances (“FWCO”) identifies certain personnel policies for the City of Fort Wayne; and

WHEREAS, Body Cameras have become a standardly issued piece of equipment by police departments of comparable sizes to Fort Wayne’s department and larger departments; and

WHEREAS, Body Cameras further expand the digital evidence collection system that exists within the Fort Wayne Police Department, including in-car cameras and video storage systems; and

WHEREAS, the Fort Wayne Police Department has done significant research over the last few years in order to ensure that the system that Fort Wayne adopts will be state-of-the-art and fulfill all of the needs of a complex community like Fort Wayne; and

WHEREAS, these Body Cameras, the back-end infrastructure, and the personnel needed to manage the programs will have additional budgetary costs associated with them that will need to be realized and funded through the standard budgetary process; and

WHEREAS, the Fort Wayne Police Department is responsibly implementing this process in phases, but also understands and acknowledges there is a firm timeline for moving forward toward completion.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That § 36.05: “POLICE DEPARTMENT, REQUIRED USE OF BODY CAMERAS BY MEMBERS OF THE FORT WAYNE POLICE DEPARTMENT” in Chapter 36: Police Department shall be added and read as follows:

§ 36.05 REQUIRED USE OF BODY CAMERAS BY MEMBERS OF THE FORT WAYNE POLICE DEPARTMENT

- (A) By no later than December 31, 2022, all Operations and Uniformed Specialty Officers, or anyone operating in a uniformed capacity on a regular basis, of the Fort Wayne Police Department shall be required to use and maintain, as part of the standard uniform, an operational Body Camera, type as determined and implemented by the Fort Wayne Police Department.

1 1. Initial trial of these Body Cameras shall be completed by December 31, 2020
2 (“Initial Trial”). At least 100 Operations and/or Uniformed Specialty Officers shall
3 have fully operational Body Cameras as part of their standard uniform by December
4 31, 2021 . All Operations and Uniformed Specialty Officers shall have operational
5 Body Cameras by December 31, 2022.

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7 2. Graduated recruit classes in 2020 and 2021 will not necessarily have Body Cameras
8 immediately after graduation, but should be outfitted with the Body Cameras as
9 soon as practicable and with all due haste. For graduated recruits from 2020 and
10 2021, all recruits shall be equipped with a Body Camera by December 31, 2022. For
11 every graduated recruit class from 2022 and later, the Body Camera must be part of
12 the uniform for each new recruit immediately upon graduation from the Academy.

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14 The program identified in this may be collectively referred to as the “Body Camera
15 Program.”

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17 (B) The Fort Wayne Police Department shall set departmental policy for the operation and
18 administration of such cameras and the Body Camera Program, including but not limited
19 to:

- 20 1. Appropriate usage;
21 2. Appropriate storage;
22 3. Response to public inquiries for video; and
23 4. Appropriate discipline for any misuse of Body Cameras.

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25 Appropriate usage policy must include, but does not have to be limited to, a requirement
26 that all Operations and Uniformed Specialty Officers who are equipped with cameras
27 through the Body Camera Program must activate and otherwise ensure their cameras are
28 operating and recording in any instance where the Operations or Uniformed Specialty
29 Officer who is equipped with a camera interacts with the general public while on duty and
30 in a capacity resulting from their employment as an Operations or Uniformed Specialty
31 Officer.

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33 (C) The Fort Wayne Police Department shall provide and report the final departmental policy
34 for the Body Camera Program to Common Council at a meeting of Common Council prior
35 to the Initial Trial of the Body Camera Program in 2021.

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37 (D) The Fort Wayne Police Department, through the Administration of the City of Fort Wayne
38 and the Mayor, shall include all appropriate funding requests to support the Body Camera
39 Program in its annual budget submitted to the Fort Wayne Common Council. All
40 budgetary requests related to the Body Camera Program must be submitted to Common
41 Council in line item form. Any budget request that includes items not related to the Body
42 Camera Program may be declined at the discretion of Common Council with further
43 instruction to specifically identify budgetary requests related to the Body Camera
44 Program.

1 (E) **[Option 1 –]** In any year where the Fort Wayne Police Department fails to satisfy any
2 obligation outlined in this Section 36.05, the Fort Wayne Police Department shall not be
3 entitled to budgetary increases in any capacity for the next budget year until the
4 noncompliance with regard to this Section 36.05 is rectified to the satisfaction of Common
5 Council. Satisfaction of rectification by Common Council shall be evidenced by a
6 resolution by Common Council identifying the steps taken by the Fort Wayne Police
7 Department to rectify the noncompliance as verified and reported to Common Council.
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9 **[Option 2 –]** If the Fort Wayne Police Department fails to satisfy any obligation outlined
10 in this Section 36.05, the Administration of the City of Fort Wayne or Common Council
11 may request an order to comply with this Section 36.05 from Allen County Superior or
12 Circuit Court.
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14 **[Option 3 –]** In any year where the Fort Wayne Police Department fails to satisfy any
15 obligation outlined in this Section 36.05, the Fort Wayne Police Department shall not be
16 entitled to budgetary increases in any capacity for the next budget year until the
17 noncompliance with regard to this Section 36.05 is rectified to the satisfaction of Common
18 Council. Satisfaction of rectification by Common Council shall be evidenced by a
19 resolution by Common Council identifying the steps taken by the Fort Wayne Police
20 Department to rectify the noncompliance as verified and reported to Common Council.
21 The Administration of the City of Fort Wayne or Common Council may also request an
22 order to comply with this Section 36.05 from Allen County Superior or Circuit Court.
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24 **SECTION 2.** The Fort Wayne Common Council, as the fiscal body of the City of Fort Wayne,
25 commits to providing and appropriating adequate funding for the Body Camera Program, as
26 submitted by the Fort Wayne Police Department through the Mayoral Administration of the City
27 of Fort Wayne. It is understood that all appropriate grants will be sought out for these purchase
28 before they are presented to the Common Council. The Fort Wayne Common Council also
29 commits to ongoing funding for ancillary items including, but not limited to storage, staffing,
30 replacement items, and upgraded equipment as deemed necessary by the Fort Wayne Police
31 Department and affirmed by Common Council. All budgetary requests related to the Body
32 Camera Program must be submitted to Common Council in line item form. Any budget request
33 that includes items not related to the Body Camera Program may be declined at the discretion of
34 Common Council with further instruction to specifically identify budgetary requests related to
35 the Body Camera Program.
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1 **SECTION 3.** That this Ordinance shall be in full force and effect from and after its passage and
2 any and all necessary approval by the Mayor.

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7 _____
8 Sharon Tucker, Council Member
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12 Michelle Chambers, Council Member
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15 _____
16 Russ Jehl, Council Member
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19 APPROVED AS TO FORM AND PROCEDURAL LEGALITY
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21 _____
22 Joseph G. Bonahoom, City Council Attorney