

BILL NO. G-26-07-11

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 70:
GENERAL PROVISIONS OF THE CITY OF
FORT WAYNE MUNICIPAL CODE OF ORDINANCES**

WHEREAS, Flock cameras and other License Plate Readers (LPR) are used around the country as a tool for law enforcement; and

WHEREAS, there are fair and reasonable concerns regarding the usage of Flock cameras, the collection of data, the retention of data, and the outcomes related to this tool; and

WHEREAS, the Fort Wayne Police Department (FWPD) has a policy in place for the utilization of LPRs; and

WHEREAS, codification of the policy will allow the usage of this tool while ensuring that guardrails exist to provide privacy protection to citizens.

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

SECTION 1. That CHAPTER 70: GENERAL PROVISIONS of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

ADD NEW SECTIONS TO CHAPTER 70 INDEX

LICENSE PLATE READER (LPR) SYSTEM POLICY

70.50: Purpose

70.51: Policy

70.52: Definitions

70.53: Authorized Uses

70.54: Access and User Authorization

70.55: Search and Documentation Requirements

70.56: Data Retention and Storage

70.57: Data Sharing

70.58: Auditing and Oversight
70.59: Security and Data Integrity
70.60: Training
70.61: Violations
70.62: Related Policies and Authorities

ADD NEW SECTIONS AS A FOLLOWS:

LICENSE PLATE READER (LPR) SYSTEM POLICY

70.50: Purpose

The purpose of this policy is to establish standards, procedures, and safeguards governing the use of the License Plate Reader (LPR) system of the Fort Wayne Police Department (FWPD) and the City of Fort Wayne. This policy is intended to ensure that LPR technology is used in a lawful, ethical, and transparent manner that supports legitimate law enforcement purposes while protecting individual privacy and civil liberties.

70.51: Policy

It is the policy of the Fort Wayne Police Department to utilize the LPR system as an investigative and crime prevention tool consistent with Indiana law, applicable federal law, and all governing standards related to criminal justice information systems, including NCIC and IDACS requirements.

Access to and use of LPR data shall be limited to authorized personnel and shall be strictly for official law enforcement purposes. Misuse of the LPR system or data is prohibited and may result in disciplinary action and/or criminal prosecution.

Each search conducted within the system shall be directly associated with a legitimate law enforcement investigation and must include the control number of the associated Investigation (e.g., case number, incident explanation number, or other approved FWPD control number).

70.52: Definitions

License Plate Reader (LPR): A system of cameras and software that captures images of vehicle license plates and related vehicle characteristics (e.g., time, date, location, vehicle type).

1 LPR Data: Information collected by the LPR system, including images, license plate
2 numbers, metadata, and search results.

3 Authorized User: A sworn or civilian FWPDP employee who has been approved, trained,
4 and granted access to the LPR system.

5 **70.53: Authorized Uses**

6 LPR data may be used only for legitimate law enforcement purposes, including but not
7 limited to:

- 8 A. Criminal investigations (felony and misdemeanor)
- 9 B. Identifying vehicles associated with missing or endangered persons
- 10 C. Assisting in active or imminent public safety threats

11 LPR data shall not be used for:

- 12 A. General surveillance of individuals or groups without an investigative purpose
- 13 B. Tracking individuals based solely on protected characteristics
- 14 C. Personal, political, or non-law-enforcement purposes.

15 **70.54: Access and User Authorization**

- 16 A. Access shall be granted only by system administrators, with approval from Police
17 Command.
- 18 B. All users shall:
 - 19 1. Complete Department-approved training prior to access
 - 20 2. Use individually assigned credentials
 - 21 3. Comply with all FWPDP, City, State, and Federal data security requirements
- 22 C. User access levels shall be role-based and limited to the minimum necessary to
23 perform assigned duties.

24 **70.55: Search and Documentation Requirements**

- 25 A. Mandatory Control Number Requirement
 - 26 1. Every search conducted within the LPR system shall include the offense
 - 27 type and control number of the associated Investigation
 - 28 2. Searches conducted without a valid control number are prohibited.
- 29 B. Users shall ensure that searches are narrowly tailored in scope and duration to
30 the investigative need.
- 31 C. Bulk or pattern searches unrelated to a specific investigation are prohibited
32 unless expressly authorized by Police Command.
- 33 D. When an arrest or actionable intelligence is gained from use of the LPR system,
34 officers shall use the circumstance code "LPR" in Spillman.

- 1 E. Officers of the Fort Wayne Police Department shall not access or search the LPR
2 system on behalf of an outside agency without prior approval from command.

3 **70.56: Data Retention and Storage**

- 4 A. LPR data shall be retained in accordance with:
5 1. Indiana Code
6 2. Applicable federal law
7 3. City of Fort Wayne retention schedules
8 B. Unless otherwise required for an active investigation or legal hold, LPR data shall
9 not be retained longer than the vendor-configured retention period approved by
10 the Chief of Police.
11 C. FWPD shall not sell, trade, or monetize LPR data.

12 **70.57: Data Sharing**

- 13 A. LPR data may be shared only with:
14 1. Criminal justice agencies for legitimate law enforcement purposes with prior
15 command approval
16 2. Agencies authorized under Indiana law and applicable CJIS standards with
17 prior command approval
18 B. Any data sharing shall
19 1. Be documented
20 2. Comply with NCIC, IDACS, and CJIS Security Policy requirements
21 3. Be limited to the minimum data necessary
22 C. LPR data **shall not** be entered into NCIC or IDACS unless expressly permitted
23 under governing rules and policies

24 **70.58: Auditing and Oversight**

- 25 A. The Chief's staff, or designee, shall conduct periodic audits of:
26 1. User access
27 2. Search activity
28 3. Control number compliance
29 B. Audits shall verify that:
30 1. Searches are tied to valid investigations
31 2. Control numbers are properly documented
32 3. Use complies with this policy and applicable law
33 C. Audit results may be reviewed by Police Command and used for corrective
34 action, training, or discipline.

35 **70.59: Security and Data Integrity**

- 36 A. LPR data is considered sensitive law enforcement information.

1 B. Users shall not:

- 2 1. Share login credentials
- 3 2. Download, disseminate, or store LPR data outside approved systems
- 4 3. Access the system from unauthorized devices

5 C. Any suspected data breach, misuse, or unauthorized access shall be
6 immediately reported to Police Command.

7 **70.60: Training**

8 A. Initial training shall be required for all authorized users

9 B. Training shall include:

- 10 1. Legal limitations
- 11 2. Privacy considerations
- 12 3. Proper search and documentation procedures
- 13 4. Consequences of misuse

14 **70.61: Violations**

15 Any FWPDP member who violates this policy may be subject to disciplinary action up to
16 and including termination, and where applicable, criminal prosecution. Violation of this
17 policy is considered a Class- B violation of the Computer Policy (Rule/Regulations 2-
18 3.12)

19 **70.62: Related Policies and Authorities**

- 20 A. FWPDP AD99-0802, Central Computer Records Security Policy
- 21 B. FWPDP OP97-1707, Mobile Data Terminal Policy
- 22 C. FWPDP Rules/Regs Computer Policies 2-3.12
- 23 D. Indiana Code Title 10 and Title 35 (as applicable)
- 24 E. FBI Criminal Justice Information Services (CJIS) Security Policy
- 25 F. NCIC and IDACS Rules and Regulations

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27 **SECTION 2.** That this Ordinance shall be in full force and effect from and after its
28 passage and any and all necessary approval by the Mayor.

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Russell Jehl, Council Member

1 APPROVED AS TO FORM AND LEGALITY

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Joseph Bonahoom, Council Attorney