

MOVING FORWARD TOGETHER Action plan to address public safety and racial justice

THE COMMISSION ON POLICE REFORM AND RACIAL JUSTICE



The Commission on Police Reform and Racial Justice

On June 18, 2020, Fort Wayne Mayor Tom Henry announced the "Moving Forward Together" Action Plan to address public safety and racial justice following protests and demonstrations in the City of Fort Wayne. One aspect of the action plan was the establishment of the Commission on Police Reform and Racial Justice, comprised of members representing a cross-section of the community—private and public sectors, non-profit and faith groups, and grassroots organizations (the Commission). Mayor Henry asked Fort Wayne Common Councilmember-At-Large Michelle Chambers to chair the Commission. Joe Jordan, president and CEO of the Boys & Girls Club of Fort Wayne, led the meetings as co-chair.

Since its formation, the Commission has contemplated strengths and weaknesses in the Fort Wayne community and whether improvements could be made to better align Fort Wayne's public safety division, specifically the Fort Wayne Police Department (FWPD), with the desire for racial equity. The Commission has not shied away from difficult conversations for which there are no easy answers. The Commission acknowledges that events following the tragic death of George Floyd have caused pain for some members of the Fort Wayne community. The Commission regrets this pain is felt and hopes that these recommendations can help to bring about accountability, transparency, and healing. At the same time, the Commission recognizes collaboration is key to a strong community, and that all members of the community must commit to collaboration for the City to succeed. Furthermore, collaboration can only be built upon strong mutual trust. That trust must be built up, maintained and repaired. The Commission's recommendations reflect a desire for Fort Wayne to be strong in all three states of trust.

The Commission created vision and mission statements to center its work on Fort Wayne amidst the backdrop of a national reckoning:

VISION STATEMENT: The Commission on Police Reform and Racial Justice's purpose is to help create positive and meaningful change that brings forth racial equity and peace to all Fort Wayne residents, especially those who are Black, people of color, or marginalized, to ensure everyone is respected, appreciated, and valued.

MISSION STATEMENT: The Commission on Police Reform and Racial Justice, through community dialogue and engagement, will provide recommendations and feedback to the Administration and Fort Wayne Common Council on policies, practices and procedures related to the City of Fort Wayne's public safety division.

The Commission has grouped its initial findings into three primary areas: Race Relations, Communication, and Transparency. There is significant overlap in these areas. The Commission has focused on issues for which it could make direct, substantive recommendations to Mayor Henry and the Fort Wayne Common Council for further review and action. Following presentation of these recommendations, the Commission respectfully requests a meeting with the Mayor to discuss the plans for implementation.

Cover Photo: Mayor Tom Henry leads Unity Walk across Dr. Martin Luther King Jr. Memorial Bridge in 2020

Page 3 Photo: Councilwoman Michelle Chambers announces The Commission on Police Reform and Racial Justice at press conference



Process

The Commission began meeting in July to research and discuss why the Commission was created and what could be done to address community concerns in a reasonable and responsible way. The Commission held biweekly meetings to receive information on a variety of issues related to public safety.

During its initial meeting, the Commission first heard from leadership of two groups who had participated in local protests following the death of George Floyd. Subsequent meetings included presentations from the Fort Wayne City Controller who discussed the makeup of the city budget and how public safety resources are allocated; the City Attorney who discussed the makeup and role of the Board of Public Safety and what is allowable under state code; and the head of FWPD Internal Affairs who explained the office's purpose and process and a police union attorney who shared how the processes impact policing. Commission members also participated in a FWPD course in procedural justice – an interactive experience highlighting how the police do their job. Additionally, the Commission had an in-depth discussion about body-worn cameras, exploring how state law currently impacts local plans for implementation. The Commission also spent significant time discussing current FWPD policies, especially as they relate to national initiatives, such as "#8Can'tWait."

Over the past few months, Commission members have researched FWPD processes, state law, and City of Fort Wayne budgeting to inform their recommendations. The Commission has chosen to focus on areas where action can be taken locally, without having to rely on state or federal code changes.

All recommendations have been made by consensus of the Commission.

Commission Members

Michelle Chambers Fort Wayne Common Councilmember-At-Large, Chair

Joe Jordan Boys & Girls Clubs of Fort Wayne, Co-Chair

Ahmed Abdelmageed United Way of Allen County Advocacy Committee

Alien Nature Protest leader and demonstration organizer

Rev. Dr. Anne Epling First Presbyterian Church

Larry Gist NAACP & MLK Club of Fort Wayne

Elaena Harris Faegre Drinker

Carol Heiton City of Fort Wayne Law Department

Brendon Maxwell Utopian Coffee

Michael McAlexander Allen County Prosecutor's Office **Capt. Mitchell McKinney**

Fort Wayne Police Department

Marty Pastura Empowerment Advisors

Pastor Anthony Pettus Greater Progressive Baptist Church

Nikki Quintana Fort Wayne Metropolitan Human Relations Commission

Sgt. Sofia Rosales-Scatena Fort Wayne Police Department

Pastor Steve Terry New Life Church of God

Marion Wardlow Parkview Health and Fort Wayne Urban League Board

STAFF:

Stephanie Crandall City of Fort Wayne Mayor's Office

Megan Flohr Fort Wayne Common Council Administrator

Meeting recordings provided by **Patrick Stelte**, Allen County Public Library Government Access Coordinator.

Section 1: Race Relations

Recognizing that "Racial Justice" was in both its title and its charge, the Commission centered its vision on ensuring that all people in the community are represented and heard in all conversations. The Commission concluded that, to improve race relations, there are three areas of focus: allocation of resources, greater accessibility, and increased transparency.

At the first meeting, the Commission heard from two community organizers who were part of grassroots groups that had participated in local protests held in the aftermath of the murder of George Floyd. These leaders expressed concerns for the current police practices.

Although much of the Commission's discussion about communications was related to general activities of the FWPD, the Commission also spent quite a bit of time discussing the unprecedented events of May 29 and 30, 2020. Due to pending civil and criminal litigation, certain actions that occurred on these days have not been examined by the Commission. When that litigation is completed, the conversations described below would be most productive. The Commission acknowledged that damage occurred to the relationship between FWPD and Fort Wayne citizens. In order to improve trust and re-engage portions of the community, the Commission recommends when legally possible:

Recommendations to foster growth in regards to race relations between the Fort Wayne Police Department and the community include:

(1-A) Conduct reconciliation and acknowledgement conversations, related to the events in downtown Fort Wayne on May 29 and 30, 2020, to help facilitate the healing process. These conversations should include a mediator or facilitator who can establish rules of engagement to promote productive conversation.

• The community could benefit from an update from FWPD about the events on May 29 and 30, 2020, that includes a review of tactics utilized in FWPD's response and any changes that have occurred or will occur, recognizing the extraordinary nature of the events. **(1-B)** Require diversity and implicit biastraining for all FWPD staff focused on public safety, e.g. United Front workshops. Fostering and maintaining a culture of racial understanding is imperative to equitable treatment of all citizens.

(1-C) Incorporate discussions about race relations into training modules for all FWPD officers, not just events focused on those holding leadership positions. All officers and staff should understand the topics so that a consciousness to improve race relations becomes part of the culture.

Recruitment and Retention of Officers

A secondary aspect of strengthening race relations focuses on the recruitment and retention of quality officers into the FWPD and ensuring that the police force reflects the community it serves. The following compares the racial makeup of Fort Wayne, according to the 2019 American Community Survey, 5-year averages by the Census Bureau, to the racial makeup of the FWPD officers.

RACE	Fort Wayne	FWPD
White alone, not Hispanic or Latino	67%	83.7%
Black or African American alone	15.1%	8.9 %
Hispanic or Latino	9.2%	6%
Asian alone	4.7%	1.2%
Two or more races	4.5%	0.4%

https://www.census.gov/quickfacts/fact/table/fortwaynecityindiana/RHI125219#RHI125219 (accessed 1/20/21) & FWPD

With the goal of improving race relations through the recruitment and retention of the highest quality officers who reflect Fort Wayne, the Commission makes the following recommendations:

(1-D) Increase officer pay to be commensurate with similarly-sized cities. Although benefits impact the total compensation package, and there are intangible benefits such as cost of living, the pay of a FWPD officer is not commensurate to Fort Wayne being the second-largest city in Indiana. The Commission believes increased pay and sign-on bonuses for residency or other residency incentives would entice a better pool of candidates.

(1-E) Increase the total number of officers to allow more respite time, time to focus on resident engagement, and time for other activities that will bolster race relations and provide a more solid and stable workforce.

(1-F) Establish a community task force to increase diversity recruitment. Include in this process a review of people who have not completed or failed the application process to study where the points of exit from the process are and why people may not be successful in their applications. Evaluating failures may provide insights to improve the overall recruitment process and increase diversity within FWPD.

Outreach

Ultimately positive race relations and trust between the FWPD and the community comes down to outreach and communication. In the sub-sections of the community where healing needs to occur, connections need to be formed. The FWPD has made this a priority for many years, but that does not mean that there cannot be more work done. The Commission recommends additional outreach activities to help bridge the gap between the FWPD and groups that feel disenfranchised or underrepresented, including:

(1-G) Highlight positive actions taken by the FWPD to increase community awareness.

(1-H) Involve community leaders in outreach opportunities to raise community awareness. Having community forums and conversations, with these leaders as facilitators, can help build, maintain, and repair trust.

(1-I) Have an annual report from the FWPD, provided by the Chief of Police and relevant staff, about outreach efforts.

Additionally, the Commission expressed concerns about materials and information being available in multiple languages. To address this concern, the Commission recommends that FWPD:

(1-J) Conduct a self-assessment on current languages access plan.

Section 2: Communications

From its initial meeting, the Commission recognized how misinformation, disinformation, and misunderstood information hindered a stronger sense of trust between FWPD and the community. For example, one area of outcry from local demonstrators was about the amount of money spent by FWPD related to other areas of the city budget. Subsequently, the City Controller presented the City's budget to the Commission, highlighting FWPD annual planned expenditures. This was the first of many times that it became clear to the Commission that part of the tensions was due to what and how information is shared with and communicated to the general public. The Commission believes that enhanced communication by all members of the community, police and civilian, will lead to improved relationships and understanding. This, in turn, will help the community maintain and restore its trust in FWPD.

The Commission found that an area of strength for FWPD was its outreach activities despite its lack of budget for any messaging or communications strategy. In addition, the Commission concluded that bulletins to the public regarding critical information have been helpful. However, the Commission found gaps in how non-critical information about secondary activities was communicated, leading to misunderstandings and overall lack of knowledge by the public. Although the public has a responsibility to seek accurate information, it is difficult formany people to know where to go or how to ask for the information. Related, the FWPD website contains a lot of information but not everyone seeks access to it.

Recommendationstoimprove communications between the FWPD and the community include:

(2-A) Dedicate a portion of the FWPD budget and invest time and resources, including hiring a consultant, into creating a strategic communications plan for FWPD to guide communications and outreach decisionmaking for next 2-5 years.

- Facilitate an open and honest discussion to determine what information the public wants, what information FWPD has available, and best methods for disseminating information.
- Identify information that can be open and available and information that must be requested so that public can understand how to access obtainable information.

(2-B) Work with an outside agency to audit and modify current communication strategy.

(2-C) Hire non-uniformed communications and/or outreach staff, especially for non-critical communication/community outreach situations on weekends.

(2-D) Increase usage of technology and new media, which would likely require additional staff.

(2-E) Form more community partnerships to amplify communications about FWPD activities.

Section 3: Departmental Transparency

The Commission has found that an area hindering complete trust in FWPD by some people in the community is due to a perceived lack of transparency. The Commission believes increased transparency is key to rebuilding and maintaining trust.

Internal Affairs and the Board of Public Safety

From the outset, the Commission heard concerns from members of the community requesting reforms to the disciplinary process of the FWPD, including the creation of a citizen review board. Although cities in other states may have different forms of these boards, the Commission focused on exploring Indiana's structure: the current Board of Public Safety, which oversees actions of the FWPD and is a citizen review board under state code.

During the meeting about FWPD Internal Affairs, the Commission discussed the rules, regulations, and reprimand process for officers. Complaints are received and reviewed by the Internal Affairs commander. The complaint is accepted or rejected. If the complaint is accepted, it is assigned for investigation and the outcome of the investigation is referred to the Chief of Police for a finding. If an officer is found to have violated FWPD's policies and procedures or rules and regulations, the officer is held responsible by the department, not criminally or civilly. The severity of the violation determines the severity of the reprimand. The Chief of Police may increase the discipline given to the officer by up to five (5) days and the aggravating circumstances that lead to the increase must be put in writing with a copy given to the officer. The Chief's decision may be appealed to the Board of Public Safety. In addition, any discipline in excess of five days without pay, demotions, and dismissals are heard by the Board of Public Safety. These processes are in place to protect the public, the police department and the employee.

The Board of Public Safety (BPS) acts as a disciplinary administrative agency for the FWPD. Per Indiana Code, the BPS is a citizen review board composed of three (3) or five (5) members are who appointed by the Mayor.

The Commission makes the following recommendations to increase transparency about the Board of Public Safety:

(3-A) Expand the BPS to five (5) members as allowed under Indiana law from the current makeup of three (3). Although there is value in a BPS member having a background in public safety, the Commission recommends that a majority of citizens be unaffiliated with public safety.

(3-B) Require BPS members to participate in appropriate trainings, including ride-alongs and other experiential trainings.

(3-C) Solicit input from BPS on review of penalty schedules, setting rules and regulations and opportunities to increase transparency with the public.

(3-D) Communicate that the disciplinary and commendation portion of officers' personnel files are public records and make the information searchable.

(3-E) Post activities, including agendas, minutes of public meetings, and findings of fact and conclusions of law, of the Board of Public Safety on the website in a way that is accessible and searchable.

- Create and disseminate an annual report summarizing decisions by the Board of Public Safety.
- Outline process for officer discipline.

Despite a clear presentation from FWPD's director of Internal Affairs, the Commission found the Internal Affairs process to be confusing and not generally understood or trusted by the broader community. Internal Affairs acts as the HR division for the FWPD, tracking uses of force, formal internal and external complaints, and other activities.

FWPD publishes an annual report with this information, which can be found on the FWPD's webpage dating back to 2005. Recommendations to increase transparency and the public's understanding of the Internal Affairs process and overall disciplinary procedures include:

(3-F) Simplify categories of reprimand to differentiate administrative infractions from significant policy/rule violations.

(3-G) Communicate to the community what "use of force" actually means. The Commission learned the term does not just include the connotation of deadly force, but is actually a robust continuum including restraining someone who may be trying to harm oneself.

(3-H) Communicate what the Internal Affairs process is and how infractions are discussed. De-mystify the process for what can be done publicly, understanding there are privacy and legal issues.

 Update the website and processes to allow for complaints to be filed online using electronic signatures.

(3-I) Publicize the year-end report and make it more accessible. Request and listen to feedback about other information that should be tracked and made public.

(3-J) Establish a joint civilian/law enforcement task force to further review the Internal Affairs process. This will increase an understanding of the process and should inspire more trust. It is important to have representatives from law enforcement on the task force to fully explain the process. Of the topics the Commission evaluated, the Internal Affairs process was the most misunderstood, so it is assumed that the general citizenry shares this misunderstanding.

(3-K) Either as part of the task force, or independently, have the FWPD review their existing whistleblower policy. Then, communicate out the whistleblower policy, including duty to intervene and the Internal Affairs policy of limiting communication between the complainant and accused, to the general public and internal FWPD staff to increase trust in the Internal Affairs process.

Moreover, one of the topics the Commission discussed most was the ease of access to information. The Commission believes accessibility of official FWPD information available to citizens can be increased in the following ways: **(3-L)** Publicize rules and regulations adopted by BPS, which are public records adopted public meetings and should not have to be requested to be accessed.

(3-M) Explain, as part of the overall communication plan, the difference between rules and regulations versus internal policies.

 The Commission recognizes that internal policies, which officers are expected to follow, may not be as easily accessible because they may be more sensitive in nature and are determined internally by the Chief of Police. However, to the greatest extent possible, these, too, should be made public and accessible.

Duties as Assigned

The national dialogue arising from the civil unrest in 2020 included a discussion about whether communities are over-policed and whether police officers are performing duties that others, such as social workers, should be doing. In speaking with representatives from the FWPD, the Commission found several issues that the community and city government should address to attract and retain the highest quality of officers, further strengthening FWPD.

Fort Wayne asks a great deal from its police officers. Police officers investigate crime, keep roads safe, intervene in domestic disputes and mental health struggles, assist with overdoses and drug-related issues, carry out initiatives related to homelessness, and provide many other services to the community beyond basic policing. The Commission notes that in order to maximize the connection and communication between the community and the FWPD, it should be acknowledged that duties placed upon officers may be beyond a reasonable expectation of services.

The Commission found that FWPD officers are often tasked as being the point of contact on issues that end up being transitioned into the nonprofit arena. In part to address this issue, FWPD is adding two social workers to its staff in 2021 as part of its "Hope and Recovery Team" response to opioid overdoses.

The Commission also heard concerns about adding non-uniformed personnel to volatile situations that could possible worsen as a result. FWPD explained how it must protect every person at the scene of an incident and shared instances of non-uniformed personnel being hurt when accompanying uniformed officers into unknown situations. FWPD highlighted its Crisis Intervention Team (CIT), which has an excellent track record working with mentally unstable residents and has a de-escalation protocol that, in 2020, led to only 31 instances of use of force (defined to include restraining the individual to reduce self-harm) in 2,430 calls (1.3%). The Commission decided that any recommendation to add auxiliary personnel must first take into consideration the safety of all team members.

One of the main reasons why people in Fort Wayne turn to FWPD for assistance in situations that might be better served by other providers is because of a lack of access or information about those social services. The Commission makes the following recommendations:

(3-N) Create and maintain an asset map with input from the community that would assist FWPD in identifying partnerships with social service agencies. This also would identify gaps in services the community lacks (e.g., teen halfway house, access to services after hours).

(3-0) Use 211 or social workers on staff to properly and effectively direct resources. This would minimize duplication of efforts, help FWPD officers focus on their main duties, and maximize effective usage of resources.

Recruitment and Retention of Officers

In evaluating relationships between the community and the FWPD, much of the focus has been on a single point in time. However, the greater issue is how the community got to that point and how to ensure that it does not happen again. In evaluating that, the Commission found a pressing need for the FWPD to more closely reflect the community it serves.

The onus for recruitment and retention of quality officers is not solely on the FWPD. It is something the entire community must embrace as its responsibility to ensure that the FWPD is getting the best officers who are committed to the culture that the community wishes. The current FWPD recruitment process is rigorous - they have been actively working on diversifying the force for many years. They perform very strict background checks and weed out any and all questionable candidates. Still, diversity recruitment remains a bit of a concern, which is why the Recruitment and Retention of Officers recommendations appear in two sections of this report. The Commission makes the following recommendations:

(3-P) Enhance transparency of the recruitment process, including creating a system to provide feedback on subjects that an applicant failed, if requested.

(3-Q) Implement a formal process for recruiting diverse candidates to increase the initial pool. This may also include creating high school programs to start recruiting earlier.

 Establish a community task force to assist in outreach and awareness. This may be the same task force as recommended in (1-F) in the Race Relations section of this report.

(3-R) Communicate clearly what it means to be an officer and all of the responsibilities that come with this service. Publicize positive images of officers.

(3-S) Support diversity recruitment and related strategies with a commensurate budget.

Once hired, FWPD officers receive a benefits package that includes, among other benefits like a defined pension, certain assistance for dealing with trauma associated with the job: an Employee Assistance Program (EAP), access to chaplains, a wellness benefit, unlimited sick time, and administrative leave after traumatic events. However, time off is at the discretion of command staff and all areas of the city must be staffed appropriately at all times, so requested time off may not always be granted. To support FWPD in working through the trauma associated with their work, the Commission makes the following recommendations:

(3-T) FWPD should research and implement processes that lead to a culture that provides officers in need access and opportunities for respite time. This would emphasize the need to focus on the mental welfare of the FWPD and ensure that officers are in the correct frame of mind to perform essential duties. This may include the negotiation, budgeting, and hiring of more officers to allow officers the proper amount of time to recover from traumatic events, take sick time, and ensure they are properly prepared for their jobs.

(3-U) Create a police suicide prevention program with access for all officers and staff.

Body-worn Cameras

Finally, the Commission has spent a great deal of time discussing the usage of body-worn cameras for increased transparency. Bodyworn cameras have become a necessary tool in present-day police work and are integral to trust with citizens. Their usage protects the officer, the citizen, and the city. If properly used, recordings should provide a visual accounting of events that have taken place. Starting in 2021, more FWPD officers will begin wearing cameras, with a goal of having all uniformed and specialty officers outfitted by the end of 2022. This has been placed into Fort Wayne Code by City Council and the Mayor and funding is included in the FY21 City of Fort Wayne budget. To this end, the Commission makes the following recommendations:

(3-V) Equip all officers with body-worn cameras as soon as possible, ideally completing implementation faster than originally plan. Officer also should keep cameras on as often as possible.

(3-W) Create clear and public guidelines as to when body-worn cameras are to be used by officers.

(3-X) Make a public report quarterly at a Council meeting to provide updates on rollout and implementation of the body-worn camera program, including related policies and procedures.

 As rollout occurs, communicate with the public that cameras are being used by certain divisions or task forces and whether the cameras are being actively used or still in the evaluation period.

(3-Y) Advocate for state legislative changes that reduce barriers to using body-worn cameras.

Section 4: **#8Can'tWait**

Besides body-worn cameras, the Commission spent the most time reviewing a national initiative called "#8Can'tWait" that gained a lot of attention across the country this summer. Local groups expressed concern that FWPD was listed on a national website as not complying with the #8Can'tWait standards, so the Commission evaluated indepth how FWPD's policies and procedures aligned with that initiative's measurements. The Commission's findings are as follows, with #8Can'tWait topics bold and italicized: **1.** The *use of chokeholds and strangleholds* is not authorized by the FWPD. Lateral vascular neck restraints were banned in January 2019 and the use of this maneuver has been stricken from the Use of Force policy.

2. FWPD actively trains in *de-escalation* through its Use of Force continuum, promoting effective communication and equipping officers for managing conflicts. In addition, the CIT was introduced in 2002 to help officers affect the outcomes of situations involving people suffering from mental problems through communication.

3. FWPD has banned the *shooting at moving vehicles*, except when a) a person in a vehicle is threatening the officer or another person with deadly force by means other than the vehicle or b) the vehicle is being used in such a way as to intentionally strike an officer or another person and all other reasonable means of defense have been exhausted, including moving out of the path of the vehicle. The expectation from #8Can'tWait does not allow for the second exception and the Commission concluded that FWPD should not change its policy to meet that standard.

4. FWPD has *comprehensive reporting*, and any time any force is used, a report must be completed. These reports are monitored by Internal Affairs and reported on publicly in their annual report. #8Can'tWait has already recognized this policy.

5. All FWPD sworn officers have a *duty to intervene* to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so, as clearly stated in FWPD policy.

6. *Warnings before shooting* are required as all FWPD sworn officers must identify themselves and their intention to shoot, when tactically feasible. #8Can'tWait has already recognized this standard.

Page 11 Photo: Councilwoman Michelle Chambers leads a commission meeting at Citizens Square

Back Cover Photo: Dr. Martin Luther King Jr. Memorial Bridge greets community residents as they enter downtown Fort Wayne on Clinton Street **7.** The FWPD relies on a *Use of Force Continuum*, which #8Can'tWait has already recognized. Officers are trained on tactical decision-making and use of force options.

8. Deadly force is only used when all reasonable *alternatives have been exhausted*, but these alternatives may be different in every situation. As noted above, FWPD officers are trained to de-escalate before using deadly force.

FWPD informed the Commission that it had communicated these findings to #8Can'tWait, but that no response has been provided from the national initiative. Upon recommendation from the Commission, FWPD placed the information clearly on its website (www.fwpd.org) for immediate reference by citizens.

Conclusion

The Commission believes that by focusing on the three major areas of improvement-Relations, Race Communication. and Transparency-the FWPD and the community can find common ground and rebuild trust that was broken. The Commission recognizes there is no perfect answer and the implementation of any recommendation will take a culture of commitment by the FWPD as well as the community. Change does not happen overnight, nor can it occur in a vacuum. There must be continued communication by all community members to realize the positive and meaningful change that brings forth racial equity and peace to all Fort Wayne residents, especially those who are Black, people of color, or marginalized. Together, we can make sure that everyone in Fort Wayne is respected, appreciated, and valued.



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