

ORDINANCE NO. 15-21 (Amended)

**An Ordinance Banning Government Use of Facial-Recognition
Surveillance Technology**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE,
INDIANA, TIPPECANOE COUNTY

This ordinance shall be in effect from and after its passage by the Common Council of the City of West Lafayette and execution by the Mayor and due publication.

The following sections are added to the West Lafayette City Code effective upon due passage:

Section. Banning the usage of facial-recognition surveillance technology.

(a) Definitions.

1. *Facial-recognition surveillance* shall mean an automated or semi-automated process that assists in identifying or verifying an individual, based on the physical characteristics of an individual's face.
2. *Facial-recognition surveillance system* shall mean any computer software or application that performs facial-recognition surveillance.
3. *West Lafayette official* shall mean any person or entity acting on behalf of the City of West Lafayette, including any officer, employee, agent, contractor, subcontractor, or vendor.

(b) Ban on Government Use of Facial-Recognition Surveillance Technology.

It shall be unlawful for any department, agency, bureau, and/or subordinate division of the City of West Lafayette or any West Lafayette official to obtain, retain, access, or use:

- (1) Any facial-recognition surveillance system; or
- (2) Any information obtained from a facial-recognition surveillance system.

This ban is only in effect when a member of the department, agency, bureau, and/or subordinate division of the City of West Lafayette or any West Lafayette official knowingly obtains, retains, accesses or uses any facial-recognition surveillance system or any information obtained from a facial-recognition surveillance system or could be reasonably expected to know that the information was obtained from a facial-recognition surveillance system.

(c) Enforcement.

1. *Suppression:* No data collected or derived from any use of facial-recognition surveillance in violation of this ordinance and no evidence derived therefrom may be received in evidence in any proceeding in or before any department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of the City of West Lafayette.

2. *Cause of Action:* Any violation of this Ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this Ordinance. An action instituted under this paragraph shall be brought against the City and, if necessary to effectuate compliance with this Ordinance, any other governmental agency with possession, custody, or control of data subject to this Ordinance.
3. The City will address alleged violations of this ordinance in accordance with its usual practices, applicable law and contractual obligations.

Nothing in this section shall be construed to limit any individual's rights under State or Federal law.

INTRODUCED ON FIRST READING ON THE 4 DAY OF October, 2021.

MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Thomas.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 1 DAY OF November, 2021, HAVING BEEN PASSED BY A VOTE OF 5 IN FAVOR AND 4 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco	✓			
Brown		✓		
Bunder	✓			
DeBoer	✓			
Kang	✓			
Leverenz		✓		
Parker		✓		
Sanders	✓			
Thomas		✓		

Peter Bunder

Peter Bunder, Presiding Officer

Attest:

Sana G. Booker
Sana G. Booker, Clerk



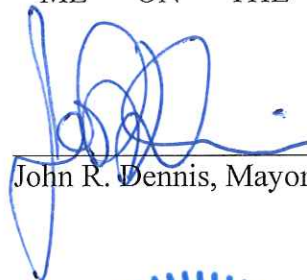
PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA
ON THE 2 DAY OF November, 2021.


Sana G. Booker, Clerk

I veto Ordinance No. 15-21 (Amended) which seeks to ban an effective law enforcement tool. If facial recognition software evidence was banned our citizens would be less safe. Evidence derived from facial recognition software is used effectively, accurately, and fairly, every day in our City by law enforcement. It is only one of many tools used to build a potential case against a suspect. It leads to certain suspects but is never used solely to determine whether a suspect is arrested, much less convicted. As with all technology, facial recognition software is imperfect. Banning an effective technology for fear of its imperfection is contrary to common sense. Used correctly, as in West Lafayette, it reduces the chance of misidentification and enhances the civil rights of all citizens by supplementing or replacing older and less accurate means of identification.

The Mayor is head of the executive branch of City government charged with the sole responsibility of enforcing the laws of Indiana and the City. The Common Council lacks the constitutional and statutory authority to impose a ban on police methods and procedures without the Mayor's consent. I do not consent to this harmful ban passed by a 5-4 majority of the Common Council.

DISAPPROVED AND VETOED BY ME ON THE 2 DAY OF
November, 2021.


John R. Dennis, Mayor

Attest:


Sana G. Booker, Clerk

