

SENATE BILL No. 394

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 36-3-1-5.1; IC 36-8.

Synopsis: Police department administration. Provides that the chief of a city police department or town board of metropolitan police commissioners has the sole authority to make general or special orders to the police department establishing the department's procedures and policies, including use of force policy. Provides that the city or town may not prohibit or restrict a member of the police department from using a force option consistent with the standards and training regarding the lawful use of force adopted by the law enforcement training board. Provides that the law enforcement training board may establish standards for training programs that, if not adhered to, constitute grounds for decertifying the program.

Effective: July 1, 2021.

Freeman

January 14, 2021, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 394

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.86-2018,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:

8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.

13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.

16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,



1 county, and state law enforcement officer, police reserve officer,
2 and conservation reserve officer training schools.

3 (4) Minimum standards for a course of study on cultural diversity
4 awareness, including training on the U nonimmigrant visa created
5 through the federal Victims of Trafficking and Violence
6 Protection Act of 2000 (P.L. 106-386) that must be required for
7 each person accepted for training at a law enforcement training
8 school or academy. Cultural diversity awareness study must
9 include an understanding of cultural issues related to race,
10 religion, gender, age, domestic violence, national origin, and
11 physical and mental disabilities.

12 (5) Minimum qualifications for instructors at approved law
13 enforcement training schools.

14 (6) Minimum basic training requirements which law enforcement
15 officers appointed to probationary terms shall complete before
16 being eligible for continued or permanent employment.

17 (7) Minimum basic training requirements which law enforcement
18 officers appointed on other than a permanent basis shall complete
19 in order to be eligible for continued employment or permanent
20 appointment.

21 (8) Minimum basic training requirements which law enforcement
22 officers appointed on a permanent basis shall complete in order
23 to be eligible for continued employment.

24 (9) Minimum basic training requirements for each person
25 accepted for training at a law enforcement training school or
26 academy that include six (6) hours of training in interacting with:

27 (A) persons with autism, mental illness, addictive disorders,
28 intellectual disabilities, and developmental disabilities;

29 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
30 and

31 (C) persons with Alzheimer's disease or related senile
32 dementia;

33 to be provided by persons approved by the secretary of family and
34 social services and the board. The training must include an
35 overview of the crisis intervention teams.

36 (10) Minimum standards for a course of study on human and
37 sexual trafficking that must be required for each person accepted
38 for training at a law enforcement training school or academy and
39 for inservice training programs for law enforcement officers. The
40 course must cover the following topics:

41 (A) Examination of the human and sexual trafficking laws (IC
42 35-42-3.5).



- 1 (B) Identification of human and sexual trafficking.
 2 (C) Communicating with traumatized persons.
 3 (D) Therapeutically appropriate investigative techniques.
 4 (E) Collaboration with federal law enforcement officials.
 5 (F) Rights of and protections afforded to victims.
 6 (G) Providing documentation that satisfies the Declaration of
 7 Law Enforcement Officer for Victim of Trafficking in Persons
 8 (Form I-914, Supplement B) requirements established under
 9 federal law.
 10 (H) The availability of community resources to assist human
 11 and sexual trafficking victims.
- 12 (b) A law enforcement officer appointed after July 5, 1972, and
 13 before July 1, 1993, may not enforce the laws or ordinances of the state
 14 or any political subdivision unless the officer has, within one (1) year
 15 from the date of appointment, successfully completed the minimum
 16 basic training requirements established under this chapter by the board.
 17 If a person fails to successfully complete the basic training
 18 requirements within one (1) year from the date of employment, the
 19 officer may not perform any of the duties of a law enforcement officer
 20 involving control or direction of members of the public or exercising
 21 the power of arrest until the officer has successfully completed the
 22 training requirements. This subsection does not apply to any law
 23 enforcement officer appointed before July 6, 1972, or after June 30,
 24 1993.
- 25 (c) Military leave or other authorized leave of absence from law
 26 enforcement duty during the first year of employment after July 6,
 27 1972, shall toll the running of the first year, which shall be calculated
 28 by the aggregate of the time before and after the leave, for the purposes
 29 of this chapter.
- 30 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 31 enforcement officer appointed to a law enforcement department or
 32 agency after June 30, 1993, may not:
- 33 (1) make an arrest;
 34 (2) conduct a search or a seizure of a person or property; or
 35 (3) carry a firearm;
- 36 unless the law enforcement officer successfully completes, at a board
 37 certified law enforcement academy or at a law enforcement training
 38 center under section 10.5 or 15.2 of this chapter, the basic training
 39 requirements established by the board under this chapter.
- 40 (e) This subsection does not apply to:
 41 (1) a gaming agent employed as a law enforcement officer by the
 42 Indiana gaming commission; or



1 (2) an:

2 (A) attorney; or

3 (B) investigator;

4 designated by the securities commissioner as a police officer of
5 the state under IC 23-19-6-1(k).

6 Before a law enforcement officer appointed after June 30, 1993,
7 completes the basic training requirements, the law enforcement officer
8 may exercise the police powers described in subsection (d) if the
9 officer successfully completes the pre-basic course established in
10 subsection (f). Successful completion of the pre-basic course authorizes
11 a law enforcement officer to exercise the police powers described in
12 subsection (d) for one (1) year after the date the law enforcement
13 officer is appointed.

14 (f) The board shall adopt rules under IC 4-22-2 to establish a
15 pre-basic course for the purpose of training:

16 (1) law enforcement officers;

17 (2) police reserve officers (as described in IC 36-8-3-20); and

18 (3) conservation reserve officers (as described in IC 14-9-8-27);

19 regarding the subjects of arrest, search and seizure, the lawful use of
20 force, interacting with individuals with autism, and the operation of an
21 emergency vehicle. The pre-basic course must be offered on a periodic
22 basis throughout the year at regional sites statewide. The pre-basic
23 course must consist of at least forty (40) hours of course work. The
24 board may prepare the classroom part of the pre-basic course using
25 available technology in conjunction with live instruction. The board
26 shall provide the course material, the instructors, and the facilities at
27 the regional sites throughout the state that are used for the pre-basic
28 course. In addition, the board may certify pre-basic courses that may be
29 conducted by other public or private training entities, including
30 postsecondary educational institutions.

31 (g) Subject to subsection (h), the board shall adopt rules under
32 IC 4-22-2 to establish a mandatory inservice training program for
33 police officers and police reserve officers (as described in
34 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
35 satisfactorily completed basic training and has been appointed to a law
36 enforcement department or agency on either a full-time or part-time
37 basis is not eligible for continued employment unless the officer
38 satisfactorily completes the mandatory inservice training requirements
39 established by rules adopted by the board. Inservice training must
40 include training in interacting with persons with mental illness,
41 addictive disorders, intellectual disabilities, autism, developmental
42 disabilities, and Alzheimer's disease or related senile dementia, to be



1 provided by persons approved by the secretary of family and social
2 services and the board, and training concerning human and sexual
3 trafficking and high risk missing persons (as defined in IC 5-2-17-1).
4 The board may approve courses offered by other public or private
5 training entities, including postsecondary educational institutions, as
6 necessary in order to ensure the availability of an adequate number of
7 inservice training programs. The board may waive an officer's inservice
8 training requirements if the board determines that the officer's reason
9 for lacking the required amount of inservice training hours is due to
10 either an emergency situation or the unavailability of courses.

11 (h) This subsection applies only to a mandatory inservice training
12 program under subsection (g). Notwithstanding subsection (g), the
13 board may, without adopting rules under IC 4-22-2, modify the course
14 work of a training subject matter, modify the number of hours of
15 training required within a particular subject matter, or add a new
16 subject matter, if the board satisfies the following requirements:

17 (1) The board must conduct at least two (2) public meetings on
18 the proposed modification or addition.

19 (2) After approving the modification or addition at a public
20 meeting, the board must post notice of the modification or
21 addition on the Indiana law enforcement academy's Internet web
22 site at least thirty (30) days before the modification or addition
23 takes effect.

24 If the board does not satisfy the requirements of this subsection, the
25 modification or addition is void. This subsection does not authorize the
26 board to eliminate any inservice training subject matter required under
27 subsection (g).

28 (i) The board shall also adopt rules establishing a town marshal
29 basic training program, subject to the following:

30 (1) The program must require fewer hours of instruction and class
31 attendance and fewer courses of study than are required for the
32 mandated basic training program.

33 (2) Certain parts of the course materials may be studied by a
34 candidate at the candidate's home in order to fulfill requirements
35 of the program.

36 (3) Law enforcement officers successfully completing the
37 requirements of the program are eligible for appointment only in
38 towns employing the town marshal system (IC 36-5-7) and having
39 not more than one (1) marshal and two (2) deputies.

40 (4) The limitation imposed by subdivision (3) does not apply to an
41 officer who has successfully completed the mandated basic
42 training program.



- 1 (5) The time limitations imposed by subsections (b) and (c) for
 2 completing the training are also applicable to the town marshal
 3 basic training program.
- 4 (6) The program must require training in interacting with
 5 individuals with autism.
- 6 (j) The board shall adopt rules under IC 4-22-2 to establish an
 7 executive training program. The executive training program must
 8 include training in the following areas:
- 9 (1) Liability.
 10 (2) Media relations.
 11 (3) Accounting and administration.
 12 (4) Discipline.
 13 (5) Department policy making.
 14 (6) Lawful use of force.
 15 (7) Department programs.
 16 (8) Emergency vehicle operation.
 17 (9) Cultural diversity.
- 18 (k) A police chief shall apply for admission to the executive training
 19 program within two (2) months of the date the police chief initially
 20 takes office. A police chief must successfully complete the executive
 21 training program within six (6) months of the date the police chief
 22 initially takes office. However, if space in the executive training
 23 program is not available at a time that will allow completion of the
 24 executive training program within six (6) months of the date the police
 25 chief initially takes office, the police chief must successfully complete
 26 the next available executive training program that is offered after the
 27 police chief initially takes office.
- 28 (l) A police chief who fails to comply with subsection (k) may not
 29 continue to serve as the police chief until completion of the executive
 30 training program. For the purposes of this subsection and subsection
 31 (k), "police chief" refers to:
- 32 (1) the police chief of any city;
 33 (2) the police chief of any town having a metropolitan police
 34 department; and
 35 (3) the chief of a consolidated law enforcement department
 36 established under IC 36-3-1-5.1.
- 37 A town marshal is not considered to be a police chief for these
 38 purposes, but a town marshal may enroll in the executive training
 39 program.
- 40 (m) A fire investigator in the division of fire and building safety
 41 appointed after December 31, 1993, is required to comply with the
 42 basic training standards established under this chapter.



1 (n) The board shall adopt rules under IC 4-22-2 to establish a
2 program to certify handgun safety courses, including courses offered
3 in the private sector, that meet standards approved by the board for
4 training probation officers in handgun safety as required by
5 IC 11-13-1-3.5(3).

6 (o) The board shall adopt rules under IC 4-22-2 to establish a
7 refresher course for an officer who:

8 (1) is hired by an Indiana law enforcement department or agency
9 as a law enforcement officer;

10 (2) has not been employed as a law enforcement officer for:

11 (A) at least two (2) years; and

12 (B) less than six (6) years before the officer is hired under
13 subdivision (1); and

14 (3) completed at any time a basic training course certified or
15 recognized by the board before the officer is hired under
16 subdivision (1).

17 (p) An officer to whom subsection (o) applies must successfully
18 complete the refresher course described in subsection (o) not later than
19 six (6) months after the officer's date of hire, or the officer loses the
20 officer's powers of:

21 (1) arrest;

22 (2) search; and

23 (3) seizure.

24 (q) The board shall adopt rules under IC 4-22-2 to establish a
25 refresher course for an officer who:

26 (1) is appointed by an Indiana law enforcement department or
27 agency as a reserve police officer; and

28 (2) has not worked as a reserve police officer for at least two (2)
29 years after:

30 (A) completing the pre-basic course; or

31 (B) leaving the individual's last appointment as a reserve
32 police officer.

33 An officer to whom this subsection applies must successfully complete
34 the refresher course established by the board in order to work as a
35 reserve police officer.

36 (r) This subsection applies to an individual who, at the time the
37 individual completes a board certified or recognized basic training
38 course, has not been appointed as a law enforcement officer by an
39 Indiana law enforcement department or agency. If the individual is not
40 employed as a law enforcement officer for at least two (2) years after
41 completing the basic training course, the individual must successfully
42 retake and complete the basic training course as set forth in subsection



- 1 (d).
- 2 (s) The board shall adopt rules under IC 4-22-2 to establish a
- 3 refresher course for an individual who:
- 4 (1) is appointed as a board certified instructor of law enforcement
- 5 training; and
- 6 (2) has not provided law enforcement training instruction for
- 7 more than one (1) year after the date the individual's instructor
- 8 certification expired.
- 9 An individual to whom this subsection applies must successfully
- 10 complete the refresher course established by the board in order to
- 11 renew the individual's instructor certification.
- 12 (t) This subsection applies only to a gaming agent employed as a
- 13 law enforcement officer by the Indiana gaming commission. A gaming
- 14 agent appointed after June 30, 2005, may exercise the police powers
- 15 described in subsection (d) if:
- 16 (1) the agent successfully completes the pre-basic course
- 17 established in subsection (f); and
- 18 (2) the agent successfully completes any other training courses
- 19 established by the Indiana gaming commission in conjunction
- 20 with the board.
- 21 (u) This subsection applies only to a securities enforcement officer
- 22 designated as a law enforcement officer by the securities
- 23 commissioner. A securities enforcement officer may exercise the police
- 24 powers described in subsection (d) if:
- 25 (1) the securities enforcement officer successfully completes the
- 26 pre-basic course established in subsection (f); and
- 27 (2) the securities enforcement officer successfully completes any
- 28 other training courses established by the securities commissioner
- 29 in conjunction with the board.
- 30 (v) As used in this section, "upper level policymaking position"
- 31 refers to the following:
- 32 (1) If the authorized size of the department or town marshal
- 33 system is not more than ten (10) members, the term refers to the
- 34 position held by the police chief or town marshal.
- 35 (2) If the authorized size of the department or town marshal
- 36 system is more than ten (10) members but less than fifty-one (51)
- 37 members, the term refers to:
- 38 (A) the position held by the police chief or town marshal; and
- 39 (B) each position held by the members of the police
- 40 department or town marshal system in the next rank and pay
- 41 grade immediately below the police chief or town marshal.
- 42 (3) If the authorized size of the department or town marshal



1 system is more than fifty (50) members, the term refers to:

2 (A) the position held by the police chief or town marshal; and

3 (B) each position held by the members of the police
4 department or town marshal system in the next two (2) ranks
5 and pay grades immediately below the police chief or town
6 marshal.

7 (w) This subsection applies only to a correctional police officer
8 employed by the department of correction. A correctional police officer
9 may exercise the police powers described in subsection (d) if:

10 (1) the officer successfully completes the pre-basic course
11 described in subsection (f); and

12 (2) the officer successfully completes any other training courses
13 established by the department of correction in conjunction with
14 the board.

15 **(x) Notwithstanding any other provisions of this section, the**
16 **board is authorized to establish certain required standards of**
17 **training that must be adhered to by all training programs that are**
18 **certified by the board. Failure to comply with the standards shall**
19 **be grounds for decertification of the program.**

20 SECTION 2. IC 36-3-1-5.1, AS AMENDED BY P.L.121-2016,
21 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2021]: Sec. 5.1. (a) Except for those duties that are reserved
23 by law to the county sheriff in this section, the city-county legislative
24 body may by majority vote adopt an ordinance, approved by the mayor,
25 to consolidate the police department of the consolidated city and the
26 county sheriff's department. The consolidated law enforcement
27 department must be a division of the department of public safety under
28 the direction and control of a director of public safety.

29 (b) The city-county legislative body may not adopt an ordinance
30 under this section unless it first:

31 (1) holds a public hearing on the proposed consolidation; and

32 (2) determines that:

33 (A) reasonable and adequate police protection can be provided
34 through the consolidation; and

35 (B) the consolidation is in the public interest.

36 (c) If an ordinance is adopted under this section, the consolidation
37 shall take effect on the date specified in the ordinance.

38 (d) Notwithstanding any other law, an ordinance adopted under this
39 section must provide that the county sheriff's department shall be
40 responsible for all the following for the consolidated city and the
41 county under the direction and control of the sheriff:

42 (1) County jail operations and facilities.



- 1 (2) Emergency communications.
- 2 (3) Security for buildings and property owned by:
- 3 (A) the consolidated city;
- 4 (B) the county; or
- 5 (C) both the consolidated city and county.
- 6 (4) Service of civil process and collection of taxes under tax
- 7 warrants.
- 8 (5) Sex and violent offender registration.
- 9 (e) The following apply if an ordinance is adopted under this
- 10 section:
- 11 (1) The department of local government finance shall adjust the
- 12 maximum permissible ad valorem property tax levy of the
- 13 consolidated city and the county for property taxes first due and
- 14 payable in the year a consolidation takes effect under this section.
- 15 When added together, the adjustments under this subdivision
- 16 must total zero (0).
- 17 (2) The ordinance must specify which law enforcement officers
- 18 of the police department and which law enforcement officers of
- 19 the county sheriff's department shall be law enforcement officers
- 20 of the consolidated law enforcement department.
- 21 (3) The ordinance may not prohibit the providing of law
- 22 enforcement services for an excluded city under an interlocal
- 23 agreement under IC 36-1-7.
- 24 (4) A member of the county police force who:
- 25 (A) was an employee beneficiary of the sheriff's pension trust
- 26 before the consolidation of the law enforcement departments;
- 27 and
- 28 (B) after the consolidation becomes a law enforcement officer
- 29 of the consolidated law enforcement department;
- 30 remains an employee beneficiary of the sheriff's pension trust.
- 31 The member retains, after the consolidation, credit in the sheriff's
- 32 pension trust for service earned while a member of the county
- 33 police force and continues to earn service credit in the sheriff's
- 34 pension trust as a member of the consolidated law enforcement
- 35 department for purposes of determining the member's benefits
- 36 from the sheriff's pension trust.
- 37 (5) A member of the police department of the consolidated city
- 38 who:
- 39 (A) was a member of the 1953 fund or the 1977 fund before
- 40 the consolidation of the law enforcement departments; and
- 41 (B) after the consolidation becomes a law enforcement officer
- 42 of the consolidated law enforcement department;



1 remains a member of the 1953 fund or the 1977 fund. The
 2 member retains, after the consolidation, credit in the 1953 fund or
 3 the 1977 fund for service earned while a member of the police
 4 department of the consolidated city and continues to earn service
 5 credit in the 1953 fund or the 1977 fund as a member of the
 6 consolidated law enforcement department for purposes of
 7 determining the member's benefits from the 1953 fund or the
 8 1977 fund.

9 (6) The ordinance must designate the merit system that shall
 10 apply to the law enforcement officers of the consolidated law
 11 enforcement department.

12 (7) The ordinance must designate who shall serve as a coapplicant
 13 for a warrant or an extension of a warrant under IC 35-33.5-2.

14 (8) The consolidated city may levy property taxes within the
 15 consolidated city's maximum permissible ad valorem property tax
 16 levy limit to provide for the payment of the expenses for the
 17 operation of the consolidated law enforcement department. The
 18 police special service district established under section 6 of this
 19 chapter may levy property taxes to provide for the payment of
 20 expenses for the operation of the consolidated law enforcement
 21 department within the territory of the police special service
 22 district. Property taxes to fund the pension obligation under
 23 IC 36-8-7.5 may be levied only by the police special service
 24 district within the police special service district. The consolidated
 25 city may not levy property taxes to fund the pension obligation
 26 under IC 36-8-7.5. Property taxes to fund the pension obligation
 27 under IC 36-8-8 for members of the 1977 police officers' and
 28 firefighters' pension and disability fund who were members of the
 29 police department of the consolidated city on the effective date of
 30 the consolidation may be levied only by the police special service
 31 district within the police special service district. Property taxes to
 32 fund the pension obligation under IC 36-8-10 for members of the
 33 sheriff's pension trust and under IC 36-8-8 for members of the
 34 1977 police officers' and firefighters' pension and disability fund
 35 who were not members of the police department of the
 36 consolidated city on the effective date of the consolidation may be
 37 levied by the consolidated city within the consolidated city's
 38 maximum permissible ad valorem property tax levy. The assets of
 39 the consolidated city's 1953 fund and the assets of the sheriff's
 40 pension trust may not be pledged after the effective date of the
 41 consolidation as collateral for any loan.

42 **(f) Subject to subsection (g), the chief of the police department**



1 of the consolidated city has the sole authority to make general and
 2 special orders to the police department that establish the
 3 department's operational procedures and policies, including the
 4 department's use of force policy. Notwithstanding any other law,
 5 ordinance, resolution, rule, or policy, the city-county legislative
 6 body or any other body or official may not eliminate or modify the
 7 authority of the police chief under this subsection or transfer the
 8 authority of the police chief under this subsection to any other
 9 department, body, official, or entity.

10 (g) As used in this subsection, "training regarding the lawful use
 11 of force" has the meaning set forth in IC 5-2-1-2(5).
 12 Notwithstanding any other law, ordinance, resolution, rule, or
 13 policy, the city-county legislative body or any other body or official
 14 may not prohibit or restrict a member of the police department
 15 from using a force option that is consistent with the standards and
 16 training regarding the lawful use of force adopted by the law
 17 enforcement training board created under IC 5-2-1-3.

18 SECTION 3. IC 36-8-3-2 IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The safety board of a city
 20 shall administer the police and fire departments of the city, except as
 21 provided by any statute or ordinance referred to in section 5 of this
 22 chapter.

23 (b) The safety board has exclusive control over all matters and
 24 property relating to the following:

- 25 (1) Police department.
- 26 (2) Fire department, fire alarms, and fire escapes.
- 27 (3) Animal shelters.
- 28 (4) Inspection of buildings.

29 (c) The safety board may purchase the equipment and supplies and
 30 make the repairs needed in the department of public safety.

31 (d) The safety board may:

- 32 (1) adopt rules for the government and discipline of the ~~police and~~
 33 ~~fire departments;~~ **department;** and
- 34 (2) adopt general and special orders to the ~~police and~~ fire
 35 ~~departments~~ **department** through the ~~chiefs~~ **chief** of the
 36 ~~departments;~~ **department.**

37 (e) ~~Subject to subsection (f), the police chief has the sole~~
 38 ~~authority to make general and special orders to the police~~
 39 ~~department that establish the department's operational procedures~~
 40 ~~and policies, including the department's use of force policy.~~
 41 ~~Notwithstanding any other law, ordinance, resolution, rule, or~~
 42 ~~policy, the city legislative body or any other body or official may~~



1 not eliminate or modify the police chief's authority under this
 2 subsection or transfer the police chief's authority under this
 3 subsection to any other department, body, official, or entity.

4 (f) As used in this subsection, "training regarding the lawful use
 5 of force" has the meaning set forth in IC 5-2-1-2(5).
 6 Notwithstanding any other law, ordinance, resolution, rule, or
 7 policy, the city legislative body or any other body or official may
 8 not prohibit or restrict a member of the police department from
 9 using a force option that is consistent with the standards and
 10 training regarding the lawful use of force adopted by the law
 11 enforcement training board created under IC 5-2-1-3.

12 SECTION 4. IC 36-8-9-4, AS AMENDED BY P.L.65-2008,
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 4. (a) The board may appoint, subject to the
 15 qualifications for employment determined by the board and approved
 16 by the town legislative body, as many persons as necessary to serve in
 17 the police department of the town. One (1) person shall be appointed
 18 to serve as the police chief. The board may also appoint other
 19 employees that are necessary to carry on the work of the police
 20 department.

21 (b) The board may recommend and the town legislative body shall
 22 determine the compensation to be paid to members of the police
 23 department in amounts that are just and reasonable.

24 (c) All persons appointed must be of good moral character and serve
 25 only during good behavior. The board constitutes the safety board of
 26 the town for purposes of the suspension, demotion, or dismissal of any
 27 member of the police department. Proceedings for the suspension,
 28 demotion, or dismissal of any member of the police department shall
 29 be conducted in the manner prescribed by IC 36-8-3-4. The disciplinary
 30 provisions of IC 36-8-3-4.1 also apply to the safety board and the
 31 police chief.

32 (d) The board may make general and special rules for the
 33 government and discipline of the police department. ~~and may make~~
 34 ~~special and general orders to the department through~~ The police chief
 35 ~~who is the executive head of the department.~~ **Subject to subsection (e),**
 36 **the police chief has the sole authority to make general and special**
 37 **orders to the police department that establish the department's**
 38 **operational procedures and policies, including the department's**
 39 **use of force policy. Notwithstanding any other law, ordinance,**
 40 **resolution, rule, or policy, the board, town legislative body, or any**
 41 **other body or official may not eliminate or modify the police chief's**
 42 **authority under this subsection or transfer the police chief's**



1 authority under this subsection to any other department, body,
2 official, or entity.

3 (e) Notwithstanding any other law, ordinance, resolution, rule,
4 or policy, the board, town legislative body or any other body or
5 official may not prohibit or restrict a member of the police
6 department from using a force option that is consistent with the
7 standards and training regarding the lawful use of force adopted
8 by the law enforcement training board created under IC 5-2-1-3.

