

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-017**

**ORDINANCE CONCERNING THE PROCEDURES AND AUTHORITY
FOR THE OPERATION OF THE GREENVILLE MARSHAL'S
DEPARTMENT WITHIN THE CORPORATE LIMITS OF THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of clarity deems it necessary to adopt an ordinance for the procedures, operation and authority to govern the Greenville Marshal's Department in accordance to State of Indiana law within the corporate limits of the Town of Greenville;

WHEREAS, the town council for the Town of Greenville, Indiana, has established the Greenville Marshal's Department in accordance with State of Indiana Codes: I.C. Codes 5-2-1-1 {d}, 5-2-1-2 {b}, 5-2-1-9, 36-5-7-2 through 6. State of Indiana Administrative Codes 250 IAC 2-1-7 through 2-1-14, 2-2-1 through 2-2-3, 2-2-10, 2-4-1, 2-4-2, 2-6-1, 2-6-2, 2-7-1, 2-8-5, 2-9-1, 2-9-2.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

[1] The Greenville Town Board President is the Executive Officer of the Greenville Marshal Department. The Town Board President is authorized to designate a council committee chair to be the liaison between the Marshals's Department and the Greenville Town Board President and the Greenville Town Council. Designee will be responsible for the operation of the Marshal's Department, propose to the council for a vote of all equipment necessary for the proper operation of the Marshal's Department. Designee will be responsible to report to the Town Board President any complaints received against the Marshal, Deputy Marshals and Reserve Officers. Designee will be appointed by the Town Board President in January of each year.

[2] The Greenville Town Council President or his designee will not possess any arrest powers. Their position is an administrative position only.

[3] The Greenville Town Marshal position is to be a hired position by a vote of the Greenville Town Council. The Greenville Town Board by vote may remove the Marshal from his position given just cause.

[4] The Greenville Town Council will set compensation for the Marshal Position and Deputy Marshal Positions.

TOWN OF GREENVILLE ORDINANCE NO. 2009-T-017

[5] The Greenville Town Council and the Greenville Town Marshal shall develop Ordinances and Standard Operating Procedures for the Greenville Marshal Department. All Ordinances and Standard Operating Procedures to be approved by the Greenville Town Council by a vote. A copy of all Ordinances and Standard Operating Procedures to be kept on an electronic file on the Town of Greenville CPU. A printed copy of all Ordinances and Standard Operating Procedures to be kept in a loose leaf binder in the Town of Greenville Clerk's Office.

[6] The Greenville Town Council shall provide the Greenville Marshal's Department, contained within a loose leaf binder, all enforceable Ordinances, all Standard Operating Procedures approved by the Greenville Town Council.

[7] The Greenville Town Marshal is authorized under Town of Greenville Ordinance 2009-T-004 to hire up to two [2] Deputy Marshals and as many Reserve Officers necessary to operate the Marshal's Department efficiently {as funds for liability insurance will allow}.

[8] The Greenville Town Marshal shall keep all records of current and past Deputy Marshals and Reserve Officers on file at the Greenville Marshal Department Office. These records are to include all training received that authorizes the Marshal, Deputy Marshals and Reserve Officers to exercise their arrest powers.

[9] The Greenville Town Marshal is to report to the Greenville Town Board President or his Designee all written reports concerning hours work and incident records as requested by Greenville Town Board President or his Designee.

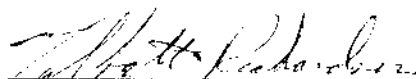
[10] The Greenville Town Marshal shall submit a written report to the Greenville Town Council in the monthly meeting all activities of the Marshal's Department since the previous Greenville Town Council monthly meeting.

[11] The Greenville Town Marshal, Deputy Marshal and Reserve Officers can request the presence of the Town Board President or designee as an observer only at any incident involving the Greenville Marshal's Department within the corporate limits of Greenville if he/she deems it necessary.

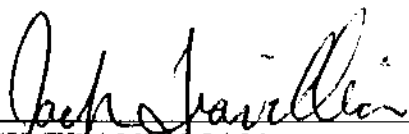
**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-017**

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
27th DAY OF APRIL, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA



TALBOTTE RICHARDSON,



JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

ARTICLE 2. LAW ENFORCEMENT**1C 5-2-1**

Chapter 1. Mandatory Training for Law Enforcement Officers

1C 5-2-1-1**Establishment;****purposes**

Sec. 1. (a) In order to ensure the public safety and general welfare of the people of the state of Indiana and to promote equity for all segments of society, a program of mandatory training for law enforcement officers is established.

(b) This chapter shall be interpreted to achieve said purposes through the establishment of minimum standards in law enforcement training.

(c) It is the intent of this chapter to encourage all law enforcement officers, departments, and agencies within this state to adopt standards which are higher than the minimum standards implemented under this chapter and such minimum standards shall in no way be deemed sufficient or adequate in those cases where higher standards have been adopted or proposed.

(d) The chief executive officer of a law enforcement department or agency in Indiana shall use all reasonable means to ensure that the law enforcement officers within the department or agency comply with this chapter. The chief executive officer shall submit to the executive director of the board, not later than March 31 of each year, a written report detailing the basic and in-service training status of each law enforcement officer on the payroll of the department or agency. The report must also include similarly detailed information pertaining to the training status of each police reserve officer.

1C 5-2-**1-2****Definit****ions**

Sec. 2. For the purposes of this chapter, and unless the context clearly denotes otherwise, the following definitions apply throughout this chapter:

(1) "Law enforcement officer" means an appointed officer or employee hired by and on the payroll of the state, any of the state's political subdivisions, or a public or private postsecondary educational institution whose board of trustees has established a police department under 1C 21-17-5-2 or 1C 21-39-4-2 who is granted lawful authority to enforce all or some of the penal laws of the state of Indiana and who possesses, with respect to those laws, the power to effect arrests for offenses committed in the officer's or employee's presence. However, the following are expressly excluded from the term "law enforcement officer" for the purposes of this chapter:

(A) A constable.

(B) A special officer whose powers and duties are described in 1C 36-8-3-7 or a special deputy whose powers and duties are described in 1C 36-8-10-10.6.

(C) A county police reserve officer who receives compensation for lake patrol duties under 1C 36-8-3-20(f)(4).

(C) A conservation reserve officer who receives compensation for lake patrol duties under 1C 14-9-8-27.

(E) An employee of the gaming commission whose powers and duties are described in 1C 4-32.2-9.

(2) "Board" means the law enforcement training board created by this chapter.

(3) "Advisory council" means the law enforcement advisory council created by this chapter.

(4) "Executive training program" means the police chief executive training program developed by the board under section 9 of this chapter.

(5) "Law enforcement training council" means one (1) of the confederations of law enforcement agencies recognized by the board and organized for the sole purpose of sharing training, instructors, and related resources.

(6) "Training regarding the lawful use of force" includes classroom and skills training in the proper application of hand to hand defensive tactics, use of firearms, and other methods of:

(A) overcoming unlawful resistance; or

(B) countering other action that threatens the safety of the public or a law enforcement officer.

(7) "Hiring or appointing authority" means:

(A) the chief executive officer, board, or other entity of a police department or agency with authority to appoint and hire law enforcement officers; or

(B) the governor, mayor, board, or other entity with the authority to appoint a chief executive officer of a police department or agency.

1C 5-2-1-9

Rules; basic training; pre-basic training; in-service training; town marshal and executive training programs; fire investigators; handgun safety; refresher course; gaming agents; securities enforcement

Sec. 9. (a) The board shall adopt in accordance with 1C 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

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

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

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

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

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

(7) Minimum basic training requirements which law enforcement officers appointed on other

than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

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

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the board.

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

(A) Examination of the human and sexual trafficking laws (1C 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form 1-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(b) Except as provided in subsection (1), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person

fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (1), (r), and (s), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property; or

(3) carry a firearm;
unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to: a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(1) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under 1C 23-2-1-15(i). Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under 1C 4-22-2 to establish a pre-basic course for the purpose of training:

(1) law enforcement officers;

(2) police reserve officers (as described in 1C 36-8-3-20); and

(3) conservation reserve officers (as described in 1C 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course

material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under 1C 4-22-2 to establish a mandatory in-service training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-

time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory in-service training requirements established by rules adopted by the board. In-service training

must include training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family

and social services and the board, and training concerning human and sexual trafficking. The board may

approve courses offered by other public or private training entities, including postsecondary educational

institutions, as necessary in order to ensure the availability of an adequate number of in-service training

programs. The board may waive an officer's in-service training requirements if the board determines that

the officer's reason for lacking the required amount of in-service training hours is due to either of the following:

(1) An emergency situation.

(2) The unavailability of courses.

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

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

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

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (1C 36-5-7) and having not more than

one (1) marshal and two (2) deputies.

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

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under 1C 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

(1) Liability.

(2) Media relations.

(3) Accounting and administration.

(4) Discipline.

(5) Department policy making.

(6) Lawful use of force.

(7) Department programs.

(8) Emergency vehicle operation.

(9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief refers to:

(1) the police chief of any city;

(2) the police chief of any town having a metropolitan police department; and

(3) the chief of a consolidated law enforcement department established under 1C 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(1) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

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

(n) The board shall adopt rules under 1C 4-22-2 to establish a refresher course for an officer who:

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

(2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;

and

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

(o) The board shall adopt rules under 1C 4-22-2 to establish a refresher course for an officer who:

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

(2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;

(3) is hired under subdivision (1) in an upper level policymaking position; and

(4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection [i] shall be applied toward the refresher course credit hour requirements. [p] Subject to subsection [n] or [o] not later than six [6] months after the officers date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

(1) the agent successfully completes the pre-basic course established in subsection (f); and

(2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

(1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and

(2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(t) As used in this section, "upper level policymaking position" refers to the following:

(1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.

(2) If the authorized size of the department or town marshal system is more than ten (10) members

but less than fifty-one (51) members, the term refers to:

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

(B) each position held by the members of the police department or town marshal system in the

next rank and pay grade immediately below the police chief or town marshal.

(3) If the authorized size of the department or town marshal system is more than fifty (50) members,

the term refers to:

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

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

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency

1C 36-5-7

Chapter 7. Town Marshal

1C 36-5-7-1

Application of chapter

Sec. 1. This chapter applies to all towns that have not abolished the office of town marshal. *As added by Acts 1980, P.L.212, SEC.4.*

1C 36-5-7-2

Appointment; compensation

Sec. 2. The town legislative body shall appoint a town marshal and fix his compensation. *As added by Acts 1980, P.L. 212, SEC. 4.*

1C 36-5-7-3

Tenure; termination or suspension; procedures

Sec. 3. The marshal serves at the pleasure of the town legislative body. However, before terminating or suspending a marshal who has been employed by the town for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under 1C 5-2-1-9, the legislative body must conduct the disciplinary removal and appeals procedure prescribed by 1C 36-8 for city fire and police departments. *As added by Acts 1980, P. L 212, SEC. 4.*

1C 36-5-7-4

Chief police officer; powers and duties

Sec. 4. The marshal is the chief police officer of the town and has the powers of other law enforcement officers in executing the orders of the legislative body and enforcing laws. The marshal or his deputy:

(1) shall serve all process directed to him by the town court or legislative body;

(2) shall arrest without process all persons who commit an offense within his view, take them

before a court having jurisdiction, and detain them in custody until the cause of the arrest has been investigated;

(3) shall suppress breaches of the peace;

(4) may, if necessary, call the power of the town to his aid;

(5) may execute search warrants and arrest warrants; and

(6) may pursue and jail persons who commit an offense.

As added by Acts 1980, P.L.212, SEC.4.

1C 36-5-7-5

Service as street commissioner, chief of fire department, or both

Sec. 5. The town legislative body may require the marshal to serve as street commissioner, chief of the fire department, or both.

1C 36-5-7-6

Deputy marshals; appointment; powers and liabilities; bond, compensation, and term; dismissal; procedure

Sec. 6. (a) The town legislative body shall by ordinance fix the number of deputy marshals. The town legislative body may by ordinance authorize the marshal to appoint deputy marshals. Deputy marshals have the powers and liabilities of the marshal in executing the orders of the legislative body or enforcing laws.

(b) One (1) deputy marshal may be designated as the town humane officer. He has the duties prescribed by 1C 36-8 for city humane officers.

(c) The legislative body shall fix the amount of bond, compensation, and term of service of deputy marshals. The marshal may dismiss a deputy marshal at any time. However, a deputy marshal who has been employed by the town for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under 1C 5-2-1-9 may be dismissed only if the procedure prescribed by section 3 of this chapter is followed.

As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.51-1999, SEC.1.

ARTICLE 2. GENERAL

PROVISIONS Rule 1.

Definitions GENERAL PROVISIONS

250IAC 2-1-7 "Duty status" defined

Authority: 1C

5-2-1-9

Affected: 1C 5-

2-1-11

Sec. 7. "Duty status" means that an individual is on the department or agency payroll and that any injury or illness that occurs to the individual while at the academy will be covered by the employing department or agency under worker's compensation. The term also applies to any unpaid reserve police officer, special deputy, or special police officer assigned by a department to attend training presented by the board; it shall be the responsibility of the officer's department, not the board, to pay for expenses that result from any injury or illness incurred by a reserve police officer, special deputy, or special police officer during assigned training. (*Law Enforcement Training Board; 2501 AC 2-1-7; filed Dec 23, 2003, 3:00 p.m.: 271R 1552*)

250 IAC 2-1-8 "Inservice training" defined

Authority:

1C 5-2-1-9 Affected: 1C 5-2-

1-11

Sec. 8. "Inservice training" means training received by a law enforcement officer or reserve police officer after the calendar year in which the officer successfully completes the basic training mandated for that officer. (*Law Enforcement Training Board; 250 IAC 2-1-8; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1552*)

250IAC 2-1-9 "Instructor" defined

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-12

Sec. 9. "Instructor" means any person certified or approved by the board to provide prebasic, basic, or inservice instruction to Indiana law enforcement officers and support personnel. (*Law Enforcement Training Board; 250 IAC 2-1-9; filed Dec 23, 2003, 3:00p.m.: 27IR 1553*)

250 IAC 2-1-10 "Law enforcement officer" defined

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-2; 1C 5-2-1-11

Sec. 10. "Law enforcement officer" means any person hired by and on the payroll of the state or one (1) of its political subdivisions, whether part-time or full-time, to enforce all or some of the penal laws of the state and who has the power to effect arrests of persons who violate those laws. (*Law Enforcement Training Board; 250 IAC 2-1-10; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

250IAC 2-1-11 "Learning objective" defined

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-11

Sec. 11. "Learning objective" means a precise statement that describes what the learner must know and be able to do following successful completion of a training program. (*Law Enforcement Training Board; 250 IAC 2-1-11; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

250IAC 2-1-12 "Prebasic course" defined

Authority: 1C 5-2-
1-9 Affected: 1C
36-8-3-20

Sec. 12. "Prebasic course" means any course developed or certified by the board under 1C 5-2-1-9(f). (*Law Enforcement Training Board; 250 IAC 2-1-12; filed Dec 23, 2003, 3:00p.m.: 27 IR 1553*)

250IAC 2-1-13 "Reserve police officer" defined

Authority: 1C 5-2-1-9
Affected: 1C 36-8-3-7; 1C 36-8-3-20; 1C 36-8-10-6; 1C 36-8-10-10.6

Sec. 13. "Reserve police officer" means any member of a police reserve unit created under 1C 36-8-3-20, whether called reserve police officer, reserve officer, or by another name. Not included in this definition are the following:

- (1) Additional deputies or assistants appointed by a sheriff in an emergency under 1C 36-8-10-6.
- (2) Special deputies or legal deputies appointed by a sheriff under 1C 36-8-10-10.6.
- (3) Special police officers, who are not regular police officers, who are appointed by a municipal safety board under 1C 36-8-3-7 to do special duty within the city.

250 IAC 2-1-14 "Safety hazard" defined

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-9

Sec. 14. "Safety hazard" means a risk of injury or death that is greater than the risk of injury or death that an experienced instructor might expect during a routine training exercise. *(Law Enforcement Training Board; 250 IAC 2-1-14; filed Dec 23, 2003, 3:00p.m.: 27IR 1553)*

Rule 2. Basic Training Mandated for Law Enforcement Officers Appointed on or after July 6,1972

250 IAC 2-2-1 Mandatory basic training; waiver

Authority. 1C
5-2-1-9
Affected: 1C
5-2-1-11

Sec. 1. All law enforcement officers appointed by the state or any of its political subdivisions on or after July 6,1972, whether the appointment is on a probationary, permanent, or other than probationary or permanent basis, shall, within one (1) year of the date of the officer's first or original appointment, whether on a full-time or part-time basis, successfully complete the appropriate minimum basic training course prescribed by the board and described in 250IAC 2-4. Provided, however, that any such officer who has had previous law enforcement experience, including basic law enforcement training meeting or exceeding the standards enumerated in 250IAC 2-4, may, upon proof of such previous experience and training and upon recommendation by the executive director and approval by the board, obtain a waiver of the training mandated herein or be allowed to test out on any or all phases of the basic course; however, this waiver provision is not applicable to persons certified by the board solely upon successful completion of the town marshal basic training program prescribed in 250IAC 2-4. *(Law Enforcement Training Board; 250 IAC 2-2-1; filed Dec 23, 2003, 3:00p.m.: 27 IR 1553)*

250 IAC 2-2-2 Location of training course

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-9

Sec. 2. The minimum basic training course shall be taken at the Indiana law enforcement academy operated by the board at Plainfield or at any board-approved school or academy utilizing board-approved instructors, curriculum, attendance requirements, equipment, and facilities. Attendance at schools other than the Indiana law enforcement academy shall, except in exceptional cases recognized by the board, be limited to officers and recruits of the agency conducting the school. *(Law Enforcement Training Board; 250 IAC 2-2-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553)*

250IAC 2-2-3 Failure to timely complete course

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-9

Sec. 3. Any law enforcement officer described in section 1 of this rule who fails to successfully complete the required basic training course within one (1) year after the officer's first or original appointment (on or after July 6, 1972) shall not be empowered or authorized to enforce the laws or ordinances of the state or any political subdivision thereof as part of the duties of a law enforcement officer. (*Law Enforcement Training Board; 250IAC 2-2-3; filed Dec 23, 2003, 3:00 p. m.: 27IR 1554*)

250IAC 2-3-10 Trainees not yet hired by a law enforcement agency

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-12; 1C 5-2-1-15

Sec. 10. Preservice tuition trainees who have been investigated and recommended for enrollment in a board-approved basic training course, but have not yet been hired by any law enforcement agency, must meet all of the requirements in this rule before being accepted for law enforcement basic training. In addition, each preservice tuition trainee must do the following:

(1) Obtain a permit from the state that authorizes the trainee to carry a handgun back and forth between home and the Indiana law enforcement academy. The permit must remain valid throughout the period of time that the preservice tuition trainee is attending basic law enforcement training.

(2) Provide proof of full coverage automobile insurance and health and accident insurance, the proof to be accompanied by endorsements stating no exclusions are present that would prohibit payment because the insured is participating in law enforcement basic training. All such insurance must remain valid throughout the period of time that the preservice tuition trainee is attending basic law enforcement training.

(*Law Enforcement Training Board; 250IAC 2-3-10; filed Dec 23, 2003, 3:00p.m.: 27 IR 1555*)

Rule 4. Minimum Curriculum, Attendance, Equipment, and Facility Requirements

250 IAC 2-4-1 Minimum basic training course; town marshal basic training program

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-11

Sec. 1. Requirements for the minimum basic training course necessary to satisfy the mandate contained in 250 IAC 2-2 shall be as follows:

(1) For all jurisdictions except towns having no more than one (1) town marshal and two (2) deputies, whether employed on a part-time or full-time basis, shall consist of not less than four hundred eighty (480) hours of classroom and practical training, and the subject matter covered shall be approved by the board prior to the beginning date of each basic training course.

(2) The town marshal basic training program shall consist of not less than three hundred twenty (320) hours in residence at the Indiana law enforcement academy to which may be added home study assignments. The subject matter covered shall be approved by the board prior to the beginning date of each town marshal basic training program.

(3) Persons successfully completing the town marshal program are eligible for employment as a law enforcement officer only in towns employing the town marshal system and having no more than one (1) marshal and

two (2) deputies.

(4) Town marshal program graduates who are subsequently hired by a department that is not authorized to enroll officers in the town marshal basic training program shall, within one (1) year of their new appointment date, successfully complete the four hundred eighty (480) hour minimum basic training course described in this section. Town marshal program graduates who fail to successfully complete the minimum basic training course within one (1) year of their new appointment date shall not perform any of the duties of a law enforcement officer or exercise the power of arrest until they have successfully completed the basic training program described in this section.

(5) The minimum hours and subject matter prescribed in subdivisions (1) and (2) may be increased by the board.

250 IAC 2-4-2 Approval of learning objectives, lecture outlines, examinations, and other instructional material

Authority: 1C

5-2-1-9

Affected: 1C

5-2-1-11

Sec. 2. Copies of learning objectives, lecture outlines, examinations, and other course material used to satisfy the basic training requirements in section 1 of this rule shall, upon written request by the executive director, be provided to the board prior to the

Rule 6. Prebasic Training Course

250 IAC 2-6-1 Prebasic training course

Authority: 1C

5-2-1-9

Affected: 1C

5-2-1-15

Sec. 1. (a) Every law enforcement officer and every reserve police officer appointed after June 30, 1993, who has not successfully completed basic training as prescribed in 250 IAC 2-3 must successfully complete the prebasic training course prescribed in this section before that officer can make an arrest, conduct a search or seizure of persons or property, or carry a firearm as part of the duties of a law enforcement officer or reserve police officer.

(b) The prebasic course:

(1) shall consist of forty (40) hours of instruction;

(2) must include the subjects of arrest, search and seizure, use of force, and firearms qualification; and

(3) must be offered periodically at regional sites throughout the state.

(c) Course materials, instructors, and sites for the prebasic course are to be provided by the board.

(d) In addition, the board may certify prebasic courses that may be conducted by other public or private entities, including colleges and universities. (*Law Enforcement Training Board; 2 50 IAC 2-6-1; filed Dec 23, 2003, 3:00 p.m.: 27IR 1557*)

250 IAC 2-6-2 Successful completion permits temporary exercise of police powers

Authority: 1C 5-

2-1-9 Affected:

1C 5-2-1-9

Sec. 2. Successful completion of the prebasic course authorizes a law enforcement officer to:

(1) make arrests;

(2) conduct searches and seizures of persons and property; and

(3) carry a firearm;
for one (1) year after the date the law enforcement officer is appointed. (*Law Enforcement Training Board; 250 IAC 2-6-2; filed Dec 23, 2003, 3:00p.m.: 27IR 1557*)

Rule 7. Inservice Training

250 IAC 2-7-1 Mandatory inservice training

Authority: 1C
5-2-1-9 Affected:
1C 5-2-1-9

Sec. 1. Any person who has successfully completed basic training and has been appointed to a law enforcement department or agency as a law enforcement officer, whether on a part-time or full-time basis, is not eligible for continued employment unless the officer successfully completes the minimum required inservice training each year. Subject matter for this training must meet the following requirements:

(1) The subject must be included within the minimum basic training curriculum approved by the board or must be approved by the board based upon a need expressed by the law enforcement agency or department employing the officer.

(2) The subject must be presented under one (1) of the following conditions:

(A) By a law enforcement training board-certified instructor.

(B) At a law enforcement training board-certified school or academy.

(C) At a school or academy in another state that has been certified by that state's equivalent to the board, at the federal level, or at an accredited college, university, or vocational school when the subject is determined by the board to be law enforcement related.

(D) By an agency or entity, public or private, that has received written approval by the board, through its executive director, to provide inservice training for Indiana law enforcement officers and has agreed to comply and does comply with the board's rules and guidelines for presenting, evaluating, and reporting the training.

(*Law Enforcement Training Board; 250 IAC 2-7-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR*

1557) 250 IAC 2-8-5 Cover letter and opinion required if inservice training not completed

Authority: 1C
5-2-1-9 Affected:
1C 5-2-1-1

Sec. 5. When a law enforcement officer or reserve police officer fails to comply with a training mandate, the chief executive officer of the department or agency shall call the deficiency to the attention of the executive director through a cover letter attached to the department's annual training status report. The chief executive officer shall also state his opinion as to the reason the officer failed to complete the required training. (*Law Enforcement Training Board; 250 IAC 2-8-5; filed Dec 23, 2003, 3:00 p. m.: 27IR 1559*)

Rule 9. Reserve Police Officers

250 IAC 2-9-1 Reserve police officer training

Authority: 1C
5-2-1-9
Affected: 1C
36-8-3-20

Sec. 1. (a) All reserve police officers defined in 1C 36-8-3-20 appointed after June 30, 1993, whether called reserve police officers or by another title, shall successfully complete the prebasic training course prescribed by the board before the reserve police officer may:

- (1) exercise any power of arrest;
- (2) conduct any search or seizure of a person or property; or
- (3) carry a firearm.

(b) The chief executive officer of a department may not adopt the prescribed prebasic training course as the only curriculum for satisfying the department training requirement prescribed in 1C 36-8-3-20.

(c) In addition to the department training program required by 1C 36-8-3-20, each reserve police officer is encouraged to do the following:

(1) Complete a board-approved reserve police officer academy program within one (1) year of the date of appointment as a reserve police officer.

(2) Complete, each year thereafter, the same amount of inservice training that paid law enforcement officers are mandated to complete.

(d) Reserve police officers who voluntarily and successfully complete a reserve police officer academy program certified by the board shall be eligible for consideration for a waiver of basic training by the board should the reserve police officer academy program graduate subsequently accept employment with a department that participates in the town marshal basic training program. However, as a condition of the waiver, the board may require the reserve police officer academy program graduate, hired by a small town department, to test out on all or any part of the town marshal basic training program. Further, persons who are granted a waiver of training through this process are limited to service in a department having no more than one (1) marshal and two (2) deputy marshals. (*Law Enforcement Training Board; 250 IAC 2-9-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1559*)

250 IAC 2-9-2 Reserve police officer academy certification

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-9

Sec. 2. (a) A department acting alone, or two (2) or more departments acting together, may develop a reserve police officer academy and apply to the board for certification of the academy. An academy certified by the board as a reserve police officer academy must use board-certified instructors and a board-approved curriculum.

(b) Equipment and training facilities, including classrooms used by towns, cities, counties, or agencies or departments of the state to conduct a reserve police officer academy, shall be subject to inspection and approval by the board through its executive director or a designee.

(c) The minimum curriculum, attendance requirements, learning objectives, lecture outlines, examinations, and other instructional materials used for reserve police officer training in the reserve police officer academy are subject to inspection and