

IC 5-2

ARTICLE 2. LAW ENFORCEMENT

IC 5-2-1

Chapter 1. Mandatory Training for Law Enforcement Officers

IC 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 inservice 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.

(Formerly: Acts 1967, c.209, s.1.) As amended by P.L.16-1984, SEC.2; P.L.30-1992, SEC.1; P.L.52-2005, SEC.1.

IC 5-2-1-2

Definitions

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 college or university whose board of trustees has established a police department under IC 20-12-3.5-1, 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 IC 36-8-3-7 or a special deputy whose powers and duties are described in IC 36-8-10-10.6.

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

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

(E) An employee of the gaming commission whose powers and duties are described in IC 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.

(Formerly: Acts 1967, c.209, s.2.) As amended by P.L.25-1986, SEC.2; P.L.57-1995, SEC.1; P.L.2-1997, SEC.15; P.L.52-2005, SEC.2; P.L.91-2006, SEC.7.

IC 5-2-1-3

Law enforcement training board created; membership; advisory council

Sec. 3. (a) There is created, as a criminal justice agency of the state, a law enforcement training board to carry out the provisions of this chapter. The board members are to be selected as provided by this chapter. The board is composed of the following members:

(1) The superintendent of the Indiana state police department, who shall serve as chairperson of the board.

(2) The deputy director of the division of preparedness and training of the department of homeland security. The deputy director shall serve as the vice chair of the board.

(3) The chief of police of a consolidated city.

(4) One (1) county sheriff from a county with a population of at least one hundred thousand (100,000).

(5) One (1) county sheriff from a county of at least fifty thousand (50,000) but less than one hundred thousand (100,000) population.

(6) One (1) county sheriff from a county of under fifty thousand (50,000) population.

(7) One (1) chief of police from a city of at least thirty-five thousand (35,000) population, who is not the chief of police of a consolidated city.

(8) One (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population.

(9) One (1) chief of police, police officer, or town marshal from a city or town of under ten thousand (10,000) population.

(10) One (1) prosecuting attorney.

(11) One (1) judge of a circuit or superior court exercising criminal jurisdiction.

(12) One (1) member representing professional journalism.

(13) One (1) member representing the medical profession.

(14) One (1) member representing education.

(15) One (1) member representing business and industry.

(16) One (1) member representing labor.

(17) One (1) member representing Indiana elected officials of counties, cities, and towns.

(b) The following members constitute an advisory council to assist the members of the board in an advisory, nonvoting capacity:

(1) The special agent in charge of the Federal Bureau of Investigation field office covering the state of Indiana, subject to the agent's approval to serve in such capacity.

(2) The attorney general of Indiana.

(3) One (1) member representing forensic science, to be appointed by the governor.

(4) One (1) member representing theology, to be appointed by the governor.

(5) The director of the law enforcement division of the department of natural resources.

(Formerly: Acts 1967, c.209, s.3; Acts 1971, P.L.42, SEC.1.) As amended by Acts 1981, P.L.44, SEC.2; P.L.44-1985, SEC.1; P.L.47-1987, SEC.1; P.L.52-2005, SEC.3; P.L.22-2005, SEC.1.

IC 5-2-1-4

Appointments; terms; vacancies; removal

Sec. 4. (a) All members of the board shall be appointed to the board by the governor. The

appointments shall be made on a bipartisan basis so that not more than one-half (1/2) of the members of the board shall at any time be members of either of the two (2) major political parties. All appointments shall be for terms of four (4) years or while maintaining the position held at the time of appointment to the board, whichever is the lesser period. Appointees to the board shall serve as members of the board only while holding the office or position held at the time of appointment to the board in order that the representative nature of the board outlined in section 3 of this chapter may be maintained. However, each member of the board shall serve until the member's successor has been appointed and qualified, unless the member's services are terminated earlier for sufficient reason. Vacancies on the board caused by expiration of a term, termination of the office or position held at time of appointment, or for any other reason shall be filled in the same manner as original appointments. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member succeeded in the same manner as an original appointment. Members of the board may be reappointed for additional terms. All members of the board shall serve, unless their services are terminated earlier for sufficient reason, until their successors have been appointed and qualified. Members of the board may be removed by the governor for inefficiency, incompetence, neglect of duty, or other good cause after having been accorded a hearing by the governor upon reasonable notice of the charge being made against them.

(b) Members of the advisory council who serve by virtue of their office or position shall serve as members of the advisory council only during the term of their office or position as the case may be. The governor is authorized and empowered to appoint members to the advisory council in addition to those enumerated in section 3(b) of this chapter. All members appointed to the advisory council by the governor shall serve only during the pleasure of the governor. Advisory council appointments need not be made on a bipartisan basis. (Formerly: Acts 1967, c.209, s.4.) As amended by P.L.25-1986, SEC.3; P.L.52-2005, SEC.4.

IC 5-2-1-5

Membership on board not to constitute public office

Sec. 5. Membership on the law enforcement training board or the advisory council shall not constitute holding a public office and members of the board and advisory council shall not be required to take and file oaths of office before serving in such capacities. The board and the advisory council shall exercise only the powers granted by this chapter. No member of the board or of the advisory council shall be disqualified from holding any public office or position by reason of his appointment or membership on the board or advisory council, nor shall any such person forfeit any office, position, or employment by reason of an appointment pursuant to this chapter, notwithstanding the provisions of any statute, ordinance, or city charter. (Formerly: Acts 1967, c.209, s.5.) As amended by P.L.25-1986, SEC.4.

IC 5-2-1-6

Meetings

Sec. 6. The board and advisory council shall meet at least four (4) times in each year and shall hold special meetings when called by the chairperson. The presence of eleven (11) members of the board constitutes a quorum for doing business. At least eleven (11) affirmative votes are required for the passage of any matter put to a vote of the board. Advisory council members are entitled to participate in the business and deliberation of the board, but only board members are entitled to vote. The board shall establish its own procedure and requirements with respect to place and conduct of its meetings.

(Formerly: Acts 1967, c.209, s.6.) As amended by P.L.52-2005, SEC.5.

IC 5-2-1-7 Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 5-2-1-8

Compensation

Sec. 8. The members of the board and the advisory council shall serve without compensation except that a salary per diem and actual expenses incurred, in accordance with travel policies and procedures established by the department of administration and the state budget agency, shall be allowed to each member for attendance at regular or special meetings or otherwise engaging in official business of the board.

(Formerly: Acts 1967, c.209, s.8.) As amended by Acts 1976, P.L.9, SEC.1.

IC 5-2-1-9 Version a

Rules; minimum standards; town marshal and police chief executive training programs; basic requirements; state fire marshal arson investigators; refresher courses

Note: This version of section effective until 7-1-2006. See also following version of this section, effective 7-1-2006.

Sec. 9. (a) The board shall adopt in accordance with IC 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.

(b) Except as provided in subsection (l), 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), (l), and (q), 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. 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 IC 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 IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 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 colleges and universities.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice 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 inservice training requirements established by rules adopted by the board. Inservice 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. The board may approve courses offered by other public or private training entities, including colleges and universities, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice 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 (IC 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 IC 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 IC 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.

(l) 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 IC 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 IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 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) worked as a full-time law enforcement officer for at least one (1) year before the officer is hired under subdivision (1);
- (3) 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
- (4) completed a basic training course certified by the board before the officer is hired under subdivision (1).

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

- (1) arrest;
- (2) search; and
- (3) seizure.

(p) A law enforcement officer who:

- (1) has completed a basic training course certified by the board; and
 - (2) has not been employed as a law enforcement officer in the six (6) years before the officer is hired as a law enforcement officer;
- is not eligible to attend the refresher course described in subsection (n) and must repeat the full basic training course to regain law enforcement powers.

(q) 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.

(Formerly: Acts 1967, c.209, s.9.) As amended by Acts 1982, P.L.31, SEC.1; P.L.48-1987, SEC.1; P.L.30-1992, SEC.2; P.L.58-1995, SEC.1; P.L.57-1995, SEC.2; P.L.2-1997, SEC.16; P.L.78-1998, SEC.1; P.L.25-2000, SEC.1; P.L.45-2001, SEC.1; P.L.62-2004, SEC.1; P.L.85-2004, SEC.40; P.L.2-2005, SEC.12; P.L.170-2005, SEC.8; P.L.227-2005, SEC.2; P.L.52-2005, SEC.6; P.L.1-2006, SEC.88.

IC 5-2-1-9 Version b

Rules; minimum standards; town marshal and police chief executive training programs; basic requirements; state fire marshal arson investigators; gaming agents; refresher courses

Note: This version of section effective 7-1-2006. See also preceding version of this section, effective until 7-1-2006.

Sec. 9. (a) The board shall adopt in accordance with IC 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 inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 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 I-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 (l), 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), (l), and (q), 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. 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 IC 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 IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 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 colleges and universities.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice 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 inservice training requirements established by rules adopted by the board. Inservice 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 colleges and universities, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice 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 (IC 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 IC 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 IC 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.

(l) 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 IC 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 IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 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) worked as a full-time law enforcement officer for at least one (1) year before the officer is hired under subdivision (1);

(3) 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

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

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

(1) arrest;

(2) search; and

(3) seizure.

(p) A law enforcement officer who:

(1) has completed a basic training course certified by the board; and

(2) has not been employed as a law enforcement officer in the six (6) years before the officer is hired as a law enforcement officer;

is not eligible to attend the refresher course described in subsection (n) and must repeat the full basic training course to regain law enforcement powers.

(q) 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.

(Formerly: Acts 1967, c.209, s.9.) As amended by Acts 1982, P.L.31, SEC.1; P.L.48-1987, SEC.1; P.L.30-1992, SEC.2; P.L.58-1995, SEC.1; P.L.57-1995, SEC.2; P.L.2-1997, SEC.16; P.L.78-1998, SEC.1; P.L.25-2000, SEC.1; P.L.45-2001, SEC.1; P.L.62-2004, SEC.1; P.L.85-2004, SEC.40; P.L.2-2005, SEC.12; P.L.170-2005, SEC.8; P.L.227-2005, SEC.2; P.L.52-2005, SEC.6; P.L.1-2006, SEC.88; P.L.173-2006, SEC.44.

IC 5-2-1-10

Authority to enter into agreements

Sec. 10. The board shall have the authority to enter into agreements with other agencies, colleges, and universities to carry out the intent of this chapter.

(Formerly: Acts 1967, c.209, s.10.) As amended by P.L.25-1986, SEC.5.

IC 5-2-1-10.5

Southwest Indiana law enforcement training academy

Sec. 10.5. (a) The board may adopt rules under IC 4-22-2 to establish a southwest Indiana law enforcement training academy.

(b) If the board adopts rules under subsection (a) to establish a southwest Indiana law enforcement training academy, the board shall in accordance with IC 4-22-2 adopt rules establishing minimum standards for the southwest Indiana law enforcement training academy.

(c) The southwest Indiana law enforcement training academy may provide:

(1) basic training to a law enforcement officer who is not accepted by the law enforcement

academy for the next basic training course because the academy does not have a space for the officer in the next basic training course;

- (2) pre-basic courses described in section 9(f) of this chapter;
- (3) inservice training described in section 9(g) of this chapter; and
- (4) other law enforcement training approved by the board;

if the training academy meets or exceeds the minimum standards established under subsection (b) by the board.

(d) The southwest Indiana law enforcement training academy established under this section may receive funding only from the following:

- (1) A local unit of government (as defined in IC 14-22-31.5-1).
- (2) A unit of a fraternal order or a similar association.
- (3) Charitable contributions.
- (4) Federal grants.

As added by P.L.62-2004, SEC.2. Amended by P.L.2-2005, SEC.13.

IC 5-2-1-11

Powers; establishing training programs

Sec. 11. (a) The board is further authorized and empowered, in accordance with the rule making power granted in section 9 of this chapter, to adopt all necessary rules to:

(1) establish inservice and advanced training programs, and minimum courses of study and attendance requirements for such programs, to ensure that all appointed and elected law enforcement officers may be offered training in current enforcement and related subjects;

(2) establish training programs for railroad police, prison and industrial guards, college and university safety and security personnel, whether public or private, and such other enforcement related groups as the board may deem necessary, on a voluntary enrollment basis;

(3) establish policies and procedures governing the use of state owned law enforcement training facilities constructed or established pursuant to this chapter; and

(4) give public notice of any other policies, procedures, functions, or requirements which the board may deem necessary and appropriate to carry out the provisions of this chapter.

(b) The board is further authorized and empowered to:

(1) recommend or conduct studies, make surveys, and require such reports to be made by the chief administrative officer of any law enforcement agency or department of the state or any of its political subdivisions as may be necessary to carry out the objectives and purposes of this chapter;

(2) originate, compile, and disseminate lecture outlines and other training material, and design and furnish forms and certificates necessary to carry out and certify compliance with the training program authorized or required by this chapter; and

(3) perform such other acts as may be necessary and appropriate to carry out the duties, responsibilities, and functions of the board as set forth in this chapter.

(Formerly: Acts 1967, c.209, s.11; Acts 1973, P.L.29, SEC.1.) As amended by P.L.25-1986, SEC.6; P.L.52-2005, SEC.7.

IC 5-2-1-12

Further powers

Sec. 12. The board or any of its designated representatives are further authorized and empowered to:

(1) visit and inspect any law enforcement training school of the state or any of its political subdivisions for the purpose of determining whether or not the minimum standards established pursuant to this chapter are being complied with and to issue or revoke certificates indicating such compliance;

(2) issue and revoke certificates for instructors qualified or unqualified to participate in law enforcement training under the provisions of this chapter;

(3) issue, authorize, or revoke the issuance of:

- (A) diplomas;

(B) certificates;
(C) badges; and
(D) other documents showing compliance and qualification;
to law enforcement officers or other persons trained under the provisions of this chapter;
(4) consult with and cooperate with any law enforcement agency of the state or any of its political subdivisions for the development of inservice and advanced training programs for the fulfillment of specific needs in law enforcement;
(5) consult with and cooperate with universities, colleges, and institutes for the development of specialized courses of study in police science and administration;
(6) consult with and cooperate with other departments and agencies concerned with law enforcement training; and
(7) perform such other acts as may be necessary or appropriate to carry out the provisions of this chapter.
(Formerly: Acts 1967, c.209, s.12.) As amended by P.L.25-1986, SEC.7; P.L.52-2005, SEC.8.

IC 5-2-1-12.5

Revocation of diploma, certificate, or badge; immunity for report of cause for revocation; investigation of cause for revocation; hearing on cause for revocation; application for reinstatement

Sec. 12.5. (a) The board may revoke a diploma, certificate, badge, or other document showing compliance and qualification issued by the board for any of the following reasons:

- (1) The officer has been convicted of:
 - (A) a felony; or
 - (B) two (2) or more misdemeanors that would cause a reasonable person to believe that the officer is potentially dangerous or violent or has a propensity to violate the law.
- (2) The officer has been found not guilty of a felony by reason of mental disease or defect.
- (3) The officer's diploma, certificate, badge, or other document showing compliance and qualification was issued in error or was issued on the basis of information later determined to be false.

(b) A person who knows of cause for the revocation of an officer's diploma, certificate, badge, or other document showing compliance and qualification shall inform the officer's hiring or appointing authority or the board. A person who makes a good faith report of cause for revocation of an officer's diploma, certificate, badge, or other document showing compliance and qualification is immune from civil liability.

(c) If the chief executive officer receives a report of cause for revocation concerning an officer within the chief executive officer's agency, the chief executive officer shall:

- (1) cause the internal affairs division (or a similar unit) of the agency to investigate the report without unnecessary delay; or
- (2) request that the investigation be conducted by a law enforcement agency other than the law enforcement agency to which the subject of the investigation belongs.

(d) If a hiring or appointing authority receives a report of cause for revocation concerning the chief executive officer, the hiring or appointing authority shall cause an appropriate investigative agency to investigate without unnecessary delay.

(e) If the board receives a report or otherwise learns of cause for revocation concerning a law enforcement officer or chief executive officer, the board shall consider the report and direct the executive

director to notify the subject officer's hiring or appointing authority about the report and request an investigation. The hiring or appointing authority shall cause an investigation to be conducted by an appropriate investigative agency without unnecessary delay.

(f) When a hiring or appointing authority completes an investigation of cause for revocation, the hiring or appointing authority shall forward a complete report of its investigation, findings, and recommendations, if any, to the board. The hiring or appointing authority shall also forward to the board a description of any administrative or disciplinary action taken as a result of the investigation not later than sixty (60) days after the hiring or appointing authority takes

administrative or disciplinary action.

(g) Except as provided in subsection (h), if the board receives the results of an investigation described in subsection (f), the board shall conduct a hearing on the report, considering the report, the recommendations, and any additional information. The board shall provide the officer who is the subject of the report with notice and an opportunity to be heard. The board may appoint the executive director or another qualified person to present the report and the results of the investigation to the board. In determining whether to revoke the subject officer's diploma, certificate, badge, or other document showing compliance and qualification, the board shall consider the opinion and testimony of the hiring or appointing authority. If the board determines that cause for revocation exists, the board may revoke the subject officer's diploma, certificate, badge, or other document showing compliance and qualification. The board shall send notice of revocation by certified mail to the subject officer's hiring or appointing authority. The subject officer may pursue judicial review of the board's action under IC 4-21.5-5-13.

(h) When the board receives the results of an investigation described in subsection (f), the board may, instead of conducting a hearing under subsection (g), direct the executive director or another qualified person to serve as an administrative law judge to conduct the hearing described in subsection (g). If the administrative law judge determines that cause for revocation exists, the administrative law judge shall revoke the subject officer's diploma, certificate, badge, or other document showing compliance and qualification and notify the subject officer by certified mail of the decision, with notice of the subject officer's right to appeal to the board not later than fifteen (15) days after receipt of the notice. An appeal to the board must be in writing and may be decided by the board without a hearing. The board shall notify the subject officer of the board's appellate decision under this subsection by certified mail. The subject officer may pursue judicial review of the board's action under IC 4-21.5-5-13.

(i) An officer whose diploma, certificate, badge, or other document showing compliance and qualification has been revoked may apply to the board for reinstatement. The application for reinstatement:

(1) must be in writing; and

(2) must show:

(A) that the cause for revocation no longer exists legally; or

(B) that reinstatement is otherwise appropriate and that the applicant poses no danger to the public and can perform as a law enforcement officer according to the board's standards.

The board may direct the executive director to investigate the application for reinstatement and make a report to the board. The board shall consider the application and notify the applicant by certified mail of the board's decision.

As added by P.L.52-2005, SEC.9.

IC 5-2-1-13

Law enforcement academy building fund; law enforcement training fund; creation; deposits; disposition

Sec. 13. (a) There is created a continuing fund which shall be known as the law enforcement academy building fund. The fund consists of amounts deposited under IC 33-37-7-9. This fund may be used by the board to acquire for the state of Indiana land and interests in and to land, and to construct upon such land a fully equipped law enforcement academy to consist of classrooms, housing facilities, a cafeteria, firearms ranges, a driving course, and other physical facilities which are deemed necessary in the discretion of the board for the basic, inservice, and advanced training of law enforcement officers in the skills and techniques of law enforcement. Any balance of the fund that is unexpended at the end of any fiscal year shall not revert to the general fund but shall be carried forward as an appropriation for the next fiscal year. Expenditures may be made by the board for, among other things, all expenses required for land acquisition and transfer, including but not limited to personal services, appraisers fees, and the cost of acquiring any

interest in land and the construction and maintenance of improvements thereon. The budget agency may, with the approval of the board and the governor, make allocations and transfers of funds appropriated by the general assembly to state agencies having jurisdiction and control over land acquired by the board for the purposes stated herein, except that such allocations and transfers shall not be made in the acquisition of land which has been declared surplus land of the state pursuant to statute. The board is hereby further authorized to acquire said land and law enforcement academy buildings by gift, donation, bequest, devise, exchange, purchase, or eminent domain, or other means. However, any money or proceeds from gifts, bequests, grants, or other donations shall be deposited in a special donation fund which is hereby established for the purposes outlined in this section, for the use of the board to accomplish said purposes. No part of said special donation fund shall revert to the general fund of the state unless specified by the donor as a condition to his gift. All land and academy buildings, however acquired, shall become the property of the state.

(b) There is created a continuing fund which shall be known as the law enforcement training fund. The fund consists of amounts deposited under IC 33-37-7-9. The board is further authorized to accept gifts and grants of money, services, or property to supplement the law enforcement training fund and to use the same for any purpose consistent with the authorized uses of said fund. This fund may be used by the board for the following purposes:

- (1) Building and grounds maintenance for the law enforcement academy.
- (2) Training equipment and supplies necessary to operate the law enforcement academy.
- (3) Aid to approved law enforcement training schools certified as having met or exceeded the minimum standards established by the board.
- (4) Personal services, as authorized by the board with the approval of the governor.
- (5) Any other purpose necessary to carry out the provisions of this chapter, as determined by the board.

(Formerly: Acts 1967, c.209, s.13; Acts 1973, P.L.30, SEC.1.) As amended by Acts 1976, P.L.9, SEC.2; Acts 1982, P.L.32, SEC.1; P.L.31-1986, SEC.1; P.L.32-1986, SEC.1; P.L.305-1987, SEC.4; P.L.30-1992, SEC.3; P.L.98-2004, SEC.48.

IC 5-2-1-14

Executive director

Sec. 14. There is hereby created the position of executive director of the law enforcement training board. The executive director shall be selected by the board and the executive director's tenure of office shall be protected by a four (4) year, renewable contract of employment which may be terminated earlier by the board only for inefficiency, incompetence, neglect of duty, or other good cause after having been accorded a hearing by the board upon reasonable notice of the charge being made against the executive director. A vote of at least eleven (11) members of the board shall be necessary for the early termination of said contract of employment. The executive director shall be selected on the basis of education, training, and experience and shall have at least ten (10) years experience as an active law enforcement officer, at least five (5) years of which shall have been in an executive or administrative capacity. The executive director shall perform such duties as may be assigned by the board and shall be the chief administrative officer of the law enforcement academy. The salary and compensation for the executive director, the training staff, and employees shall be fixed by the board with the approval of the governor. The executive director shall establish a table of organization to be supplemented with job descriptions for each position subordinate to that of the executive director, all of which shall be subject to the approval of the board. All persons hired to fill such approved vacancies shall be selected on the basis of qualifications and merit based on training, education, and experience through competitive examinations except that the filling of all new positions shall be made so as to maintain in each equivalent position not more than one-half (1/2) of members of either of the two (2)

major political parties. Employees and members of the training staff shall not be subject to discharge, demotion, or suspension because of political affiliation, but may be discharged,

demoted, or suspended only for cause after charges preferred in writing by the executive director. Any person so discharged or disciplined shall have a right to a hearing before the board if such person requests a hearing by giving notice to the executive director within fifteen (15) days after receiving written notice of discharge or disciplinary action. Procedures shall be consistent with IC 4-21.5.

(Formerly: Acts 1967, c.209, s.14; Acts 1973, P.L.30, SEC.2.) As amended by P.L.5-1988, SEC.29; P.L.52-2005, SEC.10; P.L.1-2006, SEC.89.

IC 5-2-1-15

Facilities of law enforcement academy; availability; cost schedule

Sec. 15. (a) The facilities of the law enforcement academy shall be available to any law enforcement agency of the state, or any of its political subdivisions, subject to the rules of the board.

(b) Any law enforcement agency of the state, any of its political subdivisions, or any board certified training center may conduct training:

(1) for the law enforcement agency of any political subdivision in Indiana; and

(2) in facilities other than those of the law enforcement academy;

if the minimum standards established by the board are met or exceeded.

(c) A law enforcement agency or a board certified training center conducting approved local training under subsection (b) shall be entitled to a per capita allowance from the law enforcement training fund to defray such portions of the cost of basic training as shall be approved by the board. Such per capita allowance shall be earmarked and expended only for law enforcement training.

(d) The facilities of the law enforcement academy shall be available for the training of railroad police, prison and industrial plant guards, college and university safety and security personnel, whether public or private, and such other enforcement related groups as shall be approved by the board, upon terms and conditions established by the board. Railroad police and nongovernmental enforcement related groups qualifying to use the facilities of the academy under the rules of the board shall be required to reimburse the law enforcement training fund for the cost of such training.

(e) The facilities of the law enforcement academy may be used for the training of firefighting personnel where the subject matter of the training relates to duties which involve law enforcement related conduct. Such training shall be conducted upon terms and conditions established by the board. However, no volunteer firefighter is required to attend training at the academy.

(f) The cost of the mandatory basic training conducted by the board at the facilities of the law enforcement academy shall be paid out of the law enforcement training fund, if the trainees have been previously appointed and are on the payroll of a law enforcement department or agency. All other training programs authorized by this chapter and conducted at the law enforcement training academy, including the mandatory basic training course when attended by trainees who have been investigated and approved but not yet hired by a law enforcement agency, are subject to fee schedules and charges for tuition, lodging, meals, instructors, training materials, and any other items or services established by the board.

(Formerly: Acts 1967, c.209, s.15; Acts 1973, P.L.29, SEC.2.) As amended by Acts 1982, P.L.31, SEC.2; P.L.8-1984, SEC.6; P.L.30-1992, SEC.4; P.L.44-1993, SEC.1; P.L.78-1998, SEC.2; P.L.52-2005, SEC.11.

IC 5-2-1-15.1

Medicaid fraud control unit investigator training

Sec. 15.1. (a) The facilities of the law enforcement academy may be used for the training of

investigators of the Medicaid fraud control unit. The training shall be conducted upon the terms and conditions established by the board.

(b) An investigator of the Medicaid fraud control unit employed as an investigator after June 30, 1994, may not enforce Medicaid fraud statutes, rules, or regulations unless the investigator has, within one (1) year of the date of employment as an investigator, successfully completed the minimum basic training requirements established under this chapter.
As added by P.L.10-1994, SEC.2.

IC 5-2-1-15.2

Board certified training center

Sec. 15.2. A board certified training center may provide basic training to a law enforcement officer who is:

(1) employed by a law enforcement agency that is a member agency of the law enforcement training center; and

(2) not accepted by the law enforcement academy for the next basic training course because the academy does not have a space for the officer in the next basic training course. As added by P.L.78-1998, SEC.3. Amended by P.L.27-2000, SEC.1; P.L.52-2005, SEC.12.

IC 5-2-1-16

Powers and duties of board as criminal justice agency

Sec. 16. As a designated criminal justice agency, the board:

(1) has all the duties and privileges of a police agency;

(2) may appoint, through its executive director, police officers for the Indiana law enforcement academy;

(3) shall establish all rules, policies, and procedures concerning the internal organization, duties, and responsibilities of the police agency, to include:

(A) prescribing a distinctive uniform;

(B) designating and operating emergency vehicles; and

(4) may undertake investigations according to the purposes of this chapter.

As added by P.L.44-1985, SEC.2.

IC 5-2-1-17

Police officers; enforcement powers; duties; oath; training

Sec. 17. (a) Police officers appointed under this chapter have all necessary law enforcement powers, including:

(1) the power to arrest, without process, all persons who within the police officer's view commit any felony or misdemeanor;

(2) all common law and statutory powers, privileges, and immunities of sheriffs, except those specifically forbidden by the board; and

(3) the power to serve civil process to the extent authorized by the board.

(b) Police officers appointed under this chapter shall:

(1) preserve the peace, maintain order, and prevent the unlawful use of force or violence or other unlawful conduct on property owned or operated by the board;

(2) protect all persons and property located on property owned or operated by the board from injury, harm, or damage;

(3) assist the executive director to enforce the rules of the board or the Indiana law enforcement academy;

(4) assist and cooperate with other law enforcement agencies and officers; and

(5) enforce the state motor vehicle laws and motor vehicle rules established by the board on property owned or operated by the board.

(c) Police officers appointed by the board:

(1) must take an appropriate oath of office in a form and manner prescribed by the board;

(2) serve at the pleasure of the board; and

(3) must comply with the training requirements prescribed under section 9 of this chapter.
As added by P.L.44-1985, SEC.3.

IC 5-2-1-18

Assistance to law enforcement officers or agencies; powers; supervision; compensation

Sec. 18. (a) The executive director or a member of the training staff of the board, when assisting a law enforcement officer or agency in either an advisory or active capacity, has the same powers as the officer or agency receiving the assistance.

(b) When the executive director or a member of the training staff of the board is assisting a law enforcement officer or agency, the executive director or member of the training staff:

(1) shall serve under the supervision of the chief official of the agency being assisted; and

(2) is not entitled to receive any compensation other than that provided by the board.

As added by P.L.44-1985, SEC.4.

IC 5-2

ARTICLE 2. LAW ENFORCEMENT

IC 5-2-1

Chapter 1. Mandatory Training for Law Enforcement Officers

IC 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 inservice 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.

(Formerly: Acts 1967, c.209, s.1.) As amended by P.L.16-1984, SEC.2; P.L.30-1992, SEC.1; P.L.52-2005, SEC.1.

IC 5-2-1-2

Definitions

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 IC 21-17-5-2 or IC 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 IC 36-8-3-7 or a special deputy whose powers and duties are described in IC 36-8-10-10.6.

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

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

(E) An employee of the gaming commission whose powers and duties are described in IC 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.

(Formerly: Acts 1967, c.209, s.2.) As amended by P.L.25-1986, SEC.2; P.L.57-1995, SEC.1; P.L.2-1997, SEC.15; P.L.52-2005, SEC.2; P.L.91-2006, SEC.7; P.L.2-2007, SEC.71.

IC 5-2-1-3

Law enforcement training board created; membership; advisory council

Sec. 3. (a) There is created, as a criminal justice agency of the state, a law enforcement training board to carry out the provisions of this chapter. The board members are to be selected as provided by this chapter. The board is composed of the following members:

(1) The superintendent of the Indiana state police department, who shall serve as chairperson of the board.

(2) The deputy director of the division of preparedness and training of the department of homeland security. The deputy director shall serve as the vice chair of the board.

(3) The chief of police of a consolidated city.

(4) One (1) county sheriff from a county with a population of at least one hundred thousand (100,000).

(5) One (1) county sheriff from a county of at least fifty thousand (50,000) but less than one hundred thousand (100,000) population.

(6) One (1) county sheriff from a county of under fifty thousand (50,000) population.

(7) One (1) chief of police from a city of at least thirty-five thousand (35,000) population, who is not the chief of police of a consolidated city.

(8) One (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population.

(9) One (1) chief of police, police officer, or town marshal from a city or town of under ten thousand (10,000) population.

(10) One (1) prosecuting attorney.

(11) One (1) judge of a circuit or superior court exercising criminal jurisdiction.

(12) One (1) member representing professional journalism.

(13) One (1) member representing the medical profession.

(14) One (1) member representing education.

(15) One (1) member representing business and industry.

(16) One (1) member representing labor.

(17) One (1) member representing Indiana elected officials of counties, cities, and towns.

(b) The following members constitute an advisory council to assist the members of the board in an advisory, nonvoting capacity:

(1) The special agent in charge of the Federal Bureau of Investigation field office covering the state of Indiana, subject to the agent's approval to serve in such capacity.

(2) The attorney general of Indiana.

(3) One (1) member representing forensic science, to be appointed by the governor.

(4) One (1) member representing theology, to be appointed by the governor.

(5) The director of the law enforcement division of the department of natural resources.

(Formerly: Acts 1967, c.209, s.3; Acts 1971, P.L.42, SEC.1.) As amended by Acts 1981, P.L.44, SEC.2; P.L.44-1985, SEC.1; P.L.47-1987, SEC.1; P.L.52-2005, SEC.3; P.L.22-2005, SEC.1.

IC 5-2-1-4

Appointments; terms; vacancies; removal

Sec. 4. (a) All members of the board shall be appointed to the board by the governor. The appointments shall be made on a bipartisan basis so that not more than one-half (1/2) of the members of the board shall at any time be members of either of the two (2) major political parties. All appointments shall be for terms of four (4) years or while maintaining the position held at the time of appointment to the board, whichever is the lesser period. Appointees to the board shall serve as members of the board only while holding

the office or position held at the time of appointment to the board in order that the representative nature of the board outlined in section 3 of this chapter may be maintained. However, each member of the board shall serve until the member's successor has been appointed and qualified, unless the member's services are terminated earlier for sufficient reason. Vacancies on the board caused by expiration of a term, termination of the office or position held at time of appointment, or for any other reason shall be filled in the same manner as original appointments. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member succeeded in the same manner as an original appointment. Members of the board may be reappointed for additional terms. All members of the board shall serve, unless their services are terminated earlier for sufficient reason, until their successors have been appointed and qualified. Members of the board may be removed by the governor for inefficiency, incompetence, neglect of duty, or other good cause after having been accorded a hearing by the governor upon reasonable notice of the charge being made against them.

(b) Members of the advisory council who serve by virtue of their office or position shall serve as members of the advisory council only during the term of their office or position as the case may be. The governor is authorized and empowered to appoint members to the advisory council in addition to those enumerated in section 3(b) of this chapter. All members appointed to the advisory council by the governor shall serve only during the pleasure of the governor. Advisory council appointments need not be made on a bipartisan basis.

(Formerly: Acts 1967, c.209, s.4.) As amended by P.L.25-1986, SEC.3; P.L.52-2005, SEC.4.

IC 5-2-1-5

Membership on board not to constitute public office

Sec. 5. Membership on the law enforcement training board or the advisory council shall not constitute holding a public office and members of the board and advisory council shall not be required to take and file oaths of office before serving in such capacities. The board and the advisory council shall exercise only the powers granted by this chapter. No member of the board or of the advisory council shall be disqualified from holding any public office or position by reason

of his appointment or membership on the board or advisory council, nor shall any such person forfeit any office, position, or employment by reason of an appointment pursuant to this chapter, notwithstanding the provisions of any statute, ordinance, or city charter.
(Formerly: Acts 1967, c.209, s.5.) As amended by P.L.25-1986, SEC.4.

IC 5-2-1-6 Meetings

Sec. 6. The board and advisory council shall meet at least four (4) times in each year and shall hold special meetings when called by the chairperson. The presence of eleven (11) members of the board constitutes a quorum for doing business. At least eleven (11) affirmative votes are required for the passage of any matter put to a vote of the board. Advisory council members are entitled to participate in the business and deliberation of the board, but only board members are entitled to vote. The board shall establish its own procedure and requirements with respect to place and conduct of its meetings.
(Formerly: Acts 1967, c.209, s.6.) As amended by P.L.52-2005, SEC.5.

IC 5-2-1-7 Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 5-2-1-8 Compensation

Sec. 8. The members of the board and the advisory council shall serve without compensation except that a salary per diem and actual expenses incurred, in accordance with travel policies and procedures established by the department of administration and the state budget agency, shall be allowed to each member for attendance at regular or special meetings or otherwise engaging in official business of the board.
(Formerly: Acts 1967, c.209, s.8.) As amended by Acts 1976, P.L.9, SEC.1.

IC 5-2-1-9

Rules; basic training; pre-basic training; inservice 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 IC 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 inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 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 I-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 (l), 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), (l), (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:

(1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(2) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under IC 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 IC 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 IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 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 IC 4-22-2 to establish a mandatory inservice 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 inservice training requirements established by rules adopted by the board. Inservice 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 inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice 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 (IC 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 IC 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 IC 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.

(l) 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 IC 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 IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 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 IC 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 (q), an officer to whom subsection (n) or (o) applies must successfully

complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's 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.

(Formerly: Acts 1967, c.209, s.9.) As amended by Acts 1982, P.L.31, SEC.1; P.L.48-1987, SEC.1; P.L.30-1992, SEC.2; P.L.58-1995, SEC.1; P.L.57-1995, SEC.2; P.L.2-1997, SEC.16; P.L.78-1998, SEC.1; P.L.25-2000, SEC.1; P.L.45-2001, SEC.1; P.L.62-2004, SEC.1; P.L.85-2004, SEC.40; P.L.2-2005, SEC.12; P.L.170-2005, SEC.8; P.L.227-2005, SEC.2; P.L.52-2005, SEC.6; P.L.1-2006, SEC.88; P.L.173-2006, SEC.44; P.L.2-2007, SEC.72; P.L.230-2007, SEC.4; P.L.128-2008, SEC.1.

IC 5-2-1-10

Authority to enter into agreements

Sec. 10. The board shall have the authority to enter into agreements with other agencies, colleges, and universities to carry out the intent of this chapter.

(Formerly: Acts 1967, c.209, s.10.) As amended by P.L.25-1986, SEC.5.

IC 5-2-1-10.5

Southwest Indiana law enforcement training academy

Sec. 10.5. (a) The board may adopt rules under IC 4-22-2 to establish a southwest Indiana law enforcement training academy.

(b) If the board adopts rules under subsection (a) to establish a southwest Indiana law enforcement training academy, the board shall in accordance with IC 4-22-2 adopt rules establishing minimum standards for the southwest Indiana law enforcement training academy.

(c) The southwest Indiana law enforcement training academy may provide:

(1) basic training to a law enforcement officer who is not

accepted by the law enforcement academy for the next basic training course because the academy does not have a space for the officer in the next basic training course;

(2) pre-basic courses described in section 9(f) of this chapter;

(3) inservice training described in section 9(g) of this chapter; and

(4) other law enforcement training approved by the board;

if the training academy meets or exceeds the minimum standards established under subsection (b) by the board.

(d) The southwest Indiana law enforcement training academy established under this section may receive funding only from the following:

(1) A local unit of government (as defined in IC 14-22-31.5-1).

(2) A unit of a fraternal order or a similar association.

(3) Charitable contributions.

(4) Federal grants.

As added by P.L.62-2004, SEC.2. Amended by P.L.2-2005, SEC.13.

IC 5-2-1-11

Powers; establishing training programs

Sec. 11. (a) The board is further authorized and empowered, in accordance with the rule making power granted in section 9 of this chapter, to adopt all necessary rules to:

(1) establish inservice and advanced training programs, and minimum courses of study and attendance requirements for such programs, to ensure that all appointed and elected law enforcement officers may be offered training in current enforcement and related subjects;

(2) establish training programs for railroad police, prison and industrial guards, postsecondary educational institution safety and security personnel, whether public or private, and such other enforcement related groups as the board may deem necessary, on a voluntary enrollment basis;

(3) establish policies and procedures governing the use of state owned law enforcement training facilities constructed or established pursuant to this chapter; and

(4) give public notice of any other policies, procedures, functions, or requirements which the board may deem necessary and appropriate to carry out the provisions of this chapter.

(b) The board is further authorized and empowered to:

(1) recommend or conduct studies, make surveys, and require such reports to be made by the chief administrative officer of any law enforcement agency or department of the state or any of its political subdivisions as may be necessary to carry out the objectives and purposes of this chapter;

(2) originate, compile, and disseminate lecture outlines and other training material, and design and furnish forms and certificates necessary to carry out and certify compliance with the training program authorized or required by this chapter; and

(3) perform such other acts as may be necessary and appropriate

to carry out the duties, responsibilities, and functions of the board as set forth in this chapter. *(Formerly: Acts 1967, c.209, s.11; Acts 1973, P.L.29, SEC.1.) As amended by P.L.25-1986, SEC.6; P.L.52-2005, SEC.7; P.L.2-2007, SEC.73.*

IC 5-2-1-12

Further powers

Sec. 12. The board or any of its designated representatives are further authorized and empowered to:

(1) visit and inspect any law enforcement training school of the state or any of its political subdivisions for the purpose of determining whether or not the minimum standards established pursuant to this chapter are being complied with and to issue or revoke certificates indicating such compliance;

(2) issue and revoke certificates for instructors qualified or unqualified to participate in law enforcement training under the provisions of this chapter;

(3) issue, authorize, or revoke the issuance of:

(A) diplomas;

(B) certificates;

(C) badges; and

(D) other documents showing compliance and qualification;

to law enforcement officers or other persons trained under the provisions of this chapter;

(4) consult with and cooperate with any law enforcement agency of the state or any of its political subdivisions for the development of inservice and advanced training programs for the fulfillment of specific needs in law enforcement;

(5) consult with and cooperate with universities, colleges, and institutes for the development of specialized courses of study in police science and administration;

(6) consult with and cooperate with other departments and agencies concerned with law enforcement training; and

(7) perform such other acts as may be necessary or appropriate to carry out the provisions of this chapter.

(Formerly: Acts 1967, c.209, s.12.) As amended by P.L.25-1986, SEC.7; P.L.52-2005, SEC.8.

IC 5-2-1-12.5

Revocation of diploma, certificate, or badge; immunity for report of cause for revocation; investigation of cause for revocation; hearing on cause for revocation; application for reinstatement

Sec. 12.5. (a) The board may revoke a diploma, certificate, badge, or other document showing compliance and qualification issued by the board for any of the following reasons:

(1) The officer has been convicted of:

(A) a felony; or

(B) two (2) or more misdemeanors that would cause a reasonable person to believe that the officer is potentially

dangerous or violent or has a propensity to violate the law.

(2) The officer has been found not guilty of a felony by reason of mental disease or defect.

(3) The officer's diploma, certificate, badge, or other document showing compliance and qualification was issued in error or was issued on the basis of information later determined to be false.

(b) A person who knows of cause for the revocation of an officer's diploma, certificate, badge, or other document showing compliance and qualification shall inform the officer's hiring or appointing authority or the board. A person who makes a good faith report of cause for revocation of an officer's diploma, certificate, badge, or other document showing compliance and qualification is immune from civil liability.

(c) If the chief executive officer receives a report of cause for revocation concerning an officer within the chief executive officer's agency, the chief executive officer shall:

(1) cause the internal affairs division (or a similar unit) of the agency to investigate the report without unnecessary delay; or

(2) request that the investigation be conducted by a law enforcement agency other than the

law enforcement agency to which the subject of the investigation belongs.

(d) If a hiring or appointing authority receives a report of cause for revocation concerning the chief executive officer, the hiring or appointing authority shall cause an appropriate investigative agency to investigate without unnecessary delay.

(e) If the board receives a report or otherwise learns of cause for revocation concerning a law enforcement officer or chief executive officer, the board shall consider the report and direct the executive director to notify the subject officer's hiring or appointing authority about the report and request an investigation. The hiring or appointing authority shall cause an investigation to be conducted by an appropriate investigative agency without unnecessary delay.

(f) When a hiring or appointing authority completes an investigation of cause for revocation, the hiring or appointing authority shall forward a complete report of its investigation, findings, and recommendations, if any, to the board. The hiring or appointing authority shall also forward to the board a description of any administrative or disciplinary action taken as a result of the investigation not later than sixty (60) days after the hiring or appointing authority takes administrative or disciplinary action.

(g) Except as provided in subsection (h), if the board receives the results of an investigation described in subsection (f), the board shall conduct a hearing on the report, considering the report, the recommendations, and any additional information. The board shall provide the officer who is the subject of the report with notice and an opportunity to be heard. The board may appoint the executive director or another qualified person to present the report and the results of the investigation to the board. In determining whether to revoke the subject officer's diploma, certificate, badge, or other

document showing compliance and qualification, the board shall consider the opinion and testimony of the hiring or appointing authority. If the board determines that cause for revocation exists, the board may revoke the subject officer's diploma, certificate, badge, or other document showing compliance and qualification. The board shall send notice of revocation by certified mail to the subject officer's hiring or appointing authority. The subject officer may pursue judicial review of the board's action under IC 4-21.5-5-13.

(h) When the board receives the results of an investigation described in subsection (f), the board may, instead of conducting a hearing under subsection (g), direct the executive director or another qualified person to serve as an administrative law judge to conduct the hearing described in subsection (g). If the administrative law judge determines that cause for revocation exists, the administrative law judge shall revoke the subject officer's diploma, certificate, badge, or other document showing compliance and qualification and notify the subject officer by certified mail of the decision, with notice of the subject officer's right to appeal to the board not later than fifteen (15) days after receipt of the notice. An appeal to the board must be in writing and may be decided by the board without a hearing. The board shall notify the subject officer of the board's appellate decision under this subsection by certified mail. The subject officer may pursue judicial review of the board's action under IC 4-21.5-5-13.

(i) An officer whose diploma, certificate, badge, or other document showing compliance and qualification has been revoked may apply to the board for reinstatement. The application for reinstatement:

(1) must be in writing; and

(2) must show:

(A) that the cause for revocation no longer exists legally; or

(B) that reinstatement is otherwise appropriate and that the applicant poses no danger to the public and can perform as a law enforcement officer according to the board's standards.

The board may direct the executive director to investigate the application for reinstatement and make a report to the board. The board shall consider the application and notify the applicant by certified mail of the board's decision.

As added by P.L.52-2005, SEC.9.

IC 5-2-1-13

Law enforcement academy building fund; law enforcement training fund; creation; deposits; disposition

Sec. 13. (a) There is created a continuing fund which shall be known as the law enforcement academy building fund. The fund consists of amounts deposited under IC 33-37-7-9. This fund may be used by the board to acquire for the state of Indiana land and interests in and to land, and to construct upon such land a fully equipped law enforcement academy to consist of classrooms, housing facilities, a cafeteria, firearms ranges, a driving course, and

other physical facilities which are deemed necessary in the discretion of the board for the basic, inservice, and advanced training of law enforcement officers in the skills and techniques of law enforcement. Any balance of the fund that is unexpended at the end of any fiscal year shall not revert to the general fund but shall be carried forward as an appropriation for the next fiscal year. Expenditures may be made by the board for, among other things, all expenses required for land acquisition and transfer, including but not limited to personal services, appraisers fees, and the cost of acquiring any interest in land and the construction and maintenance of improvements thereon. The budget agency may, with the approval of the board and the governor, make allocations and transfers of funds appropriated by the general assembly to state agencies having jurisdiction and control over land acquired by the board for the purposes stated herein, except that such allocations and transfers shall not be made in the acquisition of land which has been declared surplus land of the state pursuant to statute. The board is hereby further authorized to acquire said land and law enforcement academy buildings by gift, donation, bequest, devise, exchange, purchase, or eminent domain, or other means. However, any money or proceeds from gifts, bequests, grants, or other donations shall be deposited in a special donation fund which is hereby established for the purposes outlined in this section, for the use of the board to accomplish said purposes. No part of said special donation fund shall revert to the general fund of the state unless specified by the donor as a condition to his gift. All land and academy buildings, however acquired, shall become the property of the state.

(b) There is created a continuing fund which shall be known as the law enforcement training fund. The fund consists of amounts deposited under IC 33-37-7-9. The board is further authorized to accept gifts and grants of money, services, or property to supplement the law enforcement training fund and to use the same for any purpose consistent with the authorized uses of said fund. This fund may be used by the board for the following purposes:

- (1) Building and grounds maintenance for the law enforcement academy.
- (2) Training equipment and supplies necessary to operate the law enforcement academy.
- (3) Aid to approved law enforcement training schools certified as having met or exceeded the minimum standards established by the board.
- (4) Personal services, as authorized by the board with the approval of the governor.
- (5) Any other purpose necessary to carry out the provisions of this chapter, as determined by the board.

(Formerly: Acts 1967, c.209, s.13; Acts 1973, P.L.30, SEC.1.) As amended by Acts 1976, P.L.9, SEC.2; Acts 1982, P.L.32, SEC.1; P.L.31-1986, SEC.1; P.L.32-1986, SEC.1; P.L.305-1987, SEC.4; P.L.30-1992, SEC.3; P.L.98-2004, SEC.48.

IC 5-2-1-14

Executive director

Sec. 14. There is hereby created the position of executive director of the law enforcement training board. The executive director shall be selected by the board and the executive director's tenure of office shall be protected by a four (4) year, renewable contract of employment which may be terminated earlier by the board only for inefficiency, incompetence, neglect of duty, or other good cause after having been accorded a hearing by the board upon reasonable notice of the charge being made against the executive director. A vote of at least eleven (11) members of the board shall be necessary for the early termination of said contract of employment. The

executive director shall be selected on the basis of education, training, and experience and shall have at least ten (10) years experience as an active law enforcement officer, at least five (5) years of which shall have been in an executive or administrative capacity. The executive director shall perform such duties as may be assigned by the board and shall be the chief administrative officer of the law enforcement academy. The salary and compensation for the executive director, the training staff, and employees shall be fixed by the board with the approval of the governor. The executive director shall establish a table of organization to be supplemented with job descriptions for each position subordinate to that of the executive director, all of which shall be subject to the approval of the board. All persons hired to fill such approved vacancies shall be selected on the basis of qualifications and merit based on training, education, and experience through competitive examinations except that the filling of all new positions shall be made so as to maintain in each equivalent position not more than one-half (1/2) of members of either of the two (2) major political parties. Employees and members of the training staff shall not be subject to discharge, demotion, or suspension because of political affiliation, but may be discharged, demoted, or suspended only for cause after charges preferred in writing by the executive director. Any person so discharged or disciplined shall have a right to a hearing before the board if such person requests a hearing by giving notice to the executive director within fifteen (15) days after receiving written notice of discharge or disciplinary action. Procedures shall be consistent with IC 4-21.5.

(Formerly: Acts 1967, c.209, s.14; Acts 1973, P.L.30, SEC.2.) As amended by P.L.5-1988, SEC.29; P.L.52-2005, SEC.10; P.L.1-2006, SEC.89.

IC 5-2-1-15

Facilities of law enforcement academy; availability; cost schedule

Sec. 15. (a) The facilities of the law enforcement academy shall be available to any law enforcement agency of the state, or any of its political subdivisions, subject to the rules of the board.

(b) Any law enforcement agency of the state, any of its political subdivisions, or any board certified training center may conduct training:

(1) for the law enforcement agency of any political subdivision in Indiana; and

(2) in facilities other than those of the law enforcement academy;

if the minimum standards established by the board are met or exceeded.

(c) A law enforcement agency or a board certified training center conducting approved local training under subsection (b) shall be entitled to a per capita allowance from the law enforcement training fund to defray such portions of the cost of basic training as shall be approved by the board. Such per capita allowance shall be earmarked and expended only for law enforcement training.

(d) The facilities of the law enforcement academy shall be available for the training of railroad police, prison and industrial plant guards, postsecondary educational institution safety and security personnel, whether public or private, and such other enforcement related groups as shall be approved by the board, upon terms and conditions established by the board. Railroad police and nongovernmental enforcement related groups qualifying to use the facilities of the academy under the rules of the board shall be required to reimburse the law enforcement training fund for the cost of such training.

(e) The facilities of the law enforcement academy may be used for the training of firefighting personnel where the subject matter of the training relates to duties which involve law enforcement related conduct. Such training shall be conducted upon terms and conditions established by the board. However, no volunteer firefighter is required to attend training at the academy.

(f) The cost of the mandatory basic training conducted by the board at the facilities of the law enforcement academy shall be paid out of the law enforcement training fund, if the trainees have been previously appointed and are on the payroll of a law enforcement department or agency. All other training programs authorized by this chapter and conducted at the law enforcement training

academy, including the mandatory basic training course when attended by trainees who have been investigated and approved but not yet hired by a law enforcement agency, are subject to fee schedules and charges for tuition, lodging, meals, instructors, training materials, and any other items or services established by the board.

(Formerly: Acts 1967, c.209, s.15; Acts 1973, P.L.29, SEC.2.) As amended by Acts 1982, P.L.31, SEC.2; P.L.8-1984, SEC.6; P.L.30-1992, SEC.4; P.L.44-1993, SEC.1; P.L.78-1998, SEC.2; P.L.52-2005, SEC.11; P.L.2-2007, SEC.74.

IC 5-2-1-15.1

Medicaid fraud control unit investigator training

Sec. 15.1. (a) The facilities of the law enforcement academy may be used for the training of investigators of the Medicaid fraud control unit. The training shall be conducted upon the terms and conditions established by the board.

(b) An investigator of the Medicaid fraud control unit employed as an investigator after June 30, 1994, may not enforce Medicaid fraud statutes, rules, or regulations unless the investigator has, within one (1) year of the date of employment as an investigator, successfully completed the minimum basic training requirements established under this chapter.

As added by P.L.10-1994, SEC.2.

IC 5-2-1-15.2

Board certified training center

Sec. 15.2. A board certified training center may provide basic training to a law enforcement officer who is:

(1) employed by a law enforcement agency that is a member agency of the law enforcement training center; and

(2) not accepted by the law enforcement academy for the next basic training course because the academy does not have a space for the officer in the next basic training course.

As added by P.L.78-1998, SEC.3. Amended by P.L.27-2000, SEC.1; P.L.52-2005, SEC.12.

IC 5-2-1-16

Powers and duties of board as criminal justice agency

Sec. 16. As a designated criminal justice agency, the board:

(1) has all the duties and privileges of a police agency;

(2) may appoint, through its executive director, police officers for the Indiana law enforcement academy;

(3) shall establish all rules, policies, and procedures concerning the internal organization, duties, and responsibilities of the police agency, to include:

(A) prescribing a distinctive uniform;

(B) designating and operating emergency vehicles; and

(4) may undertake investigations according to the purposes of this chapter.

As added by P.L.44-1985, SEC.2.

IC 5-2-1-17

Police officers; enforcement powers; duties; oath; training

Sec. 17. (a) Police officers appointed under this chapter have all necessary law enforcement powers, including:

(1) the power to arrest, without process, all persons who within the police officer's view commit any felony or misdemeanor;

(2) all common law and statutory powers, privileges, and immunities of sheriffs, except those specifically forbidden by the board; and

(3) the power to serve civil process to the extent authorized by the board.

(b) Police officers appointed under this chapter shall:

(1) preserve the peace, maintain order, and prevent the unlawful use of force or violence or other unlawful conduct on property owned or operated by the board;

(2) protect all persons and property located on property owned or operated by the board from injury, harm, or damage;

(3) assist the executive director to enforce the rules of the board or the Indiana law enforcement academy;

(4) assist and cooperate with other law enforcement agencies and officers; and

(5) enforce the state motor vehicle laws and motor vehicle rules established by the board on property owned or operated by the board.

(c) Police officers appointed by the board:

(1) must take an appropriate oath of office in a form and manner prescribed by the board;

(2) serve at the pleasure of the board; and

(3) must comply with the training requirements prescribed under section 9 of this chapter.

As added by P.L.44-1985, SEC.3.

IC 5-2-1-18

Assistance to law enforcement officers or agencies; powers; supervision; compensation

Sec. 18. (a) The executive director or a member of the training staff of the board, when assisting a law enforcement officer or agency in either an advisory or active capacity, has the same powers as the officer or agency receiving the assistance.

(b) When the executive director or a member of the training staff of the board is assisting a law enforcement officer or agency, the executive director or member of the training staff:

(1) shall serve under the supervision of the chief official of the agency being assisted; and

(2) is not entitled to receive any compensation other than that provided by the board.

As added by P.L.44-1985, SEC.4.