

**POLICE SPECIAL SERVICE DISTRICT COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
SPECIAL MEETING
Monday, June 6, 1983**

A Special Meeting of the Police Special Service District Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City-County Building at 6:50 p.m., Monday, June 6, 1983. President Stewart in the Chair.

ROLL CALL

The Chair instructed the Clerk to take the roll. Nineteen members being present, he announced a quorum.

PRESENT: Borst, Boyd, Brinkman, Campbell, Durnil, Hawkins, Holmes, Howard, Journey, McGrath, Nickell, Page, Rader, Sawyers, Stewart, Strader, Tintera, Vollmer, West

ABSENT: Rhodes

OFFICIAL COMMUNICATIONS

The Chair called for the reading of Official Communications. The Clerk read the following:

**TO THE MEMBERS OF THE POLICE SPECIAL SERVICE DISTRICT
COUNCIL OF INDIANAPOLIS, MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

You are hereby notified that there will be a **SPECIAL MEETING** of the Police Special Service District Council held in the City-County Building, in the Council Chambers, on Monday, June 6, 1983, at 6:40 p.m. The purpose of such **MEETING** being to conduct any and all business that may properly come before the special **MEETING** of the Council.

Respectfully,

**s/Betty Stewart, President
Police Special Service District Council**

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY
OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis **NEWS** and the Indianapolis **COMMERCIAL** on May 26, 1983, and June 2, 1983, a copy of **NOTICE TO TAXPAYERS** of a Public Hearing on Proposal No. **P.S.S.D. F.O. NO. 3**, 1983, to be held on Monday, June 6, 1983, at 6:40 p.m., in the City-County Building.

Respectfully,

**s/Beverly S. Rippy
City Clerk**

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
POLICE SPECIAL SERVICE DISTRICT OF THE CITY OF
INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the Police Special Service District, Mrs. Beverly S. Rippy, the following ordinances:

FISCAL ORDINANCE NO. 1, 1983, amending the Police Special Service District Annual Budget for 1983 (Police Special Service District Fiscal Ordinance No. 4, 1982) appropriating an additional Fifty-seven Thousand Five Hundred Ten Dollars (\$57,510) in the Police General Fund for purposes of the Department of Public Safety, Police Division and reducing the unappropriated and unencumbered balance in the Police General Fund.

FISCAL ORDINANCE NO. 2, 1983, approving temporary tax anticipation borrowing, authorizing temporary loans for the use of the Consolidated City Police Force Account and Police Pension Fund during the period July 1, 1983, to December 31, 1983, in anticipation of current taxes levied in the year 1982 and collectible in the year 1983, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledging and appropriating the taxes to be received in said Account and Fund to the payment of said tax anticipation time warrants including the interest thereon; fixing a time when this ordinance shall take effect.

Respectfully submitted,

s/William H. Hudnut, III
Mayor

CORRECTION OF THE JOURNAL

The Chair called for additions or corrections to the Journal of May 23, 1983. There being no additions or corrections, the minutes were approved as distributed.

SPECIAL ORDERS, PUBLIC HEARING

P.S.S.D. F.O. NO. 3, 1983. This proposal appropriates \$50,000 for the Police Department to establish a Horse Patrol, which will be funded by a private donation. Councillor West reported that the Public Safety and Criminal Justice Committee recommended to amend and pass this proposal by a vote of 5-0 on May 26, 1983. He said that due to the fact that the Committee amended the proposal by increasing the total by \$5,694 the Council would have to readvertise the amended amount and the Proposal would have to be Postponed in Council until June 22, 1983. Councillor West moved, seconded by Councillor Borst, the following:

POLICE SPECIAL SERVICE DISTRICT COUNCIL

Madam President:

I move to amend P.S.S.D. F.O. NO. 3, 1983, by deleting the introduced version and substituting therefor the proposal entitled, "P.S.S.D. F.O. NO. 3, 1983, Committee Recommendations".

Councillor West

Council consent was given on the amendment. Councillor West then moved to postpone action on P.S.S.D. F.O. No. 3, 1983, until June 22, 1983, seconded by Councillor Borst. Consent was given.

SPECIAL ORDERS, FINAL ADOPTION

P.S.S.D. G.O. NO. 1, 1983. This proposal creates the Police Division of the Department of Public Safety. Councillor West reported that the Public Safety and Criminal Justice Committee recommended passage by a vote of 5-0 on May 26, 1983. This proposal recreates the Police Division due to Home Rule Legislation. Councillor West moved, seconded by Councillor Borst, for adoption. P.S.S.D. G.O. NO. 1, 1983, was adopted on the following roll call vote; viz:

17 YEAS: *Borst, Boyd, Brinkman, Campbell, Durnil, Hawkins, Holmes, Howard, Journey, McGrath, Nickell, Page, Rader, Stewart, Strader, Vollmer, West*

NO NAYS

3 NOT VOTING: *Rhodes, Sawyers, Tintera*

P.S.S.D. G.O. NO. 1, 1983, reads as follows:

POLICE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 1, 1983

A GENERAL ORDINANCE concerning the establishment of the Police Division of the Department of Public Safety.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Appendix B of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Part IV to read as follows:

PART IV. DEPARTMENT OF PUBLIC SAFETY - Police Division

Sec. 1. Definitions.

As used in this Part the following words and phrases shall have the following meanings:

- a. "Chief" shall mean the chief executive officer of the police department.
- b. "Department" shall mean the department of public safety created by the "Code of Indianapolis and Marion County, Indiana".
- c. "Director" shall mean the director of the department of public safety.
- d. "Division" shall mean the police division of the department of public safety.
- e. "Employee" shall mean any regularly employed civilian employee of the Indianapolis Police Department.
- f. "Indianapolis Civilian Police Merit Board" shall mean the Indianapolis Civilian Police Merit Board created under Part III of Appendix B of the "Code of Indianapolis and Marion County, Indiana". It also shall be referred to as Merit Board.
- g. "Indianapolis Police Department" shall mean the Police Division of the Department of Public Safety also referred to as the consolidated city police force.
- h. "Member" shall mean a regularly employed police officer of the Indianapolis Police Department.
- i. "Personnel Director" shall mean the person in charge of the Personnel Branch of the Indianapolis Police Department, and is also referred to as Personnel Chairman.

- j. "Police Special Service District" shall mean a special service district in which the Indianapolis Police Department, created under this part, shall have primary jurisdiction.
- k. "Safety Board" shall mean the Board of Public Safety.

Sec. 2. Director - general powers.

The Director of Public Safety shall have the following general powers and duties with respect to the Indianapolis Police Department and such other specific powers and duties as may be enumerated in this Appendix or as may be granted by the mayor, the city-county council or by law.

- a. to exercise control of all matters and property relating to and connected with the Indianapolis Police Department;
- b. to divide the police special service district into geographic areas for administrative and operational purposes;
- c. to administer and oversee the department's police merit system relating to appointment, transfer, discipline and removal of members and employees of the department pursuant to applicable rules, regulations and laws in accordance with an established merit system;
- d. to negotiate settlements or agreements with member representatives relating to compensation and benefits;
- e. to make recommendations to the director of administration relating to employee compensation and benefits;
- f. to temporarily appoint additional police on application of any person or corporation in any emergency, riot or insurrection as declared by the mayor. The director may remove persons so appointed at any time without hearing or notice or assigning any cause;
- g. to fix the number of employees and members of the Indianapolis Police Department;
- h. to make general and special rules and regulations for the administration and discipline of the Indianapolis Police Department;
- i. to determine and implement policies, methods and means by which operations are to be conducted; and
- j. to coordinate activities of the Indianapolis Police Department with the Sheriff and the Coroner of the county.

Sec. 3. Jurisdiction, duties and powers of the Indianapolis Police Department.

The authority and jurisdiction of the Indianapolis Police Department shall extend throughout the territory of the police special service district, as the same may exist from time to time and the Marion County Sheriff and the sheriff's department shall continue to have the same authority and jurisdiction as presently exists for the sheriff of such county until such police special service district is extended as provided in I.C. 36-3-2-3.

The Indianapolis Police Department shall have the following duties:

- a. to preserve peace;
- b. to prevent offenses;
- c. to detect and arrest criminals;
- d. to suppress riots, mobs and insurrections;
- e. to disperse unlawful and dangerous assemblages that obstruct the free passage of public streets, sidewalks, parks and places;
- f. to protect the rights of persons and property;
- g. to guard the public health;
- h. to preserve order at elections and public meetings;
- i. to direct the movement of vehicles in public ways of public places;
- j. to provide proper police assistance at fires and emergencies;
- k. to assist, advise and protect strangers and travelers in public places;
- l. to carefully observe and inspect all places of business under license or required to have licenses; and
- m. to enforce and prevent the violation of all laws in force in the city.

Members of the Indianapolis Police Department possess all common law powers granted law enforcement officers by I.C. 36-8-3-6 and any other powers granted by law, the city-county council, or by the mayor.

Sec. 4. Budget.

The Director shall prepare and submit an annual budget to the police special service district council which shall approve or modify said budget. The special service district council shall appropriate funds to finance the operations and activities of the Indianapolis Police Department provided for in this appendix. These appropriated funds shall be deposited with the Indianapolis controller in an account known as the "Police Force General Account". The Director shall have authority to expend in accordance with applicable procedure and law, all sums appropriated to said account for the purposes, activities, and services contemplated by this appendix. At the end of each fiscal year, any unexpended portion of said account shall revert to the police special service district general fund.

Sec. 5. Life and liability insurance.

The Director of Public Safety shall recommend to the Director of the Department of Administration appropriate group life and disability insurance coverage to cover all employees and members of the Indianapolis Police Department. Such insurance coverage may be purchased and maintained in reasonable amounts and shall cover employees and members killed and/or disabled in the line of duty. The Director of Public Safety shall recommend to the Director of the Department of Administration appropriate insurance to indemnify the employees and members of the Indianapolis Police Department against liability for injuries or damages to persons or property resulting from alleged acts of negligence, wrongful acts, or omissions of the employees and members of the force while acting within the scope of their authority and employment.

Sec. 6. Personnel branch.

There is hereby created a Personnel Branch as a part of the Indianapolis Police Department. This Branch shall be administered on a daily basis by a Personnel Director who shall be appointed by the Chief, and who may be a civilian or a sworn police officer. The Personnel Director shall have at least five (5) years' prior experience in personnel management.

Subject to applicable law, and with approval of the Civilian Police Merit Board and Chief of Police, the Personnel Director shall be responsible for the development and implementation of sworn and civilian personnel management programs within the Indianapolis Police Department. These personnel management programs shall be merit systems relating to recruitment; applicant screening, testing, and selection; job auditing; hiring; performance evaluation; transfer; promotion; separation; reemployment; career development; discipline; employee relations; grievance procedures; and personnel records management.

Sec. 7. Civilian employees.

The Indianapolis Police Department shall make maximum use of civilian employees in positions not requiring fully trained or empowered police officers. The Civilian Police Merit Board shall prescribe and promulgate such rules and regulations as it deems necessary concerning the employment and management of such civilians. The Chief, through the Personnel Branch, shall be responsible for the hiring and supervision of all civilian employees of the Indianapolis Police Department.

All civilian employees of the Indianapolis Police Department, other than those in appointive positions, shall be considered merit employees. All civilian personnel management programs shall be administered in accordance with the merit systems outlined in Section 6 above.

All civilian employees shall serve as probationers for one (1) year from the date of employment. During this time, the employment of said employee may be terminated by

the Chief with or without cause and said termination shall be final and not subject to review. If his/her employment is not otherwise terminated, said employee shall become a regular employee at the end of one (1) year and is subject to termination or discipline thereafter in conformity with rules and regulations adopted by the Civilian Police Merit Board.

Sec. 8. Community relations office.

There shall be created the Community Relations Office as part of the Department of Public Safety and the Director of Public Safety shall appoint as director of said office a civilian attorney admitted to the practice of law in the State of Indiana. Said attorney shall be appointed for a term of four (4) years and shall serve at the pleasure of the Director of Public Safety. Any complaint of a citizen against a police officer alleging that the officer used profane and abusive language or gestures toward the complainant, used excessive force to effect the arrest of the complainant, intentionally destroyed or damaged the real or personal property of the complainant, exceeded his/her authority as a police officer, acted in violation of Indianapolis Police Department Rules and Regulations or Orders may be filed in writing with the office hereby created.

Said attorney shall be responsible for receiving, processing and investigating said complaint, and presenting said complaint and evidence in support thereof to the Complaint Review Board as herein authorized if the matter complained of cannot be settled by means of conciliation.

The Director of Public Safety shall authorize the employment of such clerks, stenographers and other employees as are necessary to discharge the duties of the Community Relations Office.

Complainants seeking redress only within the authority or jurisdiction of the Department of Public Safety or Indianapolis Police Department may be accepted in the Community Relations Office. Complainants who may wish to pursue other civil or legal remedies shall not be represented by the director of the Community Relations Office or his staff. All such complainants shall execute a "Civil Release of Liability" form prior to the acceptance of their complaint. Within five (5) days after a complaint has been accepted by the Community Relations Office, the Community Relations Office shall mail a copy of the complaint to the officer involved.

Complaints classified as "sustained" after investigation shall not be presented to the Complaint Review Board and shall be resolved summarily with the complainant by the director of the Community Relations Office. All other complaints processed by the Community Relations Office shall be resolved in the following manner: The Director of the Community Relations Office shall first endeavor to settle such complaints by means of informal conciliation. If such conciliation fails, the director of the Community Relations Office may present the complaint to the Complaint Review Board, which board shall be composed of the Director of Public Safety, and two (2) officers of appointed rank. The Complaint Review Board shall conduct an informal administrative hearing on the complaint. The Complaint Review Board shall fix the time and place of such hearing. The Community Relations Office shall give formal written notice to all parties and witnesses at least fifteen (15) days in advance of the scheduled hearing, providing the hearing shall be held within sixty (60) calendar days from the date the complaint is accepted by the office.

The Complaint Review Board shall have no disciplinary powers. Any officer ordered to appear before the Complaint Review Board may be represented by counsel. After hearing the evidence, the Complaint Review Board shall, by majority vote, determine whether or not such complaint shall be presented to the Chief of Police for further action, if any, pursuant to Park III of Appendix B of the "Code of Indianapolis and Marion County, Indiana".

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be

imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 6:55 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Police Special Service District Council of Indianapolis-Marion County, Indiana, held at its Special Meeting on the 6th day of June, 1983.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

ATTEST

Betty Stewart
President
[Signature]
Clerk of the Police Special
Service District Council

(SEAL)