

## **IC 36-8-9**

### Chapter 9. Town Board of Metropolitan Police Commissioners

## **IC 36-8-9-1**

### **Application of chapter**

Sec. 1. This chapter applies to all towns.

*As added by Acts 1981, P.L.309, SEC.60.*

## **IC 36-8-9-2**

### **Establishment of board**

Sec. 2. The legislative body of a town may by ordinance:

- (1) abolish the office of town marshal; and
- (2) establish a board of metropolitan police commissioners (referred to as "the board" in this chapter).

*As added by Acts 1981, P.L.309, SEC.60. Amended by P.L.3-1987, SEC.567; P.L.101-1998, SEC.4.*

## **IC 36-8-9-3**

### **Repealed**

*(Repealed by P.L.12-2001, SEC.2.)*

## **IC 36-8-9-3.1**

### **Membership**

Sec. 3.1. (a) An ordinance adopted under section 2 of this chapter must provide as follows:

- (1) The board must consist of either of the following number of members:
  - (A) Three (3) members. If the ordinance provides for a three (3) member board, not more than two (2) board members may be members of the same political party, if individuals who satisfy this requirement can be found to serve on the board.
  - (B) Five (5) members. If the ordinance provides for a five (5) member board, not more than three (3) board members may be members of the same political party, if individuals who satisfy this requirement can be found to serve on the board.
- (2) Each board member must be a resident of the town.
- (3) The town legislative body shall appoint each board member.
- (4) Except as provided in subdivision (5), the term of each board member expires January 1 of the third year after the member's appointment.
- (5) The ordinance must provide for staggered terms of the board members and the method for staggering the terms. If the board has three (3) members, the term of one (1) board member must expire each year. If the board has five (5) members, the terms of not more than two (2) board members may expire each year.
- (6) The town legislative body may remove a board member for any cause that the legislative body considers sufficient.
- (7) The town legislative body may not appoint a police officer

employed by the town to serve on the board.

(b) The ordinance may provide that a member of the town legislative body may serve as an ex officio member of the board. If the ordinance permits members of the town legislative body to serve as members of the board, the following apply:

(1) The ordinance must state the maximum number of board members that may also be members of the town legislative body.

(2) The ordinance must provide either of the following:

(A) That a board member vacates the member's position on the board when the member is no longer a member of the town legislative body.

(B) That a board member may continue to serve until the end of the board member's term even if the board member vacates the member's position on the town legislative body.

(3) A board member who is also a member of the town legislative body may not receive compensation as a board member provided under subsection (g).

(4) A board member who is also a member of the town legislative body is not required to post the bond required by subsection (f).

(c) This subsection does not apply to a board member who is a member of the town legislative body. Before performing any function of a board member, an individual shall take and subscribe an oath or affirmation of office before the circuit court clerk of the county in which the town is located.

(d) This subsection applies to all board members. Before performing any function of a board member, an individual shall take and subscribe an oath or affirmation before the circuit court clerk of the county in which the town is located that, in each appointment or removal made by the board to or from the town police department under this chapter, the board member will not appoint or remove a member of the town police department because of the political affiliation of the person or for another cause or reason other than that of the fitness of the person.

(e) The circuit court clerk shall file oaths and affirmations required by this section among the circuit court clerk's records.

(f) This subsection does not apply to a board member who is a member of the town legislative body. A board member shall give bond in the penal sum of five thousand dollars (\$5,000), payable to the state and conditioned upon the faithful and honest discharge of the member's duties. The bond must be approved by the town legislative body.

(g) The town legislative body shall fix the salary of board members who are not members of the town legislative body. A board member's salary is payable monthly out of the town treasury.

(h) If the board has three (3) members, the town legislative body may amend the ordinance at any time to increase the number of board members to five (5). The amended ordinance and the appointment of board members must satisfy all the requirements of

subsection (a).

(i) A board established in compliance with section 3 of this chapter (before its repeal) is considered a board established under this section. A town legislative body may amend an ordinance adopted in compliance with section 3 of this chapter (before its repeal) as provided in this section.

*As added by P.L.12-2001, SEC.1.*

#### **IC 36-8-9-4**

##### **Powers and duties of board**

Sec. 4. (a) The board may appoint, subject to the qualifications for employment determined by the board and approved by the town legislative body, as many persons as necessary to serve in the police department of the town. One (1) person shall be appointed to serve as the police chief. The board may also appoint other employees that are necessary to carry on the work of the police department.

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

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

(d) The board may make general and special rules for the government and discipline of the police department and may make special and general orders to the department through the police chief, who is the executive head of the department.

*As added by Acts 1981, P.L.309, SEC.60. Amended by Acts 1981, P.L.315, SEC.6; Acts 1982, P.L.33, SEC.41; P.L.198-1984, SEC.2; P.L.101-1998, SEC.5; P.L.65-2008, SEC.3.*

#### **IC 36-8-9-5**

##### **Appropriations**

Sec. 5. The town legislative body shall appropriate a sum sufficient to pay the salaries of the members of the town police department.

*As added by Acts 1981, P.L.309, SEC.60.*

#### **IC 36-8-9-6**

##### **Statutes governing police departments**

Sec. 6. (a) The operation, management, and control of a police department under this chapter is governed by statutes applicable to the management and control of other municipal police departments if those statutes are consistent with this chapter.

(b) The members of the police department may exercise all powers granted to members of police departments by other statutes.

The members of the police department are entitled to all the rights, powers, and privileges granted by statute to members of police departments.

*As added by Acts 1981, P.L.309, SEC.60.*

### **IC 36-8-9-7**

#### **Probationary appointments**

Sec. 7. (a) The board may provide that all appointments to the police department are probationary for a period not to exceed one (1) year.

(b) If the board finds, upon the recommendation of the chief of the department during the probationary period, that the conduct or capacity of a member is not satisfactory, the board shall notify the member in writing that the member is being suspended or that the member will not receive a permanent appointment.

(c) If a member is notified that the member will not receive a permanent appointment, the member's employment immediately ceases. Otherwise, at the expiration of the probationary period, the member is considered regularly employed.

*As added by P.L.98-2000, SEC.28.*

### **IC 36-8-9-8**

#### **Payment of line of duty health care expenses for police**

Sec. 8. (a) A town shall pay for the care of a full-time, paid police officer who:

- (1) suffers an injury; or
- (2) contracts an illness;

during the performance of the officer's duty.

(b) The town shall pay for the following expenses incurred by a police officer described in subsection (a):

- (1) Medical and surgical care.
- (2) Medicines and laboratory, curative, and palliative agents and means.
- (3) X-ray, diagnostic, and therapeutic service, including during the recovery period.
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the general fund of the town.

(d) A town that has paid for the care of a police officer under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the police officer has a cause of action for an injury sustained because of, or an illness caused by, the third party. The town's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the police officer against the third party.

*As added by P.L.150-2002, SEC.2.*

### **IC 36-8-9-9**

#### **Body armor**

Sec. 9. (a) As used in this section, "body armor" has the meaning set forth in IC 35-47-5-13(a).

(b) After December 31, 2010, a town shall provide an active member of the police department of the town with body armor for the torso. The town shall replace the body armor for the torso according to the replacement period recommended by the manufacturer of the body armor for the torso.

(c) An active member of the police department of a town shall not be required to pay for maintenance of the body armor for the torso furnished under this section.

(d) Body armor for the torso provided by a town under this section remains the property of the town. The town may sell the property when it becomes unfit for use, and all money received shall be paid into the general fund of the town.

*As added by P.L.34-2010, SEC.7.*