

CITY OF LAFAYETTE POLICE DEPARTMENT

RULES AND REGULATIONS
AS PROMULGATED BY THE POLICE CIVIL SERVICE COMMISSION

This manual was prepared and promulgated by the City of Lafayette Police Civil Service Commission pursuant to authority originally granted to it under Indiana Code 19-1-14.5 and Ordinance No. 71-9 adopted by the Common Council of the City of Lafayette on June 8, 1971. This authority was thereafter reaffirmed by Ordinance No. 82-18 adopted by the Common Council on June 7, 1982, pursuant to Indiana Code 368-3.5-1(b).

The purpose of this manual is to govern the activities of the City of Lafayette Police Department in such a manner as to enhance the status of police officers by giving them job stability and a chance for advancement based on merit, thereby greatly fostering further respect for law and order and providing the taxpaying citizens of this community with the finest police department available.

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**INDIANA CODE 19-1-14.5 POLICE MERIT SYSTEMS IN SECOND-CLASS CITIES
(As adopted by Ordinance No. 82-18, pursuant to IC 36-8-3.5-1(b))**

Sec. 1. The purpose of this chapter is to provide for a city merit plan for police in cities of the second class located in counties having a population of not less than one hundred nine-thousand (109,000) inhabitants nor more than one hundred twelve thousand (112,000) inhabitants according to the last preceding United States census and to thereby improve the training and career opportunities for members of the police department, to remove the harmful effect of appointments and promotions made to the police department without regard to training, ability and experience and to stimulate greater public interest and respect for law and order.

After the effective date of this chapter, a common council may enact an enabling ordinance creating a civil service merit system as part of its governmental organization and shall in such ordinance repeal prior ordinances in conflict therewith, and the new ordinance shall further provide for competitive examinations to be conducted at the discretion of the commission hereunder.

Sec. 2. Within thirty (30) days after the adoption of an appropriate ordinance, a civil service commission for the police department shall be appointed as hereinafter provided. The civil service commission of the police department, hereafter referred to as the commission, shall consist of five (5) members, none of whom shall be a member of the police department or retired member thereof. The members of the commission shall have been legal residents of the city for at least three (3) years and shall be persons of good moral character. The members of the commission shall be appointed as follows: The police department shall make the first two (2) appointments to the said commission; the common council of the said city shall make the next two (2) appointments to the commission, and the mayor of said city shall make the final appointment to the commission. These appointments shall be filled in this order and in no other order.

In the first instance of the two (2) members to be elected and appointed by the majority of the active membership of the police department, one (1) shall serve for a term of three (3) years and one (1) shall serve for a term of four (4) years; of the two (2) members appointed by the common council, one (1) shall service for a term of two (2) years and one (1) shall serve for a term of (4) years; the member to be appointed by the mayor shall serve for a period of one (1) year. Thereafter the terms of the commission shall be for a term of four (4) years. The appointments by the active membership of the police department shall be made at a meeting specifically called for such purpose by the board of public works and/or safety hereinafter referred to as the "Board." The board shall have at least one week's notice of said meeting to all active members of the police department by posting a copy of the notice of the meeting in at least three (3) prominent places in the central police station. The notice shall designate the time, place and purpose of the meeting. No one shall be entitled to be present at the meeting and exercise the right to vote unless he or she is an active member of the police department. Active members of the police department who are unable to attend such a

meeting may vote by written proxy: Provided, That no active member present shall be entitled to hold and vote the proxy of more than one (1) absent member. An active member of the police department shall be elected to act as chairman of the meeting and the chairman shall have charge of the conduct of the election. Voting shall be by secret ballot, and the persons receiving the greatest number of votes, including all votes by proxy, shall be named as members of the commission representing the active members of the police department. The results of the election shall be tabulated and filed with the clerk of the city. A person shall be ineligible to serve as a member of the board of commissioners if he holds any other salaried appointive or elective office for the cities to which this chapter applies. In making the appointment of the members of the board of commissioners, not more than three (3) members shall be affiliated with the same political party. Every member appointed on such commission shall take and subscribe to an oath that he will conscientiously and faithfully discharge the duties of his office which oath shall be filed with the board. The commission shall select from its membership a president, a vice-president and a secretary for a term of one (1) year. The secretary of the commission shall make and keep a permanent record of its proceedings.

The compensation of each member shall not exceed five hundred dollars (\$500) per year and shall be fixed by the common council. Vacancies, which may occur in the membership of such commission for any cause and expired terms, shall be filled by appointment in the same manner as the appointment of the members of the commission whose place is vacated or whose term has expired. The board may remove any member of the commission at any time for malfeasance, nonfeasance, removal from the city or inability to serve, which removal shall be in the same manner and under the same rules of procedure as members of the police department of such cities are now or hereafter may be removed. Three (3) members of the commission shall constitute a quorum for the transaction of official business. The commission shall meet at regular intervals, not less than once each calendar month.

Sec. 3. The commission shall be authorized and directed to prepare, adopt, promulgate, supervise and enforce rules and regulations as follows: (1) to govern the selection, appointment, resignation, transfer, reappointment and reinstatement of persons to be employed as members of the police department; (2) to govern promotions and demotions of the members of the police department; (3) to govern disciplinary action and/or dismissal of members of the police department, as prescribed by applicable law. Before any rules and regulations as provided in this section shall be adopted by the commission, the commission shall provide for a public hearing to consider the adoption of the proposed rules and regulations. The commission, at least ten (10) days prior to the date fixed for such public hearing, shall cause a notice of the hearing to be published in accordance with IC 1971, 5-3-1. The notice shall contain an announcement of the time and place of the hearing and a brief recital of the subject matter of the proposed rules and regulations. At least ten (10) days prior to any hearing, one (1) copy of the proposed rules and regulations shall be placed on file in the office of the city clerk and shall be open to inspection to any citizen or taxpayer of such

city and three (3) copies of the proposed rules and regulations shall be forwarded to the chief of police of the department and retained on file in the office of the chief and shall be open to inspection at all times by any member of the police department. At the hearing any legally registered voter or taxpayer of such city, including any member of the police department, shall be afforded an opportunity to be heard on any matter relative and germane to the adoption of the proposed rules and regulations, and shall be allowed to present either oral or written evidence. Any evidence so presented shall be given due consideration by the commission in making its final decision concerning the adoption of the proposed rules and regulations.

Sec. 4. Such rules and regulations shall prescribe that the following four (4) factors shall be the basic considerations in rating a member of the police department for the purpose of promotion: (1) the grade received by the member on a written competitive examination, pertaining to police work in his own city or town. Said examination paper shall be retained in the office of the chief of police, and such individual shall have access to examine the same, any time in the presence of the chief of police; (2) the past performance record of a member of the police department; (3) the seniority rights of a member of the police department determined by the number of years of service as a member of the police department; (4) a personal interview by the commission: Provided, That the grade received on a written competitive examination shall be considered as fifty percent (50%) of the rating. The past performance shall be considered as twenty percent (20%) of the rating. All members of the police department shall be given the full twenty percent (20%) at the inception of this chapter; the seniority rights of a member based on the number of years of service as a member of the police department at the rate of three-fourths of one percent ($3/4\%$) for each year of service up to and including twenty (20) years shall be considered as fifteen percent (15%) of the rating. A personal interview by the board of commissions shall be considered as ten percent (10%) of the rating; five percent (5%) of the rating shall be left to the discretion of the commissioners.

The rules and regulations shall contain a provision requiring that performance ratings shall be made every six (6) months for each member of the police department, not including the chief or superintendent of the police department, by the immediate superior officer of the member, and reviewed by said superior officer with said member. Such ratings shall be submitted to the chief or superintendent of the police department and kept on file permanently in his office: Provided, That such rules and regulations shall provide that the chief or superintendent of the police department shall give each member written notification of the rating which such member receives and if any member is aggrieved with the performance rating he or she shall have received such member shall have the right to appeal to the commission for a review of the rating within ten (10) days after the notice of the rating has been received. The commission, after reviewing the rating, shall have the authority to affirm or change the rating. The commission shall not have the power and authority to appoint or remove any member of the police department as the chief of said department, but the mayor of such city shall have the sole power of appointing and removing any member of the police department

as chief of the department: Provided, That such appointment of the chief shall be made from the personnel of the department who have at least five (5) years service in the police department immediately prior to the appointment, and the removal of any member of the police department as chief of said department shall be deemed as removal from rank only, and not from the department: Provided further, That the chief of the police department and the superintendent of the police department shall be considered one (1) and the same office.

Sec. 5. All persons who are members of any police department of any city at the time of the effective date of the enabling ordinance shall hold their respective ranks temporarily. The commission members shall, within one hundred and eighty (180) days after their appointment, hold open competitive examinations for all members of the police department for the purpose of determining who shall hold specific rank in the police department. Any promotions in rank shall become effective within this one hundred and eight (180) day period; Provided, That any person who holds the rank of chief or superintendent of police shall continue to hold his office and his qualifications shall not be subject to examination and review by the commission. Upon expiration of the term of the chief of the police department in any city, such person shall be appointed by the commission to the rank on the police department which he held at the time of his appointment as chief of the department: Provided, That in the event of the Chief of the department, during his tenure of office as chief of police department qualified in accordance with the promotional procedure as prescribed by the commission in its rules and regulations for any rank in the police department which is higher than the rank which he held at the time of his appointment as chief of the department, he shall, upon expiration of his term as chief, be appointed by the commission to the rank for which he has qualified under the promotion procedure. Promotions in the police department of any such city shall be approved and made by the board of commissioners from the active personnel of such department: Provided, That any member, in order to be eligible for such appointment as chief of the department shall be required to have served as an active member of said department for at least five (5) years immediately preceding his appointment as chief. The mayor of said city shall have the prerogative of appointing the chief of police under the above-specified conditions.

Sec. 6. All appointments, promotions and demotions made by the commission shall be subject to the promotion, demotion and removal provisions as prescribed by the commission in its rules and regulations, subject to the laws of the State of Indiana.

INDIANA CODE 36-8-3.5-1

Sec. 1. (a) This chapter applies to each municipality or township that has a fulltime paid police or fire department. A municipality may exercise the power of establishing a merit system for its police or fire department under this chapter or by

ordinance adopted under IC 36-1-4-14. This chapter does not affect merit systems established:

(2) By a prior statute, except as provided by subsection (b).

(b) If a city had a merit system for its police or fire department under the former . . . IC 19-1-14.5 . . . it may retain that system by ordinance of the city legislative body passed before January 1, 1983. The ordinance must initially incorporate all the provisions of the prior statute but may be amended by the legislative body after December 31, 1984. The ordinance retaining the system must be amended, if necessary, to include a provision under which the commission (or governing board of the merit system) has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must:

(1) Be a person of good moral character; and

(2) Not be an active member of a police or fire department or agency.

Adopted by the Common Council of the City of Lafayette on June 7, 1982 as Ordinance No. 82-18.

INDIANA CODE 36-8-3.5-8

Sec. 8. (a) An election to be made by the active members of the department shall be made at a meeting called specifically for that purpose by the safety board. The board shall give at least three (3) weeks notice of the meeting to all active members of the department by posting the notice in prominent locations in stations of the department. The notice shall also be read during shift roll calls. The notice must designate the time, place, and purpose of the meeting.

(b) Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chairman. All voting must be by secret written ballot. The other procedures for holding the meeting may be determined by the safety board and shall be posted in accordance with subsection (a).

ARTICLE I - COMMISSION RULES

The purpose of this Article is to establish the basic rules under which the Commission shall operate.

A. Quorum.

Three members of the Commission shall constitute a quorum for the transaction of business.

B. Officers.

The Commission shall elect a president, a vice-president and a secretary.

(1) Term of Office. The officers of the Commission shall hold office for a term of one year.

(2) Election of Officers. Annually, the members of the Commission shall elect the three officers from its own membership.

(3) Vacancies and Removals. Membership vacancies and removals shall be filled by the procedure set forth in IC 19-1-14.5.

(4) Duty of the President. The President shall be the principal executive officer of the Commission and, subject to the control of the Commission, shall in general, supervise and control all of the business and affairs of the Commission. He shall, when present, preside at all meetings of the Commission. He shall preside as President of any hearing, including disciplinary hearings, before the Commission.

(5) Duty of the Vice-President. In the event of absence or incapacity to serve, on the part of the President of the Commission, the Vice-President shall function in his place.

(6) Duty of the Secretary. The Secretary shall:

- a. Keep the minutes of all meetings in one or more books provided for that purpose.
- b. See that all notices are duly given in accordance with the provisions of these Commission rules and in accordance with IC 19-1-14.5 *et seq.*

- c. Be custodian of the records of the Commission.
- d. Sign with the President or Vice-President, any rules, regulations, orders which are adopted by the Commission.
- e. Perform such other duties as from time to time may be assigned to him by the President or the Vice-President.

(7) Delegation of Authority. The Commission shall have the authority to delegate functions and duties of an administrative nature to officials or members of the Police Department of the City of Lafayette, Indiana, or to any other persons. However, in no event, shall the delegation of specific functions or duties be construed as abandonment of its authority. The Commission will, at all times, retain its option to maintain concurrent administration of the function or duty, or to rescind its prior delegation. The Commission shall not have the power to delegate its rule-making function to any person or persons whatsoever; nor shall it have the power to delegate authority to any person to act in lieu of the Commission in the event of a hearing.

(8) Employees. The Commission shall be empowered to retain the services of legal counsel. The Commission shall be empowered to employ the services of a stenographer or court reporter to take notes of all meetings and hearings to aid the Secretary of the Commission in the performance of his duties.

C. Meetings.

(1) Regular Meetings. The Commission shall hold one regular meeting each month.

- a. The regular meeting shall be held in the City of Lafayette Municipal Building, unless otherwise changed by the Commission.

(2) Special Meetings. Special meetings of the Commission may be held at any time and at any place within the City of Lafayette, Indiana when called by the President of the Commission, or by the Vice-President in the absence or incapacity of the President. A special meeting may be called by the joint action of three (3) members of the Commission. It shall be necessary that a quorum be present to conduct a special meeting.

(3) Adjourned Meetings. Adjourned meetings of any regular or special meeting may be held, if announced prior to the termination of the meeting, which is to be adjourned, at which time, the time, place, and purpose of such adjourned meeting shall be announced.

(4) Open Door Law. In all cases, meetings shall conform with IC 5-14-1.5, Indiana's Open Door Law.

(5) Notice of Meetings.

- a. The Secretary shall notify all members of the Commission of the special meetings. Such notice may be given in writing, by telephone, by personal contact or by any electronic means.
- b. The Secretary shall notify the media in the City of Lafayette by January 1 of each year of the meeting dates for the coming year.
- c. The regular, special and adjourned meetings of the Commission are open to the public, if the purpose of such special or adjourned meeting is the transaction of business of the Commission.
- d. All notices shall state the time, the place, and the purpose of the meeting.
- e. Notice of any meeting shall be deemed to have been waived if all members are present at such meeting.

(6) Conduct of Meetings. The rules of parliamentary procedure as set forth in "Roberts Rules of Order" shall govern meetings and proceedings before the Commission insofar as the same is not inconsistent with the rules of this Commission or the laws and statutes of the State of Indiana.

D. Maintenance of Records.

(1) Permanent Record. A permanent record of all acts and actions of the Commission shall be maintained.

- a. The permanent records of the Commission shall be open for inspection at all times; except the personnel records which shall be open to inspection only to the person named thereon, or to his duly authorized representative, or to other persons who, in the judgment of the Commission have a lawful or legitimate reason for such inspection.

(2) Confirmation of Records of Prior Meeting. The first order of business of any regular meeting shall be the reading of the minutes of the previous meeting. At such time, the record may be amended, corrected or modified before final confirmation, and when finally passed, shall not be altered thereafter. The rescission, amendment, modification or affirmation of a prior action shall be

noted on the margin of the record pertaining to the original action, as well as in full detail in the records of the subsequent meeting, at which the modifying actions was taken.

- (3) Record of Oral and Documentary Evidence. A competent record shall be kept of all oral and documentary evidence in any hearing before the Commission.
- (4) Records of All Hearings shall be kept. In all hearings before the Commission, a complete record of the entire proceedings shall be kept. In the event of any appeal from the finding and/or order of the Commission, a transcript shall be prepared containing the record of the hearing along with the finding and order of the Commission, this transcript shall thereupon be made available to the court having jurisdiction of such appeal.
- (5) Transcript to Court Within Thirty (30) Days After Summons Issued On Appeal From Any Order or Finding of the Commission. A certified copy, certified by the President or the Vice-President and the Secretary shall be delivered and filed in the court having jurisdiction of any appeal from any order or finding of the Commission not less than thirty (30) days after service of summons.

E. Hearings Before the Commission.

All hearings held by the Commission on disciplinary matters shall be held in conjunction with Special Meetings of the Commission.

- (1) Conduct of Hearings. All hearings before the Commission shall be held in such a manner as to obtain all facts material to the hearing, to protect the proper interests of all parties, and to render findings in accordance with the evidence presented.
- (2) Procedure of Hearings. The procedures for the conduct of any hearing shall conform to the rules set forth in the Indiana Rules of Court.
- (3) Power to Review Action. The Commission specifically retains the right and authority to review action taken by it on any matter, and after review, may rescind, modify or amend action previously taken.
- (4) Appeals of Performance Ratings. The appeal to the Commission for review of a performance rating by a member and the resultant hearing of the appeal shall not constitute a hearing or require a special meeting of the Commission under this Section. However, the hearing of an appeal on a performance rating requires a quorum of the Commission, and a recording of the minutes of such hearing shall be retained in the files of the Commission.

F. Adoption of Rules and Regulations.

The Commission shall adopt the rules necessary to carry out its duties and powers as set forth in the Statute creating the Commission.

- (1) Adoption of Regulations. Each rule and regulation to be adopted shall be reviewed in full at a duly notified special or regular meeting open to the public. After the review, questions may be raised concerning the rule; thereafter a vote shall be taken upon the proposed rule or regulation.
- (2) Regulations Prospective Only. All rules and regulations are prospective and shall have force and effect as of the time of their adoption by the Commission.
- (3) Regulations Binding on Commission. All rules and regulations shall be binding upon the Commission and all other parties from the time of adoption until modified, rescinded or amended by proper action at a regular or special meeting.
- (4) Promulgation of Regulations. Upon the adoption of any rule or regulation, the Commission shall print such rule and regulation and furnish a copy to each member, and shall incorporate the rule or regulation in the regular minutes of the meeting at which such rule or regulation is adopted.
- (5) Permanent Record of Regulations. All rules and regulations shall be kept in a permanent record, properly indexed, for ready reference.
- (6) Each Regulation to be Numbered and Dated. Each regulation shall be numbered and dated as of the date of adoption.

ARTICLE II - RULES OF CONDUCT

The purpose of this Article is to give guidance and direction to the members of the Lafayette Police Department regarding the Rules, Regulations and Information promulgated by the City of Lafayette Police Civil Service Commission. These Rules and Regulations are intended to establish a pattern of operation which will lead to the highest efficiency of this Department, for greater public service to the City; and at the same time provide guidance and protection to the sworn officers of the Department.

A. Definition of Terms.

- (1) **Chief.** The Chief of Police, as appointed by the Mayor of the City of Lafayette, Indiana or anyone who acts as the designee of the Chief.
- (2) **Commanding Officer.** A superior officer in charge of a division during his tour of duty. The Chief is the commanding officer of the entire department.
- (3) **Departmental Procedure.** A general order, policy statement or special order, issued by the Chief.
- (4) **Deputy Chief.** The superior officer, as appointed by the Commission, who performs all of the duties of the Chief in the Chief's absence or at the Chief's direction. He is also the commanding officer of the day-to-day operations of the department.
- (5) **General Order.** A permanent instruction issued by the Chief, generally relating to a general circumstance or situation.
- (6) **Member.** An officer of the police department regardless of rank, sex, division, or duty.
- (7) **Off Duty.** That period during which a member is free from specified routine duty.

- (8) On Duty. That period during which a member is actively engaged in the performance of his duties.
- (9) Order. Any instruction given by a superior officer to a subordinate.
- (10) Policy Statement. A written statement designed to give general department guidelines in regard to specific areas, issued by the Chief or Deputy Chief.
- (11) Special Order. An instruction issued by the Chief to cover a specific circumstance or situation.
- (12) Strike. Any concerted failure to report for duty, willful absence from a member's position, unauthorized holidays, sickness unsubstantiated by a physician's statement ("blue flu"), the stoppage of work, or the absence in whole or in part from the faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in conditions, compensation, benefits, rights, privileges or obligations of employment.
- (13) Superior Officer. A member having supervision, either temporarily or permanently, over members of a lower rank.

B. Role of the Chief of Police.

- (1) Duties. The Chief shall be the commanding officer of the entire department, subject to the laws of the United States, the State of Indiana, the Ordinances of the City of Lafayette and the Rules and Regulations of the City of Lafayette Police Civil Service Commission. He shall devote his whole time and energy exclusively to the discharge of his duties and shall see that all laws of the State, Ordinances of the City, and Rules and Regulations of the Commission are enforced and followed, in so far as it is possible, by the members under his command, and that all offenders are reported to the proper tribunals for discipline. The Chief may designate another member to act on his behalf.
- (2) Powers. The Chief shall have the power to promulgate such orders to the members, as he may deem proper. It shall be the duty of all members to render to the Chief, and to his orders, implicit obedience in conformity to the laws and ordinances and to such rules and regulations as the Commission may adopt from time to time.

- (3) Custody of Property. The Chief shall have custody and control of all books, records, machines, tools, implements, apparatus or equipment of any kind necessary for use in the department and of all public property pertaining to, connected with and belonging to the City.
- (4) Reports. The Chief shall cause to be made to the Commission such reports as it may require from time to time.
- (5) Ex-Officio Duties. The Chief shall act as vice-president of the Board of Trustees of the Lafayette Police Pension Fund.
- (6) Special Assignments. Upon the request of the prosecuting attorney, the judge of any court, or the Sheriff of Tippecanoe County, Indiana, the Chief shall assign any member to assist in the return of persons wanted in Tippecanoe County and any member so assigned shall receive such compensation from the County as set out in the Indiana Code.

C. Duties of Members.

Members should understand that these rules and regulations are not expected to cover each specific case, which may arise in the discharge of their duties, but that something must necessarily be left to the intelligence, discretion, good judgment and good sense of the individual member.

- (1) Possession of Manual. Each member shall be provided access to a copy of the police manual containing the rules and regulations of the department.
- (2) Familiarity with Rules. Each member shall study the contents of the police manual and shall be familiar with all rules and regulations governing the department. Each member shall also be familiar with the laws of the State and the ordinances of the City.
- (3) Violation of Rules. Strict obedience to these rules shall be required. Members shall not commit any acts or omit any acts, which constitute a violation of any of the rules, regulations, directives or orders of the department, whether stated in these rules and regulations or elsewhere. Violation shall result in discipline under Article III.

D. Regulations for Members of the Police Department.

- (1) Unbecoming Conduct. Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming an officer shall include that which brings the department into disrepute or reflects discredit upon any member, or that,

which impairs the operation or efficiency of the department or its members. Members shall maintain a level of conduct in their personal and business affairs, which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident, which impairs their ability to perform as law enforcement officers, or causes the department to be brought into disrepute.

(2) Conformance to Laws.

- a. Members shall obey all laws of the United States and the laws of any state and local jurisdiction in which the member is present.
- b. A conviction for the violation of any law shall be prima facie evidence of a violation of this section.

(3) Reporting for Duty. Members shall report for duty at the time and place required by assignment or order and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.

(4) Neglect of Duty. Members shall not engage in any activities or personal business, which would cause them to neglect or be inattentive to duty.

(5) Fictitious Illness or Injury Reports. Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the City as to the condition of their health.

(6) Sleeping on Duty. Members shall remain awake while on duty. If unable to do so, they shall report to their commanding officer, who shall determine the proper course of action.

(7) Leaving Duty Post. Members shall not leave their assigned duty post during a tour of duty except when authorized by proper authority.

(8) Meals. Members shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of taking meals during their tour of duty, but only for such period of time, and at such time and place, as established by departmental procedure.

(9) Unsatisfactory Performance. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner, which will

maintain the highest standards of efficiency in carrying out the function and objectives of the department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the applications of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's rank, grade, or position; the failure to take appropriate action on the occasion of crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance:

- a. Repeated poor evaluations;
- b. Written record of repeated infractions of rules, regulations, directives or orders of the department.

(10) Off Duty Employment.

- a. Members may engage in off duty employment subject to the following limitations:
 - (i) such employment shall not interfere with the member's employment with the department;
 - (ii) members shall follow the established departmental procedures for submission and approval of off-duty employment;
 - (iii) members shall not engage in any employment or business involving bail bond agencies, any work for private investigative agencies, private guard services, collection agencies or attorneys without the written consent of the Chief.
- b. Approval of off duty employment may be denied by the Chief where it appears that:
 - (i) the member will be unavailable during an emergency;
 - (ii) the member will be physically or mentally exhausted to the point that his performance may be affected;
 - (iii) the member will require special consideration in scheduling of his regular duty hours; or
 - (iv) the member will bring the department into disrepute or impair the operation or efficiency of the department or its members.

(11) Alcoholic Beverages and Drugs in Municipal Buildings. Members shall not store or bring into any public facility, building or vehicle, alcoholic beverages,

controlled substances, narcotics or hallucinogens except those items that are to be held as evidence.

(12) Possession and Use of Drugs. Members shall not unlawfully possess or use any controlled substances, narcotics, or hallucinogens. A member that is prescribed a controlled substance that may impair the member's ability to perform one or more job duties shall immediately notify the member's commanding officer.

(13) Possession and Use of Alcohol.

- a. Members shall not possess or consume intoxicating beverages while on duty or in uniform, except while acting under proper and specific orders from a superior officer in the performance of duty.
- b. Members shall not appear for duty, or be on duty, while under the influence of intoxicating beverages to **any** degree whatsoever, or with an odor of intoxicating beverages on their breath or person.

(14) Use of Alcohol While Off Duty. Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the department, or renders the member unfit to report for their next regular tour of duty.

(15) Use of Tobacco. Members, when in uniform, may use tobacco as long as:

- a. They are not in a formation;
- b. They do not have to leave their assignment or post for the sole purpose of doing so;
- c. They are not engaged in traffic direction and control; or
- d. They are not in an area, public or private, that prohibits smoking or the use of tobacco products.

When they are in direct contact with the public, members must obtain permission to use tobacco from the public with whom they are in direct contact.

(16) Insubordination. Members shall promptly obey any lawful orders of a superior or commanding officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank.

(17) Conflicting or Illegal Orders.

- a. Members who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the superior officer issuing the conflicting order. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Members shall obey the conflicting order and shall not be held responsible for disobedience of the previously issued order, rule, regulation or directive.
- b. Members shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, members shall request the issuing officer to clarify the order. The member shall report the illegal order to the Chief or Deputy Chief. If the Chief or Deputy Chief issued the illegal order, then the member shall report the illegal order to a member of the Commission.

(18) Gifts, Gratuities, Bribes or Rewards. Members shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the member or the department if it may reasonably be inferred that the person, business, or organization

- a. seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty;
- b. has an interest, which may be substantially affected directly or indirectly by the performance of an official duty.

(19) Abuse of Position.

- a. Members shall not use their official position, official identification card or badge for
 - (i) personal or financial gain;
 - (ii) obtaining privileges not otherwise available to them except in the performance of duty;
 - (iii) avoiding consequences of illegal acts.
- b. Members shall not authorize the use of their name, photograph or official title, which identifies them as an officer, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief.

Nothing herein shall be construed to prevent Members from accepting any standard discount or benefit available to law enforcement, public safety, or government officials or employees.

(20) Endorsements and Referrals. Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional or commercial services (e.g. attorney, ambulance, towing service, bondsman, mortician, etc.). In case of ambulance or towing services, when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, members shall proceed in accordance with established departmental procedure.

(21) Identification. Members shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and badge number to any person requesting that information, when they are on duty or when holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

(22) Citizen Complaints. Members shall courteously and promptly record in writing any complaint made by a citizen against any member or the department. Members may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from filing a complaint against any member or the department. Members shall follow established departmental procedure for processing complaints.

(23) Courtesy. Members shall be courteous to the public. Members shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, members shall not use violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, sexual orientation, lifestyle or other personal characteristics.

(24) Request for Assistance. When any person applies for assistance or advice, or makes a complaint or report, either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established departmental procedure.

(25) Personal Associations. Members shall avoid regular or continuous association or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in illegal and criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of personal relationship.

(26) Visiting of Prohibited Establishments. Members shall not knowingly visit, enter or frequent any establishment wherein the laws of the United States, the state or local jurisdiction are regularly violated, except in the performance of duty or while acting under proper and specific orders from a superior officer.

(27) Gambling. Members shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty or while acting under proper or specific orders from a superior officer.

(28) Public Statements and Appearances. Members shall not publicly criticize or ridicule the department, its policies or other members, by speech, writing or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline or is made with reckless disregard.

Members shall not address public gatherings, appear on radio or television, prepare articles for publication, act as correspondent to a newspaper or a periodical, release or divulge investigative information, or any other matters of the department while holding themselves out as representing the department in such matters without proper authority. Members may lecture on "police" or other related law enforcement subjects only with the prior approval of the Chief.

(29) Personal Appearance.

- a. Members on duty shall wear uniforms or other clothing in accordance with established departmental procedure.
- b. Except when acting under proper and specific orders from a superior officer, members on duty shall maintain a neat, well-groomed appearance and shall style their hair according to departmental procedure.

(30) Reporting Illness or Injury. In case of illness or injury, members must report the facts to their commanding officer without delay.

(31) Surrender of Property. Members who are dismissed or resign shall immediately surrender to the Chief all equipment owned by the City and the department.

(32) Accident Reports Affecting the City. Members shall make a complete detailed report of all accidents or personal injuries, which may result in a lawsuit against the City.

(33) Police Auction. Members shall not be allowed, directly or indirectly, to purchase goods sold at any auction held by the department.

(34) Report of Stolen or Damaged Property. Members shall immediately report to their shift commander lost or damaged property owned by the City or the department.

(35) Labor Activity.

- a. Members shall have the right to join labor organizations, but nothing shall compel the department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law or directed by the Mayor.
- b. Members shall not engage in any strike against the City or department.

(36) Payment of Debts. Members shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline, except in the unusual or severe cases. Repeated instances of financial difficulty may be cause for disciplinary action. Voluntarily filing a petition for bankruptcy relief is not a cause for discipline. Members shall not co-sign or act as surety for any debt of a superior officer.

(37) Residency Requirement. Members shall comply with the provisions of Indiana Code § 36-8-4-2 as amended from time to time.

(38) Telephone Service. Members shall comply with the provisions of Indiana Code § 36-8-4-2 as amended from time to time.

(39) Dissemination of Information. Members shall treat all official information received in the performance of their duty (whether on duty or off duty) as confidential. Official information shall be disseminated only to those for whom it is intended as set forth in departmental procedure. Members may not remove, copy, or share any official records except as provided by departmental procedure. Members may not divulge the identity of persons giving confidential information except as authorized by proper authority.

(40) Intervention.

- a. Members shall not interfere with cases being handled by other officers or by any other governmental agency, unless:
 - (i) ordered to intervene by a superior officer; or
 - (ii) the intervening officer believes, beyond a reasonable doubt, that a manifest injustice would result from failure to take immediate action.

- b. Members shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their commanding officer unless the situation requires immediate police action.

(41) Departmental Reports. Members shall submit all necessary reports on time and in accordance with established departmental procedure. Reports submitted by members shall be truthful and complete, and no member shall knowingly enter or cause to be entered any inaccurate, false or improper information, or withhold information from the Prosecuting Attorney or from any court.

(42) Processing Property and Evidence. Property or evidence, which has been discovered, gathered or received in connection with departmental responsibilities, will be processed in accordance with established departmental procedure. Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedure.

(43) Abuse of Process. Members shall not make false accusations of a criminal or traffic charge.

(44) Use of Department Equipment. Members shall utilize the department's equipment for its intended purpose only, in accordance with established departmental procedure, and shall not abuse, damage or lose department equipment. All department equipment issued to members shall be maintained in proper repair.

(45) Operating Vehicles. Members shall operate official vehicles in a careful and prudent manner with due regard, obeying all laws and all departmental orders pertaining to such operation. Loss or suspension of any driving

privileges shall be reported to the member's commanding officer immediately.

(46) Firearms. Members shall carry firearms in accordance with federal, state and local laws and established departmental procedure.

(47) Truthfulness. Upon the order of the Chief or a superior officer, members shall truthfully answer all questions asked of them, which are specifically directed and narrowly related to the scope of employment and operation of the department.

(48) Use of Polygraph and Medical Examinations, Photographs and Lineups.

- a. Upon the order of the Chief, members shall submit to any medical, ballistic, chemical, photographic, lineup or any other examination or test. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular investigation being conducted by the department.
- b. Upon the order of the Chief, members shall submit to polygraph examinations, which are specifically directed and narrowly related to a particular internal investigation being conducted by the department. Whenever a complaint from a citizen is the basis for the investigation, the matter is non-criminal, and no corroborating information has been discovered, members shall not be required to submit to a polygraph examination. All investigations shall comply with the requirements of Indiana Code § 36-8-2.1-1 et seq. (as amended from time to time).

(49) Disclosure of Personal Information. Subject to Indiana Code § 36-8-2.1-11 (as amended from time to time), upon the order of the Chief, members shall submit financial or other personal information statements in accordance with departmental procedures. The order for disclosure shall only be given when such information is material to a criminal or internal investigation.

(50) Treatment of Persons in Custody. Members shall not mistreat persons who are in their custody. Members shall handle such persons in accordance with federal, state and local laws and departmental procedure.

(51) Use of Force. Members shall not use more force in any situation than is reasonably necessary under the circumstances. Force shall be used only in accordance with federal, state or local laws and the department's "Use of Force" policy.

(52) Use of Weapons. Members shall not use or handle weapons in a careless or imprudent manner. Weapons shall be used only in accordance with federal, state or local laws and departmental procedure.

(53) Arrest, Search and Seizure. Members shall not make any arrest, search or seizure, which they know or should know, is not in accordance with any federal, state or local law or departmental procedure.

(54) Political Activity.

a. Members shall comply with all state and federal laws regulating political activity and elections.

b. A member may not:

(i) use the member's official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(ii) directly or indirectly coerce, attempt to coerce, command, or advise any state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(iii) if the salary of the member is paid completely, whether directly or indirectly, by loans or grants of the United State or federal agency, be a candidate for elective office, unless allowed under 5 U.S.C. § 1503.

c. Except when on duty or acting in an official capacity, and except where otherwise provided by state or federal law, a member may not be:

(i) Discouraged from engaging in political activity; or

(ii) Denied the right to choose to refrain from engaging in political activity;

provided such activities do not impede or impair the efficient operation of the department.

d. Subject to the limitations of 5 U.S.C. § 1502 and Indiana Code § 3-5-9-1 *et seq.*, a member may:

(i) Be a candidate for elective office and serve in that office if elected;

(ii) Be appointed to any office and serve in that office if appointed; and

(iii) As long as the member is not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the office for which the member is a candidate.

(55) Examination by Police Physician. Members may be required to submit to an examination by a physician chosen by the Chief when the Chief determines that a member's physical or mental condition may adversely affect the member's ability to perform safely the essential functions of the member's duties. The physician shall submit a report to the Chief with his findings regarding the member's physical and mental condition. Revised 12/99

ARTICLE III - DISCIPLINE

The purpose of this Article is to establish the disciplinary rules for the department, set forth the actions, which may be taken for violating the rules and regulations of the department and the lines of authority for implementing disciplinary action.

A. Offenses Which Require Disciplinary Action.

(1) Offenses. Disciplinary action may be taken for the following offenses:

- a. Conviction of a crime.
- b. A finding of a breach the rules of conduct as set forth in Article II.

B. Disciplinary Action by the Commission

(1) Actions Available. The Commission may take the following disciplinary action against a member.

- a. Suspension with or without pay;
- b. Demotion;
- c. Dismissal;
- d. Probation;
- e. Any other terms or conditions the Commission deems appropriate.

(2) Remuneration. If a member is suspended, that member is entitled to the member's remuneration and allowances for insurance benefits to which the member was entitled before the suspension. The Commission shall determine if a member who is suspended in excess of five (5) days shall continue to receive the member's salary during the suspension.

(3) Fair Administration. All discipline shall be administered firmly, promptly, fairly and judiciously. In no event shall personal bias or discrimination affect the handling of disciplinary matters.

C. Procedures For Disciplinary Action.

(1) Charges and Hearing. If the Chief, after an investigation, prefers charges against a member for an alleged breach of departmental rules and regulations (including any civilian complaints for an alleged breach of departmental rules and regulations), a hearing shall be conducted AT THE REQUEST OF THE MEMBER CHARGED.

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- a. If the member desires a hearing on the charges, the member must request a hearing by the Commission within five (5) days of the Chief preferring charges.
- b. The Commission shall hold a hearing within thirty (30) days of the member's request. Continuances of the hearing may be granted by the Commission for good cause.
- c. If the member fails to request a hearing within five (5) days of the charges being preferred, the Commission shall review the findings of the Chief and take disciplinary action against the member under paragraph B(1) .

(2) Notice. Notice of a hearing shall be in writing and served upon the charged member either by personal service or by leaving a copy of the notice at the member's last and usual place of residence. The notice shall be given at least fourteen (14) days prior to the date set for the hearing.

- a. The notice must state the following:
 - (i) the time and place of the hearing;
 - (ii) the charges against the member;
 - (iii) the specific conduct that comprises the charges;
 - (iv) that the member is entitled to be represented by counsel or another representative of the member's choice;
 - (v) that the member is entitled to call and cross-examine witness;
 - (vi) that the member is entitled to require the production of evidence; and
 - (vii) that the member is entitled to have subpoenas issued, served, and executed.
- b. The Commission may:
 - (i) compel the attendance of witnesses by issuing subpoenas;
 - (ii) examine witnesses under oath; and
 - (iii) order the production of books, papers, and other evidence by issuing subpoenas.

(3) Refusal to Co-operate. If a witness refuses to appear at the hearing after receiving written notice requiring his attendance, or refuses to produce evidence that the Commission requests, the Commission may file an affidavit in the Tippecanoe Circuit Court setting forth the facts of the refusal. The Judge of the

Tippecanoe Circuit Court shall issue a summons for service by the Sheriff of Tippecanoe County requiring the appearance of the witness or the production of information or evidence.

a. Contempt. Disobedience of the summons constitutes contempt of the Tippecanoe Circuit Court. Expenses for the issuance of the summons shall be charged to the witness, unless the Court finds that the witness acted in good faith and with reasonable cause. Otherwise all expenses shall be charged to the Commission.

(4) Burden of Proof. Any decision to discipline a member shall be made only if the preponderance of the evidence presented at the hearing indicates such course of action.

D. Summary Discipline.

The Chief may, without a hearing, reprimand, reprimand in writing, place on executive leave, or suspend without pay for a maximum of five (5) working days, a member. Such reprimand or suspension shall be considered a summary disciplinary review.

E. Procedures for Summary Discipline.

(1) Commission Notification. If the Chief reprimands a member in writing, places a member on executive leave, or suspends a member, he shall, within forty-eight (48) hours, notify the commission in writing of the following:

- a. Member's name;
- b. Member's rank;
- c. Discipline imposed;
- d. The reasons for the discipline imposed.

(2) Review Request. A member who is reprimanded or suspended may request, in writing, within forty-eight (48) hours of notification of the summary discipline, that the Commission review the summary discipline. The Commission may either affirm or reverse the Chief's decision.

(3) Hearing on Summary Discipline. The Commission may hold a hearing, at its discretion, to review the Chief's summary disciplinary actions. If a hearing is held, the Commission shall give the member written notice of the hearing either by personal service or by leaving a copy of the notice at the member's last and

usual place of residence. The notice shall be given at least fourteen (14) days before the date set for the hearing and shall contain all of the provisions of paragraph C(2)

(4) Back Wages. If the Commission reverses the actions of the Chief, the member who was suspended is entitled to any wages withheld as a result of the suspension.

F. Appeals to The Court.

(1) Right of Appeal. If a member is suspended for more than ten (10) days, demoted, or dismissed by the Commission, that member may appeal the Commission's decision to the Circuit or Superior Court of Tippecanoe County.

(2) Indiana Trial Rules. All appeals to the court shall be filed according to the Indiana Rules of Court except:

- a. The appeal must be verified and filed within thirty (30) days of the Commission's decision;
- b. The City of Lafayette shall be the sole defendant;
- c. The City of Lafayette is assumed to deny all allegations and does not need to file a responsive pleading;
- d. The member must file a bond at the time of filing the appeal conditioned on the member prosecuting the appeal to a final determination and paying the court costs incurred in the appeal;
- e. The Commission shall file a transcript of all papers, entries, and other parts of the record relating to the case within thirty (30) days after service of summons.

(3) Priority. The appeal shall take precedence over other litigation pending before the court.

ARTICLE IV - MEMBER APPOINTMENT

The purpose of this Article is to establish the qualifications and rules necessary for the selection and appointment of members of the police department.

A. Application Process.

- (1) Application Forms. All applicants for appointment as a member of the police department shall obtain an application form from the City of Lafayette.
- (2) Completion of Application. All information requested in the application form shall be filled out to the best knowledge and belief of the applicant. Any misrepresentation made in the application form by the applicant may render the applicant ineligible for any position with the police department.
- (3) Commission Review of the Application Form. The Commission shall review the application form used to consider applicants for compliance with all federal and state laws.
- (4) Applicant Information. An applicant must supply the following along with the completed application form:
 - a. birth certificate or satisfactory evidence of date and place of birth; b. high school diploma, G.E.D., and transcripts; c. military discharge, if applicable; d. valid driver's license or application for valid driver's license; e. transcripts and diplomas from any post-secondary educational institution attended, if applicable.

B. Initial Eligibility Requirements.

- (1) Citizen. An applicant must be a citizen of the United States of America.
- (2) Age. An applicant must be, at the time of application to be a member, at least twenty-one (21) years of age and eligible for enrollment in the 1977 Police Officers' and Firefighters' Retirement Fund.
- (3) Character. An applicant must be of "good moral character."
- (4) Felony Conviction. An applicant may not be appointed, reappointed or reinstated if he has a judgment of conviction for a felony.
- (5) High School Graduate. An applicant must be a graduate of a duly accredited high school and must supply a copy of his transcripts with the completed application form.
 - a. An applicant who has received a diploma from an accredited high school or the military after having passed a G.E.D. exam shall be considered as having graduated from an accredited high school.

C. Examination Process.

(1) PERF Requirements. An applicant must take and pass minimum aptitude and agility tests to determine physical condition and general aptitude prior to being certified to PERF for appointment. (IC 36-8-3.2-2)

(2) Aptitude Test. The Commission shall adopt an aptitude test as part of the applicant's testing process. (IC 36-8-3.2-3.5(b)). An applicant shall not be permitted to take the aptitude test more than twice in any twelve (12)-month period.

(3) Physical Agility Test. The Commission shall adopt a physical agility test with the following minimum standards which shall not discriminate on the basis of sex:

- a. muscular strength;
- b. muscular endurance;
- c. cardiovascular endurance; and
- d. musculoskeletal flexibility. (IC 35-8-3.2-3.5(a))

(4) Additional Requirements. The Commission, after review, may establish additional standards as a condition of employment above the minimum standards set out above. (IC 36-8-3.2-6)

(5) Certification to PERF The Commission or its designee shall administer the agility and aptitude exams to the applicants and certify the results to the local pension board extending an offer of conditional employment. (IC 36-8-3.2-4)

(6) Bi-annual Review. The Commission may review the proposed tests at least once every two years.

(7) Polygraph Test. An applicant shall take and pass a polygraph test which shall be administered by a qualified polygraph examiner before a conditional offer of employment is made.

(8) Background Investigation. An applicant shall undergo a background investigation to be conducted by the Police Department. An applicant shall be eliminated from the hiring process if information obtained during the background investigation demonstrates that the applicant does not possess good moral character and judgment.

(9) Police Review Board. An Internal Review Board, consisting of the Captains of the department, or the Captain's designee, shall interview and rate the applicant. The Board's recommendation shall be forwarded to the Commission.

(10) Interview. The Commission shall interview each applicant who has a) passed the aptitude, agility and polygraph tests; b) had a background investigation completed that demonstrates the applicant possesses good moral character and judgment; and c) been favorably rated by the Internal Review Board. The Commission may, upon its request, review the application of any applicant who does not pass the polygraph test or the background investigation or receive a favorable rating by the Internal Review Board and, at its discretion, determine whether to interview the applicant.

(11) Conditional Offer of Employment. After interviewing an applicant, the Commission shall determine whether to make a conditional offer of employment to the applicant. If the Commission determines that an applicant is acceptable for hire but no position is currently open, the Commission may place the applicant on a hiring list for a period not to exceed six (6) months, in which case such applicant shall be eligible for the next opening so long as the candidate continues to meet all qualifications for hire with the Department. The Department shall have the right to perform additional background investigation and polygraph tests before conditional employment is offered to any applicant placed on the hiring list. If multiple applicants are placed onto a hiring list, the Commission shall determine the ranking of candidates on the hiring list.

D. Eligibility Requirements under the 1977 Policeman's Pension Fund (PERU).

(1) Conditional Appointment. An applicant's appointment is conditional on meeting the provisions for membership in the 1977 Police Officers' and Firefighters' Pension and Disability Fund (PERF) under IC 36-8-8-1 et seq. (IC 36-8-3-21)

(2) Physical and Mental Examination. After the Commission extends a conditional offer of employment to an applicant, the Commission shall administer the baseline statewide physical and mental examination as prescribed by the PERF board. (IC 36-8-8-19)

E. Probationary Members.

(1) Probationary Period. All applicants who pass the exam as prescribed by the PERF board will become probationary members for a period of one (1) year.

a. Extension of Probationary Period. A member's probationary period may be extended for a period not to exceed one (1) year, upon recommendation of the Chief.

(2) Termination of Employment. If the Commission finds that the probationary member will not receive a permanent appointment, that member's employment shall terminate immediately.

(3) No Property Interest. Probationary members do not have a property interest in their position until such time as they become a permanent member.

(4) Termination of Probationary Period. If the Chief presents no finding after the one (1) year probationary period, a member will automatically be considered a regularly employed member.

State and Federal Laws

(1) Rules Subject to Federal and State Law. These rules and regulations regarding the employment of members shall be subject to all state and federal laws. If the Chief becomes aware of any changes in the law that would affect these rules, he is to notify the Commission so that the necessary amendments may be made.

(2) Chief's Responsibilities. The Chief shall notify the Commission when an applicant's offer of employment is no longer conditional (after PERF has approved the applicant for the 1977 Fund).

Revised 3/14/2006

ARTICLE V - PROMOTIONS

The purpose of this Article is to adopt, promulgate, supervise and enforce rules and regulations that will govern promotions of members of the police department.

A. Factors Governing Promotions.

(1) Factors. The following four factors shall be used for rating a member below the rank of Deputy Chief for the purpose of promotion:

- a. The grades received by a member on a competitive written promotional examination;
- b. The past performance record as a member as hereinafter defined;
- c. The seniority rights of a member determined by the number of years of service as a member.
- d. The performance on the oral competitive interview;

B. Selection for Promotion.

(1) Composite Points for Sergeant, Lieutenant or Captain. The member to be promoted to a vacancy in the rank of Sergeant, Lieutenant or Captain shall be qualified with the highest composite number of points at the time a vacancy occurs. The composite number of points shall be determined as follows:

- a. Forty-five percent (45%) from a written competitive promotional examination, which grade appears upon the current "written promotional examination eligibility list."
- b. Twenty percent (20%) for past performance ratings as they exist for promotional purposes at the time a vacancy occurs.
- c. Fifteen percent (15%) for longevity (seniority), at the rate of three fourths of one percent (.75%) per year, computed as of the date the vacancy occurs.
- d. Ten percent (10%) for oral competitive interview.
- e. Ten percent (10%) for the Commission's statutory discretion.

In the event that the total scores are tied, the factors to be used in establishing relative competitive position shall be: 1) length of service; 2) written examination; and 3) performance rating.

(3) Composite Points for Deputy Chief. The member to be promoted to a vacancy in the rank Deputy Chief shall be qualified with the highest composite number of points at the time a vacancy occurs. The composite number of points shall be determined as follows:

- a. Thirty percent (30%) for past performance ratings as they exist for promotional purposes at the time a vacancy occurs.
- b. Twenty percent (20%) for longevity (seniority), at the rate of one percent (1%) per year, computed as of the date the vacancy occurs.
- c. Thirty percent (30%) for oral competitive interview.
- d. Twenty percent (20%) for Commission's statutory discretion.

In the event that total scores are tied, the candidates for promotion whose scores are tied shall be given a second oral interview. The scores from the second oral competitive interview and the Commission's statutory discretion shall be the factors used in establishing the position.

(4) Other Qualifications for Promotion.

- a. All promotions to any rank shall be from the next immediate lower rank without regard to division, except in the case of the promotion to Deputy Chief, which promotion can be made from the rank of Captain or Lieutenant.
- b. All members seeking promotion shall have been a member for a minimum of two (2) years before they shall be eligible for promotion on the department. They may take a written competitive examination for promotion prior to the minimum two (2) years for placement on the eligibility list.

C. Written Competitive Promotional Examinations.

(1) Written Exam. A written competitive promotional examination shall be given to those members seeking to be promoted to the rank of Sergeant, Lieutenant or Captain. The exam shall take place no later than the end of February and such examination shall include questions covering subject material available to all members but the examination shall not necessarily be limited to such questions. The written competitive examination may be amended and revised from time to time as deemed necessary by the Commission.

(2) Grading. The grading of the examination shall be graded on the basis of one hundred percent (100%) for a perfect score. Such score shall then be

converted to the forty-five percent (45%) factor as used for determining composite points for promotion.

(3) Eligibility. Any member may take a written promotional examination if they are eligible for promotion within two years of becoming a member.

(4) Suspension of Member. A member under suspension and/or pending a hearing, or under appeal from a hearing, may take the promotional examination, and the right to a ranking shall be protected only in the event of a final finding in the member's favor.

(5) Standing on Score. The score received by a member writing the competitive written examination shall be placed upon a written promotional examination eligibility list which list shall expire when a written examination is conducted, provided, that a member may elect to stand on his previous written examination, for a period not to exceed two (2) years from the time of the previous examination, by notifying the Secretary of the Commission in writing ten (10) days prior to the written examination that the member intends to do so. The score received on the new examination, unless the member elected to stand on his old score as provided above, will supersede previous scores. Notwithstanding the above, no member shall be permitted to stand on the member's score for a previous examination after the applicable examination has been revised or amended. The score from the new examination or from a previous examination, if the member elected to stand upon the same, will be added to the past performance and seniority points (or score) as they stand at the date a vacancy occurs.

(6) Administration. Preparation and grading of the written promotional examinations shall be under the administration of the Commission. In no event shall the persons supervising the examinations be permitted to know the names of the member who has written the examination, which is being graded.

(7) Re-Examination. In the event that less than one-third (1/3) of the members writing any examination for any rank shall fail to score a grade of seventy percent (70%), the Commission, in its discretion, may elect to prepare a new examination to be given to all members writing the original examination.

(8) Chief's Eligibility. A member serving as Chief shall have the right to take the written competitive promotional examination in accordance with his permanent rank and length of service qualifications, and such score shall be used for consideration of promotion as vacancies in rank occur.

(9) Examination Results. The Commission will advise the members of the examination results.

(10) Commission Supervision. The examination papers shall be kept under the Commission's supervision.

D. Performance Ratings.

(1) Ratings Procedure. Performance ratings shall be made every six (6) months for each member below the rank of Chief. The performance rating shall be conducted by the immediate commanding officer of the member and reviewed by that commanding officer with the member. The performance rating shall be submitted to the Chief and kept on file permanently in his office;

- a. The Chief, with the approval of the Commission, shall determine the form to use for performance ratings;
- b. A member's commanding officer shall give each member written notification of the rating, which such member receives;
- c. If a member is aggrieved with the performance rating, the member shall have the right to appeal to the Commission for a review of the rating within ten (10) days after notice of the rating;
- d. The Commission, after reviewing the rating, shall have the authority to affirm or change the rating.

(2) Rating Calculation. The past performance ratings to be used for promotion of a member shall be the arithmetic average for the member's last four (4) semiannual performance rating scores received at any rank, within the two (2) years immediately preceding the date of the vacancy. If less than four (4) semiannual ratings have been received, the number of ratings received in the two-year (2) period shall apply in determining the arithmetic average.

(3) Rating Factor. The performance score shall be the original score adjusted to the twenty percent (20%) rating factor for the ranks of Sergeant, Lieutenant and Captain and to the thirty percent (30%) rating factor for the rank of Deputy Chief.

E. Seniority Score.

(1) Seniority Calculation. Seniority scores shall be calculated to the date the vacancy occurs at the rate of three-fourths of one percent (.75%) for each full year served on the department for promotion to the ranks of Sergeant, Lieutenant and Captain. Seniority scores shall be calculated to the date the vacancy occurs at the rate of one percent (1%) for each full year served on the department for promotion to the rank of Deputy Chief. No percent is calculated for less than a full year.

(2) Military Service. Military service, while on leave from the department, shall be included in the seniority score.

(3) Maximum Seniority Score. The maximum possible score for seniority shall be fifteen (15) points for promotion to the ranks of Sergeant, Lieutenant and Captain. The maximum possible score for seniority shall be twenty (20) points for promotion to the rank of Deputy Chief.

F. Appointment to Acting Rank.

Members may be assigned by the Commission to an acting rank for a period not to exceed ninety (90) days; except where an acting rank is created to fill a vacancy because of the illness or military leave of a member who holds permanent rank or by a vacancy in rank which must be held open because of appointment from such rank to the rank of Chief of Police. In any event, any acting rank shall be filled in accordance with the rules provided by the Commission for selection for promotion.

G. Right to Refuse Promotion.

(1) Time Limitation. Members are not required to accept a promotion to a higher rank. A member, when advised that he has earned a promotion to a higher rank, and when offered such promotion, may refuse to accept the promotion by writing a letter of refusal to the Commission within three (3) days after such notification. If a promotion is refused, the member has no claim for promotion until another vacancy occurs at a later date.

(2) Same Rank. Members that refuse to accept a promotion shall remain at their same rank and division as if the promotion were never offered.

(3) Future Eligibility. Members that refuse to accept a promotion shall be eligible for promotion the next time a vacancy occurs for which the member is qualified.

H. Miscellaneous.

(1) Notice of Examination. Notice of written competitive promotional examinations shall be posted on official bulletin boards of the police department, and shall be announced at least three (3) weeks prior to date of the examination.

(2) Time Limitation. Members desiring to participate in promotional examinations shall inform the Commission in writing at least one (1) week prior to the date of the examination.

(3) Applicable Rules. The applicable rules governing a promotion to a particular vacancy shall be such rules as were last in effect at least thirty (30) days prior to the time the particular vacancy occurred.

(4) Probationary Period. All promotions shall be considered as probationary for a period of not less than one (1) year from date of appointment. During this probationary period, the Commission may conduct interviews with the member to determine his effectiveness in the position he is holding. At the end of the first year of probation, the Commission shall cause one of the following to occur:

- a. Extend the period of probation for a specific period of time as determined by the Commission.
- b. Grant permanent status to the promotion.
- c. Deny the permanent promotion and cause the officer to return to his previous permanent rank.

(5) Chief's Duty. The Chief shall inform the Commission when a vacancy occurs, in order that the Commission may promote a member.

I. Ranks.

The Lafayette Police Department shall have the following ranks: Chief, Deputy Chief, Captain, Lieutenant, Sergeant, Officer 1st Class, Officer 2nd Class, and Officer 3rd Class.

ARTICLE VI - MERIT AWARDS

The purpose of this Article is to establish a system whereby members may be recognized and commended for meritorious service.

A. Degrees of Commendation.

Merit awards shall consist of three degrees of commendation:

- (1) Gold. Gold awards shall be limited to actions in which members risk their lives to save a life or lives.
- (2) Silver. Silver awards shall be limited to action in which members risk personal injury to protect a citizen(s) from personal injury or death.
- (3) Bronze. Bronze awards shall be given for all other meritorious actions brought to the attention of the Commission as described below and deemed worthy by the Commission after due deliberation.

B. Commendation Awards.

The commendation award shall include:

- (1) Citation. A citation of the facts of the action shall be set forth at the time the recipient is commended. Citations shall be written into the official minutes of the Commission and will be made a part of the recipient's personnel record.
- (2) Certificate. A certificate with the citation attached, suitable for framing, shall be given to the recipient certifying the commendation and authorizing the member to wear the appropriate symbol when in uniform.
- (3) Recognition Bar. The member who is commended shall receive a Merit Recognition Bar, which shall be one inch (1") wide by three-sixteenth inch (3/16") deep. The bar shall be either gold, silver or bronze, depending on the degree of commendation, and shall be engraved with the word "merit". It shall be of a locking pin type in order that it may be neatly pinned to the uniform of the member.

C. Commendation Procedure.

The decision as to whether a member's service warrants a merit commendation and the degree of commendation shall be the responsibility of the Commission. Recommendations for a merit commendation made be initiated by:

- (1) Members. The prospective recipient's commanding officer in which case the recommendation must be submitted to the Commission through official channels and must bear the endorsement of the Chief.

(2) Chief. The Chief may submit a recommendation directly to the Commission.

(3) Commissioner. Any member of the Commission may make a motion for a merit commendation at a public meeting of the Commission.

D. Determining Factors for Commendation.

Although authorization of a merit determination and commendation is a matter of judgment for the Commission, the Commission, in its deliberations, should follow the following principles in arriving at a determination:

The member must distinguish himself by meritorious service, demonstrating extraordinary application of one or more of the following attributes

| | | |
|--------------------|---------------|-------------|
| Fast Thinking | Good Judgment | Courtesy |
| Persistence | Diligence | Imagination |
| Ingenuity | Endurance | Courage |
| Physical Dexterity | Efficiency | Leadership |
| Teamwork | | |

ARTICLE VII - GRIEVANCE PROCEDURE

It is the Commission's desire to prohibit public criticism and gossip against the department and its members by other members. Grievances by one member against another member should generally proceed through official channels. The purpose of this Article is to establish the basic rules for members to file grievances against other members without proceeding through the chain of command. The Commission will not tolerate **any** public criticism or gossip against members of the department by other members.

A. Grievance Procedure.

(1) Grievance Session. A grievance session shall be held by the Commission in executive session during a regularly scheduled meeting.

(2) Notification. Any member who wishes to present a grievance to the Commission must notify the President or Secretary **in writing** not less than seven (7) days prior to the meeting in which he desires to appear to register a complaint or discuss departmental problems.

(3) Informal Complaint. The member making a grievance known to the Commission is not required to submit a formal written complaint through official channels.

(4) Investigation. If, after discussion of the member's grievance, the Commission determines that such grievance should be investigated, the Commission shall appoint an investigative committee to investigate the grievance.

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