

INTRODUCED: 01/11/2010

REFERRED TO: Public Safety and Criminal Justice Committee

SPONSOR: Councillors Vaughn and Scales

DIGEST: amends the Code to extend the probationary period for members of the metropolitan law enforcement agency for more meaningful review of performance at work and in the field during field training

SOURCE:

Initiated by: Department of Public Safety

Drafted by: Mark A. Mertz and Alexander Will, Assistant Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: January 7, 2010

CITY-COUNTY GENERAL ORDINANCE NO. _____, 2010

PROPOSAL FOR A GENERAL ORDINANCE to amend Section 279-234 of the Revised Code to extend the probationary period for members of the metropolitan law enforcement agency, so that supervisors and field training officers will have an appropriate period to develop a meaningful review each member's performance at work and in the field during the course of the field training officer program.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 279-234 of the "Revised Code of the Consolidated City and County," regarding the appointment of members and the classification of ranks, grades and positions within the Indianapolis Metropolitan Police Department, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 279-234. Classification of ranks, grades and positions; appointment of members.

(a) The board shall establish a classification of ranks, grades, and positions for members of the Indianapolis metropolitan police department. For each rank, grade, and position, the chief, with the approval of the board, shall:

- (1) Set reasonable standards of qualifications; and
- (2) Fix the prerequisites of training, education, and experience.

(b) An individual may not be appointed or reappointed as a member of the department after December 31, 2006, unless the individual:

- (1) Is less than thirty-six (36) years of age; and
- (2) Passes:
 - a. The aptitude, physical agility, and physical examination required by the local board; and
 - b. The statewide baseline standards required by IC 36-8-8-19; however, this subsection does not apply to an individual who becomes a member of the department under section 279-103 of this chapter.

(c) The chief, with the approval of the board, shall devise and administer examinations designed to test applicants for the qualifications required for the respective ranks, grades, or positions. After these examinations, the chief and the board shall jointly prepare a list naming only those applicants who, in the opinion of both the chief and the board, best meet the prescribed standards and prerequisites. The chief only appoints members of the department from among the persons whose names appear on this list. All members appointed to the department under this chapter are on probation ~~for until after~~ one (1) year ~~after the date of appointment.~~ of active duty from the date of the completion of the Field Training Officer Program. Active duty is defined as the time the probationary officer is assigned to perform the full duties and responsibilities required of members of the department, but does not include leave time due to illness, military leave, suspension from work or limited duty status, as these terms are defined by the general orders of the department.

(d) The chief, in his or her sole discretion, may:

- (1) Establish a temporary administrative rank or position within the department; and
- (2) Appoint to and remove from a temporary administrative rank or position a member of the department who meets the requirements in subsection (e) of this section.

(e) Except as provided by sections 279-103 and 279-104 of this chapter, a member who has served as a member of the department at least five (5) years before the appointment and holds the merit rank of at least lieutenant is eligible for appointment to a temporary administrative rank or position described in subsection (d) of this section. A member retains the rank, grade, or position awarded under subsection (c) of this section while serving in a temporary administrative rank or position. A temporary administrative rank or position established under subsection (d) of this section does not diminish or reduce the number and classifications of the existing merit ranks within the department. Subsection (d) of this section and this subsection may not be construed to limit, modify, annul, or otherwise affect a collective bargaining agreement.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2010, at _____ p.m.

ATTEST:

Bob Cockrum
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2010, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2010.

Gregory A. Ballard, Mayor