

G-96-16

ORDINANCE AMENDING ORDINANCE NO. G-94-02
ESTABLISHES A POLICEMAN'S BILL OF RIGHTS

SECTION 1. Ordinance No. G-94-02, which was adopted by the Georgetown Town Council on January 24, 1996, establishes a policeman's Bill of Rights for the Georgetown Police Department. Ordinance No. G-94-02 was adopted as an amendment to Ordinance No. G-93-06 which established a merit system for the Georgetown Police Department. Ordinance G-93-06 was repealed pursuant to Ordinance No. G-96-14. However, the Georgetown Town Council does not intend to repeal Ordinance No. G-94-02. The purpose of this Ordinance is to amend Ordinance No. G-94-02 in order to carry out the Town Council's intentions.

SECTION 2. As used in this chapter, "accused person" means an officer who is under investigation by the officer's employer because of:

1. A formal complaint; or
2. An internal investigation.

SECTION 3. As used in this Ordinance, "employer" means a law enforcement agency or departments that employs an accused person or an officer.

SECTION 4. As used in this chapter, "internal investigation" means an investigation:

1. By an employer;
2. Concerning the conduct or activities of an officer;
3. Based on information or accusations provided to the employer; and

4. To determine whether the officer violated:

- A. The employer's rules; or
- B. Criminal or civil laws.

SECTION 5. As used in this chapter, "investigator" means a person an employer designates to investigate a complaint against an accused person.

SECTION 6. As used in this chapter, "officer" means a law enforcement officer (as defined in I.C. 5-2-1-2).

SECTION 7. An accused person is required to appear before an investigator for interrogation only when:

- 1. A person has filed a formal complaint or an employer has instigated an internal investigation against the accused person; and
- 2. The employer has notified the accused person of a formal complaint or an internal investigation.

SECTION 8. A formal complaint must comply with the following:

- 1. Be in writing.
- 2. Be signed and sworn to by the person who makes the allegation.
- 3. Set forth a concise statement of the facts of the occurrence upon which the complaint is based, including the following:
 - A. The date.
 - B. The time.
 - C. The location.

SECTION 9. An employer may conduct an internal investigation based on a complaint that a person files without requiring the person to reveal the person's identity.

SECTION 10. At a reasonable time before an interrogation, an employer shall give the accused person the following:

1. A copy of the complaint.
2. A statement by the accuser.

SECTION 11. Before an interrogation may begin, an employer must inform the accused person both orally and in writing of the following:

1. The accused person may refuse to be interrogated but refusal may subject the accused person to disciplinary proceedings.
2. If ordered to respond to the interrogation:
 - A. The accused person may respond to the interrogation; and
 - B. Any statements made by the accused person during the interrogation may not be used against the accused person in a subsequent criminal proceeding.

SECTION 12. The interrogation of an accused person shall be conducted:

1. At the employer's office; or
2. At an alternate location agreed on by the accused person and the investigator.

SECTION 13. An interrogation shall be conducted:

1. When the accused person is on duty;
2. When the accused person is subject to duty; or
3. At a time agreed on by the accused person and the investigator.

SECTION 14. If an interrogation is based on an allegation of criminal conduct, the investigator shall record the interrogation. Upon the request of the accused person, the investigator shall do the following:

1. Prepare a transcript of the recording.
2. Provide the transcript to the accused person at no cost to the accused person.

SECTION 15. The accused person may record an interrogation.

SECTION 16. During an interrogation, the accused person may have present an attorney or other representative of the accused person's choice. However, an interrogation session may not be delayed for more than twenty-four (24) hours because of the unavailability of the accused person's chosen representative.

SECTION 17. The residence, business, or private vehicle of an officer may not be searched unless:

1. The searcher obtains a valid search warrant;
2. The officer voluntarily agrees to the search; or
3. There is probable cause to believe that without the search:
 - A. There is imminent danger to human life; or
 - B. Evidence of a crime will be destroyed.

SECTION 18. An employer may not require an officer to submit to the following tests for the purpose of determining veracity or for any other purpose:

1. A lie detector test.
2. A psychological stress evaluation.
3. A mechanical or physical device or test.

SECTION 19. The results of a test for veracity may not be used against an accused person in a subsequent disciplinary proceeding.

SECTION 20. Before the accused person submits to a test for veracity, the employer or investigator must inform the accused person both orally and in writing of the following:

1. The accused person may refuse to submit to a test for veracity, but refusal may subject the accused person to disciplinary proceedings.
2. If the accused person is ordered to submit to a test for veracity, the results of the test may not be used against the accused person in a subsequent disciplinary proceeding.

SECTION 21. (a) An officer may, at a reasonable time during office hours, review the following:

1. The officer's active personnel file, excluding pre-employment records.
2. A closed file in which the officer was an accused person.

(b) If an officer's personnel file contains a comment that is adverse to the officer's interest, the officer may file a written

response to the comment. The employer shall attach the officer's response to the adverse comment.

SECTION 22. When a disciplinary hearing is scheduled for addressing formal specifications and charges, the representative of the (Officer Accused) is entitled to discovery. This section should allow the exchange of all information concerning an internal investigation between the employee and the employer.

This section would also require release of this information at least five (5) days prior to the departmental hearing, allowing ample time for both parties to prepare.

SECTION 23. Disciplinary Time Limits: This clause mandates that the police department will be required to complete an internal investigation within sixty (60) work days after notification has been received by the employee. This section also would require that any discipline must be administered within thirty-five (35) work days of the disciplinary hearing.

If these time limits are not met, no disciplinary action can be taken against the accused employee under investigation.

SECTION 24. An officer may not engage in political activity when the officer is in uniform.

Any and all ordinances or resolutions, or parts of ordinances or resolutions, including but not limited to G-94-02, which are in conflict with any provision set forth herein is hereby repealed.

ADOPTED, this 17th day of Dec., 1996.

TOWN COUNCIL OF THE TOWN OF
GEORGETOWN

Jim Deddo
Jim Deddo, President

Ed Bailey, Vice-President

Frank Loop
Frank Loop, Member

M. E. Miller
Mary Elizabeth Miller, Member

Mike Mills
Mike Mills, Member

ATTEST:

Margaret A. Harris
Margaret Harris,
Town Clerk/Treasurer