

HOUSE BILL No. 1027

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-13; IC 5-2.

Synopsis: Racial profiling. Prohibits a law enforcement agency or a law enforcement officer from engaging in racial profiling or conducting pretextual stops. Requires a law enforcement agency to adopt a detailed policy that defines the elements of racial profiling and pretextual stops, and requires a law enforcement agency to collect certain data relating to stops made by law enforcement officers. Requires cultural diversity awareness training and training on unlawful racial profiling and pretextual stops as part of the mandatory training for law enforcement officers. Specifies that a law enforcement agency shall transmit to the attorney general information concerning racial profiling complaints, investigations, and any action taken, as well as data collected relating to stops made by the law enforcement agency. Requires the attorney general to: (1) submit an annual report to the legislative council based on the information; (2) submit the data to a third party for statistical analysis; and (3) publish the results of the analysis on the attorney general's Internet web site. Establishes the racial profiling review commission to review complaints of unlawful racial profiling and unlawful pretextual stops. Permits a person to bring a civil action based on unlawful racial profiling and unlawful pretextual stops. Permits a law enforcement agency to use certain federal funds to purchase vehicle cameras and body cameras, and establishes training standards and standards for use.

Effective: July 1, 2016.

Pryor

January 5, 2016, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1027

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-6-2-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 13. (a) Before November 1, 2017, and every year**
4 **thereafter, the attorney general shall submit a report to the**
5 **legislative council concerning racial profiling and pretextual stops.**
6 **The report must be based on information received from law**
7 **enforcement agencies under IC 5-2-22-8 and must include:**
8 (1) **the number of complaints filed alleging racial profiling**
9 **and pretextual stops;**
10 (2) **the results of the investigation into each complaint;**
11 (3) **if the complaint is substantiated, the action taken against**
12 **the offending law enforcement officer;**
13 (4) **a summary of the detailed statistical analysis of stops**
14 **conducted by law enforcement agencies based on the third**
15 **party analysis described in subsection (c); and**
16 (5) **any statistical or other information contained in or derived**
17 **from the information received from law enforcement agencies**



1 that the attorney general believes would be useful to the
2 legislative council.

3 **The report submitted to the legislative council must be in an**
4 **electronic format under IC 5-14-6. Not later than thirty (30) days**
5 **after submitting the report to the legislative council, the attorney**
6 **general shall publish a copy of the report on the attorney general's**
7 **Internet web site.**

8 **(b) The attorney general and the secretary of the civil rights**
9 **commission may recommend legislation based on the contents of**
10 **the report.**

11 **(c) The attorney general shall provide compiled, anonymous**
12 **data concerning law enforcement agency stops to a third party**
13 **having expertise in statistical analysis. The third party shall**
14 **analyze the data and provide the attorney general with a statistical**
15 **analysis of the data. The attorney general shall provide updated**
16 **data to the third party analyst at least quarterly, and shall publish**
17 **the results of the analysis on the attorney general's Internet web**
18 **site. The attorney general shall update the analysis on the attorney**
19 **general's Internet web site at least quarterly.**

20 **(d) Information transmitted to the legislative council or to the**
21 **third party analyst or published on the attorney general's Internet**
22 **web site may not include any personal identifying information.**

23 **(e) Information received by the attorney general from a law**
24 **enforcement agency and not released to the public is confidential.**

25 SECTION 2. IC 5-2-1-9, AS AMENDED BY P.L.117-2015,
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2016]: Sec. 9. (a) The board shall adopt in accordance with
28 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
29 The rules, which shall be adopted only after necessary and proper
30 investigation and inquiry by the board, shall include the establishment
31 of the following:

32 (1) Minimum standards of physical, educational, mental, and
33 moral fitness which shall govern the acceptance of any person for
34 training by any law enforcement training school or academy
35 meeting or exceeding the minimum standards established
36 pursuant to this chapter.

37 (2) Minimum standards for law enforcement training schools
38 administered by towns, cities, counties, law enforcement training
39 centers, agencies, or departments of the state.

40 (3) Minimum standards for courses of study, attendance
41 requirements, equipment, and facilities for approved town, city,
42 county, and state law enforcement officer, police reserve officer,



- 1 and conservation reserve officer training schools.
- 2 (4) Minimum standards for a course of study on cultural diversity
3 awareness, including training on the U nonimmigrant visa created
4 through the federal Victims of Trafficking and Violence
5 Protection Act of 2000 (P.L. 106-386) that must be required for
6 each person accepted for training at a law enforcement training
7 school or academy. Cultural diversity awareness study must
8 include an understanding of cultural issues related to race,
9 religion, gender, age, domestic violence, national origin, and
10 physical and mental disabilities. **Cultural diversity awareness
11 study must include study of unlawful racial profiling and
12 pretextual stops, and must examine patterns, practices, and
13 protocols that make up racial profiling and unlawful
14 pretextual stops. In establishing a program of study, the
15 board shall consult with persons having expertise and interest
16 in the field of cultural diversity awareness and the prevention
17 of unlawful racial profiling and pretextual stops.**
- 18 (5) Minimum qualifications for instructors at approved law
19 enforcement training schools.
- 20 (6) Minimum basic training requirements which law enforcement
21 officers appointed to probationary terms shall complete before
22 being eligible for continued or permanent employment.
- 23 (7) Minimum basic training requirements which law enforcement
24 officers appointed on other than a permanent basis shall complete
25 in order to be eligible for continued employment or permanent
26 appointment.
- 27 (8) Minimum basic training requirements which law enforcement
28 officers appointed on a permanent basis shall complete in order
29 to be eligible for continued employment.
- 30 (9) Minimum basic training requirements for each person
31 accepted for training at a law enforcement training school or
32 academy that include six (6) hours of training in interacting with:
33 (A) persons with autism, mental illness, addictive disorders,
34 intellectual disabilities, and developmental disabilities;
35 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
36 and
37 (C) persons with Alzheimer's disease or related senile
38 dementia;
- 39 to be provided by persons approved by the secretary of family and
40 social services and the board. The training must include an
41 overview of the crisis intervention teams.
- 42 (10) Minimum standards for a course of study on human and



1 sexual trafficking that must be required for each person accepted
 2 for training at a law enforcement training school or academy and
 3 for inservice training programs for law enforcement officers. The
 4 course must cover the following topics:

5 (A) Examination of the human and sexual trafficking laws
 6 (IC 35-42-3.5).

7 (B) Identification of human and sexual trafficking.

8 (C) Communicating with traumatized persons.

9 (D) Therapeutically appropriate investigative techniques.

10 (E) Collaboration with federal law enforcement officials.

11 (F) Rights of and protections afforded to victims.

12 (G) Providing documentation that satisfies the Declaration of
 13 Law Enforcement Officer for Victim of Trafficking in Persons
 14 (Form I-914, Supplement B) requirements established under
 15 federal law.

16 (H) The availability of community resources to assist human
 17 and sexual trafficking victims.

18 (b) A law enforcement officer appointed after July 5, 1972, and
 19 before July 1, 1993, may not enforce the laws or ordinances of the state
 20 or any political subdivision unless the officer has, within one (1) year
 21 from the date of appointment, successfully completed the minimum
 22 basic training requirements established under this chapter by the board.
 23 If a person fails to successfully complete the basic training
 24 requirements within one (1) year from the date of employment, the
 25 officer may not perform any of the duties of a law enforcement officer
 26 involving control or direction of members of the public or exercising
 27 the power of arrest until the officer has successfully completed the
 28 training requirements. This subsection does not apply to any law
 29 enforcement officer appointed before July 6, 1972, or after June 30,
 30 1993.

31 (c) Military leave or other authorized leave of absence from law
 32 enforcement duty during the first year of employment after July 6,
 33 1972, shall toll the running of the first year, which shall be calculated
 34 by the aggregate of the time before and after the leave, for the purposes
 35 of this chapter.

36 (d) Except as provided in subsections (e), (l), (r), and (s), a law
 37 enforcement officer appointed to a law enforcement department or
 38 agency after June 30, 1993, may not:

39 (1) make an arrest;

40 (2) conduct a search or a seizure of a person or property; or

41 (3) carry a firearm;

42 unless the law enforcement officer successfully completes, at a board



1 certified law enforcement academy or at a law enforcement training
 2 center under section 10.5 or 15.2 of this chapter, the basic training
 3 requirements established by the board under this chapter.

4 (e) This subsection does not apply to:

5 (1) a gaming agent employed as a law enforcement officer by the
 6 Indiana gaming commission; or

7 (2) an:

8 (A) attorney; or

9 (B) investigator;

10 designated by the securities commissioner as a police officer of
 11 the state under IC 23-19-6-1(k).

12 Before a law enforcement officer appointed after June 30, 1993,
 13 completes the basic training requirements, the law enforcement officer
 14 may exercise the police powers described in subsection (d) if the
 15 officer successfully completes the pre-basic course established in
 16 subsection (f). Successful completion of the pre-basic course authorizes
 17 a law enforcement officer to exercise the police powers described in
 18 subsection (d) for one (1) year after the date the law enforcement
 19 officer is appointed.

20 (f) The board shall adopt rules under IC 4-22-2 to establish a
 21 pre-basic course for the purpose of training:

22 (1) law enforcement officers;

23 (2) police reserve officers (as described in IC 36-8-3-20); and

24 (3) conservation reserve officers (as described in IC 14-9-8-27);
 25 regarding the subjects of arrest, search and seizure, the lawful use of
 26 force, interacting with individuals with autism, and the operation of an
 27 emergency vehicle. The pre-basic course must be offered on a periodic
 28 basis throughout the year at regional sites statewide. The pre-basic
 29 course must consist of at least forty (40) hours of course work. The
 30 board may prepare the classroom part of the pre-basic course using
 31 available technology in conjunction with live instruction. The board
 32 shall provide the course material, the instructors, and the facilities at
 33 the regional sites throughout the state that are used for the pre-basic
 34 course. In addition, the board may certify pre-basic courses that may be
 35 conducted by other public or private training entities, including
 36 postsecondary educational institutions.

37 (g) The board shall adopt rules under IC 4-22-2 to establish a
 38 mandatory inservice training program for police officers and police
 39 reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a
 40 law enforcement officer who has satisfactorily completed basic training
 41 and has been appointed to a law enforcement department or agency on
 42 either a full-time or part-time basis is not eligible for continued



1 employment unless the officer satisfactorily completes the mandatory
 2 inservice training requirements established by rules adopted by the
 3 board. Inservice training must include training in interacting with
 4 persons with mental illness, addictive disorders, intellectual
 5 disabilities, autism, developmental disabilities, and Alzheimer's disease
 6 or related senile dementia, to be provided by persons approved by the
 7 secretary of family and social services and the board, and training
 8 concerning human and sexual trafficking, **cultural diversity, unlawful**
 9 **racial profiling, unlawful pretextual stops**, and high risk missing
 10 persons (as defined in IC 5-2-17-1). The board may approve courses
 11 offered by other public or private training entities, including
 12 postsecondary educational institutions, as necessary in order to ensure
 13 the availability of an adequate number of inservice training programs.
 14 The board may waive an officer's inservice training requirements if the
 15 board determines that the officer's reason for lacking the required
 16 amount of inservice training hours is due to either of the following:

- 17 (1) An emergency situation.
- 18 (2) The unavailability of courses.

19 (h) The board shall also adopt rules establishing a town marshal
 20 basic training program, subject to the following:

- 21 (1) The program must require fewer hours of instruction and class
 22 attendance and fewer courses of study than are required for the
 23 mandated basic training program.
- 24 (2) Certain parts of the course materials may be studied by a
 25 candidate at the candidate's home in order to fulfill requirements
 26 of the program.
- 27 (3) Law enforcement officers successfully completing the
 28 requirements of the program are eligible for appointment only in
 29 towns employing the town marshal system (IC 36-5-7) and having
 30 not more than one (1) marshal and two (2) deputies.
- 31 (4) The limitation imposed by subdivision (3) does not apply to an
 32 officer who has successfully completed the mandated basic
 33 training program.
- 34 (5) The time limitations imposed by subsections (b) and (c) for
 35 completing the training are also applicable to the town marshal
 36 basic training program.
- 37 (6) The program must require training in interacting with
 38 individuals with autism.

39 (i) The board shall adopt rules under IC 4-22-2 to establish an
 40 executive training program. The executive training program must
 41 include training in the following areas:

- 42 (1) Liability.



- 1 (2) Media relations.
 2 (3) Accounting and administration.
 3 (4) Discipline.
 4 (5) Department policy making.
 5 (6) Lawful use of force.
 6 (7) Department programs.
 7 (8) Emergency vehicle operation.
 8 (9) Cultural diversity.
- 9 (j) A police chief shall apply for admission to the executive training
 10 program within two (2) months of the date the police chief initially
 11 takes office. A police chief must successfully complete the executive
 12 training program within six (6) months of the date the police chief
 13 initially takes office. However, if space in the executive training
 14 program is not available at a time that will allow completion of the
 15 executive training program within six (6) months of the date the police
 16 chief initially takes office, the police chief must successfully complete
 17 the next available executive training program that is offered after the
 18 police chief initially takes office.
- 19 (k) A police chief who fails to comply with subsection (j) may not
 20 continue to serve as the police chief until completion of the executive
 21 training program. For the purposes of this subsection and subsection
 22 (j), "police chief" refers to:
 23 (1) the police chief of any city;
 24 (2) the police chief of any town having a metropolitan police
 25 department; and
 26 (3) the chief of a consolidated law enforcement department
 27 established under IC 36-3-1-5.1.
- 28 A town marshal is not considered to be a police chief for these
 29 purposes, but a town marshal may enroll in the executive training
 30 program.
- 31 (l) A fire investigator in the division of fire and building safety
 32 appointed after December 31, 1993, is required to comply with the
 33 basic training standards established under this chapter.
- 34 (m) The board shall adopt rules under IC 4-22-2 to establish a
 35 program to certify handgun safety courses, including courses offered
 36 in the private sector, that meet standards approved by the board for
 37 training probation officers in handgun safety as required by
 38 IC 11-13-1-3.5(3).
- 39 (n) The board shall adopt rules under IC 4-22-2 to establish a
 40 refresher course for an officer who:
 41 (1) is hired by an Indiana law enforcement department or agency
 42 as a law enforcement officer;



- 1 (2) has not been employed as a law enforcement officer for at
 2 least two (2) years and less than six (6) years before the officer is
 3 hired under subdivision (1) due to the officer's resignation or
 4 retirement; and
 5 (3) completed at any time a basic training course certified by the
 6 board before the officer is hired under subdivision (1).
- 7 (o) The board shall adopt rules under IC 4-22-2 to establish a
 8 refresher course for an officer who:
 9 (1) is hired by an Indiana law enforcement department or agency
 10 as a law enforcement officer;
 11 (2) has not been employed as a law enforcement officer for at
 12 least six (6) years and less than ten (10) years before the officer
 13 is hired under subdivision (1) due to the officer's resignation or
 14 retirement;
 15 (3) is hired under subdivision (1) in an upper level policymaking
 16 position; and
 17 (4) completed at any time a basic training course certified by the
 18 board before the officer is hired under subdivision (1).
- 19 A refresher course established under this subsection may not exceed
 20 one hundred twenty (120) hours of course work. All credit hours
 21 received for successfully completing the police chief executive training
 22 program under subsection (i) shall be applied toward the refresher
 23 course credit hour requirements.
- 24 (p) Subject to subsection (q), an officer to whom subsection (n) or
 25 (o) applies must successfully complete the refresher course described
 26 in subsection (n) or (o) not later than six (6) months after the officer's
 27 date of hire, or the officer loses the officer's powers of:
 28 (1) arrest;
 29 (2) search; and
 30 (3) seizure.
- 31 (q) A law enforcement officer who has worked as a law enforcement
 32 officer for less than twenty-five (25) years before being hired under
 33 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course
 34 described in subsection (n) or (o) and must repeat the full basic training
 35 course to regain law enforcement powers. However, a law enforcement
 36 officer who has worked as a law enforcement officer for at least
 37 twenty-five (25) years before being hired under subsection (n)(1) or
 38 (o)(1) and who otherwise satisfies the requirements of subsection (n)
 39 or (o) is not required to repeat the full basic training course to regain
 40 law enforcement power but shall attend the refresher course described
 41 in subsection (n) or (o) and the pre-basic training course established
 42 under subsection (f).



1 (r) This subsection applies only to a gaming agent employed as a
 2 law enforcement officer by the Indiana gaming commission. A gaming
 3 agent appointed after June 30, 2005, may exercise the police powers
 4 described in subsection (d) if:

5 (1) the agent successfully completes the pre-basic course
 6 established in subsection (f); and

7 (2) the agent successfully completes any other training courses
 8 established by the Indiana gaming commission in conjunction
 9 with the board.

10 (s) This subsection applies only to a securities enforcement officer
 11 designated as a law enforcement officer by the securities
 12 commissioner. A securities enforcement officer may exercise the police
 13 powers described in subsection (d) if:

14 (1) the securities enforcement officer successfully completes the
 15 pre-basic course established in subsection (f); and

16 (2) the securities enforcement officer successfully completes any
 17 other training courses established by the securities commissioner
 18 in conjunction with the board.

19 (t) As used in this section, "upper level policymaking position"
 20 refers to the following:

21 (1) If the authorized size of the department or town marshal
 22 system is not more than ten (10) members, the term refers to the
 23 position held by the police chief or town marshal.

24 (2) If the authorized size of the department or town marshal
 25 system is more than ten (10) members but less than fifty-one (51)
 26 members, the term refers to:

27 (A) the position held by the police chief or town marshal; and

28 (B) each position held by the members of the police
 29 department or town marshal system in the next rank and pay
 30 grade immediately below the police chief or town marshal.

31 (3) If the authorized size of the department or town marshal
 32 system is more than fifty (50) members, the term refers to:

33 (A) the position held by the police chief or town marshal; and

34 (B) each position held by the members of the police
 35 department or town marshal system in the next two (2) ranks
 36 and pay grades immediately below the police chief or town
 37 marshal.

38 (u) This subsection applies only to a correctional police officer
 39 employed by the department of correction. A correctional police officer
 40 may exercise the police powers described in subsection (d) if:

41 (1) the officer successfully completes the pre-basic course
 42 described in subsection (f); and



- 1 (2) the officer successfully completes any other training courses
 2 established by the department of correction in conjunction with
 3 the board.
- 4 SECTION 3. IC 5-2-22 IS ADDED TO THE INDIANA CODE AS
 5 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2016]:
- 7 **Chapter 22. Prohibition Against Racial Profiling and Pretextual**
 8 **Stops**
- 9 **Sec. 1. The following definitions apply throughout this chapter:**
- 10 (1) "Commission" refers to the racial profiling review
 11 commission established by section 9 of this chapter.
- 12 (2) "Housing status" means the character of an individual's
 13 residence or lack of residence, including whether the
 14 residence is publicly or privately owned, or is occupied on a
 15 temporary or permanent basis. The term includes:
- 16 (A) an individual's ownership status with regard to the
 17 individual's residence;
- 18 (B) the status of having or not having a fixed residence;
- 19 (C) an individual's use of publicly assisted housing;
- 20 (D) an individual's use of the shelter system; and
- 21 (E) an individual's actual or perceived homelessness.
- 22 (3) "Law enforcement agency" or "agency" means the
 23 following:
- 24 (A) A city or town police department.
- 25 (B) A town marshal system.
- 26 (C) A sheriff's department.
- 27 (D) The state police department.
- 28 (E) The law enforcement division of the department of
 29 natural resources.
- 30 (F) The excise police division of the alcohol and tobacco
 31 commission.
- 32 (G) A state educational institution police department.
- 33 (H) A school resource officer.
- 34 (4) "Law enforcement officer" or "officer" means an officer
 35 of a law enforcement agency.
- 36 (5) "Pretextual stop" means the detention of an individual by
 37 a law enforcement agency or officer for the violation of a
 38 statute or ordinance to allow the agency or officer to
 39 investigate a separate and unrelated suspected criminal
 40 offense.
- 41 (6) "Racial profiling" means:
- 42 (A) the detention;



- 1 **(B) the official restraint; or**
 2 **(C) other disparate treatment;**
 3 **of an individual on the basis of age, sex, color, race, ethnicity,**
 4 **religion, national origin, gender identity or expression, sexual**
 5 **orientation, immigration or citizenship status, language,**
 6 **disability (including HIV status), or socioeconomic status. The**
 7 **term does not include a specific suspect based description**
 8 **notification.**
- 9 **(7) "Specific suspect based description notification" means a**
 10 **reasonably detailed physical description of the personal**
 11 **identifying characteristics of a potential suspect (including**
 12 **age, sex, race, or ethnicity) by a law enforcement agency or**
 13 **officer.**
- 14 **Sec. 2. A law enforcement agency or officer may not engage in**
 15 **racial profiling.**
- 16 **Sec. 3. A law enforcement agency or officer may not conduct a**
 17 **pretextual stop.**
- 18 **Sec. 4. The race or ethnicity of an individual may not be the sole**
 19 **factor in:**
- 20 **(1) determining the existence of probable cause to take into**
 21 **custody or to arrest an individual; or**
 22 **(2) constituting a particularized suspicion that an offense has**
 23 **been or is being committed in order to justify the detention of**
 24 **an individual or the investigatory stop of a motor vehicle.**
- 25 **Sec. 5. (a) Not later than January 1, 2017, a law enforcement**
 26 **agency shall adopt a detailed written policy that:**
- 27 **(1) prohibits racial profiling;**
 28 **(2) prohibits pretextual stops;**
 29 **(3) clearly defines the elements constituting racial profiling**
 30 **and pretextual stops; and**
 31 **(4) includes a procedure that the law enforcement agency will**
 32 **use to address complaints concerning racial profiling and**
 33 **pretextual stops.**
- 34 **(b) A law enforcement agency shall make the policy available**
 35 **for public inspection during normal business hours.**
- 36 **Sec. 6. If an investigation of a complaint of racial profiling**
 37 **reveals that a law enforcement officer was in direct violation of the**
 38 **law enforcement agency's written policy prohibiting racial**
 39 **profiling and pretextual stops, the agency shall take appropriate**
 40 **action against the officer consistent with the applicable rules,**
 41 **ordinances, or policies of the agency.**
- 42 **Sec. 7. (a) A person or organization that believes that unlawful**



1 racial profiling or an unlawful pretextual stop has occurred may
 2 bring an action against the law enforcement officer, law
 3 enforcement agency, or governmental entity that controls the law
 4 enforcement agency.

5 (b) Filing a complaint under section 6 or 9 of this chapter is not
 6 a prerequisite for bringing an action under this section.

7 (c) The court may award a prevailing plaintiff under this
 8 section:

- 9 (1) actual damages;
- 10 (2) punitive damages;
- 11 (3) declaratory relief; and
- 12 (4) injunctive relief.

13 In addition, a prevailing plaintiff is entitled to reasonable
 14 attorney's fees, court costs, and expert witness fees.

15 Sec. 8. (a) A law enforcement agency shall provide to the
 16 attorney general:

- 17 (1) a copy of each complaint filed with the agency alleging
 18 racial profiling or pretextual stops;
- 19 (2) the results of the investigation into each complaint; and
- 20 (3) if the complaint is substantiated, the action taken against
 21 the offending law enforcement officer.

22 (b) A law enforcement agency shall also provide to the attorney
 23 general the following information:

- 24 (1) The number of pedestrian and vehicular stops conducted
 25 by the agency.
- 26 (2) The identifying characteristics of each individual stopped,
 27 including the individual's perceived age, gender, race,
 28 ethnicity, and English language proficiency.
- 29 (3) The location and duration of each stop.
- 30 (4) The traffic violation alleged to have been committed that
 31 led to each stop.
- 32 (5) Whether a warning or citation was issued as a result of a
 33 stop and, if so, the specific violation charged or warning given.
- 34 (6) Whether a search was performed as a result of a stop.
- 35 (7) If a search was performed as a result of a stop:
 36 (A) whether the person consented to the search;
 37 (B) the probable cause or reasonable suspicion justifying
 38 the search, if applicable;
- 39 (C) whether the search was of the individual or the
 40 individual's property, or both; and
- 41 (D) the duration of the search.
- 42 (8) If a search was of a passenger in the motor vehicle, the



1 perceived age, gender, race, ethnicity, and English language
2 proficiency of the passenger.

3 **(9) Whether any contraband was discovered or seized in the**
4 **course of a search, including money, and the type of any**
5 **contraband discovered or seized.**

6 **(10) Whether any physical force was used by or against the**
7 **law enforcement officer and the amount of force used.**

8 **(11) Whether a search involved canine units or advanced**
9 **technology.**

10 **(12) Any additional information required by the attorney**
11 **general.**

12 **(13) Any additional information the law enforcement agency**
13 **considers appropriate to include.**

14 **(c) Information provided by a law enforcement agency to the**
15 **attorney general under this section must be submitted on a**
16 **monthly basis.**

17 **(d) After removing all personal identifying information**
18 **contained in the data, a law enforcement agency shall compile and**
19 **conspicuously publish the data collected under this section on the**
20 **agency's Internet web site. The data published on the Internet web**
21 **site shall be updated at least one (1) time every thirty (30) days.**

22 **(e) The raw data collected by a law enforcement agency and not**
23 **published in a compiled and redacted form on the agency's**
24 **Internet web site is confidential.**

25 **(f) The attorney general shall prepare an annual report in**
26 **accordance with IC 4-6-2-13 based on information received under**
27 **this section.**

28 **Sec. 9. (a) The racial profiling review commission is established.**

29 **(b) The commission shall hear and examine complaints of**
30 **alleged unlawful racial profiling and pretextual stops. With the**
31 **assistance of the civil rights commission, the commission shall**
32 **adopt rules under IC 4-22-2 and forms for receiving complaints of**
33 **unlawful racial profiling and pretextual stops.**

34 **(c) A law enforcement officer who performs a stop shall provide**
35 **the individual stopped with notice that the individual has the right**
36 **to file a complaint alleging unlawful racial profiling or a pretextual**
37 **stop with the commission.**

38 **(d) The commission consists of twelve (12) members appointed**
39 **as follows:**

40 **(1) The secretary of the civil rights commission, or the**
41 **secretary's designee, who must be a member of the civil rights**
42 **commission. The secretary or the secretary's designee serves**



- 1 as chairperson of the commission.
- 2 (2) One (1) member appointed by the governor.
- 3 (3) One (1) member of a group that supports individuals of
- 4 color, individuals of all races, and individuals with different
- 5 ethnicities, appointed by the governor.
- 6 (4) One (1) member of a group that supports lesbian, gay,
- 7 bisexual, and transgender individuals, appointed by the
- 8 governor.
- 9 (5) One (1) member of a group that supports homeless
- 10 individuals, appointed by the governor.
- 11 (6) One (1) member of a group that supports individuals with
- 12 a disability, appointed by the governor.
- 13 (7) One (1) member of a group that supports undocumented
- 14 individuals, appointed by the governor.
- 15 (8) The superintendent of the Indiana state police department
- 16 or the superintendent's designee.
- 17 (9) One (1) member of the Marion County Bar Association,
- 18 appointed by the governor from a list of at least three (3)
- 19 members provided to the governor by the president of the
- 20 Marion County Bar Association.
- 21 (10) One (1) member of a group that supports women,
- 22 appointed by the governor.
- 23 (11) One (1) member representing law enforcement,
- 24 appointed by the governor from a list of:
- 25 (A) two (2) individuals submitted by the Indiana State
- 26 Fraternal Order of Police; and
- 27 (B) two (2) individuals submitted by the Indiana Black
- 28 State Troopers Association.
- 29 (12) One (1) member of a group that supports interfaith
- 30 dialogue and understanding among Christian and
- 31 non-Christian religious organizations, appointed by the
- 32 governor from a list submitted by one (1) or more groups
- 33 supporting interfaith dialogue.
- 34 (e) A commission member serves a four (4) year term, except for
- 35 the superintendent of the Indiana state police department and the
- 36 secretary of the civil rights commission, who are ex officio
- 37 members. If the superintendent of the Indiana state police
- 38 department or the secretary of the civil rights commission no
- 39 longer holds that position, the superintendent or secretary, and if
- 40 applicable, the superintendent's or secretary's designee, ceases to
- 41 be a member of the commission.
- 42 (f) A commission member, other than the superintendent of the



1 Indiana state police department and the secretary of the civil rights
2 commission, may be removed only for cause.

3 (g) The civil rights commission shall provide a hearing room,
4 staff, and administrative support to the commission.

5 (h) Each member of the commission who is not a state employee
6 is entitled to the minimum salary per diem provided by
7 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
8 for traveling expenses as provided under IC 4-13-1-4 and other
9 expenses actually incurred in connection with the member's duties
10 as provided in the state policies and procedures established by the
11 Indiana department of administration and approved by the budget
12 agency.

13 (i) The affirmative votes of a majority of the voting members
14 appointed to the committee are required for the committee to take
15 action on any measure.

16 (j) The commission shall hold one (1) regular meeting each
17 month and may hold additional meetings at the call of the
18 chairperson.

19 (k) The commission may subpoena witnesses, compel their
20 attendance, administer oaths, take the testimony of any person
21 under oath, and require the production for examination of any
22 books and papers relating to any matter under investigation or in
23 question before the commission. Refusal to obey a subpoena issued
24 under this section constitutes a contempt. A citation of contempt
25 may be issued upon application by the commission to the circuit
26 court or superior court in the county in which the hearing is held
27 or in which the witness resides or transacts business.

28 (l) Adjudicative proceedings before the commission shall be
29 conducted in accordance with IC 4-21.5. Judicial review of a
30 commission determination is available under IC 4-21.5-5.

31 (m) The commission shall state its findings of fact after a
32 hearing and notify both the complainant and the respondent of the
33 commission's decision in writing. If the commission finds that a law
34 enforcement agency or officer has committed unlawful racial
35 profiling or performed a pretextual stop, the commission shall
36 order the respondent to cease and desist from the unlawful
37 practice. The commission may require the respondent to take other
38 affirmative action, including:

39 (1) reimbursing losses incurred as a result of the unlawful
40 racial profiling or pretextual stop;

41 (2) requiring the posting of a notice setting forth the
42 prohibition against racial profiling and pretextual stops; and



1 **(3) requiring proof of compliance to be filed by the respondent**
2 **at periodic intervals.**
3 **A determination by the commission is a final agency action.**
4 **(n) The commission shall promote the creation of local agencies**
5 **to address unlawful racial profiling and pretextual stops.**
6 **(o) The commission may adopt rules under IC 4-22-2 to carry**
7 **out its purposes under this section.**
8 **Sec. 10. (a) Each law enforcement agency in Indiana may use**
9 **federal funds from community oriented policing services grants or**
10 **any other federal source to equip:**
11 **(1) a vehicle used for traffic stops with a video camera and a**
12 **voice activated microphone; and**
13 **(2) a law enforcement officer with a body camera and a voice**
14 **activated microphone.**
15 **(b) Each law enforcement agency that equips vehicles or officers**
16 **with a camera shall do the following:**
17 **(1) Implement a course of instruction that incorporates**
18 **pertinent laws, rules of evidence, departmental policies and**
19 **procedures, and the use and operation of the equipment.**
20 **(2) Implement an introductory vehicle camera and body**
21 **camera course designed specifically for new officers.**
22 **(3) Implement a refresher course for advanced officer**
23 **training.**
24 **(c) A minor, noncriminal infraction by a law enforcement**
25 **officer that is discovered during a routine review of recorded**
26 **material must be treated as a training opportunity and not as a**
27 **routine disciplinary action, unless the infraction is repeated after**
28 **being addressed informally.**
29 **(d) A criminal action by a law enforcement officer that is**
30 **discovered during a routine review of recorded material is subject**
31 **to routine disciplinary actions and criminal charges.**
32 **(e) The chief law enforcement officer of the law enforcement**
33 **agency involved shall provide a copy of a recorded stop to the**
34 **individual stopped upon request of the individual if the recording**
35 **has not yet been discarded under subsection (i) or (j).**
36 **(f) On the commencement of an investigation by a law**
37 **enforcement agency of a complaint of unlawful racial profiling or**
38 **of a pretextual stop in which a recording of the occurrence on**
39 **which the complaint is based exists, the agency shall, upon written**
40 **request, promptly provide a copy of the recording to the individual**
41 **who made the complaint and to the law enforcement officer who is**
42 **the subject of the complaint.**



1 (g) The:

- 2 (1) chief law enforcement officer of the involved law
3 enforcement officer's law enforcement agency;
4 (2) commission;
5 (3) prosecuting attorney having jurisdiction; and
6 (4) attorney for the complainant;

7 are the only parties authorized to access the recording.

8 (h) A video camera installed in a vehicle under a grant under
9 this section must be:

- 10 (1) automatically activated during every traffic stop;
11 (2) able to record audio; and
12 (3) designed and installed to record a traffic stop in its
13 entirety.

14 The camera may not be equipped with a manual shutoff switch and
15 must be activated for the entirety of a traffic stop.

16 (i) The chief law enforcement officer of an agency receiving a
17 grant under this section shall ensure that each recording is stored
18 for at least ninety (90) days after being made. A recording must be
19 stored and maintained in an ordered and accessible manner.

20 (j) The chief law enforcement officer of a law enforcement
21 agency may not discard a recording if the recording is evidence in
22 an investigation, an administrative proceeding, or a civil action.
23 Unless the chief law enforcement officer has not been instructed to
24 maintain a recording for a longer period by:

- 25 (1) a court;
26 (2) the commission;
27 (3) a prosecuting attorney with jurisdiction; or
28 (4) a person or organization that has requested an
29 investigation, or has filed a complaint, administrative
30 proceeding, or civil action concerning unlawful racial
31 profiling or pretextual stops;

32 the chief law enforcement officer may discard the recording after
33 ninety (90) days.

34 (k) If available, a camera and a voice activated microphone shall
35 be used by uniformed officers and in marked vehicles. A camera
36 and voice activated microphone shall be used in:

- 37 (1) all routine stops of individuals and vehicles, whether
38 spontaneous or planned; and
39 (2) each operation involving the planned use of force, even if
40 the operation involves nonuniformed officers.

41 (l) A law enforcement officer shall, whenever practicable, notify
42 persons that they are being recorded. An officer may meet this



1 **requirement by wearing an easily visible pin stating "lapel camera**
2 **in operation".**

