

HOUSE BILL No. 1502

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-15; IC 36-8-2.7.

Synopsis: Police misconduct complaint process. Requires the attorney general to establish not later than January 1, 2022, an online portal and telephone hotline to receive complaints regarding police officer misconduct, including anonymous complaints. Requires a county, city, or town that has a police department to adopt an ordinance establishing an accountability office (office) that: (1) is not a part of the police department; and (2) receives and investigates police misconduct complaints, including anonymous complaints. Provides that a unit with a police contract in effect is not required to comply with the law until the contract and any continuation of terms expires.

Effective: Upon passage.

Summers

January 14, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 122nd General Assembly (2021)

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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1502

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 4-6-15 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 15. Police Accountability Hotline and Portal**
5 **Sec. 1. As used in this chapter, "accountability office" means an**
6 **office established by a unit under IC 36-8-2.7-6.**

7 **Sec. 2. As used in this chapter, "complainant" means an**
8 **individual who alleges that the individual:**

9 (1) was the victim of police misconduct; or
10 (2) witnessed police misconduct;
11 **in a complaint submitted through the hotline or online portal**
12 **established under this chapter.**

13 **Sec. 3. As used in this chapter, "misconduct" means a police**
14 **officer's:**

15 (1) use of excessive force;
16 (2) use of inappropriate language or attitude;
17 (3) harassment;



- 1 (4) discrimination in the provision of police services or other
 2 discriminatory conduct on the basis of race, color, creed,
 3 religion, ancestry, national origin, sex, disability, age, or
 4 sexual orientation;
 5 (5) abuse of authority;
 6 (6) failure to provide identification;
 7 (7) retaliation; and
 8 (8) violation of the police department's policy, operating
 9 procedures, or code of conduct.

10 Sec. 4. As used in this chapter, "police officer" means an officer
 11 of:

- 12 (1) a city or town police department; or
 13 (2) a county sheriff's department;

14 who is granted lawful authority to enforce all or some of the penal
 15 laws of the state of Indiana and who possesses, with respect to
 16 those laws, the power to effect arrests for offenses committed in the
 17 officer's presence.

18 Sec. 5. As used in this chapter, "unit" means a county, city, or
 19 town.

20 Sec. 6. Not later than January 1, 2022, the attorney general shall
 21 implement a complaint intake system that includes the use of:

- 22 (1) the online portal and hotline; and
 23 (2) any combination of:
 24 (A) facsimile transmission;
 25 (B) electronic mail; or
 26 (C) United States mail;

27 that allows an individual to securely submit a complaint, including
 28 an anonymous complaint, regarding a police officer's misconduct.

29 Sec. 7. The online portal must allow a complainant to:

- 30 (1) submit a complaint;
 31 (2) upload any supporting documents; and
 32 (3) exchange communications regarding the complaint with
 33 the attorney general.

34 Sec. 8. The attorney general shall forward any complaint
 35 received by the attorney general through the complaint intake
 36 system to the appropriate accountability office.

37 Sec. 9. (a) The attorney general's Internet web site shall state the
 38 following:

- 39 (1) The attorney general shall forward any complaint received
 40 to the appropriate accountability office. The complaint will be
 41 handled by the unit and accountability office in accordance
 42 with the ordinances, rules, and policies of the unit subject to



1 the requirements under IC 36-8-2.7.

2 (2) An anonymous complainant may provide an electronic
3 mail address or telephone number to enable the attorney
4 general or the accountability office to communicate with the
5 complainant if more information is needed or to resolve any
6 problems with the electronic transmission of the complaint.

7 (b) The attorney general's Internet web site shall provide the
8 contact information for each accountability office.

9 **Sec. 10. A complainant may not be required to:**

10 (1) execute an affidavit;

11 (2) submit a writing; or

12 (3) provide a signature, including an electronic signature;

13 in order to submit a complaint.

14 **Sec. 11. (a) A complaint, a communication, documents, or other**
15 **information received by the attorney general are confidential and**
16 **may not be disclosed in response to a public records request under**
17 **IC 5-14-3.**

18 (b) Except as provided in section 12 of this chapter, the
19 information described in subsection (a) may be disclosed only to
20 the complainant and the office.

21 **Sec. 12. With the consent of the complainant, the attorney**
22 **general may forward any report of suspected malfeasance,**
23 **misfeasance, or nonfeasance of public funds to the state board of**
24 **accounts under IC 5-11-1-9.5.**

25 **Sec. 13. The attorney general shall establish a procedure to**
26 **confirm with an accountability office that a complaint has been**
27 **received by the accountability office.**

28 **Sec. 14. A unit shall cooperate with the attorney general in**
29 **implementing the provisions of this chapter.**

30 SECTION 2. IC 36-8-2.7 IS ADDED TO THE INDIANA CODE
31 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]:

33 **Chapter 2.7. Accountability Office**

34 **Sec. 1. As used in this chapter, "complainant" means an**
35 **individual who alleges that the individual:**

36 (1) was the victim of police misconduct; or

37 (2) witnessed police misconduct;

38 in a complaint submitted to the accountability office directly or
39 through the attorney general hotline or portal established under
40 IC 4-6-15.

41 **Sec. 2. As used in this chapter, "misconduct" means a police**
42 **officer's:**



- 1 (1) use of excessive force;
 2 (2) use of inappropriate language or attitude;
 3 (3) harassment;
 4 (4) discrimination in the provision of police services or other
 5 discriminatory conduct on the basis of race, color, creed,
 6 religion, ancestry, national origin, sex, disability, age, or
 7 sexual orientation;
 8 (5) abuse of authority;
 9 (6) failure to provide identification;
 10 (7) retaliation; and
 11 (8) violation of the police department's policy, operating
 12 procedures, or code of conduct.
- 13 **Sec. 3.** As used in this chapter, "office" means the accountability
 14 office established under section 6 of this chapter.
- 15 **Sec. 4.** As used in this chapter, "police executive" means:
 16 (1) a police chief of a city or town police department; or
 17 (2) a sheriff.
- 18 **Sec. 5.** As used in this chapter, "police officer" means an officer
 19 of:
 20 (1) a city or town police department; or
 21 (2) a county sheriff's department;
 22 who is granted lawful authority to enforce all or some of the penal
 23 laws of the state of Indiana and who possesses, with respect to
 24 those laws, the power to effect arrests for offenses committed in the
 25 officer's presence.
- 26 **Sec. 6. (a)** Except as provided in subsection (b), a unit that has
 27 established a police department shall adopt an ordinance that
 28 establishes an office and a complaint system and complaint process
 29 that complies with this chapter not later than December 31, 2021.
- 30 **(b)** If a contract concerning the unit's police officers is in effect
 31 on December 31, 2021, the unit shall adopt an ordinance and
 32 otherwise comply with this chapter upon expiration of:
 33 (1) the contract; and
 34 (2) contract terms that continue by agreement under
 35 IC 36-8-22.5-5.
- 36 **Sec. 7. (a)** The office must be independent from the police
 37 department.
- 38 **(b)** The office shall implement a complaint intake system that
 39 includes the use of:
 40 (1) the Internet;
 41 (2) facsimile transmission;
 42 (3) electronic mail;



1 (4) a telephone hotline;
2 (5) United States mail; or
3 (6) any combination of subdivisions (1) through (5);
4 to permit a complainant to submit a complaint without appearing
5 in the office in person.

6 (c) In addition to receiving complaints through the office's
7 intake system, the office shall receive complaints forwarded by the
8 attorney general under IC 4-6-15-8. The office may not
9 discriminate in the handling of a complaint received from the
10 attorney general and a complaint submitted through the office's
11 intake system.

12 Sec. 8. A complainant may submit an anonymous complaint.

13 Sec. 9. All complaints, including anonymous complaints, shall be
14 investigated by the office with the assistance of the police
15 department.

16 Sec. 10. The office shall inform a complainant of the following:

17 (1) The investigation of a complaint may be closed by the
18 office if insufficient information is provided by the
19 complainant or allegations in the complaint cannot be
20 substantiated by investigation.

21 (2) An anonymous complainant may consider providing an
22 electronic mail address or telephone number for the office to
23 use if further information is required to investigate a
24 complaint. Contact information provided by an anonymous
25 complainant may not be disclosed to any individual not
26 employed by the office unless the complainant consents to the
27 disclosure.

28 Sec. 11. A complainant may not be required to:

- 29 (1) execute an affidavit;
30 (2) submit a writing; or
31 (3) provide a signature, including an electronic signature;

32 in order to make a complaint.

33 Sec. 12. The office shall:

- 34 (1) assign a case number to each complaint; and
35 (2) implement a procedure for notifying the complainant of
36 the case number and disposition of the complaint.

37 Sec. 13. The office shall forward all complaints received to the:

- 38 (1) police executive or, if a complaint is about the conduct of
39 the police executive, to the executive of the unit; and
40 (2) any citizen review board or other entity established by the
41 unit for the disposition of complaints regarding police officer
42 misconduct.



1 **Sec. 14. Upon completion of an investigation, the office shall**
2 **forward its findings to the parties listed in section 13 of this**
3 **chapter:**

4 **(1) for disposition of the complaint in accordance with the**
5 **procedures and policies established by the unit, subject to the**
6 **requirements of this chapter; and**

7 **(2) while maintaining the anonymity of an anonymous**
8 **complainant.**

9 **Sec. 15. The office shall establish rules and procedures for**
10 **establishing:**

11 **(1) an intake system; and**

12 **(2) access controls for all information received and**
13 **maintained by the office.**

14 **Sec. 16. The provisions of this chapter do not affect the statutory**
15 **duties and responsibilities of the police executive, merit board,**
16 **merit commission, or safety board with regard to the discipline of**
17 **police officers.**

18 **Sec. 17. (a) A complaint and any information submitted to the**
19 **office is confidential and may not be disclosed in response to a**
20 **public records request under IC 5-14-3, except to the extent that**
21 **the complaint or other information provides the factual basis for**
22 **a disciplinary action in which final action has been taken and that**
23 **resulted in the employee being suspended, demoted, or discharged.**

24 **(b) Without the consent of the complainant, the complaint and**
25 **information described in subsection (a) may be disclosed only to:**

26 **(1) the complainant; and**

27 **(2) except as provided in section 10(2) of this chapter, the**
28 **parties described in section 13 of this chapter.**

29 **SECTION 3. An emergency is declared for this act.**

