

CHAPTER 31: EXECUTIVE BRANCH

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31.01 MAYOR

The Mayor is the City executive and head of the executive branch. He or she shall faithfully perform the duties and responsibilities contained in I.C. 36-4-5.

31.02 DEPARTMENTS

- (a) All department heads shall be appointed by the Mayor, subject to commission or board approval when required by statute or ordinance, and serve at the pleasure of the Mayor. Department heads shall appoint deputies and other employees within their departments with the approval of the Mayor.
- (b) There hereby is established pursuant to I.C. 36-8-2-2 the Richmond Police Department which shall be organized within the executive branch and operated pursuant to the Indiana Code and the Richmond Code.
- (c) There is hereby established pursuant to I.C. 36-8-2-3 the Richmond Fire Department which shall be organized within the executive branch and operated pursuant to the Indiana Code and the Richmond Code.

(d) There is hereby established pursuant to I.C. 36-4-9-4 the following departments:

- (1) Department of Finance
- (2) Department of Human Resources and Compliance
- (3) Department of Law
- (4) Department of Public Works and Engineering
- (5) Department of Parks and Recreation
- (6) Department of Metropolitan Development
- (7) Department of Sanitation
- (8) Department of Streets
- (9) Department of Purchasing and Infrastructure

which shall be organized within the executive branch and operated pursuant to the Indiana Code and the Richmond Code. (Ordinance 1-1992) (Ordinance 4-1996) (Ordinance 9-2004) (Ordinance 7-2005).

31.03 BOARDS AND COMMISSIONS

It is hereby acknowledged that the Indiana Code and Richmond Code establish certain boards and commissions which shall operate within the executive branch in relation to the following departments:

(a) Board of Public Works and Safety in relation to the Richmond Police Department, the Richmond Fire Department, the Department of Finance and Purchasing, the Department of Human Resources and Code Enforcement, the Department of Law, and the Department of Public Works and Engineering. (I.C. 36-4-9-5) (Ord. 4-1996)

(b) Police Merit Commission in relation to the Richmond Police Department. (Ord. 3187-1977)

(c) Board of Sanitary Commissioners in relation to the Department of Sanitation. (I.C. 36-9-25-3)

(d) Board of Aviation Commissioners in relation to the responsibilities regarding aviation within the Department of Public Works and Engineering. (I.C. 8-22-2-1) (Ord. 4-1996)

(e) Parks and Recreation Board in relation to the Department of Parks and Recreation. (I.C. 36-10-3)

(f) Advisory Plan Commission in relation to the Department of Planning and Redevelopment. (I.C. 36-7-4-200)

(g) Advisory Board of Zoning Appeals in relation to the Department of Planning and Redevelopment. (I.C. 36-7-4-900)

(h) Redevelopment Commission in relation to the Department of Planning and Redevelopment. (I.C. 36-7-14-6)

- (i) Economic Development Commission in relation to the Department of Economic Development. (Ord. 71-1996)

31.04 EXECUTIVE BRANCH ORGANIZATION

Certain executive branch organization and authorization is established as follows:

- (a) The City Controller as fiscal officer of the City pursuant to I.C. 36-4-10-2(c) is authorized to appoint a deputy pursuant to I.C. 36-4-11-5(b). The City Controller is responsible for the official acts of his deputy.
- (b) The City Controller shall assess to the drawer or maker of any check or other commercial instrument, which has been returned to the City or its agencies or departments as unpayable due to insufficient funds or no accounts, a service fee in the maximum amount permitted by I.C. 35-43-5-5. (Ord. 110-1984; Ord. 54-1994)
- (c) The City Civil Engineer shall be the Director of the Department of Public Works and Engineering. (Ord. 4-1996)
- (d) The Purchasing Ordinance of the City of Richmond set forth in Chapter 41 of this Code shall be administered by the Department of Finance and Purchasing. (Ord. 35-1985; Ord. 103-1985.) (Ord. 4-1996)
- (e) The Department of Human Resources and Code Enforcement shall issue the permits and supervise the inspectors acting pursuant to the Building Code, Housing Code, Zoning Code, and Sub-division Code. (Ord. 4-1996)
- (f) The Department of Human Resources and Code Enforcement shall supervise the inspector acting pursuant to the weights and measures standards control system established pursuant to I.C. 36-8-2-12. (Ord. 4-1996)
- (g) The Department of Public Works and Engineering shall operate the Rose View Transit Service, the Senior/Disabled Transit Service, and the Richmond Municipal Airport. Said operations shall be organized as the Transportation Division of said Department. The operation of the Richmond Municipal Airport shall be congruent with I.C. 8-22-2-1 which establishes the Board of Aviation Commissioners. (Ord. 1-1992 passed 2/3/92) (Ord. 4-1996)
- (h) The Mayor's Office is authorized and directed to provide Human and Environmental Information and Referral Services and shall oversee and supervise the provision of such services. (Ord. 2-1984; Ord. 54-1994)
- (i) The City Clerk is authorized and directed to act as manager of the Off-street Parking Fund. (Res. 4-1984; Ord. 54-1994)

31.05 PENSION BOARDS

- (a) There is hereby created a Police Pension Board of Trustees to perform duties prescribed by I.C. 36-8-6 (1925 fund) and I.C. 36-8-8 (1977 fund) and shall bear such duties and responsibilities as are therein set out.

(b) There is hereby created a Firefighter's Pension Board of Trustees to perform certain duties prescribed by I.C. 36-8-7 (1937 fund) and I.C. 368-8 (1977 fund) and shall bear such duties and responsibilities as are therein set out.

31.06 SAVINGS CLAUSE

(a) Nothing in this chapter shall be construed to terminate departments or boards established under prior law if the General Assembly of the State of Indiana has indicated that the act repealing the prior law was intended to be a codification or a restatement thereof and that the substantive operation and effect of that prior law continues uninterrupted.

(b) Nothing in this chapter shall be construed to impair the rights and remedies of the holders of any outstanding bonds of the City of any of its departments or boards or to impair the obligations of the City or any of its departments or boards to fulfill the terms of any agreements with the holders of said bonds. (Ord. 1-1984)

31.07 PARKS AND RECREATION NON-REVERTING FUNDS

(a) There is hereby created under Indiana Code 36-10-3-20 a special non-reverting capital fund for the purpose of acquiring land or making specific capital improvements. All proceeds from the sale of Parks and Recreation Department property and equipment plus special user fees as established by the Parks and Recreation Board shall be deposited into this capital fund. Money so deposited may not be withdrawn except for the purposes for which the fund was created. Common Council may include in said Board's annual budget appropriations for such specific purposes as requested by said Board.

(b) There is hereby created under Indiana Code 36-10-3-22 (b) (1) a special non-reverting operating fund for park purposes from which expenditures may be made by appropriation by the Parks and Recreation Board. All receipts from program participation, event admissions, concessions, rentals, sales of merchandise and food, user fees from golf and reservoir operations, and revenue generated by park operations except swimming pool user fees, rentals of open-air shelter facilities throughout the park system, and rental fees from enclosed facilities at Mary Scott Park, the Senior Center, Springwood Park, the Reservoir, and Glen Miller Park, shall be deposited into said special non-reverting operating fund. The receipts excepted in the preceding sentence shall be deposited into the Park and Recreation Fund. (Ord. 103-1993)

31.08 ENFORCEMENT AID FUND

(a) There is established an "Enforcement Aid Fund" which is established as a non-reverting fund for the use and benefit of the Police Department.

(b) Sources of revenue for the Enforcement Aid Fund shall be limited to:

(1) Monies received as reimbursement for expenditures from the fund,

(2) Money received as a result of seizures under State or Federal forfeiture programs,

- (3) Specific appropriations by the City.
- (c) The purpose for which funds may be expended are limited to:
 - (1) Operations or special investigations, and
 - (2) Purchase of equipment and material in aid of law enforcement.
- (d) The City Controller's Office shall adopt accounting and disbursement procedures in accordance with regulations and guidelines of the State Board of Accounts to control and account for the receipt and disbursement of monies from this fund. (Ord. 64-1991)

FIRE DEPARTMENT

31.40 LONGEVITY PAY FOR FIREFIGHTERS.

Effective the 1st day of January, 1986, any member of the fire department on active duty shall receive in addition to such member's base pay, longevity pay, which shall be determined on the basis of the length of active service in the fire department, which said longevity pay shall be as follows, to wit:

- (a) Any member of the Fire Department who shall have had not less than three years and not more than six years of active service in such member's department shall receive the sum of \$900.00 per year in addition to such member's base pay; the annual payment shall commence upon the date upon which any such member shall have completed three years of active service with such member's department;
- (b) Any member of the Fire Department who shall have had not less than six years and not more than eight years of active service in such member's department shall receive the sum of \$1,000.00 per year in addition to such member's base pay; the annual payment shall commence upon the date upon which any such member shall have completed six years of active service with such member's department;
- (c) Any member of the Fire Department who shall have had not less than eight years and not more than ten years of active service in such member's department shall receive the sum of \$1,100.00 per year in addition to such member's base pay; the annual payment shall commence upon the date upon which any such member shall have completed eight years of active service with such member's department;
- (d) Any member of the Fire Department who shall have had not less than ten years and not more than twelve years of active service in such member's department shall receive the sum of \$1,200.00 per year in addition to such member's base pay; the annual payment shall commence upon the date upon which any such member shall have completed ten years of active service with such member's department;
- (e) Any member of the Fire Department who shall have had not less than twelve years and not more than fourteen years of active service in such member's department shall receive the sum of \$1,300.00 per year in addition to such member's base pay; the annual payment shall commence upon the date upon which any such member shall have completed twelve years of active service with such member's department;

(f) Any member of the Fire Department who shall have had not less than fourteen years and not more than sixteen years of active service in such member's department shall receive the sum of \$1,400.00 per year in addition to such member's base pay; the annual payment shall commence upon the date upon which any such member shall have completed fourteen years of active service with such member's department;

(g) Any member of the Fire Department who shall have had not less than sixteen years and not more than eighteen years of active service such member's department shall receive the sum of \$1,500.00 per year in addition to such member's base pay; the annual payment shall commence upon the date upon which any such member shall have completed sixteen years of active service with such member's department;

(h) Any member of the Fire Department who shall have had not less than eighteen years and not more than twenty years of active service in such member's department shall receive the sum of \$1,600.00 per year in addition to such member's base pay; the annual payment shall commence upon the date upon which any such member shall have completed eighteen years of active service with such member's department;

(i) Any member of the Fire Department who shall have had not less than twenty or more years of active service in such member's department shall receive the sum of \$1,700.00 per year in addition to such member's base pay; the annual payment shall commence upon the date upon which any such member shall have completed twenty years of active service with such member's department; and

It is intended that the eligibility for longevity pay and the amount of longevity that is to be paid to each member of the Fire Department shall be determined as upon that date upon which such member shall have completed three years of active service with such member's department, and upon that same calendar date in each ensuing year thereafter.

It is further intended that any member of the Fire Department who has not accumulated three years of active service shall not be eligible for longevity pay. (Ord. 93-1986)

31.42 FIREMAN'S PENSION FUND

(a) The City's Fireman's Pension Fund and Plan shall be subject to state law and the City does officially place itself under the rules and regulations therein contained.

(b) Pursuant to state law, the monthly payment to the widow of a deceased fireman shall be exactly 35% of the monthly wage received by a fully paid first-class fireman.

(c) Pursuant to state law, the monthly payment to each of a deceased fireman's children under 18 years of age shall be exactly 15% of the monthly wage received by a fully paid first-class fireman. ('72 Code, 3.09) (Ord. 1307-1946; Ord. 75-1979)

31.43 RESIDENCY REQUIREMENTS

Indiana Code I.C. 36-8-4-2 is adopted as it requires that members of the police and fire departments of the City of Richmond reside within Wayne County and within fifteen (15) miles

of the corporate boundaries of the City of Richmond. In addition, each member shall maintain adequate means of transportation into the City and must maintain residence telephone service with the City. (Ord. 26-1985)

POLICE DEPARTMENT

31.50 LONGEVITY PAY FOR POLICE OFFICERS

- (a) As an incentive for continued service with the Richmond Police Department, each sworn police officer shall receive, in addition to his or her regular pay, beginning on the officer's anniversary date at the start of the officer's second year with the Richmond Police Department, an amount equal to 0.5% (1/2 of 1%) of the base salary of a First Class Patrolman.
- (b) On the anniversary date at the beginning of each successive year of the officer's employment, the longevity pay shall increase at 0.5% of the base salary of a First Class Patrolman and such successive increases in longevity pay shall be cumulative in nature with the previous increases.
- (c) Funding for longevity pay shall be provided by the fees generated and deposited in the non-reverting fund created by Ordinance 81-1984.
- (d) This shall be effective January 1, 1985, and shall continue until revoked, amended, or modified by the Common Council pursuant to the negotiation of a new agreement between the City and any bargaining unit for officers of the Richmond Police Department. (Ord. 80-1984)

31.51 DEATH BENEFITS

- (a) Pursuant to state law, the payment of funeral benefits to the heirs or estate of any active or retired member of the city police force who has suffered death from any cause shall be exactly \$1,500.
- (b) Pursuant to state law, the payment to each of any deceased police officer's children under the age of 18 years shall be exactly 15% of the monthly pay of a first-class patrolman per month to each child. (Ord. 2774-1973)

31.52 MERIT SYSTEM FOR POLICE DEPARTMENT

- (a) Definitions - For the purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (1) "ANNIVERSARY YEARS" - Full 12-month periods beginning with the officer's date of entry into police service with this Department. (Ord. 48-2002)
 - (2) "BOARD" - The Board of Public Works and Safety of the City. (Ord. 48-2002)
 - (3) "CITY" - The City of Richmond, Indiana. (Ord. 48-2002)

(4) "COMMISSION" - The Civil Service Merit Commission created by this plan. (Ord. 48-2002)

(5) "ELIGIBILITY LIST" or "PROMOTION LIST" –Are interchangeable and mean that list prepared by the Commission of officers qualified for promotion under rules and procedures of the Commission and this plan. (Ord. 48-2002)

(6) "NOMINATION-ELECTION COMMITTEE" - A committee of five police officers selected by the membership of the Police Department for the purpose of nominating candidates to be elected by the membership of the Police Department to the Commission and conducting that election. (Ord. 48-2002)

(7) "ORAL INTERVIEW" - That portion of the promotion system wherein an officer appears before the Merit Commission for the purpose of oral examination for promotion. (Ord. 48-2002)

(8) "PAST PERFORMANCE" - That portion of the promotion system taken from the Police Department bi-annual performance evaluations. (Ord. 48-2002)

(9) "POLICE OFFICER" - A sworn officer, functioning in a full time capacity with the Police Department and who is a member of a Police Pension Fund. (Ord. 48-2002)

(10) "SENIORITY RIGHTS" - Length of continuous service on this Police Department by full anniversary years, plus that part of the year by full anniversary months. (Ord. 48-2002)

(11) "STAFF" - Ranks above Captain and below Chief of Police to include the ranks of Major or Deputy Chief. (Ord. 48-2002)

(12) "TECHNICAL STATUS" - A position that requires specialized knowledge, skill, and training beyond that required for a patrolman. The Technical Status position includes, but is not limited to:

Investigator (Ord. 48-2002)

(13) "TRANSITION PERIOD" - The time between enactment of this plan and the date when all ranks within the Police Department are filled by the Commission. (Ord. 48-2002)

(14) "WRITTEN COMPETITIVE EXAMINATION" - That portion of the promotion system as relates to written tests as conducted by the Merit Commission. (Ord. 48-2002)

(b) Commission Member Requirements

(1) A Commission shall be elected in the City, pursuant to (c) of this section 31.52, to consist of seven members as follows:

(A) One (1) person who holds a license to practice medicine, dentistry, law, or is a Certified Public Accountant, in the State of Indiana

- (B) One (1) person who holds a degree from a nationally accredited institution of higher learning and is actively engaged in teaching or administration at the elementary, secondary, or college level
 - (C) One (1) person who holds a degree from a nationally accredited institution of higher learning in the field of theology, or any recognized member of the clergy
 - (D) One (1) person who is qualified and experienced in the field of labor relations
 - (E) One (1) person from the field of business or management
 - (F) Two (2) other persons from the above professions or any other endeavor (Ord. 48-2002)
- (2) The members of the Commission must be legal residents of the county which contains the City for a period of three consecutive years immediately prior to their election. They shall be persons of good moral character, and shall be 21 years or older at the time of nomination. (Ord. 48-2002)
- (3) A member of the Commission may not be an active or past member of any police agency. (Ord. 48-2002)
- (4) No more than four members of the Commission may be affiliated with the same political party. For purposes of this section, political affiliation should be determined by declaration. (Ord. 48-2002)
- (5) The members of the Commission shall take an oath of office to conscientiously and faithfully discharge their duties as Commissioners. A signed copy of the oath shall be filed with the Board and placed in custody with the City Clerk. (Ord. 48-2002)
- (6) The Commission shall submit a budget annually to the City Controller for an amount sufficient to provide funds for the necessary expenses of the Commission. A person may not serve on the Commission if he receives any remuneration as salary from a public fund. A public fund is not to be construed to include monies received as remuneration, salary, or fees as a public defender, educator, or physician, nor the per diem provided under this plan. (Ord. 48-2002)
- (7) A candidate for the Commission may not have held an elected political position or a compensated politically appointed position for three years prior to nomination. (Ord. 48-2002)
- (8) The Commission shall adopt, promulgate, and enforce rules and procedures concerning the hiring of police officers. The Chief of Police with approval of the Board shall as necessary, submit to the Commission in writing, the need for appointments of sworn officers due to retirement, resignation,

dismissal, or other valid causes. The Commission shall then by state law and Commission rules and procedures, fill the requested need. (Ord. 48-2002)

(c) Election of Commission Members

(1) The members of the Commission shall be elected as follows:

(A) The police officers of the City shall make the first three elections; no more than two shall be of the same political affiliation. The police officers shall make their selection within 30 days after July 18, 1977.

(B) The Common Council shall make the next three elections, in such manner to provide that any political affiliation does not exceed three of the six members now elected. The Common Council's selection shall be made within 30 days of the police officers' action.

(C) The six selected members shall appoint the seventh member within 30 days of election by the City Council. This seventh member may be of any political affiliation. In the event of an impasse in the selection of the seventh member, the six members of the Commission shall submit a list of three names within seven days to the Common Council which shall then elect the seventh member from the submitted list within 30 days. (Ord. 48-2002)

(d) Term of Office

(1) At inception, the term of office shall be staggered as follows:

Police Department		Common Council		Committee	
3	1-1 year	3	1-1 year	1	1-2 years
	1-2 years		1-2 years		
	1-3 years		1-3 years		

Thereafter the membership terms shall be three years. The term of members elected by the police officers and Common Council shall on expiration be alternated to allow the police officers and the Common Council to make elections in the different occupational areas as described in 35.52 (b) above. The order of election shall remain the same. (Ord. 48-2002)

(2) Exception shall be made when a Commissioner's term expires during a hearing for dismissal, discipline, or demotion. The Commission member whose term expires during this hearing shall relinquish all Commission duties excepting the hearing. The term shall then expire on completing the hearing. The expired vacancy shall be filled as required in this plan for the conducting of regular business. (Ord. 48-2002)

(e) Commission Vacancies

A vacancy on the Commission by reason other than expiration of term shall be filled within 30 days by the same electing party to serve for the remainder of the unexpired term. (Ord.48-2002)

(f) Commissioner Removal

The Board may remove any member of the Commission for malfeasance, nonfeasance, change of residence that conflicts with (b) (2) above, or inability to serve. Removal of a member of the Commission by the Board shall be subject to the same rules and procedures which govern the removal of a police officer. (Ord. 48-2002)

(g) Nomination-Election Committee

(1) A Nomination-Election Committee shall be selected to conduct the process of selecting the police officer's appointments to the Commission. Police Officers who wish to serve on the Nomination-Election Committee shall file with the Board in writing their intent to become candidates for election to the Nomination-Election Committee. The Board shall hold a meeting to conduct an election for the Nomination-Election Committee before the expiration date of the present members' terms. The Board shall give notice 30 days prior to expiration of term for filing of candidates. All police officers who file with the Board shall be candidates in the election. The Board shall give notice 14 days before the election meeting which will state the date, time, location, purpose of the meeting, and the names of all the candidates. The notice shall be posted in three prominent locations in the central police station. (Ord. 48-2002)

(2) Only members of the Board and police officers shall be present at the meeting for the election of the Nomination-Election Committee and only police officers shall have the right to vote. (Ord. 48-2002)

(3) Police officers who are unable to attend the meeting may vote by written proxy, naming the police officer to whom their proxy is given. To be valid, the proxy must be notarized, placed in a sealed envelope, and received by the President of the Election Board before the election. The proxy shall be opened publicly by the President or Acting President, who shall preside at the election meeting, after he has called the meeting to order and before any vote is cast. (Ord. 48-2002)

(4) Voting for members of the Committee shall be by secret ballot and the five police officers receiving the greatest number of votes shall constitute the Nomination-Election Committee. In the event of a tie vote for the fifth member of the Nomination-Election Committee, the President shall call for another ballot to break the tie. The candidate receiving the greatest number of votes shall be designated the President of the Nomination-Election Committee. In the event two or more members tie for the greatest number of the five members of the Nomination-Election Committee shall select their own President.

(A) Any police officer on being appointed Chief of Police or staff member is terminated from membership on the Nomination-Election Committee effective on his date of appointment. Any officer on

retirement, resignation, or dismissal is terminated from membership on the Nomination-Election Committee effective the date he leaves police service. Any member of the Nomination-Election Committee may resign at will.

(B) Vacancies created under (g) (4) (A) above will be filled by the Board serving notice of candidate filing no later than the (7th) seventh day after the vacancy occurs with meeting of election to be no later than the (14th) fourteenth day after the vacancy. Notice shall be posted according to (g) (1) above.

(C) In the first instance, the term of the Nomination-Election Committee shall be determined by the number of votes received in the election. A list shall be prepared of those elected beginning with the five greatest number of votes and descending in order. The list shall be numbered one through five beginning with the greatest number of votes and ending with the least. Numbers one and two shall serve a three year term, numbers three and four shall serve a two year term, and number five shall serve a one year term. Thereafter the term shall be three years. (Ord. 48-2002)

(h) Election of Commission Members by Police Officers

- (1) The Nomination-Election Committee shall submit to the police officers a list of three to five names as candidates for each Commission position being considered for election. In selecting these persons, the Nomination-Election Committee shall consider their occupation, political affiliation, and their willingness to serve on the Commission. (Ord. 48-2002)
- (2) The Committee shall give at least (15) fifteen days notice of the election. The notice shall state the date, time, location, and the names of the candidates being considered. The notice shall be posted in (3) three prominent locations in the central police station. (Ord. 48-2002)
- (3) Only police officers shall be present at the meeting. Police officers who are unable to attend the meeting may vote by written proxy, naming the police officer to whom their proxy is given. To be valid, the proxy must be notarized, placed in a sealed envelope, and received by the Chairman of the Nomination-Election Committee before the election. The proxy shall be opened publicly by the President of the Nomination-Election Committee, who shall preside at the meeting, after he has called the meeting to order and before any vote is cast. (Ord. 48-2002)
- (4) Voting for members of the Commission shall be by secret ballot and the person receiving the greatest number of votes for the category position shall be named to the Commission representing the police officers. The results of the election shall be tabulated and filed with the City Clerk. (Ord. 48-2002)

(i) Commission Meetings

(1) All regular meetings called by the Commission shall be held at the central police station or the City hall building. Each member shall be notified of all special meetings, as to the time and place of the special meeting, at least forty-eight (48) hours prior to that meeting. (Ord. 48-2002)

(2) Four (4) members of the Commission shall constitute a quorum for the transaction of business, provided that an action for discipline, dismissal, or demotion shall require the affirmative vote of not less than five (5) members of the Commission. (Ord.48-2002)

The Commission shall establish rules for governing the Commission and shall, each year, select from its members a President, Vice-President, and a Secretary. (Ord. 48-2002)

(j) Promotion of Police Officers

(1) The Commission shall adopt, promulgate, and enforce rules and procedures concerning the promotion of police officers to ranks of Sergeant, Lieutenant, and Captain, as well as appointments to the position of Investigator. The Commission shall, in cooperation with the police officers of the City and the Board, prepare job descriptions for all ranks and positions of the Police Department within one year of inception of this plan. In the first instance, rank and job descriptions in existence for the City shall be used. In addition, within one year of inception of this plan the Commission in cooperation with the police officers and the Board shall prepare standards of performance and training for promotion of all ranks and appointments to position of Investigator. The Commission and Police Department shall provide the technical training to meet any technical knowledge required in promoted and appointed positions. Failure of the Department to provide this training shall not place a promoted or appointed officer in jeopardy. Failure of the promoted or appointed officer to attend the training or his/her failure to meet required standards shall place the officer in jeopardy. (Ord. 3187-1977; Ord. 27-1978)

The Commission shall establish criteria for testing and selections of the promotional process. The established criteria shall be written and contained within the rules and regulations. The Commission has the authority to contract with an independent agency to conduct the promotional process for the Richmond Police Department. When the Commission contracts with an independent agency to conduct the promotional process, the independent agency shall establish guidelines and procedures to be followed. The independent agency will provide written documentation to the Commission, which explains the process to be used. The Commission will then approve the independent agencies process that is to be used for the promotional process. Upon execution of a signed agreement for the promotional process, the guidelines written in this chapter shall be superseded by the independent agency procedures.

When considering promotions, the following four (4) factors shall be basic consideration for rating a police officer.

(A) The grade received by the police officer on a written competitive examination. The Commission shall set a minimum qualification score on the written competitive examination. (Ord. 48-2002)

(B) The performance rating shall use the officer's biannual performance evaluations for the two (2) year period preceding the examination date.

(C) The score received by the police officer on an oral interview conducted by the Commission. (Ord. 48-2002)

(D) The score received by virtue of the length of service or longevity of the police officer. (Ord. 48-2002)

(2) Weighting of the basic consideration factors.

(A) The grade received on the written competitive examination shall be considered forty-five percent (45%) of the rating. (Ord. 48-2002)

(B) The past performance shall be considered as fifteen percent (15%) of the rating. (Ord. 48-2002)

(C) The score received on the oral interview conducted by the Commission shall be considered as thirty percent (30%) of the rating. (Ord. 48-2002)

(D) The seniority rights based upon the number of years of service shall constitute ten percent (10%) of the rating, considering the length of service at the rate of one-half percent (.5%) for each year of service up to and including 20 years. The number of days of continuous service divided by (20 years x 365 or 7300) to derive fraction and multiplied by ten percent (10%) to reach the number of seniority points. The maximum number of points allowable is ten (10). Seniority rights score will be fixed at the date of the examination. (Ord. 48-2002)

(3) When considering the percentage on the oral interview, the Commission shall devise the method for computing this percentage and the manner in which it is awarded. If any member receives 7% or less, the Commission members must explain in writing the reasons for the score. The explanation shall be placed in the officer's personnel file. (Ord. 48-2002)

(4) All examination results shall be made part of the permanent file of the individual officer taking the examination, and shall be maintained under the supervision of the Chief of Police. The Commission members shall not have knowledge of or access to, the grade received by individual members of the Police Department on the written competitive examination until the oral interview has been conducted and the score posted. The Chief of Police shall notify each

police officer, in writing, of the score the officer received on the oral interview. The rules and procedures of the Commission shall provide that if any officer is aggrieved with the grade received on the written competitive examination or the oral interview, the officer shall have the right to appeal to the Commission for a review of those scores within ten days after receiving notice of the score. The Commission, after reviewing the scores and examination, shall have the authority to affirm or correct the grade based upon the findings of its review. (Ord. 48-2002)

(k) Demotion, Dismissal, and Discipline of Police Officers

The Commission shall adopt, promulgate, and enforce rules and procedures concerning the demotion, dismissal, and discipline of police officers. However, demotions, dismissal, or discipline by the Commission may only be made upon written request by the Chief of Police and the request shall stipulate the reasons for the demotion, dismissal, or discipline. Prior to a demotion, dismissal, or discipline being granted, the officer who is subject to a demotion, dismissal, or discipline request shall be notified in writing immediately and shall have the right to appeal within five (5) calendar days of notification, and be heard by the Commission. The Commission shall require the Chief of Police and the aggrieved police officer to be present at an open hearing within fifteen (15) calendar days of the aggrieved member's request for a hearing. The Commission, after termination of the hearing, shall either affirm or deny the demotion, dismissal, or discipline request within five (5) calendar days. If the decision is affirmed, the Chief's written request shall be signed by the President of the Commission for the Commission and placed in the officer's personnel file. (Ord. 48-2002)

(l) Performance Ratings

(1) The rules and procedures of the Commission shall include a system for the rating of past performance. The system shall be implemented by the Police Department and contain a provision requiring the performance rating for patrol officers, sergeants, lieutenants and officers of higher rank to be rated every six months. All ratings shall be made by the officer immediately superior to the officer being rated. (Ord. 68-1988)

(2) All performance ratings shall be submitted to the Chief of the Police Department and kept on file in his/her office or under his/her supervision, within the central police station. (Ord. 3187-1977)

(3) The reviewing officer shall, within twenty (20) working days of completing the rating, review the results of the rating with the police officer being rated. (Ord. 68-1988)

(4) If any member is aggrieved with the performance rating given by his/her superior officer and if this grievance is not resolved in the performance review interview, the member shall have the right to appeal to a Performance Rating Board of Review appointed by the Chief of the Police Department. This appeal shall be made within ten (10) calendar days after the performance review interview has been conducted. (Ord. 68-1988)

(5) The Performance Rating Board of Review shall be comprised of two (2) members of the Merit Commission, one (1) staff officer, along with one (1) supervising officer, and one (1) officer of equal rank to the aggrieved, who shall serve for not more than six (6) months. If a member of the Department is actively involved in any grievance to come before such body, the actively involved member shall be disqualified, and the Chief of the Police Department shall appoint a substitute member to serve in his/her place in regards to such grievance. The staff officer shall serve as Chairman of the Performance Rating Review Board and will vote only in the event of a tie vote by the other four (4) members. (Ord. 68-1988)

(6) Appeals to the Performance Rating Board of Review shall be submitted to the Chief of Police in writing. The aggrieved member shall be given a hearing within fifteen (15) calendar days of his/her request. The officer shall be notified in writing within five (5) calendar days of the decision made by the Board. (Ord. 68-1988)

(7) Officers appealing their scores may raise any argument they believe is relevant but must base their appeal, at least in part, on at least one of the following:

(A) The unfairness or inaccuracy of their own score or evaluation. No one shall prevail on an appeal solely based on the score or evaluation received by someone else.

(B) A violation of any procedure in producing the score or evaluation.

(8) The rules and procedures of the Commission shall provide that if any member is aggrieved with the decision of the Performance Rating Board of Review, he/she shall have the right to appeal to the Commission within ten (10) calendar days after the decision of the Performance Rating Board of Review has been handed down. The Commission shall have the authority either to affirm or correct the rating based on the findings of the review. (Ord. 68-1988)

(m) Rules and Procedures for Promotions

(1) The rules and procedures shall provide that all promotions to any rank be from the next immediate lower rank and that the person shall have qualified in time of service required by this plan. A police officer must have served at least one year in permanent rank by January 1st of the year immediately following the test before being eligible to take the promotional test for the next higher rank. These requirements may be waived by the Commission in that rare instance where by departmental reorganization, resignation, or attrition; the ranks have been depleted of officers meeting promotional requirements. This waiver shall not be construed as to amend, or waive any other promotional requirements in this plan. (Ord. 99-1990)

(2) Service time required for eligibility for next rank

(A) A police officer must have been a patrolman of the Police Department for a minimum of five (5) years before he/she is eligible for the rank of sergeant. (Ord. 3187-1977)

(B) A sergeant must have been a member of the Police Department for a period of not less than seven (7) years before he/she is eligible for the rank of lieutenant. (Ord. 3187-1977)

(C) A lieutenant must have been a member of the Police Department for a period of not less than ten (10) years before he/she is eligible for the rank of captain. (Ord. 3187-1977)

(D) The requirement of one (1) year in permanent rank as set forth in (m) (2) (B) and (C), may be waived in that rare instance where by departmental reorganization, resignation, or attrition, the ranks have been depleted of officers meeting promotional requirements of (m) (2) (B) and (C). This waiver shall not be construed as to amend or waive any other promotional requirements in this plan.

(3) It shall be the discretion of the Chief of Police to assign those promoted ranks within the Department's command structure. (Ord. 3187-1977)

(4) The Commission, with approval of the Board, may create rank classification for patrolmen. (Ord. 3187-1977; Ord. 99-1990)

(n) Technical Status

The Commission shall have the authority to set rules and regulations and procedures to grant technical status and to prepare an eligibility list. Technical status shall include only the position of Investigator. The Commission shall have the authority to grant technical status to any member upon request of the Chief of Police provided the member has completed the testing process as described in Section (j) of this chapter and is listed on the eligibility list at the time the vacancy occurs. Vacancies in the status of Investigator shall be filled from the established list of eligible officers through the Commission. It shall be the responsibility of the Chief to make known to all members when a technical position is vacated. Demotions from technical status shall be made in the same manner as demotions from rank, with the same provisions for appeal. (Ord. 68-1988)

(o) Rules and Procedures to be Printed

The rules and procedures of the Commission shall be printed and a copy of the rules and procedures shall be given to each police officer. Any amendments to the rules and procedures made within 30 days of any promotion or demotion do not apply to that promotion or demotion. All amendments to the rules and procedures shall be given to all police officers. Any amendments to the rules and procedures shall require a majority vote of all seven members of the Commission. (Ord. 3187-1977)

(p) Education Programs

The rules and procedures of the Commission shall include a manner for written competitive examinations and an education system for the members of the Police

Department. The Commission may employ instructors who are not members of the Police Department of the City or may enroll members in appropriate available programs. The Commission is authorized to purchase materials and equipment, and allow other necessary expenditures for the purpose of instructing the police officers. Materials, equipment, instruction, and educational system shall pertain to written examinations administered by the Commission under (r) below. (Ord. 3187-1977)

(q) Written Examinations

(1) The Commission shall establish criteria for testing and selections of the promotional process. The established criteria shall be written and contained within the rules and regulations. The Commission has the authority to contract with an independent agency to conduct the promotional process for the Richmond Police Department. When the Commission contracts with an independent agency to conduct the promotional process, the independent agency shall establish guidelines and procedures to be followed. The independent agency will provide written documentation to the Commission, which explains the process to be used. The Commission will then approve the independent agencies process that is to be used for the promotional process. Upon execution of a signed agreement for the promotional process, the guidelines written in this chapter shall be superseded by the independent agency procedures.

(2) Written competitive examinations shall be conducted by the Commission for the purpose of establishing eligibility lists for promotion. Such examinations shall be conducted under the provisions of this section. The examination contents shall be on law enforcement related to this City, and shall not be of the intelligence quotient, general education development, or psychological profile types. No police officer shall have access directly or indirectly to examination or related testing materials developed for this purpose, prior to the time he/she sits for such examination.

(A) The Commission shall select and designate an appropriate independent testing service, outside the Police Department, to devise and grade all written examinations conducted hereunder. (Ord. 3187-1977)

(B) The Commission may use different testing services for subsequent examinations or for examinations for eligibility lists for promotion to different ranks. (Ord. 3187-1977)

(3) To control, administer, and monitor the examination, the Commission shall appoint a Test Committee of three from its membership, and shall designate the Chairman of the Test Committee. The duties of the Committee and/or its Chairman shall be as follows:

(A) The Chairman or designee shall be designated to the testing service as the person to receive the written examination forms (and related testing materials), and subsequent grades; and the testing service shall be instructed to deliver the forms and materials in a sealed package, by registered mail to the Chairman or designee. (Ord. 99-1990)

(B) It shall be the duty of the Chairman of the Test Committee to receive the examination forms and materials, to maintain them in their sealed package, and secure them until the scheduled examination date. (Ord. 99-1990)

(C) On the examination date, the forms and materials will be delivered to the examining room by the Chairman, or member of the Test Committee, who shall break the seal and inspect the examination forms. (Ord. 99-1990)

(D) A member of the Test Committee shall distribute the forms to the officers taking the examination. (Ord. 99-1990)

(4) Each officer taking the examination shall report to the Test Committee and shall draw a number, assigned by lot and enter the number on his/her examination paper and shall enter the number and his/her name on a card provided for this purpose and place the card in an unmarked envelope and seal it. He/She shall then submit his/her sealed envelope to the member of the Test Committee. (Ord. 32-1989; Ord. 99-1990)

(A) All examination papers (including unused forms) shall be turned in to the representative of the testing service upon completion of the exam.

(B) Place all individual envelopes, containing the name and number cards, into a packet which shall be sealed and placed in a secure area.

(C) Upon receipt of a grade from the testing service and after completion of the oral interviews, under Section (j), the Test Committee Chairman shall deliver the sealed packet of name and number cards to the President of the Commission who shall then break the seal and assign the grades by number to the officers who took the examination. (Ord. 99-1990)

(5) All scores shall be posted by number only at the central police station. The officer scoring the highest cumulative score in the four areas, written competitive examination, past performance rating, oral interview, and seniority, shall be placed at the top of the new eligibility list for that rank. Other members who took the test shall be ranked by their cumulative scores on the eligibility list in a descending order.

(6) The eligibility list shall be maintained for a period of two (2) years or until exhausted, at which time there shall be another eligibility list established. (Ord. 99-1990)

(r) Staff Personnel

(1) The Mayor shall appoint the Chief of Police. The appointment shall be of an officer serving at a rank not less than that of lieutenant, or qualified to serve

as a lieutenant from the current promotion list as described in this plan. (Ord. 3187-1977)

(2) The staff may consist of two officers who shall be appointed by the Chief of Police with the consent of the Mayor. The appointment shall be officers serving at a rank not less than that of sergeant, or qualified to serve at a rank of sergeant from the current promotion list as described in this plan. (Ord. 3187-1977)

(3) Any change in title or rank of staff positions, shall be presented in writing to the Commission. The removal of any member of the Police Department as Chief or staff member by the Mayor shall be deemed as removal from that rank only and not from the Police Department. (Ord. 3187-1977)

(4) Upon expiration of term or removal from office of any chief or staff member of the Police Department, such persons be made available by the Commission to the rank in the Police Department which they held at the time of appointment to chief or staff member. In the event the chief or staff member have qualified in accordance with the promotional procedure as prescribed by the Commission in its rules and procedures for any rank which is higher than the rank held at the time of their appointment, they shall, upon expiration of their term or removal as chief or staff member, be made available by the Commission to the rank for which they have qualified under the promotional procedures established. (Ord. 68-1988)

(5) In the event that permanent rank positions have already been established, a bumping or replacement system would be put into effect. The junior (time in grade) permanent Captain, Lieutenant, or Sergeant would revert to a lower rank with the required number of positions of rank being maintained.

Any person holding the junior position and that has been reduced in rank due to the administrative change, is subsequently placed at the top of the eligibility list for that rank; and, reverts to the higher rank previously achieved without any further testing when that position of rank becomes available. (Ord. 68-1988)

(s) Department Structure

(1) On the implementation of this plan, the organizational structure of the Police Department shall be on the recommendation of the Chief of Police with the approval of the Board. The Commission shall implement this structure by filling the required rank positions according to this plan. (Ord. 3187-1977)

(2) Any future reorganization of departmental structure shall be on the recommendation of the Chief of Police with the approval of the Board. If approved the reorganization will be implemented by the Commission by filling new rank positions according to the rules and regulations of the Commission and this plan. Except for the instance when the Chief or staff officers descend to positions of rank due to an administration change, no promoted officer shall be reduced in rank for the reason of reorganization, but shall hold that rank unless qualified for promotion, nor shall that officer lose any consideration for promotion

to the next higher rank. Reassignment of any officer as a result of a change to restructure shall be in accordance with subsection (m) (4) of this chapter. (Ord. 3187-1977; Ord. 3233-1977; Ord. 27-1978; Ord. 68-1988)(Ord. 48-2002)

31.53 GUN PERMITS

The City of Richmond Police Department shall collect a fee of \$10 for the issuing of a gun permit. (Ord. 75, 1981; Ord. 54-1994)

31.54 RESIDENCY REQUIREMENTS

Indiana Code I.C. 36-8-4-2 is adopted as it requires that members of the police and fire departments of the City of Richmond reside within Wayne County and within fifteen (15) miles of the corporate boundaries of the City of Richmond. In addition, each member shall maintain adequate means of transportation into the City and must maintain residence telephone service with the City. (Ord. 26-1985)

31.59 PENSION CALCULATING

For the purposes of establishing a basis for calculating pension benefits and assessments Police Pension Fund, the salary for a first class patrolman with twenty-four (24) years of service shall be used. (Ord. 41-1986)

31.60 RICHMOND POLICE COMPLAINT ADVISORY COMMITTEE (Ord. 66-2000)

(a) There is hereby established the Richmond Police Complaint Advisory Committee. Said committee shall consist of five (5) residents of the City, of which three (3) shall be appointed by Common Council and two (2) shall be appointed by the Mayor. So that terms are staggered, three of the initial terms shall expire December 31, 2001 (two (2) of the Council appointments and one (1) of the Mayor appointments) and two shall expire December 31, 2002, (one (1) of the Council appointments and one (1) of the Mayor appointments). Upon expiration of the initial terms, subsequent appointments shall be for a term of two (2) calendar years. Members may be re-appointed at the discretion of the appointing authority.

(b) The Richmond Police Complaint Advisory Committee shall meet upon notification by the Police chief of any pending complaint, or as needed. To the extent any agenda item shall deal with any employee's alleged misconduct, or other information for which an executive session may be held pursuant to I.C. 5-14-1.5, the meetings may be held in executive session.

(c) Members of the Committee shall elect from their membership a chair, vice chair, and secretary who shall be elected at the first meeting of each calendar year, and shall serve until the end of said calendar year.

(d) The Richmond Police Complaint Advisory Committee shall not investigate the merits or lack thereof of any incidents leading to a complaint, but shall review the process followed in taking and investigating any original complaint to ensure that proper procedures were followed and that both the complainant and any police officer involved were treated fairly. After completing said review, the Committee shall advise the Police Chief whether proper

and consistent procedures were followed and whether all involved were, in the opinion of the Committee, treated fairly.

(e) The Richmond Police Complaint Advisory Committee shall also provide ongoing feedback, including suggestions for improvement, with respect to the complaint process. The Committee shall consider any input received from citizens, law enforcement officials, and other sources.

(e) In order to preserve the integrity of the process and protect those involved, the names of any complainant filing a complaint and any accused police officer shall be deemed part of an investigation record; part of an officer's personnel file; and/or part of a record specifically prepared for discussion in an executive session, and therefore confidential pursuant to I.C. 5-14-3-4, which information shall then be kept in confidence by the members of the Committee.

31.70 POLICE RESERVE OFFICERS – Ord. 55-2009 passed September 15, 2009

- (a) The Chief of Police, at his discretion, may implement a police reserve officer program for the Richmond Police Department, pursuant to Indiana Code 36-8-3-20
- (b) The number of police reserve officers in the police reserve officer program shall not exceed 20 police reserve officers at any one time.
- (c) The police reserve officers shall be appointed by the same authority that appoints regular members of the Richmond Police Department.
- (d) Police reserve officers may not be members of the regular Richmond Police Department but shall have all of the same police powers as regular members of the Richmond Police Department except as limited by the rules of the Richmond Police Department.
- (e) The Richmond Police Department may adopt rules to limit the authority of police reserve officers.
- (f) At the discretion of the Chief of Police and with the concurrence of the Richmond Police Merit Commission, to the extent that money is appropriated for a purpose listed in this subsection, police reserve officers may receive any of the following:
 - (1) A uniform allowance.
 - (2) Compensation for time lost from other employment because of court appearances.
- (g) Police reserve officers are not eligible to participate in any pension program provided for regular members of the Richmond Police Department.
- (h) A Richmond police reserve officer may not be appointed until he or she has completed the training and probationary period specified by rules of the Richmond Police Department.
- (i) A reserve police officer appointed by the department may not:
 - (1) make an arrest;
 - (2) conduct a search or seizure of property; or
 - (3) carry a firearm;

unless the police reserve officer successfully completes the pre-basic course under Indiana Code 5-2-1-9 (f).

- (j) A police reserve officer may be covered by the medical treatment and burial expense provisions of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7). If compensability of the injury is an issue, the administrative procedures of IC 22-3-2 through IC 22-3-6 and IC-22-3-7 shall be used to determine the issue.

