

CITY-COUNTY GENERAL ORDINANCE NO. ____, 2025
Proposal No. ____, 2025

PROPOSAL FOR A GENERAL ORDINANCE to amend Chapter 279 Division 9 of the Revised Code of the Consolidated City of Indianapolis – Marion County converting the General Orders Board into the General Orders Advisory Board.

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

SECTION 1. Sections 279-291, 294, 295, 296, and 298 of the Revised Code of the Consolidated City of Indianapolis-Marion County are hereby amended by deleting the portions ~~stricken through~~ and adding the portions underlined to read as follows:

Sec. 279-291. Findings and purpose

(a) The city-county council hereby finds as follows:

- (1) There is a substantial interest from residents of the city and the county in developing a mechanism for increased civilian oversight of policies and operations of the department;
- (2) The residents of the city and the county and the department will benefit from implementing civilian oversight over the department in at least the following ways:
 - a. Civilian oversight can help improve community relations by fostering communication between the city's and the county's residents and the department;
 - b. Civilian oversight can improve department policies and procedures by better identifying areas of public concern and facilitating policy recommendations that offer options to improve policing;
 - c. Civilian oversight can increase the city's and the county's inhabitants' understanding of law enforcement policies and procedures and their confidence in the department's actions;
 - d. Civilian oversight can facilitate the department's work in developing, implementing, and adhering to anti-racism policies and procedures;
 - e. Civilian oversight can assist with ensuring that the department and its personnel are accountable for their actions and increase the transparency of the department's administration and actions;
 - f. Civilian oversight can more effectively introduce diverse and inclusive viewpoints into policy development to address concerns of persons and groups historically under-represented in law enforcement positions and statistically over-represented in arrests and incarceration; and
 - g. Civilian oversight can help address public concern stemming from incidents that receive substantial public attention;
- (3) These benefits of civilian oversight of the department will promote the safety and general welfare of the residents of the city and the county and of the department and its personnel;

- (4) Establishing a board that implements civilian oversight over aspects of the department will help the city, the county, and the department realize these benefits;
 - (5) The department maintains and updates the "Indianapolis Metropolitan Police Department General Orders Accountability List and Index," which lists all effective general orders and categorizes them by subject matter; and
 - (6) The city-county council alone may approve budgets, levy taxes, and make appropriations for the consolidated city, its departments, and its special taxing districts.
- (b) Consistent with these findings, it is the purpose of this division to promote the health, safety, and general welfare of the residents of the county and the city and of the department's personnel by establishing a general orders advisory board to institute civilian oversight over the department.

Sec. 279-292. General orders board

There is hereby created a general orders advisory board ("g.o. board"), which shall have the authority to propose, enact, review, and modify advise on general orders promulgated by the chief, as that term is defined in section 279-293 of this division.

Sec. 279-294. Duties and responsibilities

- (a) The g.o. board shall have the power to:
- (1) Adopt Review and issue non-binding recommendations on general orders in accordance with section 279-295.
 - (2) Resolve any dispute about whether a department policy or directive constitutes a general order and transmit its recommendation to the chief for a final decision.
 - (3) Resolve any dispute about whether the procedures set forth in section 279-295 were followed and advise the chief accordingly.
 - (4) Set rules for its governance and establish its procedures for conducting public meetings as permitted or required by law.
 - (5) Have discretion to construe, interpret, clarify, reconsider, and amend recommend interpretations, clarifications, reconsiderations, or amendments of any general order in accordance with section 279-296.
 - (6) Engage staff and independent contractors, as necessary and appropriate, to assist with carrying out its duties and responsibilities.
 - (7) Study issues pertinent to the department's relationship and interactions with the residents of the city and county, including, but not limited to, anti-racism and implicit bias and the department's policies on and procedures for investigations, searches, seizures, arrests, use of law enforcement discretion, and use of force.

The g.o. board shall carry out its duties and responsibilities in this subsection in accordance with the purposes set forth in section 279-291 of this division. The g.o. board shall also carry out its duties and responsibilities in accordance with local, state and federal laws.

- (b) The chief shall regularly report to the g.o. board regarding:
- (1) The training of department personnel, including training necessary to effect any general orders and accomplish any changes to any general orders; and
 - (2) The department's progress in implementing and effecting anti-racism policies and procedures.

279-295. ~~Submission of proposed and preliminary orders~~ Promulgation of general orders by the chief; subsequent board review.

~~(a) General orders. A member of the g.o. board or the chief may submit a proposed general order by providing a copy of the order to the secretary and each member of the g.o. board. The member may request, by providing written notice to the g.o. board secretary at least ten (10) business days before the next scheduled g.o. board meeting, the g.o. board to adopt the proposed general order. Upon receiving such a request, the g.o. board shall, at the next scheduled g.o. board meeting, consider the request to adopt the proposed general order, subject to the following:~~

~~(1) When a member proposes a general order, the chief shall respond, in writing, to the g.o. board at least five (5) business days before the next scheduled g.o. board meeting. The chief shall provide an opinion on the proposed general order or suggest an alternative action. If the chief does not support the proposed general order, the chief shall provide the g.o. board with a written justification for that opinion. The g.o. board may, by written request, ask the chief to reassess his/her opinion and submit a written reassessment to the g.o. board.~~

~~(2) If the g.o. board adopts a general order, the board secretary shall forward the adopted general order to the office of corporation counsel who shall review for legality, and to the human resources division who shall review for compliance with fair labor standards. General orders adopted under this subsection shall be effective only upon written approval from both the corporation counsel and director of human resources.~~

~~(a) Promulgation.~~

~~(1) The chief may at any time issue, amend, or rescind a general order. Five days prior to issuing, amending, or rescinding a general order, the chief shall submit the draft to:~~

- ~~a. the members of the general orders board, who shall respond to the chief within 48 hours as to whether the item will be added to their agenda for further review and discussion;~~
- ~~b. the office of corporation counsel, who shall review for legality, and~~
- ~~c. the human resources division, who shall review for compliance with fair labor standards~~

~~(2) The chief shall provide to the recipients listed in sub part (a), above, a written justification for the action. The recipients may provide to the chief a written request to pause implementation. If the g.o. board requests a pause, it must provide its reasoning in writing and must schedule and hold, within 10 days, a public meeting on the matter where public comment may be taken.~~

~~(3) The chief, at his/her discretion, may honor any requested pause on implementation.~~

~~(b) Preliminary orders. Notwithstanding subsection (a), the chief may propose, review, and approve preliminary orders for the department only in the event the chief reasonably determines, in good faith, that the prompt enactment of a general order is necessary, in a~~

~~shorter timeframe than is available under subsection (a), to ensure the safety and general welfare of the residents of the city and the county and of the department and its personnel or the proper functioning of the department. In the event that the chief approves a preliminary order:~~

~~(1) The chief shall submit a copy of the preliminary order to the secretary and each member of the g.o. board within two (2) days after he/she approves the order.~~

~~(2) The preliminary order shall have the effect of a general order until the preliminary order expires in accordance with this section.~~

~~(3) Unless earlier terminated by the chief, the preliminary order shall be in force and effect for thirty (30) days after the date the chief approved the order and shall automatically expire thirty (30) days after that date absent adoption or extension of the preliminary order by the g.o. board.~~

~~(4) Prior to the expiration of a preliminary order as set forth in subsection (b)(3), any member of the g.o. board or the chief may request, by providing written notice to the g.o. board secretary, that the preliminary order be placed on the agenda at the next g.o. board meeting that is scheduled to occur not more than thirty (30) days after the chief's approval of the preliminary order. Upon receiving such a request, the g.o. board shall, at the next scheduled g.o. board meeting, consider the request to review, extend, or adopt the preliminary order.~~

~~(b) Board Review. In the event a pause is not requested or is not honored by the chief, at the next regular meeting, or at a special meeting called within thirty (30) days of the receipt of a general order, the g.o. board shall place the order on its agenda, take public comment, and vote on written recommendation to the chief. The chief shall consider but is not bound by the recommendation.~~

~~(c) It shall require the affirmative vote of at least four (4) members of the g.o. board to **adopt approve a recommendation on** any general order as set forth in this section.~~

~~(d) The order is effective upon the chief's signature.~~

Sec. 279-296. Interpretation, clarification, construction, reconsideration, amendment, and publication of general orders

(a) The chief or a member of the g.o. board may request, by providing written notice to the g.o. board secretary at least ten (10) business days before the next scheduled g.o. board meeting, the g.o. board to interpret, clarify, construe, reconsider, or amend any general order.

(b) Upon receiving such a request, the g.o. board shall, at the next scheduled g.o. board meeting, consider the request to **recommend that the chief** interpret, clarify, construe, reconsider, or amend the subject general order. It shall require the affirmative vote of at least four (4) members of the g.o. board to **interpret, clarify, construe, reconsider, or amend the subject general order approve such recommendation.**

(c) When a member proposes an amendment to an Indianapolis Metropolitan Police Department (IMPD) general order, the chief shall respond, in writing, to the g.o. board at least five (5) business days before the next scheduled g.o. board meeting. The chief shall provide an opinion on the proposed amendment to a general order or suggest an alternative action. If the chief does not support the proposed amendment, the chief shall provide the g.o. board with a written justification for that opinion. ~~The g.o. board may, by~~

~~written request, ask the chief to reassess his/her opinion and submit a written reassessment to the g.o. board. If the g.o. board adopts an amendment to a general order, the board secretary shall forward the adopted amendment to the office of corporation counsel who shall review for legality, and to the human resources division who shall review for compliance with fair labor standards. Amendments to general orders adopted under this subsection shall be effective only upon written approval from both the corporation counsel and director of human resources. If the g.o. board approves a recommendation to amend the general order, the board secretary shall forward the recommendation to the chief for consideration~~

- (d) All general orders shall be written and shall be classified in accordance with standards ~~approved~~ recommended by the g.o. board and approved by the chief.
- (e) All general orders shall be made publicly available, including by electronic media.

Sec. 279-298. Board officers, quorum, meetings

- (a) The members of the g.o. board shall select a chairperson and vice-chairperson. A recording secretary who shall keep the official minutes of the meetings, reserve meeting room space, and handle all communications, including but not limited to meeting notices, will be supplied by the department.
- (b) Four (4) members of the g.o. board shall constitute a quorum.
- (c) The g.o. board shall meet as often as necessary to review and ~~adopt~~ issue recommendations on general orders for the department.
- (d) Meetings of the g.o. board shall be subject to Indiana's Open Door Law, IC § 5-14-1.5, as hereafter may be amended.

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

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

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