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1101.1 POLICE MERIT COMMISSION ARTICLE I ARTICLE I - COMMISSION RULES

The purpose of this Article is to establish the basic rules under which the Commission shall operate.

A. Quorum.

Three members of the Commission shall constitute a quorum for the transaction of business.

B. Officers.

The Commission shall elect a president, a vice-president and a secretary.

- (1) Term of Office. The officers of the Commission shall hold office for a term of one year.
- (2) Election of Officers. Each January, the members of the Commission shall elect the three officers from its own membership.
- (3) Vacancies and Removals. Membership vacancies and removals shall be filled by the procedure set forth in IC 36-8-3.5-7.

(4) Duty of the President. The President shall be the principal executive officer of the Commission and, subject to the control of the Commission, shall in general, supervise and control all of the business and affairs of the Commission. The President shall, when present, preside at all meetings of the Commission and shall preside as President of any hearing, including disciplinary hearings, before the Commission.

(5) Duty of the Vice-President. In the event of absence or incapacity to serve, on the part of the President of the Commission, the Vice-President shall function in the President's place.

(6) Duty of the Secretary. The Secretary shall:

- a) keep the minutes of all meetings.
- b) see that all notices are duly given in accordance with the provisions of these Commission rules and in accordance with IC 5-14-1.5-5 and 5-14-1.5-6.1.

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- c) sign with the President or Vice-President, any rules, regulations, orders which are adopted by the Commission.
- d) perform such other duties as from time to time may be assigned by the President or the Vice-President.
- e) maintain the eligibility list of applicants for hire and for promotion.

(7) Delegation of Authority. The Commission shall have the authority to delegate functions and duties of an administrative nature to officials or members of the Police Department of the City of West Lafayette, Indiana, or to any other persons. However, in no event, shall the delegation of specific functions or duties be construed as abandonment of its authority. The Commission will, at all times, retain its option to maintain concurrent administration of the function or duty, or to rescind its prior delegation. The Commission shall not have the power to delegate its rule-making function to any person or persons whatsoever.

(8) Employees. The Commission shall be empowered to retain the services of legal counsel. The Commission shall be empowered to employ the services of a stenographer or court reporter to take notes of all meetings and hearings to aid the Secretary of the Commission in the performance of his duties.

C. Meetings.

- (1) Regular Meetings. The Commission shall hold one regular meeting each month.
 - a) The regular meeting shall be held in the West Lafayette City Hall, unless otherwise changed by the Commission.
- (2) Special Meetings. Special meetings of the Commission may be held at any time and at any place within the City of West Lafayette, Indiana when called by the President of the Commission, or by the Vice-President in the absence or incapacity of the President. A special meeting may be called by the joint action of two (2) members of the Commission. It shall be necessary that a quorum be present to conduct a special meeting.
- (3) Adjourned Meetings. Adjourned meetings of any regular or special meeting may be held, if announced prior to the termination of the meeting which is to be adjourned, at which time, the time, place, and purpose of such adjourned meeting shall be announced.
- (4) Open Door Law. In all cases, meetings shall conform with IC 5-14-1.5, Indiana's Open Door Law.
- (5) Notice of Meetings.

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- a) The Secretary shall notify all members of the Commission of the special meetings. Such notice may be given in writing, by telephone, by personal contact or by any electronic means.
- b) The Secretary shall coordinate with the Office of the West Lafayette Clerk-Treasurer to notify the media by January 1 of each year of the regular meeting dates for the coming year. The Secretary or his/her designee will also provide notice to the media of any special meetings at least 48 hours in advance of the special meeting.
- c) The regular, special and adjourned meetings of the Commission are open to the public, except Executive Sessions held in accordance with I.C. 5-14-1.5-6.1, if the purpose of such special or adjourned meeting is the transaction of business of the Commission.
- d) All notices shall state the time, the place, and the purpose of the meeting.

(6) Conduct of Meetings. The rules of parliamentary procedure as set forth in Roberts Rules of Order shall govern meetings and proceedings before the Commission insofar as the same is not inconsistent with the rules of this Commission or the laws and statutes of the State of Indiana.

D. Maintenance of Records.

(1) Permanent Record. A permanent record of all acts and actions of the Commission shall be maintained by the West Lafayette Clerk-Treasurer.

a) The permanent records of the Commission shall be open for inspection at all times in accordance with I.C. 5-14-3 et seq.; except the personnel records which shall be open to inspection only to the person named thereon, or to his duly authorized representative, or to other persons who, in the judgment of the Commission have a lawful or legitimate reason for such inspection.

(2) Confirmation of Records of Prior Meeting. The first order of business of any regular meeting shall be the reading of the minutes of the previous meeting. At such time, the record may be amended, corrected or modified before final confirmation. The rescission, amendment, modification or affirmation of a prior action shall be noted on the margin of the record pertaining to the original action, as well as in full detail in the records of the subsequent meeting at which the modifying action was taken

(3) Record of Oral and Documentary Evidence. A complete record shall be kept of all oral and documentary evidence in any hearing before the Commission.

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(4) Records of All Hearings Shall Be Kept. In all hearings before the Commission, a complete record of the entire proceedings shall be kept. In the event of any appeal from the finding and/or order of the Commission, a transcript shall be prepared containing the record of the hearing along with the finding and order of the Commission, this transcript shall thereupon be made available to the court having jurisdiction of such appeal.

(5) Transcript to Court within Thirty (30) Days after Summons Issued On Appeal from Any Order or Finding of the Commission. A certified copy, certified by the President or the Vice-President and the Secretary, shall be delivered and filed in the court having jurisdiction of any appeal from any order or finding of the Commission within thirty (30) days after service of summons.

(6) Written Examinations. The Commission is responsible for the aptitude test given to applicants and the promotional test given to members seeking to be promoted. The Commission may hire outside sources to prepare and administer examinations under its control. The Commission shall adopt procedures for both written exams that comply with its Rules and Regulations.

E. Budget

The Commission shall establish an annual budget in an amount for the necessary expenses to carry out its purposes. Said budget shall be submitted to the Common Council of the City of West Lafayette to be included in its budget.

F. Hearings before the Commission.

All hearings held by the Commission on disciplinary matters shall be held in conjunction with Special Meetings of the Commission.

(1) Conduct of Hearings. All hearings before the Commission shall be held in such a manner as to obtain all facts material to the hearing, to protect the proper interests of all parties, and to render findings in accordance with the evidence presented.

(2) Procedure of Hearings. The procedures for the conduct of any hearing shall conform to the rules set forth in the Indiana Rules of Court.

(3) Power to Review Action. The Commission specifically retains the right and authority to review action taken by it on any matter, and after review, may rescind, modify or amend action previously taken.

(4) Appeals of Performance Ratings. The appeal to the Commission for review of a performance rating by a member and the resultant hearing of the appeal shall not constitute a hearing or require a special meeting of the Commission under this Section. However, the hearing of an appeal on a performance rating requires a quorum of the Commission, and a recording of the minutes of such hearing shall be retained in the files of the Commission.

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G. Adoption of Rules and Regulations.

The Commission shall adopt the rules necessary to carry out its duties and powers as set forth in the Statute creating the Commission.

(1) Adoption of Regulations. Each rule and regulation to be adopted shall be reviewed in full at a duly noticed special or regular meeting open to the public. After the review, questions may be raised concerning the rule; thereafter a vote shall be taken upon the proposed rules or regulations.

(2) Regulations Prospective Only. All rules and regulations are prospective and shall have force and effect as of the time of their adoption by the Commission.

(3) Regulations Binding on Commission. All rules and regulations shall be binding upon the Commission and all other parties from the time of adoption until modified, rescinded or amended by proper action at a regular or special meeting.

(4) Promulgation of Regulations. Upon the adoption of any rule or regulation, the Commission shall print such rule and regulation and furnish a copy to each member, and shall incorporate the rule or regulation in the regular minutes of the meeting at which such rule or regulation is adopted.

(5) Permanent Record of Regulations. All rules and regulations shall be kept in a permanent record, properly indexed, for ready reference. The master copy of this permanent record of rules and regulations shall be maintained by the West Lafayette Clerk-Treasurer or other designee. [Amended June 12, 2006]

(6) Each Regulation to be Numbered and Dated. Each regulation shall be numbered and dated as of the date of adoption.

(7) Amendments to the Rules. Amendments to the rules shall take effect upon such time as all members of the department have been furnished copies, or thirty (30) days after their adoption, whichever occurs later. The Chief will inform the Commission of the date on which copies have been furnished to all members of the department.

Police Merit Commission Article II

1102.1 POLICE MERIT COMMISSION ARTICLE II ARTICLE II - MEMBER APPOINTMENT

The purpose of this Article is to establish the qualifications and rules necessary for the selection and appointment of members of the West Lafayette Police Department.

A. Application Process.

(1) Application Forms. All applicants for appointment as a member of the Police Department shall obtain an application form from the City of West Lafayette Human Resources Department, from the West Lafayette Police Department website, or from a West Lafayette Police Department employee. The Commission shall review the application forms used to consider applicants for compliance with all federal and state laws.

(2) Completion of Application. All information requested in the application forms shall be filled out to the best knowledge and belief of the applicant. Any misrepresentation made in the application forms by the applicant may render the applicant ineligible for any position with the Police Department. Failure to provide all required information with the application will result in the application being rejected. The applicant must resubmit the entire application package in order to be considered for the hiring process.

(3) Limitation. Each applicant who has submitted a complete application package must take the next available agility and aptitude test. If the applicant fails to take the next available agility and aptitude test, the applicant must resubmit the application package to be reconsidered for the hiring process.

(4) Applicant Information. An applicant must supply the following along with the completed application form:

- a) birth certificate or satisfactory evidence of date and place of birth;
- b) copy of high school diploma or G.E.D. certificate or high school transcript showing graduation;
- c) copy of military Certificate of Release or Discharge from Active Duty (DD Form 214), if applicable;
- d) valid driver's license or application for valid driver's license.

(5) Initial Eligibility Requirements.

a) Citizen. An applicant must be a citizen of the United States of America.

b) Age. An applicant must be, at the time of application to be a member, at least twenty-one (21) years of age and less than forty (40) years of age. The age requirements do not

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apply to a person who has previously been employed as a member of the West Lafayette Police Department or if the person meets the waiver requirements set forth below.

1. **Age Waiver.** Notwithstanding any contrary law, the Merit Commission shall waive any age restriction for a person not more than forty (40) and six (6) months of age on the date the individual applies to be appointed and hired as a member of the police department and who meets the following requirements;

- a) the individual is a veteran who has completed at least twenty (20) years of military service;
- b) the individual received or is eligible to receive an honorable discharge from the armed forces;
- c) the individual meets all other requirements for appointment and hiring.

c) **Character.** An applicant must be of “good moral character” as determined by the Commission after review of all the requirements set forth in this Article.

d) **Felony Conviction.** An applicant shall not be appointed, reappointed or reinstated if he or she has a judgment of conviction for a felony.

e) **High School Graduate.** An applicant must be a graduate of a duly accredited high school or have received a G.E.D. certificate.

f) **Other Criteria.** In addition to the above, an applicant must have one of the following:

- (i) completed 60 semester hours or 90 quarter hours of post-secondary education at an accredited college, university or technical school with at least a 2.0 GPA based on a 4.0 grading scale;
- (ii) honorably completed 2 years of active service in the U.S. Military and received an Honorable Discharge or General Discharge (Under Honorable Conditions); or
- (iii) completed 2 years of employment as a full-time law enforcement employee.

B. **Examination Process.** An applicant must take and pass minimum agility and aptitude tests to determine physical condition and general aptitude prior to being considered for employment.

(1) **Physical Agility Test.** The Commission shall adopt a physical agility test with the following minimum standards:

- a) muscular strength;
- b) muscular endurance;
- c) cardiovascular endurance;
- d) musculoskeletal flexibility.

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The physical agility test shall not discriminate on the basis of sex and shall reflect the essential functions of the job. An applicant must meet or exceed these standards at the time of the application to be eligible to take the aptitude test and be considered for employment.

(2) General Aptitude Test. The Commission shall adopt a general aptitude test as part of the applicant's testing process. The general aptitude test shall:

- a) reflect the essential functions of the job;
- b) be administered in a manner that reasonably accommodates the needs of applicants with disabilities.

Each applicant must score at least 75% in each category on the test and receive an overall score of at least 80%. Failure to meet either of these criteria will result in the applicant being removed from the hiring process.

(3) Biennial Review. The Commission shall review all aspects of the testing process at least once every two years and periodically adopt procedures for conducting the test.

C. Interview with Police Review Board. An internal review board, consisting of members of the Department, as selected by the Chief, shall interview and rate the applicant. The Board's scores and comments for the applicant shall be forwarded to the Commission. Failure of an applicant to receive a combined average score of 75 or greater from the Police Review Board will result in the applicant being removed from the hiring process.

The Chief shall submit the format used by the internal review board to the Commission for approval.

D. Background Investigation. A background investigation, including a criminal background, is to be completed by the police department. After the background investigation has been completed, the Police Review Board shall assign a score of up to a maximum of 60 points. The points assigned by the Police Review Board are conditional. The Commission shall review the background investigation and either affirm or change the score given by the Police Review Board.

E. Polygraph Exam. After an applicant has gone through a background investigation, the applicant shall then submit to a polygraph exam, administered by a qualified polygraph examiner. In the event an applicant shows deception, or makes admissions that preclude that applicant from employment, the applicant shall be removed from the hiring process.

F. Interview with the Commission. All applicants remaining in the hiring process shall be interviewed by the Commission. The Commission shall then score the applicant based on the following weights given to the criteria set forth above:

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- (1) examination - 10%
- (2) police review board interview - 35%
- (3) background investigation - 20%
- (4) Commission interview - 35%

A minimum weighted score of 75% is necessary for the applicant to be placed on the eligibility list.

G. Eligibility List. The Commission shall then place the qualified applicants on an eligibility list ranked from highest to lowest score, which eligibility list shall be certified to the Board of Works.

If an applicant for original appointment reaches his or her fortieth (40th) birthday (or if applicant is entitled to the waiver described in Section A(5)(b)(1), 40 years and 6 months), the applicant's name shall be removed from the eligibility list. An applicant remains on the list for two (2) years from the date of their first certification. If an applicant is removed from the eligibility list after two (2) years, then the applicant may reapply and begin the hiring process again.

H. Additional Requirements. The Commission, after review, may establish additional standards as a condition of employment above the minimum standards set out above.

I. Filling Vacancies. The Chief shall notify the Commission in writing when a vacancy occurs in the department. The Commission shall then provide the Chief with the name of the applicant having the highest score on the Eligibility List. The applicant shall then:

- (1) be re-administered the physical agility test;
- (2) undergo an updated criminal background investigation to determine if the applicant is of continued good character.

J. Conditional Offer of Employment. The Chief shall inform the Commission after the physical agility test and the updated criminal background investigation has been re-administered. If the applicant passes these criteria, then the Commission may extend to the applicant a conditional offer of employment.

K. Eligibility Requirements under the 1977 Policeman's Pension Fund (PERF).

- (1) Conditional Appointment. An applicant's appointment is conditional on meeting the provisions for membership in the 1977 Police Officers' and Firefighters' Pension and Disability Fund (PERF) under IC 36-8-8-1 et seq.

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(2) Physical and Mental Examination. After the Commission extends a conditional offer of employment to an applicant, the Commission shall administer the baseline statewide physical and mental examination as prescribed by the PERF board. (IC 36-8-8-19)

L. Probationary Members.

(1) Probationary Period. All applicants who pass the physical and mental examination as prescribed by the PERF board will become probationary members for a period not to exceed one (1) year. Probationary members shall be rated in the same manner as other members of the department. If the Commission is notified by the Chief that the probationary member is not performing satisfactorily, the Commission shall notify the member in writing:

- a) that the member is being reprimanded;
- b) that the member is being suspended; or
- c) that the member will not receive a permanent appointment.

(2) Termination of Employment. If the Commission finds that the probationary member will not receive a permanent appointment, the member's employment shall terminate immediately.

(3) No Property Interest. Probationary members do not have a property interest in their position until such time as they become a permanent member.

(4) Termination of Probationary Period. If the Chief presents no finding prior to the end of the one (1) year probationary period, a member will automatically be considered a regularly employed member.

(5) Residential Requirement. Within six (6) months of appointment, a member shall reside within Tippecanoe County or a contiguous county.

M. State and Federal Laws.

(1) Rules Subject to Federal and State Law. These rules and regulations regarding the employment of members shall be subject to all state and federal laws. If the Chief becomes aware of any changes in the law that would affect these rules, he or she is to notify the Commission so that the necessary amendments may be made.

(2) Chief's Responsibilities. The Chief shall notify the Commission when an applicant's offer of employment is no longer conditional (after PERF has approved the applicant for the 1977 Fund).

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N. Furnishing Information to Applicants . A Commissioner who knowingly furnishes information to an applicant for original appointment that gives that person an advantage over another person commits a Class D felony.

Police Merit Commission Article III

1103.1 POLICE MERIT COMMISSION ARTICLE III ARTICLE III - RULES OF CONDUCT

The purpose of this Article is to give guidance and direction to the members of the West Lafayette Police Department regarding the Rules, Regulations and Information promulgated by the City of West Lafayette Police Merit Commission. These Rules and Regulations are intended to establish a pattern of operation which will lead to the highest efficiency of this Department, for greater public service to the City; and at the same time provide guidance and protection to the sworn officers of the Department.

A. Definition of Terms. These definitions shall apply throughout each Article of these Rules and Regulations.

- (1) Chief. The Chief of Police, as appointed by the Mayor of the City of West Lafayette, Indiana or anyone who acts as the designee of the Chief.
- (2) Commanding Officer. A superior officer in charge of a division during a tour of duty. The Chief is the commanding officer of the entire Department.
- (3) Superior Officer. A member having supervision, either temporarily or permanently, over members of a lower rank.
- (4) Ranking Officer. A commanding officer, a superior officer, or the member on the scene at the time whose permanent appointment to the Department was prior to that of any other member present at the time. The Chief may delegate responsibility for command of a detail or situation to an officer regardless of the member's rank or tenure status. In that event, said member shall be the ranking officer.
- (5) Member. An officer of the Department regardless of rank, gender, division, or duty.
- (6) Manual. A copy of the Rules and Regulations as promulgated by the Commission, which copy may be in print or various electronic formats. [new 02.14.2011]
- (7) On Duty. That period during which a member is actively engaged in the performance of the member's duties whether on a regular tour of duty or during an emergency.
- (8) Off Duty. That period during which a member is free from specified routine duty.
- (9) Special Duty. That period during which the member is assigned to perform duties which are not regular routine duties.
- (10) Order. Any instruction given by a ranking officer to a subordinate either written or oral.

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(11) General Order. A permanent instruction issued by the Chief, generally relating to a general circumstance or situation.

(12) Special Order. A written statement designed to give general departmental guidelines in regard to specific areas, issued by the Chief or Deputy Chief.

(13) Departmental Procedure. A general order, policy statement or special order, issued by the Chief.

(14) Truth Verification System. A polygraph machine or equivalent which is used to seek the truth from someone being administered the test.

B. Gender. This document is intended to be gender neutral, however, any reference throughout Articles I through VI of these Rules and Regulations to the masculine gender shall be deemed to include the feminine and neuter genders unless the context otherwise requires.

C. Role of the Chief of Police.

(1) Duties. The Chief shall be the commanding officer of the entire Department, subject to the laws of the United States, the State of Indiana, the Ordinances of the City of West Lafayette and the Rules and Regulations of the City of West Lafayette Police Merit Commission. The Chief shall devote his or her whole time and energy exclusively to the discharge of the duties of the Chief. The Chief shall see that all laws of the State, Ordinances of the City, and Rules and Regulations of the Commission are enforced and followed, in so far as it is possible, by the members under his or her command, and that all offending members are reported to the proper tribunals for discipline. The Chief may designate another member to act on his or her behalf.

(2) Powers. The Chief shall have the power to promulgate such orders to the members as may be deemed proper. It shall be the duty of all members to render to the Chief, and to orders, implicit obedience in conformity to the laws and ordinances and to such rules and regulations as the Commission may adopt from time to time.

(3) Custody of Property. The Chief shall have custody and control of all books, records, machines, tools, implements, apparatus or equipment of any kind necessary for use in the and of all public property pertaining to, connected with and belonging to the City.

(4) Reports. The Chief shall cause to be made to the Commission such reports as it may require from time to time.

D. Duties of Members. Members should understand that these rules and regulations are not expected to cover each specific case which may arise in the discharge of their duties, but that some things must necessarily be left to the intelligence, discretion, good judgment and good sense of the individual member.

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- (1) Access to Manual. Each member shall have access to the Manual and shall keep up to date at all times regarding changes to any rule or regulation as communicated to them by their superiors. [revised 02.14.2011]
- (2) Familiarity with Rules. Each member shall study the contents of the police manual and shall familiarize himself with all rules and regulations governing the Department. He shall also familiarize himself with the laws of the State and the ordinances of the City.
- (3) Violation of Rules. Strict obedience to these rules shall be required. Members shall not commit any acts or omit any acts which constitute a violation of any of the rules, regulations, directives or orders of the Department, whether stated in these rules and regulations or elsewhere. Violation shall result in discipline under Article IV.

E. Regulations for Members of the Police Department.

- (1) Unbecoming Conduct. Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon any member, or that which impairs the operation or efficiency of the Department or its members. Members shall maintain a level of conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident which impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute, including but not limited to:
 - a) use of profane language in public;
 - b) loss of temper and self-control;
 - c) discourteous treatment of a citizen or fellow law enforcement officer;
 - d) loud, boisterous, vulgar, indecorous, clownish or obtrusive behavior in public;
 - e) repeating rumors or falsehoods concerning a fellow officer, or holding a fellow officer up to ridicule;
 - f) knowingly submitting a false report to the Department;
 - g) knowingly withholding information from the Department, the prosecuting attorney, or any court in which the officer is a witness;
 - h) be guilty of any violation of criminal and/or traffic laws.
- (2) Reporting for Duty. Members shall report for duty at the time and place required by assignment or order and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.

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(3) Courtesy. Members shall be courteous to each other and to the public. Members shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, members shall not use violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, sexual orientation, lifestyle or other personal characteristics.

(4) Identification. Members shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and badge number to any person requesting that information, when they are on duty or when holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

(5) Personal Appearance.

a) Members on duty shall wear uniforms or other clothing in accordance with established departmental procedure.

b) Except when acting under proper and specific orders from a superior officer, members on duty shall maintain a neat, well-groomed appearance and shall style their hair according to departmental procedure.

(6) Conformance to Laws.

a) Members shall obey all laws of the United States and the laws of any state and local jurisdiction in which the member is present.

b) A conviction for the violation of any law shall be prima facie evidence of a violation of this section.

(7) Insubordination. Neglect or Disobedience of Orders. Members shall promptly obey any lawful orders of a superior or commanding officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank.

Elements. Neglect or disobedience of orders.

(a) That there was in effect a certain lawful order or regulation;

(b) That the accused had a duty to obey it; and

(c) That the accused violated or failed to obey the order or regulation.

(8) Conflicting or Illegal Orders.

a) Members who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the superior officer issuing the conflicting order. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Members shall obey the conflicting order

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and shall not be held responsible for disobedience of the previously issued order, rule, regulation or directive.

b) Members shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, members shall request the issuing officer to clarify the order. The member shall report the illegal order to the Chief or Deputy Chief. If the Chief or Deputy Chief issued the illegal order, then the member shall report the illegal order to a member of the Commission.

(9) Dissemination of Information. Members shall treat all official information received in the performance of their duty (whether on duty or off duty) as confidential. Official information shall be disseminated to those for whom it is intended as set forth in departmental procedure.

Members may not remove or copy any official records except as provided by departmental procedure. Members may not divulge the identity of persons giving confidential information except as authorized by proper authority.

(10) Possession and Use of Alcohol.

a) Members shall not possess or consume intoxicating liquors of any kind while on duty or in uniform. In the event of a special investigation or undercover work, this rule may be waived by the Chief of Police, to the extent that drinking intoxicating liquor may be permitted, but never to the extent of intoxication in such an assignment. [Amended June 12, 2006]

b) Members shall not appear for duty, or be on duty, while under the influence of intoxicating beverages to any degree whatsoever, or with an odor of intoxicating beverages on their breath or person.

(11) Use of Alcohol While Off Duty. Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the Department, or renders the member unfit to report for their next regular tour of duty.

(12) Alcoholic Beverages and Drugs in Municipal Buildings. Members shall not store or bring into any public facility, building or vehicle, alcoholic beverages, controlled substances, narcotics or hallucinogens except those items that are to be held as evidence.

(13) Possession and Use of Drugs. Members shall not possess or use any controlled substances, narcotics, or hallucinogens except where the member is being treated by a physician or dentist, who has prescribed the drug. If a member is under a physician's care and being treated with any of the above, the member shall immediately notify his commanding officer.

(14) Leaving Duty Post or Absence Without Leave. Members shall not leave their assigned duty post during a tour of duty except when authorized by proper authority.

Elements. Absence without leave.

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(a) That a certain authority appointed a certain time and place of duty for the accused;

(b) That the accused knew of that time and place; and

(c) That the accused, without authority, failed to go to the appointed place of duty at the time prescribed, or went from the appointed place of duty after having reported at such place.

(15) Neglect of Duty.

Elements: Neglect of duties

(a) That the accused had certain duties;

(b) That the accused knew or reasonably should have known of the duties; and

(c) That the accused was (willfully) (through neglect or culpable inefficiency) derelict in the performance of those duties.

Explanation of neglect of duties

(a) Duty. A duty may be imposed by statute, regulation, lawful order, or standard operating procedure.

(b) Knowledge. Actual knowledge of duties may be proved by circumstantial evidence. Actual knowledge need not be shown if the individual reasonably should have known of the duties. This may be demonstrated by regulations, training or operating manuals, or testimony, testimony of persons who have held similar or superior positions, or similar evidence.

(c) Derelict. A person is derelict in the performance of duties when that person willfully or negligently fails to perform that person's duties or when that person performs them in a culpably inefficient manner. "Willfully" means intentionally. It refers to the doing of an act knowingly and purposely, specifically intending the natural and probable consequences of the act. "Negligently" means an act or omission of a person who is under a duty to use due care which exhibits a lack of that degree of care which a reasonably prudent person would have exercised under the same or similar circumstances. "Culpable inefficiency" is inefficiency for which there is no reasonable or just excuse.

(d) Ineptitude. A person is not derelict in the performance of duties if the failure to perform those duties is caused by ineptitude rather than by willfulness, negligence, or culpable inefficiency, and may not be charged under this article, or otherwise punished.

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(16) Fictitious Illness or Injury Reports. Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the City as to the condition of their health.

(17) Sleeping on Duty. Members shall remain awake while on duty. If unable to do so, they shall report to their commanding officer, who shall determine the proper course of action.

(18) Meals. Members shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of taking meals during their tour of duty, but only for such period of time, and at such time and place, as established by departmental procedure.

(19) Unsatisfactory Performance. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the function and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the applications of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's rank, grade, or position; the failure to take appropriate action on the occasion of crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance:

a) Repeated poor evaluations;

b) Written record of repeated infractions of rules, regulations, directives or orders of the Department.

(20) Off Duty Employment.

a) Members may engage in off duty employment subject to the following limitations:

(i) such employment shall not interfere with the member's employment with the Department;

(ii) members shall submit a written request for off-duty employment to the Chief, who shall determine whether the member may engage in off duty employment;

(iii) members shall not engage in any employment or business involving bail bond agencies, any work for private investigative agencies, private guard services, collection agencies or attorneys without the written consent of the Chief.

b) Approval of off duty employment may be denied by the Chief where it appears that:

(i) the member will be unavailable during an emergency;

(ii) the member will be physically or mentally exhausted to the point that his performance may be affected;

(iii) the member will require special consideration in scheduling of his regular duty hours; or

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(iv) the member will bring the Department into disrepute or impair the operation or efficiency of the Department or its members.

(21) Use of Tobacco. Members, when in uniform, may use tobacco as long as:

- a) they are not in a formation;
- b) they do not have to leave their assignment or post for the sole purpose of doing so;
- c) they are not engaged in traffic direction and control; or
- d) they are not in an area, public or private, that prohibits smoking.

When they are in direct contact with the public, members must obtain permission to use tobacco from the public with whom they are in direct contact.

(22) Gifts, Gratuities, Bribes or Rewards. Members shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the member or the Department if it may reasonably be inferred that the person, business, or organization

- a) seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty;
- b) has an interest which may be substantially affected directly or indirectly by the performance of an official duty.

(23) Abuse of Position.

- a) Members shall not use their official position, official identification card or badge for
 - (i) personal or financial gain;
 - (ii) obtaining privileges not otherwise available to them except in the performance of duty;
 - (iii) avoiding consequences of illegal acts.
- b) Members shall not authorize the use of their name, photograph or official title which identifies them as an officer, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief.

(24) Endorsements and Referrals. Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional or commercial services (e.g. attorney, ambulance, towing service, bondsman, mortician, etc.). In case of ambulance or towing services, when such service is necessary and the person needing the service is unable or unwilling to procure it

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or request assistance, members shall proceed in accordance with established departmental procedure.

(25) Citizen Complaints. Members shall courteously and promptly record in writing any complaint made by a citizen against any member or the Department. Members may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from filing a complaint against any member or the Department. Members shall follow established departmental procedure for processing complaints.

(26) Request for Assistance. When any person applies for assistance or advice, or makes a complaint or report, either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established departmental procedure.

(27) Personal Associations. Members shall avoid regular or continuous association or dealings with persons who they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in illegal and criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of personal relationship.

(28) Visiting of Prohibited Establishments. Members shall not knowingly visit, enter or frequent any establishment wherein the laws of the United States, the state or local jurisdiction are regularly violated, except in the performance of duty or while acting under proper and specific orders from a superior officer.

(29) Gambling. Members shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty or while acting under proper or specific orders from a superior officer.

(30) Public Statements and Appearances. Members shall not publicly criticize or ridicule the Department, its policies or other members, by speech, writing or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline or is made with reckless disregard.

Members shall not address public gatherings, appear on radio or television, prepare articles for publication, act as correspondent to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Department while holding themselves out as representing the Department in such matters without proper authority. Members may lecture on "police" or other related law enforcement subjects only with the prior approval of the Chief.

(31) Reporting Illness or Injury. In case of illness or injury, members must report the facts to their commanding officer without delay.

(32) Surrender of Property. Members who are dismissed or resign shall immediately surrender to the Chief all equipment owned by the City and the Department.

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- (33) Accident Reports Affecting the City. Members shall make a complete detailed report of all accidents or personal injuries which may result in a lawsuit against the City.
- (34) Police Auction. Members shall not be allowed, directly or indirectly, to purchase goods sold at any auction held by the Department.
- (35) Report of Stolen or Damaged Property. Members shall immediately report to their shift commander lost or damaged property owned by the City or the Department.
- (36) Labor Activity.
- a) Members shall have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law or directed by the Mayor.
 - b) Members shall not engage in any strike against the City or Department.
- (37) Payment of Debts. Members shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline, except in the unusual or severe cases. Repeated instances of financial difficulty may be cause for disciplinary action. Voluntarily filing a petition for bankruptcy relief is not a cause for discipline. Members shall not co-sign or act as surety for any debt of a superior officer.
- (38) Telephone Service. Members shall have telephone service and shall immediately report any changes of telephone numbers or addresses to their superior officer or any other person as may be appropriate.
- (39) Intervention.
- a) Members shall not interfere with cases being handled by other officers or by any other governmental agency, unless:
 - (i) ordered to intervene by a superior officer; or
 - (ii) the intervening officer believes, beyond a reasonable doubt, that a manifest injustice would result from failure to take immediate action.
 - b) Members shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their commanding officer unless the situation requires immediate police action.
- (40) Departmental Reports. Members shall submit all necessary reports on time and in accordance with established departmental procedure. Reports submitted by members shall be truthful and complete, and no member shall knowingly enter or cause to be entered any inaccurate, false or improper information, or withhold information from the Prosecuting Attorney or from any court.
- (41) Processing Property and Evidence. Property or evidence which has been discovered, gathered or received in connection with departmental responsibilities will be processed in

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accordance with established departmental procedure. Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedure.

(42) Abuse of Process. Members shall not make false accusations of a criminal or traffic charge.

(43) Use of Department Equipment. Members shall utilize the Department's equipment for its intended purpose only, in accordance with established departmental procedure, and shall not abuse, damage or lose Department equipment. All Department equipment issued to members shall be maintained in proper repair.

(44) Operating Vehicles. Members shall operate official vehicles in a careful and prudent manner with due regard, obeying all laws and all departmental orders pertaining to such operation. Loss or suspension of any driving privileges shall be reported to the member's commanding officer immediately.

(45) Firearms. Members shall carry firearms in accordance with federal, state and local laws and established departmental procedure.

(46) Truthfulness. Upon the order of the Chief or a superior officer, members shall truthfully answer all questions asked of them which are specifically directed and narrowly related to the scope of employment and operation of the Department.

(47) Use of Truth Verification and Medical Examinations, Photographs and Lineups.

a) Upon the order of the Chief, members shall submit to truth verification examinations which are specifically directed and narrowly related to a particular internal investigation being conducted by the Department. Whenever a complaint from a citizen is the basis for the investigation, the matter is noncriminal, and no corroborating information has been discovered, members shall not be required to submit to a truth verification examination unless the citizen also submits to a truth verification examination which is specifically directed and narrowly related to the complaint.

b) Upon the order of the Chief, members shall submit to any medical, ballistic, chemical, photographic, lineup or any other examination or test. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular investigation being conducted by the Department.

(48) Disclosure of Personal Information. Upon the order of the Chief, members shall submit financial or other personal information statements in accordance with departmental procedures. The order for disclosure shall only be given in connection with a complaint in which this information is material to an investigation.

(49) Treatment of Persons in Custody. Members shall not mistreat persons who are in their custody. Members shall handle such persons in accordance with federal, state and local laws and departmental procedure.

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(50) Use of Force. Members shall not use more force in any situation than is reasonably necessary under the circumstances. Force shall be used only in accordance with federal, state or local laws and the Department's "Use of Force" policy.

(51) Use of Weapons. Members shall not use or handle weapons in a careless or imprudent manner. Weapons shall be used only in accordance with federal, state or local laws and departmental procedure.

(52) Arrest, Search and Seizure. Members shall not make any arrest, search or seizure which they know or should know is not in accordance with any federal, state or local law or departmental procedure.

(53) Political Activity.

a) Subject to Section b, members shall be permitted to:

(i) register and vote in any election;

(ii) express opinions as individuals, privately and publicly, on political issues and candidates;

(iii) attend political conventions, rallies, fund raising functions and similar political gatherings;

(iv) sign political petitions as individuals;

(v) make financial contributions to political organizations;

(vi) hold membership in a political party and participate in its functions to the extent consistent with federal, state and local law and with the rules and regulations set forth in this section;

(vii) otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.

b) Members are prohibited from:

(i) using their official capacity on the Police Department to influence, interfere with or affect the results of an election;

(ii) serving as paid election officials;

(iii) engaging in any political activity while on duty and/or in uniform;

(iv) posting or delivering any campaign materials in City property;

(v) seeking or accepting campaign funds from subordinates.

c) Pursuant to IC 36-8-3-12, members may:

(i) be candidates for elective office and serve in that office if elected;

(ii) be appointed to any office and serve in that office if appointed;

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(iii) as long as they are not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the office for which they are candidates.

(54) Immoral Conduct. Members shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement officers, or causes the Department to be brought into disrepute.

(55) Examination by Police Physician. Members may be required to submit to an examination by a physician chosen by the Chief when the Chief determines that a member's physical or mental condition may adversely affect the member's ability to perform his duties. The physician shall submit a report to the Chief with his findings regarding the member's physical and mental condition.

Police Merit Commission Article IV

1104.1 POLICE MERIT COMMISSION ARTICLE IV ARTICLE IV - DISCIPLINE

The purpose of this Article is to supplement the disciplinary action the Police Merit Commission may take as set forth in I.C. 36-8-3.5-17 through 19.

A. Offenses Which Require Disciplinary Action.

(1) Offenses. I.C. 36-8-3.5-17(b) states that disciplinary action may be taken for the following offenses:

- a) conviction of a crime;
- b) neglect of duty: This offense is defined in Article III.E.(15) of these rules and regulations;
- c) neglect or disobedience of orders: This offense is defined in Article III. E. (7) of these rules and regulations;
- d) continuing incapacity;
- e) absence without leave: This offense is defined in Article III.E.(14) of these rules and regulations;
- f) immoral conduct: This offense is defined in Article III.E.(54) of these rules and regulations;
- g) conduct injurious to the public peace or welfare;
- h) conduct unbecoming a member: This offense is defined in Article III.E.(1) of these rules and regulations.
- i) furnishing information to an applicant for appointment or promotion that gives that person an advantage over another applicant; or
- j) a finding of a breach of the rules of conduct as set forth in Article III of these Rules and Regulations.

B. Disciplinary Action by the Commission. Pursuant to I.C. 36-8-3.5-17(a), the Commission may take the following disciplinary action against a regular member of the department:

(1) Actions Available.

- a) Suspension with or without pay;

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b) Demotion; or

c) Dismissal;

(2) Remuneration. If a member is suspended, that member is entitled to the member's remuneration and allowances for insurance benefits to which the member was entitled before the suspension. In the event the City of West Lafayette is providing other fringe benefits to the suspended member, the City may continue to provide those benefits. The Commission shall determine if a member who is suspended in excess of five (5) days shall continue to receive the member's salary during the suspension.

(3) Fair Administration. All discipline shall be administered firmly, promptly, fairly and judiciously. In no event shall personal bias or discrimination affect the handling of disciplinary matters.

C. Pro cedures for Disciplinary Action. Pursuant to I.C. 36-8-3.5-17(c), the procedure for charging a member with a violation of this Article IV(A) is as follows:

(1) Charges and Hearing. If the Chief, after an internal investigation, prefers charges against a member for an alleged breach of departmental rules and regulations (including any civilian complaints for an alleged breach of Subsections (A)(1)(f), (A)(1)(g) or (A)(1)(h)), a hearing shall be conducted AT THE REQUEST OF THE MEMBER CHARGED.

a) Within five (5) days of requesting a hearing, the parties (being the officer charged and the Chief of police) may designate, by agreement, a hearing officer. Said hearing officer must be qualified by education, training or experience.

b) If the parties do not agree with this five (5) day period, the Commission may hold the hearing.

c) The Commission may, in its discretion, designate a person or board, who is qualified by education, training, or experience, to conduct the hearing. Such person or board may not be in an upper level policy making position.

d) The hearing must be held within thirty (30) days of the member's request. Continuations of the hearing may be granted by the Commission for good cause.

e) If the member fails to request a hearing within five (5) days of the charges being preferred, the Commission shall review the findings of the Chief and take disciplinary action against the member under Section B(1).

(2) Notice. Notice of a hearing shall be in writing and served upon the member charged either by personal service or by leaving a copy of the notice at the member's last and usual place of residence. The notice shall be given at least fourteen (14) days prior to the date set for the hearing.

a) The notice must state the following:

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- (i) the time and place of the hearing;
 - (ii) the charges against the member;
 - (iii) the specific conduct that comprises the charges;
 - (iv) that the member is entitled to be represented by counsel or another representative of the member's choice;
 - (v) that the member is entitled to call and cross-examine witness;
 - (vi) that the member is entitled to require the production of evidence; and
 - (vii) that the member is entitled to have subpoenas issued, served, and executed.
- b) The Commission may:
- (i) compel the attendance of witnesses by issuing subpoenas;
 - (ii) examine witnesses under oath; and
 - (iii) order the production of books, papers, and other evidence by issuing subpoenas.
- (3) Refusal to Cooperate. If a witness refuses to appear at the hearing after receiving written notice requiring his attendance, or refuses to produce evidence that the Commission requests by written notice, the Commission may file an affidavit in the Tippecanoe Circuit Court setting forth the facts of the refusal. The Judge of the Tippecanoe Circuit Court shall issue a summons for service by the Sheriff of Tippecanoe County requiring the appearance of the witness or the production of information or evidence.
- a) Contempt. Disobedience of the summons constitutes contempt of the Tippecanoe Circuit Court. Expenses for the filing of the affidavit and issuance of the summons shall be charged to the witness, unless the Court finds that the witness acted in good faith and with reasonable cause. Otherwise all expenses shall be charged to the Commission.
- (4) Burden of Proof. Any decision to discipline a member shall be made only if the preponderance of the evidence presented at the hearing indicates such course of action.
- (5) Review. In the event a hearing was conducted by a hearing officer or board, other than the Commission, the member may appeal any decision by said hearing officer or board to the Commission within ten (10) days of the decision. The Commission may then affirm, modify, or reverse the decision based upon the record and any oral or written testimony (including additional or newly discovered evidence) that the commission determines.
- (6) Records of Hearings. The Commission (including any hearing officer or board) shall keep a record of any disciplinary proceedings. The Commission shall give a free copy of the transcript to the member upon request if an appeal is filed.

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D. Summary Discipline.

(1) Actions of Chief. Pursuant to I.C. 36-8-3.5-19, the Chief may, without a hearing, choose to summarily discipline a member, which discipline may include an oral reprimand, a reprimand in writing, or suspend without pay for a maximum of five (5) working days. One (1) day shall be equal to eight (8) hours of paid time.

(2) Commission Notification. If the Chief reprimands a member in writing or suspends a member, then, within forty-eight (48) hours, the Commission shall be notified in writing of the following:

- a) member's name;
- b) member's rank;
- c) discipline imposed;
- d) the reasons for the discipline imposed.

(3) Review Request. A member who is reprimanded or suspended may request, in writing, within forty-eight (48) hours of notification of the summary discipline, that the Commission review the summary discipline. The Commission may either affirm or reverse the Chief's decision.

(4) Hearing on Summary Discipline. The Commission may hold a hearing, at its discretion, to review the Chief's summary disciplinary actions. If a hearing is held, the Commission shall give the member written notice of the hearing either by personal service or by leaving a copy of the notice at the member's last and usual place of residence. The notice shall be given at least fourteen (14) days before the date set for the hearing and shall contain all of the provisions of Subsection C (2) above.

(5) Back Wages. If the Commission reverses the actions of the Chief, the member who was suspended is entitled to any wages withheld as a result of the suspension.

E. Appeals to the Court. Pursuant to I.C. 36-8-3.5-18, a member has the following rights with regard to a decision of the Commission:

(1) Right of Appeal. If a member is suspended for more than ten (10) calendar days, demoted, or dismissed by the Commission, that member may appeal the Commission's decision to the Circuit or Superior Court of Tippecanoe County.

(2) Indiana Trial Rules. All appeals to the court shall be filed according to the Indiana Rules of Court except:

- a) the appeal must be verified and filed within thirty (30) days of the Commission's decision;
- b) the City of West Lafayette shall be the sole defendant;

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c) the City of West Lafayette is assumed to deny all allegations and does not need to file a responsive pleading;

d) the member must file a bond at the time of filing the appeal conditioned on the member prosecuting the appeal to a final determination and paying the court costs incurred in the appeal;

e) the Commission shall file a transcript of all papers, entries, and other parts of the record relating to the case within thirty (30) days after service of summons.

(3) Priority. The appeal shall take precedence over other litigation pending before the court.

F. Precedence. In the event Indiana statute is in conflict with any rules of the Commission, the Indiana statute shall take precedence.

Police Merit Commission Article V

1105.1 POLICE MERIT COMMISSION ARTICLE V ARTICLE V - PROMOTIONS

The purpose of this Article is to adopt, promulgate, supervise and enforce rules and regulations that will govern promotions of members of the Police Department.

A. Factors Governing Promotions.

- (1) Factors. The following four factors shall be used for rating a member below the rank of Deputy Chief for the purpose of promotion:
- a) the scores received by a member on a written competitive promotional examination;
 - b) the performance record of a member as hereinafter defined;
 - c) the number of years of service as a member;
 - d) the performance on the oral competitive interview.

B. Selection for Eligibility for Promotion.

- (1) Composite Points for Sergeant, Lieutenant or Captain. Any member who desires to be placed on an eligibility list for promotion to a rank of Sergeant, Lieutenant or Captain shall be qualified as to rank and length of service as set forth below. The weight given to the factors set forth in Section A above shall be as follows:
- a) Thirty percent (30%) for a written competitive promotional examination, based upon the most recent results of a written promotional examination administered annually;
 - b) Forty percent (40%) for the average of the last 6 performance ratings prior to the date an eligibility list is created;
 - c) Ten percent (10%) for length of service calculated to the date the date an eligibility list is created;
 - d) Twenty percent (20%) for the oral competitive interview administered annually when there is eligibility for promotion.
- (2) Other Qualifications for Promotion.
- a) All promotions to any rank shall be from the next immediate lower rank without regard to division.
 - b) Members who are eligible to take the promotional exam are only those members who, at any time during the calendar year in which the member takes the promotional exam, have been or will become members for a minimum of three (3) years.

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c) The member being promoted must have served at the lower rank for a minimum of two (2) years, except for Sergeant, in which case the member must have served at the lower rank for a minimum of three (3) years.

d) However, the two-year minimum in-service requirement for Lieutenant and Captain may be waived on a case-by-case basis if the Commission finds particular circumstances exist which make the requirement contrary to the best interest of the Police Department.

C. Eligibility List.

The Commission shall establish an eligibility list for promotion. The eligibility list for a position consists of members who have been placed on the list in the order of their cumulative score on all rating factors as set forth above in Section B(1). The eligibility list shall be maintained for two (2) years from the date of certification. After the first year following certification, the Commission shall certify a modified eligibility list, which will include newly qualified candidates for promotion and will remove candidates ineligible for promotion due to the passage of two years of being on the eligibility list. At the end of the two-year period, the list shall be retired and a new list established. The retired list shall be kept for five (5) years and then destroyed.

D. Written Competitive Promotional Examinations.

(1) Written Exam. A written competitive promotional examination shall be given to those eligible members seeking to be promoted to the rank of Sergeant, Lieutenant, or Captain.

The examination shall be given annually in January, February or March. The results of the examination are valid for one (1) year from the date of the examination. Members seeking promotion must take the examination each year, and the score from the most recent examination shall be used in calculating the score for the eligibility list. The Commission shall notify the members of the written materials from which the questions will be taken. The Commission may employ instructors, purchase materials, and make other expenditures to provide information for those taking the examination. Members seeking promotion will sign up for the examination in the City of West Lafayette Human Resources Office. Study guide materials may be loaned to individuals who sign up for the examination.

(2) Grading. The grading of the examination shall be graded on the basis of one hundred percent (100%) for a perfect score. Such score shall then be converted to the thirty percent (30%) factor as used for determining composite points for promotion.

(3) Administration. Preparation and grading of the written promotional examinations shall be under the administration of the Commission. In no event shall the persons grading the examinations be permitted to know the name of the member who has taken the examination which is being graded. The Commission shall keep all written examinations confidential.

(4) Notification of Score. After the exams are scored, the Commission shall notify each member in writing of the score received on the examination. Said score shall become a part of the permanent file of the member. The member is entitled to access his file at any time.

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(5) Commission Supervision. The examination papers shall be kept under the Commission's supervision.

(6) Appeal of Score. A member who disagrees with his score on the written examination may appeal to the Commission for review of the score.

a) The member must file the appeal within ten (10) days after the date the Commission sends the score to him.

b) The member may review the test questions which were incorrectly answered by him and challenge the answers considered correct by the test examiner.

c) The Commission shall either affirm the score or correct the score according after a review of the findings.

(7) Retention of Exams. The examination papers shall be retired after the two (2) year period for which the eligibility list is valid. The retired examinations shall be retained for five (5) years and then destroyed.

E. Oral Competitive Interviews with the Commission. The Commission shall interview members seeking promotion annually after they have taken the written examination. The interviews shall be completed prior to the end of April.

(1) Interview Calculation. The interview shall be graded on the basis of twenty (20) points for a perfect score. The member's score shall then be used in calculating the score for the eligibility list.

F. Performance Ratings.

(1) Ratings Procedure. Performance ratings shall be made every six (6) months for each member below the rank of Deputy Chief. The performance rating shall be conducted by the member's superior and reviewed by the commanding officer of the member. The performance rating shall be submitted to the Chief and kept on file permanently in his office. The Chief shall notify each member of their rating in writing.

a) The Commission shall determine the form to use for performance ratings;

b) If a member is aggrieved with the performance rating, the member shall have the right to appeal to the Commission for a review of the rating within ten (10) days after notice of the rating;

c) The Commission, after reviewing the rating, shall have the authority to affirm or change the rating.

(2) Rating Calculation. The past performance ratings to be used for eligibility for promotion of a member shall be the arithmetic average for the member's last six (6) performance rating scores received at any rank. Such score shall then be converted to the forty percent (40%) factor as used for determining composite points for promotion.

G. Length of Service Score.

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(1) Seniority Calculation. Seniority scores shall be calculated to the date of the certification of the eligibility list at the rate of one (1) point for each year served on the department for promotion to the ranks of Sergeant, Lieutenant and Captain. No points are given for less than a full year served.

(2) Military Service. Military service, while on leave from the Department, shall be included in the seniority score.

(3) Maximum Seniority Score. The maximum possible score for seniority shall be twenty (20) points for promotion to the ranks of Sergeant, Lieutenant and Captain. Such score shall then be converted to the ten percent (10%) factor as used for determining composite points for promotion.

H. Eligibility for Promotion.

(1) Vacancy. When a vacancy in rank occurs, the Commission shall certify, in writing, to the Chief, the members having the three highest scores on the eligibility list for promotion to that rank.

(2) Chief's Recommendation. Within six (6) months of receiving the certified names from the Commission, the Chief shall recommend one (1) of eligible members for promotion to the vacant rank.

(3) Promotion. Upon the recommendation of the Chief, the Commission shall promote the member to the vacant rank.

I. Probationary Period. All promotions shall be considered as probationary for a period not to exceed one (1) year from date of appointment.

(1) Review by Superior. At the end of the first year of probation, the probationary member's superior shall review the member's performance and recommend to the Commission that:

a) the promotion be granted permanent status;

b) the promotion be revoked.

(2) Rating the Probationer. Probationary members shall be rated in the same manner as other members of the department. The Commission shall review the report and decide what action should be taken.

(3) Review. The probationary member is entitled to appear before the Commission and be heard on any matter he considers detrimental in the report.

a) The probationary member may be represented by counsel or another representative of his choice.

b) If the promotion is revoked, the member may not be returned to a rank lower than that he held before the promotion.

J. Appeal. The member aggrieved by actions of the Commission, other than making the promotion permanent, may appeal those actions, within thirty (30) days of the action, to the Tippecanoe

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Circuit or Superior Court. The City of West Lafayette shall be the sole defendant in any appeal to the courts.

K. Furnishing Information to Members Eligible for Promotion. A Commissioner who knowingly furnishes information to a member eligible for promotion that gives that person an advantage over another person commits a Class D felony.

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Police Merit Commission Article VI

1106.1 POLICE MERIT COMMISSION ARTICLE VI ARTICLE VI – MERIT AWARDS

The purpose of this Article is to establish the system whereby members of the West Lafayette Police Department may be recognized and commended for meritorious service. West Lafayette Police Department sworn officers as well as civilian personnel are eligible for recognition through this merit awards system.

A. Merit Awards. Merit awards in the following categories may be awarded:

(1) Gold. Gold awards are for actions above and beyond the call of duty, in the face of certain and imminent danger to life and limb. Awards at this level are reserved for those acts that are performed in the course of a dangerous incident to save and/or protect the life of a colleague or citizen without regard of self. These acts often result in great cost when performed, including the loss of life. Recipients shall display the highest level of professionalism, competence, leadership, and clear thinking throughout the dangerous incident whether these actions are performed while on or off duty.

(2) Silver. Silver awards are for actions above and beyond the call of duty that disregard the potential danger to self. Actions in this category are of a lesser nature than actions required to be recognized by a Gold award.

(3) Bronze. Bronze awards are for actions above and beyond the call of duty. Actions in this category are of a lesser nature than actions required to be recognized by a Silver award.

(4) Additional Awards.

a) Injury on Duty. For injury sustained while in direct performance of the officer's duty to the public which requires hospitalization. The injury must be sustained while making an arrest, patrolling, or performing a service directly to the public.

b) Good Conduct. For four consecutive years of good conduct.

c) Safe Driving. For four consecutive years without a chargeable official vehicle traffic accident.

d) Educational. For completion of a college degree while an employee of the West Lafayette Police Department or 1100 hours of certified police training.

e) Exceptional Service. For any act judged to be exceptional in nature. This may be a single arrest, an investigation, or a series of arrests, programs, or functions at an exceptional level.

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f) Officer of the Quarter. For outstanding achievement throughout a calendar quarter that brings credit to the Police Department and which involves performance well above and beyond that required by an officer's basic assignment.

g) Officer of the Year. For outstanding achievement throughout the year that brings credit to the Police Department and which involves performance well above and beyond that required by an officer's basic assignment.

h) Unit/Shift Citation. For sworn members of a Unit/Shift who exhibit exceptional professional skill and conduct during a coordinated law enforcement initiative.

i) West Lafayette Police Department Distinguished Citizen's Award. For a citizen who at grave and imminent personal danger provides extraordinary service to the West Lafayette Police Department or substantially assists in the apprehension of a criminal.

j) West Lafayette Police Department Citizen's Award. For citizens or organizations who have aided the West Lafayette Police Department.

B. Group Awards. Gold, Silver, or Bronze awards may be awarded as a group award in situations involving multiple officers whose individual roles cannot be measured or weighted against the actions of other officers involved in the incident. Rather, it is for those officers who, acting in concert with each other, display a high level of teamwork in controlling a disturbance or bringing an incident under control.

C. Recommendation for an Award. Any employee of the Police Department may submit a nomination for any award, except Officer of the Quarter and Officer of the Year which shall be nominated by the member's shift supervisor. The nomination should fit the outlined criteria. The Police Department shall develop a standard nomination form for approval by the Commission.

D. Awards Board. The Chief of Police or his designee shall chair the Awards Board. Other members of the Awards Board, appointed by the Chief, shall include one of the Patrol Lieutenants, the Criminal Investigation Division Lieutenant, one of the Patrol Sergeants, and the Criminal Investigation Division Sergeant. One of the Police Merit Commissioners, appointed by the Commission President, shall also serve on the Awards Board. Members of the Awards Board shall be appointed when this amended article takes effect and each January.

E. Awards Processing. Recommended awards shall be submitted to the Awards Board for review and processing. All members of the Awards Board shall be in attendance for awards processing. The Awards Board shall meet as required. The decision as to whether a member's service warrants a merit award and the degree of commendation is a matter of judgment and shall be the responsibility of the Awards Board. The Awards Board in its deliberations should

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consider the application of one or more of the following attributes by the member recommended for an award:

Attention to detail	Exemplary performance	Persistence
Courage	Fast thinking	Physical dexterity
Courtesy	Good judgment	Professionalism
Dedication	Ingenuity	Steadfastness
Diligence	Imagination	Sustained performance
Efficiency	Investigative proficiency	Tact
Endurance	Leadership	Teamwork

F. Awards Approval. A majority vote of the Awards Board is required for approval of all awards. In addition to the approval of the Awards Board, a majority vote of the Police Merit Commission is required to award a Gold, Silver, or Bronze Merit Award.

G. Commendations by the Chief. The Chief is authorized to issue letters of commendation for meritorious performance of a lesser nature than that outlined in this article. Copies of such letters of commendation shall be provided to the Commission so that they may be entered into the record.

H. Award Commendation. The award commendation shall include:

(1) Citation. A citation of the facts of the action shall be set forth at the time the recipient is commended. Citations shall be entered into the record of the Commission and made a part of the recipient's personnel record. Commendations should also be noted in the member's performance rating for the period in which the commendation was received.

(2) Certificate. A citation certificate, suitable for framing, shall be given to the recipient. The certificate should be delivered to the recipient at an appropriate ceremony in the presence of fellow members of the West Lafayette Police Department.

(3) Recognition Bar. For members who receive a Gold, Silver, or Bronze award, the member shall receive a Merit Recognition Bar.

I. Retroactive Awards. Awards authorized by this article may be made retroactive to the date of employment provided the award criteria can be documented.