Ordinance 2018 - 03

An Ordinance of the Town of Cumberland, Indiana
Regarding Police Reserve Officer Force

Whereas, Indiana Code §36-8-3-20 provides that the Town may provide by ordinance for any number of police reserve officers and includes other rules relating to reserve officers;

And whereas, the Town’s Police Chief and its Board of Police Commissioners have requested that the Town Council adopt an ordinance addressing the parameters of the Police Department’s reserve officer program and its volunteer auxiliary support unit;

And whereas, establishing and memorializing by ordinance the Cumberland Police Department’s police reserve officer and auxiliary support unit programs complies with the applicable statutes concerning reserve officers and is in the best interests of Cumberland’s citizens;

And whereas, Indiana Code §36-8-3-20(l), §36-8-3-22 and §36-8-2-23 provide that, beginning January 1, 2018, the Town must provide to reserve officers, without charge to the reserve officers, certain medical benefits and benefits for lost earnings as a result of an injury or illness occurring in the course of the performance of duties as a reserve officer;

And whereas, the Town has taken the necessary steps to provide for these required medical and benefits for lost earnings;

It is, therefore, ordained that new sections, sections 00-03-33-07 and 00-03-33-08, should be added to Chapter 33 of the Cumberland Town Code, as follows:

Section 00-03-33-07, Police Reserve Officers

A. Establishment of Reserve Force. There shall be a force of police reserve officers which shall assist the regular officers of the Cumberland Metropolitan Police Department, as provided for by the Department’s rules. The number of reserve officers serving the Department shall not exceed 20.

B. Appointment. Reserve officers shall be appointed by the Cumberland Board of Metropolitan Police Commissioners, as provided by I.C. §36-8-3-20, upon the recommendation of the Chief of Police. The Board of Police Commissioners may establish rules, procedures, and requirements for the application and hiring of reserve officers.

C. Not Department Members; Authority. Reserve officers are not members of the Police Department, but they have all of the same police powers as regular officers, except as limited by this ordinance or the Department’s rules. The Department, through the Board of Police Commissioners, may adopt rules that limit the authority of reserve officers. In addition to the other limitations imposed by the Board of Police Commissioners, a reserve officers shall not have the authority to make an arrest, conduct a search or a seizure of a person or
property, or carry a firearm unless and until he or she successfully completes a pre-basic course under Indiana Code §5-2-1-9(f).

D. **Compensation.** Reserve officers are volunteers and will receive no wages or salaries. To the extent money is appropriated by the Town Council, reserve officers may receive (i) a uniform allowance; and (ii) compensation for time lost from other employment because of court appearances.

E. **No Pension.** Reserve officers are not eligible for any pension or retirement benefits.

F. **Training.** A reserve officer may not be appointed to the Department until completing the training and probationary period specified by the Department’s rules. In addition, reserve officers must also complete the mandatory inservice training established by the Indiana Law Enforcement Training Board, unless that Board waives such inservice training for any particular officer, and any other training deemed necessary by the Police Chief and approved by the Board of Police Commissioners.

G. **Injury Benefits.**
   1. Pursuant to I.C. §36-8-3-22, Cumberland shall provide for a reserve officer who is injured or contracts an illness in the course of or as the result of performing duties as a police reserve officer, without charge to the officer, the physician, surgical, hospital, and nursing services and supplies the physician or surgeon in charge determines are necessary. The Town may satisfy these obligations, and may seek recovery or reimbursement from a responsible third party of any amounts paid for care described in this section, as provided in I.C. §36-8-3-22 or as otherwise allowed by law.
   2. Pursuant to I.C. §36-8-3-23, if a police reserve officer is unable to pursue the officer’s usual vocation as the result of an injury or illness occurring in the course of or as the result of performing duties as a police reserve officer, Cumberland shall pay such officer a weekly amount that may not be less than Indiana’s minimum wage and computed on the basis of a 40-hour week, for the lesser of (1) the period the officer is unable to pursue his or her usual vocation, or (2) two hundred sixty (260) weeks.

**Section 00-03-33-08, Police Department Auxiliary Support Unit**

A. **Auxiliary Support Unit Authorized.** In addition to reserve officers described above, the Town’s police department may utilize the services of a voluntary auxiliary support unit to assist the Department in carrying out its functions.

B. **Volunteers.** These civilian volunteers are not Town employees and are not entitled to any salary, wages, compensation, or benefits of any kind.

C. **No Police Powers.** These volunteers have no police powers. They shall not wear a Department police uniform or badge and shall not carry a firearm. They are not entitled to use police vehicles or other town vehicles.

D. **Appointment.** Such volunteers are appointed by the Chief of Police.
E. **Minimum Qualifications.** The Board of Police Commissioners may establish rules concerning minimum qualifications, duties and responsibilities, and any necessary training for such volunteers.

This ordinance shall become effective upon its adoption.

Adopted on __March 7th__, 2018.

Cumberland Town Council:

Anna Pea, President

Joe Siefker, Vice President

Nicole Bell, Member

Aaron Cutshaw, Member

Brian Gritter, Member

Attest:

Erica Salmon, Clerk-Treasurer