

HOUSE BILL No. 1513

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-24.

Synopsis: Law enforcement performance audits. Establishes the law enforcement performance audit pilot program to ensure that law enforcement agencies do not engage in discriminatory hiring practices or the use of excessive force.

Effective: July 1, 2021.

Porter

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



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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

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

HOUSE BILL No. 1513

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-24 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]:

4 **Chapter 24. Law Enforcement Performance Audit Pilot**
5 **Program**

6 **Sec. 1. As used in this chapter, "audit" means an audit**
7 **described in section 8 of this chapter.**

8 **Sec. 2. As used in this chapter, "institute" means the Indiana**
9 **criminal justice institute established by IC 5-2-6-3.**

10 **Sec. 3. As used in this chapter, "law enforcement agency" means**
11 **a police department, sheriff's department, or any other law**
12 **enforcement organization within a city, county, or town.**

13 **Sec. 4. As used in this chapter, "program" refers to the law**
14 **enforcement performance audit pilot program established by**
15 **section 6 of this chapter.**

16 **Sec. 5. As used in this chapter, "protected class" means a group**
17 **of individuals with any of the following common characteristics:**



- 1 (1) Race.
 2 (2) Color.
 3 (3) Religion.
 4 (4) Sex.
 5 (5) National origin.
- 6 **Sec. 6. The law enforcement performance audit pilot program**
 7 **is established to ensure that law enforcement agencies do not**
 8 **engage in discriminatory hiring practices or the use of excessive**
 9 **force.**
- 10 **Sec. 7. The institute shall administer the program and may**
 11 **adopt rules under IC 4-22-2 necessary to administer the program**
 12 **and carry out this chapter.**
- 13 **Sec. 8. A city, county, or town may request that the institute**
 14 **conduct an audit of its law enforcement agency under this chapter.**
- 15 **Sec. 9. A city, county, or town may request an audit under this**
 16 **chapter regardless of whether or not an allegation is substantiated,**
 17 **if it is reasonably believed that either or both of the following have**
 18 **occurred or are continuing to occur:**
- 19 (1) A pattern of hiring practices within a law enforcement
 20 agency that discriminates against a protected class or classes.
 21 (2) The use of excessive force by an employee of a law
 22 enforcement agency in the employee's capacity as an
 23 employee of the law enforcement agency.
- 24 **Sec. 10. In conducting an audit under this chapter, the institute**
 25 **shall consider:**
- 26 (1) the allegations against the law enforcement agency that led
 27 to the request of the audit;
 28 (2) the law enforcement agency's past and current patterns
 29 and practices; and
 30 (3) any other factors the institute finds relevant to reach a
 31 conclusion in the audit.
- 32 **Sec. 11. In conducting an audit under this chapter, the institute**
 33 **may:**
- 34 (1) use its existing staff and resources to perform the audit;
 35 and
 36 (2) engage an outside third party vendor to assist in
 37 conducting the audit.
- 38 **Sec. 12. The institute and the city, county, or town that requests**
 39 **an audit under this chapter shall equally share the costs of**
 40 **conducting the audit.**
- 41 **Sec. 13. The institute is required to conduct an audit under this**
 42 **chapter only if the audit is requested by a city, county, or town**



1 with a law enforcement agency.

2 **Sec. 14.** The institute is not required to conduct more than one
3 (1) audit under this chapter in calendar year 2021. For calendar
4 years after 2021, the institute is required to conduct not more than
5 three (3) audits under this chapter if requested.

6 **Sec. 15.** The institute shall conduct audits requested under this
7 chapter on a first-come, first-served basis.

8 **Sec. 16.** Not later than sixty (60) days after the end of the
9 calendar year in which an audit is conducted under this chapter,
10 the institute shall make the results of the audit, subject to any
11 redactions as required by law, available to the public on the
12 Indiana transparency Internet web site established under
13 IC 5-14-3.8.

14 **Sec. 17.** Not later than two (2) years after the institute makes the
15 results of an audit under this chapter available to the public on the
16 Indiana transparency Internet web site established under
17 IC 5-14-3.8, the city, county, or town with a law enforcement
18 agency subject to the audit must devise and make public a
19 corrective action plan to remedy any findings or conclusions
20 contained in the audit that demonstrate that the law enforcement
21 agency engaged in discriminatory hiring or excessive use of force.

22 **Sec. 18.** An audit conducted under this chapter does not
23 supersede any other audit or review conducted by a body having
24 oversight, controlling, or supervising authority over the city,
25 county, or town that requested the audit.

