
TITLE 250 LAW ENFORCEMENT TRAINING BOARD

Notice of First Public Comment Period

LSA Document #23-731

PURPOSE OF NOTICE

The Law Enforcement Training Board (board) is soliciting public comment on amendments to rules at [250 IAC 2-2-1](#), [250 IAC 2-2-3](#), [250 IAC 2-2-4](#), and [250 IAC 2-4-1](#) concerning the waiver requirements for an officer seeking to waive the basic training requirement; an officer's failure to complete the basic training course within one (1) year of the first or original appointment date; an increase of the minimum hours for the basic training program curriculum (Tier I); and the agencies approved to participate in the Tier II basic training program. The board seeks comment on the affected citations listed and any other provisions of Title 250 that may be affected by this rulemaking.

CITATIONS AFFECTED: [250 IAC 2-2-1](#); [250 IAC 2-2-3](#); [250 IAC 2-2-4](#); [250 IAC 2-4-1](#)

AUTHORITY: [IC 5-2-1-9](#)

OVERVIEW

Basic Purpose and Background

Currently, [250 IAC 2-2-3](#) does not have a provision for regaining law enforcement authority if an officer fails to complete the basic training course within one (1) year of appointment. Additionally, [250 IAC 2-2-4](#) currently states that an officer has only three (3) attempts to pass an examination during the basic training course. The proposed amendments to [250 IAC 2-2-1](#), [250 IAC 2-2-3](#), and [250 IAC 2-2-4](#) clarify that an officer who fails to successfully complete the basic training course within one (1) year of the first or original appointment date may successfully complete a future basic training course and regain the officer's law enforcement authority upon successful completion, consistent with [IC 5-2-1-9](#).

The proposed amendment to [250 IAC 2-4-1](#) would increase the minimum hours in the basic training program to the current curriculum level. The current basic training course consists of more than six hundred (600) hours; the number of weeks required to complete basic training will not change with this amendment. The proposed amendment to [250 IAC 2-2-1](#) explains the waiver process for out-of-state officers applying for a waiver of basic training considering the proposed increase in the minimum basic training hours. An officer who completed law enforcement training in another state will be evaluated in the waiver process based on the minimum curriculum hours in place in Indiana at the time the waiver applicant completed basic training in another state. In addition to modifying the curriculum hours, the amendment to [250 IAC 2-4-1](#) lists the law enforcement agencies eligible for participation in the town marshal basic training program, commonly referred to as the Tier II program. The listed agencies in the proposed amendment have been approved to participate in the Tier II program by statute, the governing body, and the board, and are currently participating in the Tier II program.

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Raquel Ramirez
General Counsel
Indiana Law Enforcement Academy
5402 South County Road 700 East
Plainfield, IN 46168
(317) 837-3264
rramirez@ilea.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENTS

At this time, the board is soliciting public comments on the proposed rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #23-731
Raquel Ramirez
General Counsel
Indiana Law Enforcement Academy
5402 South County Road 700 East
Plainfield, IN 46168

(2) By electronic mail to rramirez@ilea.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(3) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than December 8, 2023.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Indiana Law Enforcement Academy, 5402 South County Road 700 East, Plainfield, Indiana 46168 and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the office of the Indiana Law Enforcement Academy.

If the board does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

ADDITIONAL DOCUMENTS

Regulatory Analysis DIN: [20231108-IR-250230731RAA](#)

Notice of Public Hearing DIN: [20231108-IR-250230731PHA](#)

PROPOSED RULE

SECTION 1. [250 IAC 2-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[250 IAC 2-2-1](#) Mandatory basic training; waiver

Authority: [IC 5-2-1-9](#)

Affected: [IC 5-2-1-9](#); [IC 5-2-1-11](#)

Sec. 1. All law enforcement officers appointed by the state or any of its political subdivisions on or after July 6, 1972, whether the appointment is on a probationary, permanent, or other than probationary or permanent basis, shall be subject to the training requirements of [IC 5-2-1-9\(b\)](#) and [IC 5-2-1-9\(e\)](#) and shall, within one (1) year of the date of the officer's first or original appointment, whether on a full-time or part-time basis, successfully complete the appropriate minimum basic training course prescribed by the board and described in [250 IAC 2-4](#). ~~Provided, however, that any such~~ **An** officer who has had previous law enforcement experience, including basic law enforcement training meeting or exceeding the standards enumerated in [250 IAC 2-4](#) at the time of **completion of the training**, may, upon proof of ~~such the~~ previous experience and training ~~and upon recommendation by the executive director~~ and approval by the board, obtain a waiver of the training mandated herein or be allowed to test out on any or all phases of the basic course; however, this waiver provision is not applicable to persons certified by the board solely upon successful completion of the town marshal **and conservancy district marshal** basic training program prescribed in [250 IAC 2-4](#).

(Law Enforcement Training Board; [250 IAC 2-2-1](#); filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553; readopted filed Nov 30, 2010, 11:14 a.m.: [20101229-IR-250100663RFA](#); readopted filed Jan 11, 2017, 3:25 p.m.: [20170208-IR-250160381RFA](#))

SECTION 2. [250 IAC 2-2-3](#) IS AMENDED TO READ AS FOLLOWS:

250 IAC 2-2-3 Failure to timely complete course

Authority: [IC 5-2-1-9](#)

Affected: [IC 5-2-1-9](#)

Sec. 3. Any ~~A~~ law enforcement officer described in section 1 of this rule who fails to successfully complete the required basic training course within one (1) year after the officer's first or original appointment (on or after July 6, 1972) ~~shall not be empowered or authorized to enforce the laws or ordinances of the state or any political subdivision thereof as part of the duties of a law enforcement officer.~~ **is subject to the limitations in [IC 5-2-1-9\(b\)](#).**

(Law Enforcement Training Board; [250 IAC 2-2-3](#); filed Dec 23, 2003, 3:00 p.m.: 27 IR 1554; readopted filed Nov 30, 2010, 11:14 a.m.: [20101229-IR-250100663RFA](#); readopted filed Jan 11, 2017, 3:25 p.m.: [20170208-IR-250160381RFA](#))

SECTION 3. [250 IAC 2-2-4](#) IS AMENDED TO READ AS FOLLOWS:

250 IAC 2-2-4 Passing score; failure as grounds for discharge; reexaminations

Authority: [IC 5-2-1-9](#)

Affected: [IC 5-2-1-9](#)

Sec. 4. The executive director of the board shall establish and shall apply uniformly to all persons attending board approved basic training schools a minimum passing score of seventy-five percent (75%) on all written examinations and a passing score on all practical examinations administered on a percentage or pass/fail basis. Failure to attain a passing score on all written and practical examinations administered during the basic training course shall constitute a failure of the course. A person failing to achieve a passing score may apply to the executive director, or his ~~their~~ designee, to retake any examination or examinations previously failed, but a request for a retake of an examination by a person already employed as a law enforcement officer will not be accepted unless endorsed by the chief executive officer of the department or agency employing the officer. Failure to achieve a passing score for the second time shall constitute disqualification unless, in the discretion of the board, a third and final opportunity ~~should be allowed~~ **is given for the current session of the basic training course. Failure to achieve a passing score on the third examination will not prevent enrollment in a subsequent full basic training course.**

(Law Enforcement Training Board; [250 IAC 2-2-4](#); filed Dec 23, 2003, 3:00 p.m.: 27 IR 1554; readopted filed Nov 30, 2010, 11:14 a.m.: [20101229-IR-250100663RFA](#); readopted filed Jan 11, 2017, 3:25 p.m.: [20170208-IR-250160381RFA](#))

SECTION 4. [250 IAC 2-4-1](#) IS AMENDED TO READ AS FOLLOWS:

250 IAC 2-4-1 Minimum basic training course; town marshal and conservancy district marshal basic training program

Authority: [IC 5-2-1-9](#)

Affected: [IC 5-2-1-9](#); [IC 5-2-1-11](#); [IC 10-11-2-14](#); [IC 16-18-4-4](#)

Sec. 1. Requirements for the minimum basic training course necessary to satisfy the mandate contained in [250 IAC 2-2](#) shall be ~~are~~ as follows:

- (1) For all jurisdictions, except ~~towns having no more than one (1) town marshal and two (2) deputies, those listed in subdivision (3),~~ whether employed on a part-time or full-time basis, shall consist of not less than ~~four hundred eighty (480)~~ **six hundred (600)** hours of classroom and practical training, and the subject matter covered shall be ~~is~~ approved by the board prior to the beginning date of each basic training course.
- (2) The town marshal **and conservancy district marshal** basic training program (**Tier II program**) shall consist of not less than three hundred twenty (320) hours in residence at the Indiana law enforcement academy, to which may be added home study assignments. The subject matter covered shall be ~~is~~ approved by the board prior to the beginning date of each ~~town marshal basic training program session.~~
- (3) ~~Persons successfully completing the town marshal program are eligible for employment as a law~~

enforcement officer only in towns employing the town marshal system and having no more than one (1) marshal and two (2) deputies.

(3) The law enforcement agencies approved by statute, the governing body, and the board to participate in the Tier II program include:

- (A) towns employing the town marshal system as provided by [IC 5-2-1-9\(i\)](#);**
- (B) conservancy districts employing a conservancy district marshal as provided by [IC 5-2-1-9\(i\)](#);**
- (C) hospital police departments as provided by [IC 16-18-4-4](#);**
- (D) Indiana gaming commission agents as provided by [IC 5-2-1-9\(t\)](#);**
- (E) department of correction police officers as provided by [IC 5-2-1-9\(v\)](#); and**
- (F) Indiana state police capitol police as provided by [IC 10-11-2-14](#).**

(4) ~~Town marshal~~ Tier II program graduates who are subsequently hired by a department that is not authorized to enroll officers in the ~~town marshal basic training~~ Tier II program shall, within one (1) year of their new appointment date, successfully complete the ~~four hundred eighty (480) hour minimum~~ basic training course described in ~~this section~~. ~~Town marshal~~ **subdivision (1)**. Tier II program graduates who fail to successfully complete the ~~minimum~~ basic training course within one (1) year of their new appointment date shall not perform any of the duties of a law enforcement officer or exercise the power of arrest until they have successfully completed the basic training program described in ~~this section~~ **subdivision (1)**.

~~(5) The minimum hours and subject matter prescribed in subdivisions (1) and (2) may be increased by the board.~~

(Law Enforcement Training Board; [250 IAC 2-4-1](#); filed Dec 23, 2003, 3:00 p.m.: 27 IR 1555; readopted filed Nov 30, 2010, 11:14 a.m.: [20101229-IR-250100663RFA](#); readopted filed Jan 11, 2017, 3:25 p.m.: [20170208-IR-250160381RFA](#))

*Posted: 11/08/2023 by Legislative Services Agency
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