

## **IC 14-9-8**

### Chapter 8. Law Enforcement

## **IC 14-9-8-1**

### **Repealed**

*(Repealed by P.L.26-2008, SEC.19.)*

## **IC 14-9-8-2**

### **"Division" defined**

Sec. 2. As used in this chapter, "division" refers to the law enforcement division.

*As added by P.L.1-1995, SEC.2.*

## **IC 14-9-8-3**

### **Organization of division**

Sec. 3. The law enforcement division shall be organized in conformity with rules adopted by the commission.

*As added by P.L.1-1995, SEC.2.*

## **IC 14-9-8-4**

### **Purchases**

Sec. 4. The department shall purchase all property, supplies, and equipment for the division.

*As added by P.L.1-1995, SEC.2.*

## **IC 14-9-8-5**

### **Compensation of director and conservation officers**

Sec. 5. The salaries and compensation of the division director and the conservation officers shall be fixed by the director and approved by the budget agency as provided by Indiana law.

*As added by P.L.1-1995, SEC.2.*

## **IC 14-9-8-6**

### **Appointment of director**

Sec. 6. The governor shall appoint the director of the division in accordance with a recommendation of the director. The division director:

- (1) is in charge of the division and has general supervision of the work of the division;
- (2) serves at the pleasure of the governor;
- (3) shall be selected on the basis of training and experience; and
- (4) must have had at least five (5) years experience in a supervisory capacity in a law enforcement agency closely associated with conservation to equip the division director for the position.

*As added by P.L.1-1995, SEC.2.*

## **IC 14-9-8-7**

### **Duties of director**

Sec. 7. (a) The division director shall, with the approval of the

director, do the following:

- (1) Establish classification of ranks, grades, and positions in the division.
- (2) Designate the authority and responsibility of each rank.
- (3) For each rank, grade, and position, set standards of qualifications and fix the prerequisite of training, education, and experience.

(b) The division director may, with the approval of the director, designate the rank, grade, and position to be held by each employee of the division. The division director may assign and reassign each employee of the division to serve at the stations and perform the duties that the division director designates.

*As added by P.L.1-1995, SEC.2.*

### **IC 14-9-8-8**

#### **Recommendations for appointment**

Sec. 8. The division director shall, with the approval of the director, recommend to the governor the appointment of personnel to the ranks, grades, and positions within the division. All appointments must meet the following conditions:

- (1) Be consistent with the prescribed standards and prerequisites of the division.
- (2) Be made to the ranks, grades, and positions of the division in a manner that creates and maintains, as near as possible in the ranks, grades, and positions, a personnel force of which not more than fifty percent (50%) are members of one (1) political party. If any of the ranks, grades, or positions contain at any time more than fifty percent (50%) who are members of one (1) political party, a member of that party may not be appointed or promoted to that rank, grade, or position as long as that condition exists.

*As added by P.L.1-1995, SEC.2.*

### **IC 14-9-8-9**

#### **Political activities not to be required**

Sec. 9. An officer appointee or a conservation officer of the division may not be ordered in any manner to do any of the following:

- (1) Engage in the activities or interest of any of the following:
  - (A) A political party.
  - (B) A candidate for public office.
  - (C) A candidate for nomination to public office.
- (2) Participate in any manner in a political campaign for the nomination or election of candidates to public office.

*As added by P.L.1-1995, SEC.2.*

### **IC 14-9-8-10**

#### **Worker's compensation**

Sec. 10. (a) Injury, death, or occupational disease of a conservation officer arising out of and during the course of the

performance of the officer's duties as a conservation officer is compensable under IC 22-3.

(b) For the purposes of this chapter and IC 22-3, all conservation officers are conclusively presumed to have accepted the compensation provisions of IC 22-3.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-11**

##### **Training and examinations**

Sec. 11. (a) The division director shall, with the approval of the director, organize and conduct a training school for officer candidates and other employees of the division. A conservation officer may not be assigned to regular active duty until the officer has received training and successfully passed a course prescribed by the division director. The division director shall periodically prescribe and conduct supplemental training courses for all conservation officers of the division.

(b) The division director shall devise and administer examinations designed to test applicants in the qualifications required for the rank, grade, or position. Only those applicants who best meet the prerequisites may be appointed.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-12**

##### **Probationary employees**

Sec. 12. All new conservation officers appointed to the division are probationary employees for one (1) year from the date of appointment.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-13**

##### **Ineligibility for reappointment**

Sec. 13. A person who:

(1) is discharged from the division; or

(2) withdraws before the completion of two (2) years of duty from date of appointment;

is not eligible for reappointment.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-14**

##### **Discharge, demotion, or suspension**

Sec. 14. (a) The division director may, with the approval of the director, discharge, demote, or temporarily suspend an employee of the division, for cause, after preferring charges in writing.

(b) An employee who is discharged or demoted is entitled to a public hearing before the department if the employee demands a hearing within ten (10) days after receiving notice of the charges. The employee may be represented by counsel.

(c) The findings of the department are final, except that the employee may appeal to the appropriate court.

(d) A probationary employee may be discharged without charges being made and is not entitled to a hearing.

(e) A conservation officer may not be discharged because of political affiliation.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-15**

##### **Uniforms and equipment**

Sec. 15. (a) The department shall provide the conservation officers of the division the uniforms and equipment necessary to the performance of their duties. All uniforms and equipment remain the property of the state.

(b) The division director shall, with the approval of the director, charge against an employee of the division the value of property lost or destroyed through carelessness or neglect of the employee. The value of the equipment shall be deducted from the pay of the employee.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-16**

##### **Powers and duties of conservation officers**

Sec. 16. (a) A conservation officer of the division:

- (1) has all necessary police powers to enforce the natural resources laws; and
- (2) may, without warrant, arrest a person for a violation of those laws when committed in the officer's presence.

(b) A conservation officer shall do the following:

- (1) Detect and prevent violations of natural resources laws.
- (2) Enforce natural resources laws and rules.
- (3) Perform other related duties that are imposed upon conservation officers by law.

(c) A conservation officer has the same power with respect to natural resources matters and the enforcement of the laws relating to natural resources laws as have law enforcement officers in their respective jurisdictions. A warrant of arrest or search warrant issued by proper authority may be executed by a conservation officer in any county.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-17**

##### **Police and arrest powers**

Sec. 17. A conservation officer:

- (1) is a law enforcement officer under IC 9-13-2-92 and IC 35-41-1-17 and has the power to enforce Indiana laws and without warrant to arrest for the violation of any of those laws when committed in the officer's presence;
- (2) is a police officer under IC 9-13-2-127;
- (3) has the power of law enforcement officers to arrest under IC 35-33-1-1; and
- (4) has the power to enforce Indiana laws and may exercise all

powers granted by law to state police officers, sheriffs, and members of police departments.  
*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-18**

##### **Carrying arms**

Sec. 18. (a) A uniformed conservation officer shall carry arms in the performance of the officer's duty.

(b) A nonuniformed conservation officer may carry arms in the performance of the officer's duty.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-19**

##### **Obstructing, hindering, or interfering with director, officer, or employee**

Sec. 19. A person who knowingly obstructs, hinders, or interferes with:

- (1) the director;
- (2) the division director;
- (3) a conservation officer; or
- (4) an employee or agent of the division of fish and wildlife;

in lawful discharge of the individual's duty in the enforcement of this chapter commits a Class C misdemeanor.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-20**

##### **Cooperation with law enforcement officers; investigations**

Sec. 20. The division shall do the following:

- (1) Cooperate with the law enforcement officers of the state in the detection of the violation of Indiana natural resources laws.
- (2) Conduct investigations as necessary to secure the evidence that may be essential to the conviction of alleged violators of Indiana natural resources laws.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-21**

##### **Conservation officers fish and wildlife fund**

Sec. 21. (a) As used in this section, "fund" refers to the conservation officers fish and wildlife fund established by this section.

(b) The conservation officers fish and wildlife fund is established. The department shall administer the fund. The department may expend the money in the fund exclusively for special law enforcement investigations of fish and wildlife violations. The expenditures authorized under this subsection include the purchase and repair of decoys (as defined in IC 14-22-40-2).

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the amount of money in

the fund at the end of a state fiscal year exceeds thirty-five thousand dollars (\$35,000), the treasurer of state shall transfer the excess from the fund into the fish and wildlife fund.

*As added by P.L.1-1995, SEC.2. Amended by P.L.133-1996, SEC.6.*

#### **IC 14-9-8-21.5**

##### **Conservation officers marine enforcement fund**

Sec. 21.5. (a) As used in this section, "fund" refers to the conservation officers marine enforcement fund established by this section.

(b) The conservation officers marine enforcement fund is established. The department shall administer the fund. The department may expend the money in the fund exclusively for marine enforcement efforts associated with recreational boating on Indiana waters, including uses described in IC 14-9-9-5.

(c) The fund consists of money from the lake and river enhancement fee paid by boat owners and deposited under IC 6-6-11-12(c)(2). Money deposited in the fund is annually appropriated and allotted to the department to carry out the purposes of this section. The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, the department may transfer from the fund to the counties with special boat patrol needs fund (IC 14-9-9-5) an amount that does not exceed twenty percent (20%) of money deposited into the fund.

*As added by P.L.233-2003, SEC.4.*

#### **IC 14-9-8-22**

##### **Retirement of conservation officers**

Sec. 22. Whenever a conservation officer retires after at least twenty (20) years of service, the department shall, in recognition of the officer's service to the department, do the following:

- (1) Permit the officer to retain the standard hand service weapon the department issued to the officer.
- (2) Issue the officer a badge that indicates the officer is a retired conservation officer.
- (3) Issue the officer an identification card that contains the following information:
  - (A) The name of the department.
  - (B) The name of the officer.
  - (C) The officer's rank in the department.
  - (D) That the officer is retired.
  - (E) That the officer is authorized to retain the service weapon issued to the officer by the department.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-23**

##### **"Turn in a poacher" program**

Sec. 23. (a) The "turn in a poacher" program is established within

the division for the purpose of encouraging citizen participation in deterring the unlawful taking or possession of game, fish, or nongame wildlife.

(b) Under the program the department shall accomplish the purpose set out in subsection (a) by doing the following:

- (1) Providing a toll free telephone service.
- (2) Developing and conducting a publicity campaign for the program.
- (3) Conducting investigations initiated through citizen participation in the enforcement of game, fish, and nongame wildlife laws.
- (4) Approving and coordinating reward payments.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-24**

##### **Persons authorized to enforce fish and wildlife laws**

Sec. 24. The director may authorize a person who is not a conservation officer to enforce Indiana fish and wildlife laws as if the person were a conservation officer under the following conditions:

- (1) The person must be a full-time law enforcement officer in Indiana or a full-time conservation law enforcement officer from another state, the United States, or Canada.
- (2) The person's employer must agree, in writing, to continue the person's level of compensation, including all insurance, medical, retirement, and other benefits, and must agree that no additional compensation or benefits will be paid by the state.
- (3) The authorization may not be for longer than ninety (90) days, but the authorization may be renewed.
- (4) The authorization must relate to a specific problem or operation.
- (5) The authorization must be in writing.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-25**

##### **Conservation officers authorized to work with law enforcement agencies**

Sec. 25. The director may authorize a conservation officer to work temporarily with a law enforcement agency in Indiana, another state, or Canada under the following conditions:

- (1) The authorization may not be for longer than thirty (30) days, but the authorization may be renewed.
- (2) The authorization must relate to a specific problem or operation.
- (3) The authorization must be in writing.

*As added by P.L.1-1995, SEC.2.*

#### **IC 14-9-8-26**

##### **Repealed**

*(Repealed by P.L.2-1996, SEC.297.)*

**IC 14-9-8-27**

**Conservation reserve officer assisting in enforcement of watercraft laws**

Sec. 27. (a) A conservation reserve officer may be appointed to assist the division in the enforcement of watercraft laws and for no other purpose. A conservation reserve officer must be appointed in the same manner that a conservation officer is appointed.

(b) A conservation reserve officer:

- (1) may not be a conservation officer;
- (2) has the police powers of a conservation officer to enforce watercraft laws, except as limited by the rules of the department;
- (3) to the extent that money is appropriated for a purpose listed in this subdivision, may receive:
  - (A) a uniform allowance;
  - (B) compensation for time lost from other employment because of court appearances;
  - (C) insurance for life, accident, and sickness coverage;
  - (D) compensation for lake patrol duties that the division director assigns and approves for compensation; or
  - (E) any combination of benefits specified in clauses (A) through (D);
- (4) is not eligible to participate in a pension program provided for conservation officers;
- (5) may not be appointed until completion of the following:
  - (A) A minimum of forty (40) hours of general reserve officer training.
  - (B) A minimum of twelve (12) hours in addition to the training under subdivision (A) in the enforcement of watercraft laws.
  - (C) A probationary period specified by rule of the department;
- (6) may not:
  - (A) make an arrest;
  - (B) conduct a search or seizure of a person or property; or
  - (C) carry a firearm;unless the conservation reserve officer successfully completes a pre-basic course under IC 5-2-1-9(f); and
- (7) may be covered by the medical treatment and burial expense provisions of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7).

If compensability of an injury covered under subdivision (7) is an issue, the administrative procedures of IC 22-3-2 through IC 22-3-6 and IC 22-3-7 must be used to resolve the issue.

(c) A conservation reserve officer carrying out lake patrol duties under this chapter is immune from liability under IC 34-30-12, notwithstanding the payment of compensation to the conservation reserve officer.

(d) The department may adopt rules under IC 4-22-2 to implement this section and to limit the authority of conservation reserve officers.

*As added by P.L.2-1996, SEC.252. Amended by P.L.1-1998, SEC.109.*

#### **IC 14-9-8-28**

##### **Salaries**

Sec. 28. (a) The natural resources commission shall categorize salaries of enforcement officers within each rank based upon the rank held and the number of years of service in the department through the twentieth year. The salary ranges that the commission assigns to each rank shall be divided into a base salary and twenty (20) increments above the base salary with:

- (1) the base salary in the rank paid to a person with less than one (1) year of service in the department; and
- (2) the highest salary in the rank paid to a person with at least twenty (20) years of service in the department.

(b) The salary matrix prescribed by this section shall be reviewed and approved by the state budget agency before implementation.

(c) The salaries for law enforcement officers of the law enforcement division of the department must be equal to the salaries of police employees of the state police department under IC 10-11-2-13, based upon years of service in the department and rank held.

(d) The requirement of subsection (c) does not affect:

- (1) any rights or liabilities accrued; or
- (2) any proceedings begun;

on or before June 30, 1999. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior civil law and procedure as if the requirement of subsection (c) had not been enacted.

*As added by P.L.2-1996, SEC.253. Amended by P.L.206-1999, SEC.1; P.L.2-2003, SEC.42; P.L.234-2007, SEC.307.*