



CONSOLIDATED CITY OF INDIANAPOLIS
COUNTY OF MARION
STATE OF INDIANA

EXECUTIVE ORDER NO. 9, 2020

WHEREAS, under Indiana Code § 36-3-3-2, the mayor of a consolidated city serves as the executive of both the consolidated city and the county;

WHEREAS, in recent days, thousands of our residents have peacefully exercised their free-speech rights in protesting a history of systemic racism in our country and calling for positive change;

WHEREAS, those voices are being heard throughout our community as we contemplate how to best continue our progress toward a more just and equal city;

WHEREAS, despite that very welcome and positive advocacy, after organized events have concluded smaller groups of individuals have turned to rioting— including violence directed at law-enforcement officers and residents, widespread property damage, setting fires, and looting;

WHEREAS, those actions have resulted in death, injuries to law-enforcement officers and residents, and millions of dollars in estimated property damage;

WHEREAS, cities throughout the country have experienced similar nighttime civil disturbances in recent days and have, in an effort to prevent them, imposed nighttime curfews;

WHEREAS, Indiana Code § 10-14-3-1 provides that a riot or other public calamity requiring emergency action constitutes a disaster supporting the declaration of a disaster emergency;

WHEREAS, Indiana Code § 10-14-3-29 grants me the authority to declare a local disaster emergency;

WHEREAS, I previously issued Executive Order No. 5, 2020— declaring a local disaster emergency in Marion County under Indiana Code § 10-14-3-29 as a result of the COVID-19 pandemic;

WHEREAS, that local disaster emergency remains in effect until at least June 8, 2020;

WHEREAS, Indiana Code § 10-14-3-29.5 grants me authority to declare a local travel emergency upon the declaration of a local disaster emergency;

WHEREAS, a warning-level local travel emergency means that travel may be restricted to emergency management workers only;

WHEREAS, under a travel warning, individuals are directed to:

- (A) refrain from all travel,
- (B) comply with necessary emergency measures,
- (C) cooperate with public officials and disaster services forces in executing any emergency operations plans, and
- (D) obey and comply with the lawful directions of properly identified officers;

WHEREAS, effective at 11:00 a.m. on May 31, 2020, the State of Indiana issued Executive Order 20-29, which rescinded the temporary preemption of local officials' authority to issue warning-level travel restrictions found in Executive Order 20-28;

WHEREAS, I issued Executive Order No. 6, 2020 on May 31, 2020, imposing a warning-level travel emergency and curfew in Marion County from 8:00 p.m. on May 31, 2020 until 6:00 a.m. on June 1, 2020;

WHEREAS, I issued Executive Order No. 7, 2020 on June 1, 2020, imposing a warning-level travel emergency and curfew in Marion County from 8:00 p.m. on June 1, 2020 until 4:00 a.m. on June 2, 2020;

WHEREAS, I issued Executive Order No. 8, 2020 on June 2, 2020, imposing a warning-level travel emergency and curfew in Marion County from 9:00 p.m. on June 2, 2020 until 6:00 a.m. on June 3, 2020;

WHEREAS, extending the curfew order through Sunday morning is appropriate to prevent further violence, property damage, and looting in Marion County;

THEREFORE, under the authority vested in me as Mayor of the Consolidated City of Indianapolis and Marion County and Chief Executive of Marion County by state law and local ordinance, **IT IS HEREBY ORDERED THAT:**

1. I declare that, in addition to the COVID-19 pandemic, emergency conditions exist in Marion County related to demonstrations that, though initially peaceful, have devolved into violent riots – particularly after nightfall.

2. Under Indiana Code § 10-14-3-29, Indiana Code § 10-14-3-29.5, and Section 201-5(a) of the Indianapolis Revised Code, I hereby declare an extension of the warning-level nighttime local travel emergency and mandatory nighttime curfew (collectively, the “Curfew”), and that Curfew shall apply to all public streets and public places in Marion County as described below.
 - a. This Curfew will be in effect during the following times:
 - i. From 8:00 p.m. on Friday, June 5 until 6:00 a.m. on Saturday, June 6;
 - ii. From 8:00 p.m. on Saturday, June 6 until 6:00 a.m. on Sunday, June 7;
 - b. During the Curfew, no person may travel public streets or be in public places in Marion County unless exempt under Section 2(c).
 - i. The Curfew applies regardless of the method of travel on public streets or in public places, whether by automobile, motorcycle, bus, bicycle, scooter, foot, or other means of moving from place to place.
 - ii. For purposes of this order, “public streets” and “public places” means any place, whether on privately or publicly owned property, accessible to the general public. This includes, but is not limited to, streets and roads, alleys, highways, driveways, sidewalks, parks, plazas, parking lots, and vacant lots.
 - c. The following individuals are exempt from the Curfew:
 - i. All law-enforcement, fire, and medical personnel;
 - ii. Members of the news media;
 - iii. Federal, state, or local public officials doing work deemed necessary by the public agency that employs them;
 - iv. Individuals traveling directly to or directly from work (including delivery drivers and others whose jobs require travel)
 - v. Individuals seeking medical care or fleeing from dangerous circumstances;

- vi. Individuals engaged in employment necessary to maintain a safe rail system, restore utility service, or provide other emergency public services;
 - vii. Individuals experiencing homelessness.
3. Under Indiana Code § 10-14-3-24 and Indiana Code § 10-14-3-34, violation of this Curfew order is a class B misdemeanor punishable by up to 180 days in jail and a \$1,000 fine. Further, under Indianapolis Revised Code § 103-3 and Indiana Code § 36-1-3-8(10), violations of this curfew order could also be subject to a civil sanction—a \$2,500 fine for a first offense and a \$10,000 fine for a second offense.
4. This order will be filed with the Marion County Clerk and the Clerk of the Indianapolis City-County Council in conformity with Indiana Code § 10-14-3-29(a). It will remain in effect through 6:00 a.m. on Sunday, June 7 unless extended by further order.

Date: June 5, 2020

CONSOLIDATED CITY OF INDIANAPOLIS
AND MARION COUNTY, INDIANA



Joseph H. Hogsett
Mayor of Indianapolis
Chief Executive of Marion County

Approved as to form and legality:



Donald E. Morgan
Corporation Counsel