

# MEMORANDUM DECISION

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# IN THE COURT OF APPEALS OF INDIANA

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Indiana Law Enforcement  
Training Board,  
*Appellant-Defendant,*

v.

Marion County Sheriff's Office,  
*Appellee-Plaintiff*

October 12, 2023

Court of Appeals Case No.  
23A-PL-655

Appeal from the Marion Superior  
Court

The Honorable John G. Baker,  
Special Judge

Trial Court Cause No.  
49D11-2111-PL-37534

**Memorandum Decision by Judge Mathias**  
Judges Riley and Crone concur.

## **Mathias, Judge.**

[1] The Indiana Law Enforcement Training Board appeals the Marion Superior Court's entry of summary judgment for the Marion County Sheriff's Office on the Sheriff's Office's complaint for declaratory judgment. The Training Board raises a single issue for our review, which we restate as the following two issues:

1. Whether the Training Board preserved for appellate review its argument that Marion County Sheriff's deputies are not eligible for training from the Training Board because those deputies are not hired by a merit board.

2. Whether the trial court's entry of summary judgment for the Sheriff's Office on its complaint for declaratory judgment amounted to injunctive relief.

[2] We affirm the trial court's judgment.

## **Facts and Procedural History**

[3] In November 2021, the Marion County Sheriff's Office filed a complaint for declaratory judgment against the Training Board. In its complaint, the Sheriff's Office alleged that its deputies were subject to statutory training mandates, but the Training Board had refused to admit the Sheriff's deputies for training. The Sheriff's Office thus sought a declaratory judgment that its deputies are law enforcement officers, and, as such, the Training Board is required to provide training to them.

[4] Thereafter, the parties moved for summary judgment. In its motion and in its opposition to the Sheriff's Office's motion, the Training Board took the position that the Sheriff's deputies are not law enforcement officers as a matter of law. In particular, the Training Board argued that, in light of the 2007 consolidation of parts of the Sheriff's Office into what is now the Indianapolis Metropolitan Police Department, only IMPD officers may "enforce the penal laws of the State" in Marion County, and, thus, the Sheriff's deputies are not "law enforcement officers" for whom the Training Board must provide training. *See* Appellant's App. Vol. 2, pp. 18, 23-27, 174-82, 205, 207.

[5] Unpersuaded by the Training Board's argument, a special judge entered summary judgment for the Sheriff's Office. In an amended order, the trial court added that the Sheriff's Office had conceded that it would ask the Training Board "to train no more than twenty . . . deputies annually." *Id.* at 209. The court then directed the Training Board to "admit for training up to twenty Marion County [Sheriff's] deputies annually." *Id.* This appeal ensued.

## **Standard of Review**

[6] We review a trial court's decision on summary judgment de novo. *Hughley v. State*, 15 N.E.3d 1000, 1003 (Ind. 2014). Issues of statutory construction are questions of law that are particularly appropriate for summary resolution. *City of Lawrence Utils. Serv. Bd. v. Curry*, 68 N.E.3d 581, 585 (Ind. 2017).

## **1. The Training Board’s new argument on appeal is not properly before us, and we will not consider it.**

[7] On appeal, the Training Board wholly abandons the legal theory it presented to the trial court that the Sheriff’s deputies are not law enforcement officers who may enforce the penal laws of the State. Instead of that theory, the Training Board asserts for the first time on appeal that the Sheriff’s deputies are not appointed by a merit board, and, for that reason, they are ineligible to receive training from the Training Board. *See* Appellant’s Br. at 14-24. The Training Board even criticizes the trial court for “focus[ing] on the nature of the work performed” by the Sheriff’s deputies in its summary judgment order. *Id.* at 19.

[8] We are a court of review, and our case law has long been clear that “[i]ssues not raised before the trial court on summary judgment cannot be argued for the first time on appeal and are waived.” *Akin v. Simons*, 180 N.E.3d 366, 380 (Ind. Ct. App. 2021) (citing *Dunaway v. Allstate Ins. Co.*, 813 N.E.2d 376, 387 (Ind. Ct. App. 2004)). Accordingly, the Training Board’s argument on appeal is not properly before us, and we will not consider it.

## **2. The trial court did not enter injunctive relief.**

[9] The Training Board also asserts that the trial court’s amended judgment is an “overbroad” injunction that “grant[s] . . . most-favored-county status” to Marion County and places the Sheriff’s deputies “at the head of the line rather than on equal footing with the other law enforcement agencies . . . [that] need training and are in the queue.” Appellant’s Br. at 24-25. We cannot agree. The

trial court's judgment here entered summary judgment on the Sheriff's Office's complaint for declaratory judgment. The court then amended its judgment to note that the Sheriff's Office had conceded that it would not seek training for more than twenty deputies annually, and the court ordered the Training Board to not admit more than the Sheriff's Office had conceded it would seek to train.

[10] The Sheriff's Office did not seek injunctive relief. The trial court did not hold a hearing on injunctive relief. And the trial court did not enter an order for injunctive relief. We therefore reject the Training Board's argument on this issue.

[11] That said, we do understand the possibility for confusion from the trial court's supplemental order. The supplemental order was unnecessary dicta and potentially confusing to the underlying judgment that Marion County's Sheriff's Office be treated the same way as all other law enforcement agencies by the Training Board. We therefore vacate the court's supplemental order but otherwise affirm the trial court's entry of summary judgment for the Sheriff's Office.

## **Conclusion**

[12] For all of these reasons, the trial court's judgment is affirmed.

[13] Affirmed.

Riley, J., and Crone, J., concur.