

TITLE 240 STATE POLICE DEPARTMENT

ARTICLE 1. PERSONNEL

Rule 1. Standards (Repealed)

(Repealed by State Police Department; filed Aug 2, 1983, 2:17 pm: 6 IR 1640)

Rule 2. Discipline (Repealed)

(Repealed by State Police Department; filed Jan 6, 1983, 8:23 am: 6 IR 336)

Rule 3. Employee Personnel Files (Repealed)

(Repealed by State Police Department; filed Aug 2, 1983, 2:17 pm: 6 IR 1640)

Rule 4. Police Employees' Personnel Rules

240 IAC 1-4-1 Appointment policy

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2-12; IC 10-11-2-14

Sec. 1. No applicant or employee shall be discriminated against, or favored, with the respect to his hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment because of his race, color, sex, religion, national origin, or ancestry. Each applicant and employee will be limited only by his own abilities and qualifications, and the department will endeavor to select, hire, and maintain in its employ only the best qualified persons available for any particular position. *(State Police Department; 240 IAC 1-4-1; filed Jan 6, 1983, 8:23 am: 6 IR 322; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

240 IAC 1-4-2 Appointment procedure

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2-12; IC 10-11-2-14

Sec. 2. All police employees shall be appointed to the department:

(1) By the superintendent with the approval of the board.

(2) Only after satisfactory completion of the selection and training procedures prescribed by the superintendent and the board.

(3) For a probationary period of at least one, but not more than two years, during which time the probationer may be discharged by the superintendent without the right of hearing before the board, in accordance with the provisions of IC 10-1-1-4 *[IC 10-1 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-11-2-12.]*.

(4) Permanently by the superintendent and the board upon the satisfactory completion of the probationary period.

(State Police Department; 240 IAC 1-4-2; filed Jan 6, 1983, 8:23 am: 6 IR 322; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)

240 IAC 1-4-3 Applicant standards for appointment

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 3. Only those applicants for the position of police employee who meet the following initial standards will be considered:

(1) Must be a United States citizen.

(2) Must be at least twenty-one (21) years of age and less than thirty-five (35) years of age when appointed as a police employee. The superintendent shall have the authority to recruit police employee applicants between eighteen (18) years of age and twenty-one (21) years of age, who otherwise meet all qualifications for the position of police employee, in order that the state police department may hire such applicants in nonpolice vacancies.

(3) Must be a high school graduate as evidenced by a diploma or equivalency diploma issued by an accredited high school.

(4) Must have successfully completed either of the following:

(A) Sixty (60) semester credit hours or ninety (90) quarter credit hours of postsecondary education. The credit hours must:

- (i) have a minimum accumulated grade point average of 2.0 on a 4.0 grade scale; and
- (ii) be evidenced by a certified transcript from an accredited college or university.

(B) One (1) of the following:

- (i) At least three (3) years previous, full-time paid, successful sworn law enforcement experience having graduated from a state accredited police academy in an entry level law enforcement basic training curriculum, in which the essential job functions were performed at a satisfactory or above level, as witnessed by employer or documented by employee evaluations.
- (ii) At least two (2) years of successful, active, military duty, honorably discharged or currently serving at the rank of E-4 or above, or an equivalent rank, in a United States military service.

(5) Must possess a valid driving license to operate an automobile.

(6) Must be willing, if appointed, to reside and serve any place within Indiana as designated by the superintendent.

(7) Must be willing to refrain from engaging in any political activity prohibited by law or that would create a conflict of interest as an employee of the department.

(State Police Department; 240 IAC 1-4-3; filed Jan 6, 1983, 8:23 a.m.: 6 IR 322; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3375; filed Jul 7, 1997, 8:10 a.m.: 20 IR 3005; filed Jan 24, 2000, 7:49 a.m.: 23 IR 1362)

240 IAC 1-4-4 Selection process for appointment

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 4. Applicants meeting the initial standards in sections 2 and 3 of this rule are subject to the following selection criteria:

- (1) Selection of only those applicants who successfully pass all the preemployment tests prescribed by the superintendent.
- (2) Selection of only those applicants whose character and reputation are acceptable to the state police department (department).
- (3) Selection of only those applicants who meet the vision standards prescribed by the superintendent.
- (4) Selection of only those applicants found to conform to the physical standards prescribed by the superintendent and the state police board, as evidenced by a physical examination conducted by a competent medical doctor retained by the department.
- (5) Selection of only those applicants able to successfully pass any physical agility tests as may be prescribed by the department.
- (6) Subject to budgetary limitations, assignment by the superintendent of a sufficient number of applicants, not previously eliminated by the selection procedure, to a preduty training school.
- (7) Selection of only those applicants who successfully complete the preduty training school. Applicants assigned to the school may be dismissed at any time upon recommendation of the commander of the preduty training school, with the approval of the superintendent.
- (8) A personal interview with the superintendent and the state police board, following which the applicants may be:
 - (A) appointed to the department;
 - (B) retained as a trooper trainee;
 - (C) placed on a reserve list for filling future vacancies; or
 - (D) dropped from further consideration as prospective police employees.

(State Police Department; 240 IAC 1-4-4; filed Jan 6, 1983, 8:23 a.m.: 6 IR 323; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)

240 IAC 1-4-5 Oath, affirmation before employment

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2-12; IC 10-11-2-14

Sec. 5. Before employment, all prospective employees must sign a statement upon their oath of affirmation, attesting that they

are not now and have never been, a member of, or otherwise affiliated with, any organization, association or body which advocates the overthrow of the United States government or its several subdivisions, by force or violence or illegal means. (*State Police Department; 240 IAC 1-4-5; filed Jan 6, 1983, 8:23 am: 6 IR 323; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 1-4-6 Salary schedule (Repealed)

Sec. 6. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-7 Salary increases (Repealed)

Sec. 7. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-8 Pension program eligibility (Repealed)

Sec. 8. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-9 Pension program member age 55 (Repealed)

Sec. 9. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-10 Advertising vacancies; application processing for promotion (Repealed)

Sec. 10. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-11 Promotion; interview committees (Repealed)

Sec. 11. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-12 Promotion; interview process (Repealed)

Sec. 12. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-13 Promotion; recommendation, approval (Repealed)

Sec. 13. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-14 Promotion; eligibility requirement (Repealed)

Sec. 14. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-15 Promotion; captain grade and above (Repealed)

Sec. 15. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-16 Promotion; probationary periods (Repealed)

Sec. 16. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376*)

240 IAC 1-4-17 Spot promotions (Repealed)

Sec. 17. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

240 IAC 1-4-18 Reappointment procedure

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2-12; IC 10-11-2-14

Sec. 18. (a) A former employee seeking reappointment as a police officer to the department shall submit a letter of request to the superintendent stating the reasons therefor, his present address, the names and addresses of all his employers since leaving the department, the nature of the work performed in each employment and any other activities bearing on the request.

(b) A police employee may be re-employed as a civilian after retirement as outlined in 240 IAC 1-5.

(1) The superintendent may deny the request or refer it for further processing.

(2) If the request for reappointment is to be considered further, an investigation shall be conducted in the former employee's home community, among his recent employers, his former commanding officers, and other department associates.

(3) The former employee shall be scheduled to appear before the personnel board for an interview.

(4) The applicant shall meet all the requirements for police employees as specified in 240 IAC 1-4-2 and 240 IAC 1-4-3 subject to the approval of the superintendent and the board.

(5) Before being reappointed, shall have demonstrated in his activities with the department and his record since leaving the department, that he is outstanding in character and ability and that he would be of greater value to the department than a new employee.

(6) Must be approved by the superintendent and the board, before being reappointed.

(7) May, at the discretion of the superintendent, be required to attend the next session of the department's pre-duty training school.

(State Police Department; 240 IAC 1-4-18; filed Jan 6, 1983, 8:23 am: 6 IR 326; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)

240 IAC 1-4-19 Personnel file; accessibility (Repealed)

Sec. 19. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

240 IAC 1-4-20 Personnel file; expungement of certain information (Repealed)

Sec. 20. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

240 IAC 1-4-21 Personnel file; background investigations, character references (Repealed)

Sec. 21. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

240 IAC 1-4-22 Personnel file; unsuccessful applicants

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2-12; IC 10-11-2-14

Sec. 22. If a background investigation has been conducted and character references obtained for an applicant of employment and the applicant is not subsequently hired, such reports will be kept for a period of two years, then destroyed. An applicant not subsequently hired may not view the background investigation or the character references. *(State Police Department; 240 IAC 1-4-22; filed Jan 6, 1983, 8:23 am: 6 IR 327; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

240 IAC 1-4-23 Termination; resignation, retirement policy (Repealed)

Sec. 23. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

240 IAC 1-4-24 Termination; mandatory retirement, age 55 (Repealed)

Sec. 24. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

240 IAC 1-4-24.1 Termination; mandatory retirement at 60 years of age

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 24.1. Police employees shall be mandatorily retired on the day on which their sixtieth birthday occurs, unless earlier retired for occupational qualification reasons, and shall not be eligible for reemployment as a police officer. *(State Police Department; 240 IAC 1-4-24.1; filed Jul 7, 1997, 8:10 a.m.: 20 IR 3005; readopted filed Sep 9, 2003, 3:00 p.m.: 27 IR 286)*

240 IAC 1-4-25 Termination; discharge (Repealed)

Sec. 25. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

240 IAC 1-4-26 Discipline; superintendent's authority (Repealed)

Sec. 26. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

240 IAC 1-4-27 Discipline; commanding officer's authority, responsibility (Repealed)

Sec. 27. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

240 IAC 1-4-28 Discipline; offenses by employees (Repealed)

Sec. 28. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

240 IAC 1-4-29 Discipline; written notice to employee (Repealed)

Sec. 29. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3376)*

Rule 5. Civilian Employees' Personnel Rules

240 IAC 1-5-1 Appointment, reappointment; policy

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2-12; IC 10-11-2-14

Sec. 1. No applicant or employee shall be discriminated against or favored, with the respect to his hire, tenure, terms *[sic., “,”]* conditions, or privileges of employment or any matter directly or indirectly related to employment because of his race, color, sex, religion, national origin or ancestry. Each applicant and employee will be limited only by his own abilities and qualifications, and the department will endeavor to select, hire and maintain in its employ only the best qualified persons available for any particular position. *(State Police Department; 240 IAC 1-5-1; filed Jan 6, 1983, 8:23 am: 6 IR 329; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

240 IAC 1-5-2 Appointment, reappointment; applications

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2-12; IC 10-11-2-14

Sec. 2. (a) Applications shall be made using the official Indiana state police civilian form and shall be signed by the applicant

to indicate that he certifies to the truth and accuracy of all statements made therein.

(b) Applicants shall indicate the title of the position for which they are applying.

(c) Applications will be kept in an active status for six months after which they will be placed in an inactive status.

(d) Applications will be destroyed after they have been on file for one year without placement. (*State Police Department; 240 IAC 1-5-2; filed Jan 6, 1983, 8:23 am; 6 IR 329; readopted filed Oct 17, 2001, 10:05 a.m.; 25 IR 935*)

240 IAC 1-5-3 Appointment procedures

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 3. (a) Entry level vacancies can be filled without advertising.

(b) Appointments to entry level positions will be approved by the superintendent or the superintendent's designee.

(c) Whenever there is urgent need of an employee for a temporary period, a temporary appointment may be authorized for a period not to exceed ninety (90) working days. Successive temporary appointments of the same person shall not be made. However, an employee may be reappointed at a later date if his or her total employment in a temporary position does not exceed ninety (90) working days in a twelve (12) month period.

(d) An appointment to a temporary position will be approved by the superintendent or the superintendent's designee.

(e) Any employee appointed to fill the position of an employee granted maternity, military, or special sick leave shall be terminated when the incumbent returns.

(f) All appointments of newly hired state police employees and appointments of permanent employees to different classifications shall be subject to a probationary period. The length of such probationary period shall be as follows:

(1) For an employee who works on a full-time basis, the probationary period shall be six (6) months except an employee assigned to a technical position who shall serve a probationary period of one (1) year.

(2) For an employee working less than full time, but more than half time, the probationary period shall be for one (1) year.

(3) For an employee working less than half time, the probationary period shall be eighteen (18) months.

(4) Upon written request of the commander of the probationary employee, with accompanying job related reasons, the superintendent, with approval of the state police board, may extend the probationary period by an additional period not to exceed the original probationary period.

(5) A newly hired employee who is on probation shall be subject, without recourse, to termination at any time during the probationary period by the superintendent.

(6) For the purpose of this subsection, a technical position shall be any of the following:

(A) Chemist.

(B) Information specialist.

(C) Computer programmer.

(D) Software specialist.

(E) Document examiner.

(*State Police Department; 240 IAC 1-5-3; filed Jan 6, 1983, 8:23 a.m.; 6 IR 329; filed Aug 8, 1995, 12:00 p.m.; 18 IR 3377; readopted filed Oct 17, 2001, 10:05 a.m.; 25 IR 935*)

240 IAC 1-5-4 Appointment, reappointment; job qualifications

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 4. All applicants for employment shall be high school graduates or possess a general equivalency diploma (GED) equivalent and meet all job qualifications established by the superintendent. (*State Police Department; 240 IAC 1-5-4; filed Jan 6, 1983, 8:23 a.m.; 6 IR 330; filed Aug 8, 1995, 12:00 p.m.; 18 IR 3377; readopted filed Oct 17, 2001, 10:05 a.m.; 25 IR 935*)

240 IAC 1-5-5 Reappointment exceptions

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2-12; IC 10-11-2-14

Sec. 5. No person discharged from the department or withdrawing before the completion of a two (2) year period of appointment shall afterwards be eligible for reappointment. (*State Police Department; 240 IAC 1-5-5; filed Jan 6, 1983, 8:23 am: 6 IR 330; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 1-5-6 Appointment, reappointment; oath and affirmation

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2-12; IC 10-11-2-14

Sec. 6. Before employment, all prospective employees must sign a statement upon their oath or affirmation, attesting that they are not now and have never been, a member of, or otherwise affiliated with, any organization, association or body which advocates the overthrow of the United States government or its several subdivisions, by force or violence or illegal means. (*State Police Department; 240 IAC 1-5-6; filed Jan 6, 1983, 8:23 am: 6 IR 330; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 1-5-7 Appointment to port security, weighmaster positions; qualifications (Repealed)

Sec. 7. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378*)

240 IAC 1-5-7.1 Appointment to motor carrier inspector positions; qualifications

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 7.1. (a) Prior to appointment, an applicant selected for motor carrier inspector position shall:

(1) be at least twenty and one-half (20½) years of age;

(2) be required to pass the motor carrier inspector background investigation; and

(3) possess a valid Indiana driver's license.

(b) An applicant will be required to pass an approved job related physical examination after employment is offered.

(c) Prior to awarding enforcement powers, motor carrier inspectors shall:

(1) successfully complete a formal motor carrier inspector school that has been approved by the superintendent;

(2) pass any written examination or other performance criteria approved by the superintendent; and

(3) be at least twenty-one (21) years of age.

(*State Police Department; 240 IAC 1-5-7.1; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3377; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 1-5-8 Appointment, reappointment; background investigations

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2-12; IC 10-11-2-14

Sec. 8. Applicants selected for employment will be investigated in their community to ascertain their moral standing and a criminal check will be conducted. Applicants will not be employed until after a background investigation has been completed. (*State Police Department; 240 IAC 1-5-8; filed Jan 6, 1983, 8:23 am: 6 IR 330; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 1-5-9 Reemployment of retired employees over 55 (Repealed)

Sec. 9. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378*)

240 IAC 1-5-10 Assignment policy (Repealed)

Sec. 10. (*Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378*)

240 IAC 1-5-11 Promotion policy (Repealed)

Sec. 11. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-12 Transfer between divisions, districts (Repealed)

Sec. 12. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-13 Vacations; civilian employees (Repealed)

Sec. 13. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-14 Vacations; communications personnel, weighmasters and port security officers (Repealed)

Sec. 14. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-15 Termination; retirement (Repealed)

Sec. 15. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-16 Termination; resignation, retirement notification required (Repealed)

Sec. 16. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-17 Discipline policy (Repealed)

Sec. 17. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-18 Discipline; penalties assessed by supervisors (Repealed)

Sec. 18. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-19 Discipline; action required by supervisors (Repealed)

Sec. 19. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-20 Discipline; types of offenses (Repealed)

Sec. 20. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-21 Disciplinary action; official notice (Repealed)

Sec. 21. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-22 Disciplinary action; appeals (Repealed)

Sec. 22. *(Repealed by State Police Department; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378)*

240 IAC 1-5-23 Reemployment of employees who are receiving benefits from the police benefit fund

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 23. (a) A retired employee who desires to be reemployed will be required to compete with other nondepartment applicants in accordance with the procedures outlined in sections 1 through 8 of this rule.

(b) If a former employee is reemployed, the superintendent shall make appointment:

(1) at the same rate of pay the employee had been receiving when the employee was last in that class or a class of the same salary range; or

(2) at the nearest higher dollar amount to the salary received before separation that is within the current salary range for the class.

(State Police Department; 240 IAC 1-5-23; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3378; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)

ARTICLE 2. PENSION AND BENEFIT PROGRAM

Rule 1. General Provisions

240 IAC 2-1-1 Establishment of pension advisory board; duties (Repealed)

Sec. 1. *(Repealed by State Police Department; filed Jun 19, 1979, 11:45 am: 2 IR 1071)*

240 IAC 2-1-2 Agreement for operation of police benefit fund (Repealed)

Sec. 2. *(Repealed by State Police Department; filed Nov 9, 1979, 3:30 pm: 2 IR 1734)*

ARTICLE 3. FIREARMS LICENSING

Rule 1. Issuance

240 IAC 3-1-1 Issuance; improper persons; restricted licenses

Authority: IC 10-11-2-10

Affected: IC 35-47-2-3; IC 35-47-2-4

Sec. 1. ISSUANCE. (1) The Superintendent of the Indiana State Police Department will not issue a firearm license which would place a licensee in contradiction of Federal Firearm Law.

(2) A person is an improper person if:

(A) He has a history of minor criminal activity which would give rise to a reasonable belief that the applicant has a propensity for violent or emotionally unstable conduct.

(B) He is found, upon a standard of reasonable belief, not to be emotionally stable.

(C) He has been charged and convicted of any violent crime as defined by 35-23-4.1-1 *[Repealed by P.L.311-1983, SECTION 49. See, IC 35-47-2-3 concerning criteria for accepting an application for a license.]*

(D) He makes a false statement of material fact on his application.

(3) A person will have a sufficient reason for the issuance of an unlimited firearm license if he states a legal purpose for desiring such license.

(4) On the statement of a reason meeting the criteria of I (3) *[subsection (3) of this section]* the burden of denying a license due to improper or insufficient reason shall be upon the Superintendent.

(5) The Superintendent may issue a restricted license when the license is issued for a person's employment. *(State Police Department; Firearms Rule I; filed Dec 15, 1977: Rules and Regs. 1978, p. 808; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

Rule 2. Suspension--Temporary

240 IAC 3-2-1 Temporary suspension; notice; hearing

Authority: IC 10-11-2-10

Affected: IC 35-47-2-3; IC 35-47-2-4

Sec. 1. SUSPENSION—TEMPORARY. (1) The Superintendent will temporarily suspend a firearm license upon the written request of a local police department, sheriff's department, prosecutor or full time police officer, without prior hearing.

(2) The request for suspension must state reasonable grounds for such suspension.

(3) Upon suspension, the licensee will be given notice of right to immediate hearing and grounds for the suspension.

(4) An authority requesting suspension must appear and prove the grounds for permanent revocation of the license.

(5) Failure of the requesting authority to appear at the hearing may cause reinstatement of license to licensee. (*State Police Department; Firearms Rule II; filed Dec 15, 1977: Rules and Regs. 1978, p. 808; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

Rule 3. Revocation

240 IAC 3-3-1 Revocation of license; hearing

Authority: IC 10-11-2-10

Affected: IC 4-21.5; IC 35-47-2-3; IC 35-47-2-4

Sec. 1. REVOCATION. (1) The Superintendent will permanently revoke a license only if he has proof of the allegation which served as the grounds for temporary suspension.

(2) A revocation will be made only after an adequate hearing, as defined by the Indiana Administrative Adjudication Act—IC 1971 4-22-1 [*Repealed by P.L.18-1986, SECTION 2. See IC 4-21.5.*]. (*State Police Department; Firearms Rule III; filed Dec 15, 1977: Rules and Regs. 1978, p. 808; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

Rule 4. General

240 IAC 3-4-1 Application for license; hearing; default; disapproval

Authority: IC 10-11-2-10

Affected: IC 35-47-2-3; IC 35-47-2-4

Sec. 1. GENERAL. (1) An applicant need not list traffic arrests or traffic convictions on his application except:

(A) Driving Under the Influence of Alcohol, Drugs or Narcotics;

(B) Reckless Driving;

(C) Fleeing a Police Officer; and

(D) Any charges related to injury or death.

(2) An applicant or licensee who requests an administrative hearing must appear unless the applicant or licensee makes a timely request and a continuance is granted. Failure to appear is a default.

(3) An agency disapproving an application for which a hearing is scheduled must have a representative present at the hearing if so requested to appear.

(4) Any agency disapproving an application must state specific reasons. In case of criminal record denial, the agency must supply charges, dates, and dispositions. (*State Police Department; Firearms Rule IV; filed Dec 15, 1977: Rules and Regs. 1978, p. 809; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

ARTICLE 4. PRIVATE DETECTIVES (REPEALED)

(*Repealed by State Police Department; filed Feb 5, 1979, 2:45 pm: 2 IR 301*)

ARTICLE 4.1. PRIVATE DETECTIVES

Rule 1. General Provisions

240 IAC 4.1-1-1 Definitions (Transferred)

Sec. 1. (NOTE: Transferred from State Police Department (240 IAC 4.1-1-1) to Private Detectives Licensing Board (862 IAC 1-1-1) by P.L.234-1989, SECTION 25, effective July 1, 1989.)

240 IAC 4.1-1-2 Forms; reproduction (Transferred)

Sec. 2. (NOTE: Transferred from State Police Department (240 IAC 4.1-1-2) to Private Detectives Licensing Board (862 IAC 1-1-2) by P.L.234-1989, SECTION 25, effective July 1, 1989.)

240 IAC 4.1-1-3 Experience requirement (Transferred)

Sec. 3. (NOTE: Transferred from State Police Department (240 IAC 4.1-1-3) to Private Detectives Licensing Board (862 IAC 1-1-3) by P.L.234-1989, SECTION 25, effective July 1, 1989.)

240 IAC 4.1-1-4 Applications of law enforcement officers not considered (Repealed)

Sec. 4. (Repealed by State Police Department; filed Feb 8, 1983, 4:00 pm: 6 IR 508)

240 IAC 4.1-1-5 Violation of private detective license law; effect on application (Transferred)

Sec. 5. (NOTE: Transferred from State Police Department (240 IAC 4.1-1-5) to Private Detectives Licensing Board (862 IAC 1-1-4) by P.L.234-1989, SECTION 25, effective July 1, 1989.)

240 IAC 4.1-1-6 Fingerprints; assignment of code number (Transferred)

Sec. 6. (NOTE: Transferred from State Police Department (240 IAC 4.1-1-6) to Private Detectives Licensing Board (862 IAC 1-1-5) by P.L.234-1989, SECTION 25, effective July 1, 1989.)

240 IAC 4.1-1-7 Advertising (Transferred)

Sec. 7. (NOTE: Transferred from State Police Department (240 IAC 4.1-1-7) to Private Detectives Licensing Board (862 IAC 1-1-6) by P.L.234-1989, SECTION 25, effective July 1, 1989.)

240 IAC 4.1-1-8 Nonresident applicants (Transferred)

Sec. 8. (NOTE: Transferred from State Police Department (240 IAC 4.1-1-8) to Private Detectives Licensing Board (862 IAC 1-1-7) by P.L.234-1989, SECTION 25, effective July 1, 1989.)

240 IAC 4.1-1-9 Payment of license fee (Transferred)

Sec. 9. (NOTE: Transferred from State Police Department (240 IAC 4.1-1-9) to Private Detectives Licensing Board (862 IAC 1-1-8) by P.L.234-1989, SECTION 25, effective July 1, 1989.)

240 IAC 4.1-1-10 Names of licensees; limitations (Transferred)

Sec. 10. (NOTE: Transferred from State Police Department (240 IAC 4.1-1-10) to Private Detectives Licensing Board (862 IAC 1-1-9) by P.L.234-1989, SECTION 25, effective July 1, 1989.)

ARTICLE 5. COMMUNICATION SYSTEMS

Rule 1. Indiana Data and Communications System—Policy**240 IAC 5-1-1 General policy; restrictions on use**

Authority: IC 10-11-2-10; IC 10-13-2-9; IC 10-13-2-10

Affected: IC 10-13-2-3; IC 10-13-2-4

Sec. 1. (a) A committee appointed by the superintendent of the Indiana state police, for the purpose of managing and controlling the Indiana data and communications system, hereinafter called "IDACS", has the responsibility for the management of the statewide system network as imposed by this article and as directed by the superintendent of state police. The committee chairman shall be selected by the superintendent. The chairman shall report activities of the committee to the superintendent for review and approval. To assure the proper operation of the system, the standards, procedures, formats, and criteria as set forth herein shall be strictly adhered to. In this respect, as in system security, the IDACS terminal agency shall not only follow the rules set forth, but shall also ensure that agencies they are servicing do the same.

(b) Accuracy is essential as is promptness in entering, modifying, locating, or clearing records in the system. Each record on file is identified with the agency originating that record, and that agency alone is responsible for the accuracy, completeness, and correct status of that record at all times. IDACS cannot assume responsibility for the accuracy of any records entered by any agency.

(c) The IDACS provides information for decision making, by investigators and patrolmen. The information furnished through IDACS shall be evaluated with other facts known to the officer and investigators at the scene. IDACS is an information tool. It is no substitute for professional police judgment.

(d) When an agency receives a positive response (wanted notice) from IDACS or NCIC, an immediate follow-up confirmation request with the agency that originated the record in the system is necessary before any enforcement action is taken. Likewise, the originating agency has an obligation to supply a substantive response within ten (10) minutes to the inquiring agency. This response shall include a confirmation or denial of the wanted notice or the length of time it will take to respond.

(e) IDACS is primarily a system for law enforcement/criminal justice users, and as such only data related to law enforcement/criminal justice shall be transacted by the system. Information furnished through the system shall be restricted to the use of authorized law enforcement/criminal justice agencies, or those authorized noncriminal justice agencies performing criminal justice responsibilities, and shall not be sold, transmitted, or disseminated to any noncriminal justice agency or person unless authorized by the state police superintendent. Such authorization for dissemination can occur when it has been determined that to do so would be in the best interest of the law enforcement/criminal justice community. (*State Police Department; Ch I, Prelim; filed Dec 20, 1978, 2:43 p.m.: 2 IR 136; filed Nov 5, 1982, 8:25 a.m.: 5 IR 2489; errata, 6 IR 777; filed Aug 6, 1990, 4:40 p.m.: 13 IR 2098; errata filed Aug 10, 1990, 5:00 p.m.: 13 IR 2137; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 5-1-2 Audit of system transactions

Authority: IC 10-11-2-10; IC 10-13-2-9; IC 10-13-2-10

Affected: IC 10-13-2-5

Sec. 2. (a) Established IDACS committee policy requires all user agencies to maintain an audit trail for six (6) months for certain types of IDACS transactions as itemized but not limited to the following:

(1) Switched messages (both transmitted and received).

(2) Bureau of motor vehicles and department of natural resources information file data.

(3) IDACS/NCIC stolen file data.

(4) Out-of-state (NLETs) bureau of motor vehicles or department of natural resources data.

These audit records shall include, but are not limited to, the names of all persons or agencies to whom the information is disseminated and the date and time upon which such information is disseminated. Audit trails shall be maintained manually or by automation, and shall be made available to the IDACS committee for inspection upon request.

(b) It should be noted that these are minimum requirements, and it may be necessary to keep important or case related traffic for longer periods of time in order to properly confirm or validate IDACS/NCIC wanted entries. (*State Police Department; Ch I, Retention of IDACS; filed Dec 20, 1978, 2:43 p.m.: 2 IR 137; filed Nov 5, 1982, 8:25 a.m.: 5 IR 2489; filed Aug 6, 1990, 4:40 p.m.: 13 IR 2098; errata filed Aug 10, 1990, 5:00 p.m.: 13 IR 2137; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 5-1-3 Audit of criminal history record dissemination

Authority: IC 10-11-2-10; IC 10-13-2-9; IC 10-13-2-10

Affected: IC 4-1-6; IC 10-13-2-5

Sec. 3. 28 U.S.C. states that audits shall be kept pertaining to the dissemination of criminal history records. This includes responses from NCIC's Interstate Identification Index (NCIC III) and responses from state central repositories and other agency criminal history files (both in-state and out-of-state). Such audit records shall include, but are not limited to, the names of all persons or agencies to whom the information is disseminated and the date and time upon which such information is disseminated. (*State Police Department; Ch I, Criminal History Record Dissemination and Retention; filed Dec 20, 1978, 2:43 p.m.: 2 IR 137; filed Nov 5, 1982, 8:25 a.m.: 5 IR 2489; filed Aug 6, 1990, 4:40 p.m.: 13 IR 2099; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

Rule 2. Indiana Data and Communications System – Security**240 IAC 5-2-1 “System” defined (Repealed)**

Sec. 1. (*Repealed by State Police Department; filed Nov 5, 1982, 8:25 am: 5 IR 2495*)

240 IAC 5-2-2 Who may access criminal history data (Repealed)

Sec. 2. (*Repealed by State Police Department; filed Nov 5, 1982, 8:25 am: 5 IR 2495*)

240 IAC 5-2-3 Control of criminal justice records systems (Repealed)

Sec. 3. (*Repealed by State Police Department; filed Nov 5, 1982, 8:25 am: 5 IR 2495*)

240 IAC 5-2-4 Use of system-derived criminal history data (Repealed)

Sec. 4. (*Repealed by State Police Department; filed Nov 5, 1982, 8:25 am: 5 IR 2495*)

240 IAC 5-2-5 Right to challenge record (Repealed)

Sec. 5. (*Repealed by State Police Department; filed Nov 5, 1982, 8:25 am: 5 IR 2495*)

240 IAC 5-2-6 Physical, technical and personnel security measures (Repealed)

Sec. 6. (*Repealed by State Police Department; filed Nov 5, 1982, 8:25 am: 5 IR 2495*)

240 IAC 5-2-7 Validation of records

Authority: IC 10-11-2-10; IC 10-13-2-9; IC 10-13-2-10

Affected: IC 4-1-6-7; IC 10-13-2

Sec. 7. (a) All IDACS user agencies shall validate, on a periodic basis, as prescribed to the user agency by IDACS, all IDACS wanted records entered on their authority. Validation of records shall be in conformity and compliance with rules set forth by IDACS.

(b) Validation obligates the originating agency to confirm the record is COMPLETE, ACCURATE, and is still OUTSTANDING or ACTIVE.

(c) Validation is accomplished by reviewing the original entry and current supporting documents and by recent consultation with any appropriate complainant, victim, prosecutor, court, motor vehicle registry files, or other appropriate source or individual. In the event the originating agency is unsuccessful in its attempts to contact the victim, complainant, etc., the entering authority shall make a determination based on the best information and knowledge available whether or not to retain the original entry on file.

(d) To ensure the validity of IDACS and NCIC records, administrative controls shall be maintained which will result in prompt updating for the benefit of system users. Agencies entering records in IDACS and/or NCIC are solely responsible for their accuracy, timeliness, and completeness. Only by conscientious validation of records can users remain assured the integrity of the system is being upheld, and inquiring officers can rely on the information in IDACS and NCIC.

(e) The Indiana control terminal (Indiana state police) is responsible to the national network (NCIC). Control terminal responsibilities are as follows:

(1) Monitor system use.

(2) Enforce discipline.

(3) Assure system procedures and policies are met by all users.

(f) Maintain validation schedule as established by NCIC/IDACS.

(g) Procedures for documentation are as follows:

(1) Each agency shall receive a validation printout in compliance with the validation schedule.

(2) It shall be the responsibility of the originating agency IDACS coordinator to cause each record to be processed according [sic.] subsection (c) and to ensure that any errors are corrected, inactive records are removed, and active records are kept in the system by submitting the appropriate validation transaction.

(h) Any record not appropriately validated within the authorized validation period shall be removed automatically from IDACS/NCIC.

(i) An agency that allows IDACS to purge inactive or unwanted records from the wanted files shall be subject to sanction. (*State Police Department; Ch I, Validation Policy; filed Dec 20, 1978, 2:43 p.m.: 2 IR 139; filed Nov 5, 1982, 8:25 a.m.: 5 IR 2489; filed Aug 6, 1990, 4:40 p.m.: 13 IR 2099; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 5-2-8 Terminal agency operation; coordinator; duties and responsibilities

Authority: IC 10-11-2-10; IC 10-13-2-9; IC 10-13-2-10

Affected: IC 4-1-6-7; IC 10-13-2-5

Sec. 8. Once operational on the IDACS system, each terminal agency is required to designate one (1) individual as coordinator to serve as liaison between that department and the IDACS committee. It is important that the person selected becomes familiar with all phases of IDACS to efficiently carry out all duties and responsibilities assigned. Duties and responsibilities are as follows:

(1) Ensure that all agency personnel (including any nonterminal agencies serviced) utilizing system information are aware of the rules and policies of the IDACS/NCIC/NLETS system.

(2) Disseminate the contents of the IDACS/NCIC newsletters to all terminal operators.

(3) Ensure that validation reports are properly processed.

(4) Ensure that terminal operators receive proper IDACS training in accordance with the IDACS certification training program.

(5) Maintain NCIC and IDACS manual revisions and disseminate information to operators.

(6) Advise IDACS of any changes in the agency head, the coordinator, agency address, or terminal site.

(7) Report all IDACS rule violations and other improper uses to IDACS.

(*State Police Department; Ch I, Validation of Agency Operation—Internal; filed Dec 20, 1978, 2:43 p.m.: 2 IR 139; filed Nov 5, 1982, 8:25 a.m.: 5 IR 2490; filed Aug 6, 1990, 4:40 p.m.: 13 IR 2100; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 5-2-9 User agreement

Authority: IC 10-11-2-10; IC 10-13-2-9; IC 10-13-2-10

Affected: IC 4-1-6-7; IC 10-13-2-6

Sec. 9. All IDACS user agencies shall complete a “user agreement” before utilizing the system. Agencies with terminals and statutory police agencies shall complete such agreements with the Indiana state police and the IDACS committee. Nonterminal agencies shall complete an agreement with the terminal agency that services them. (*State Police Department; Ch I, Sample Agreement; filed Dec 20, 1978, 2:43 p.m.: 2 IR 140; filed Nov 5, 1982, 8:25 a.m.: 5 IR 2490; filed Aug 6, 1990, 4:40 p.m.: 13 IR 2100; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 5-2-10 Security; confidentiality

Authority: IC 10-11-2-10; IC 10-13-2-9; IC 10-13-2-10

Affected: IC 10-13-2

Sec. 10. (a) "System", as used in the security and confidentiality rules, means IDACS, NLETS, and/or NCIC terminals, equipment, and any and all data accessible from or stored therein.

(b) Access, meaning the ability to obtain information from the system, shall be permitted only to criminal justice agencies in the discharge of their official mandated responsibilities, and those agencies as required by state and/or federal enabling authority. Release of Indiana bureau of motor vehicles data to noncriminal justice agencies may occur when it is determined to be in the best interest of law enforcement/criminal justice to do so. Agencies that shall be permitted access to SYSTEM data include the following:

- (1) Police forces and departments at all governmental levels (including private college and railroad police departments as authorized by Indiana Code) that are responsible for enforcement of general criminal laws.
- (2) Prosecutive agencies and departments at all governmental levels.
- (3) Courts at all governmental levels with a criminal or equivalent jurisdiction.
- (4) Correction departments at all governmental levels, including corrective institutions and probation departments.
- (5) Parole commissions and agencies at all governmental levels.
- (6) Agencies at all governmental levels which have as a principal function the collection and provision of fingerprint identification information.
- (7) Regional or local governmental organizations established pursuant to statute which collect and process criminal justice information and whose policy and governing boards have, as a minimum, a majority composition of members representing criminal justice agencies.

(c) Approved noncriminal justice agencies may have access to SYSTEM data on a limited basis. "Limited basis" means restricted to only that data recommended through resolution by the IDACS committee and approved by the state police superintendent.

(d) All computers, electronic switches, and manual terminals (including mobile data terminals/printers) interfaced with the SYSTEM computer for the exchange of SYSTEM data shall be under the management control of criminal justice agencies. Similarly, satellite computers and manual terminals accessing the SYSTEM shall be under the management control of a criminal justice agency.

(e) "Management control" means the authority to set and enforce:

- (1) priorities;
- (2) standards for the selection, supervision, and termination of personnel; and
- (3) policy governing the operations of computers, circuits, and telecommunications terminals used to process SYSTEM information insofar as the equipment is used to process, store, or transmit SYSTEM information.

Management control includes, but is not limited to, the supervision of equipment, systems design, programming, and operating procedures necessary for the development and implementation of the computerized SYSTEM. Management control shall remain fully independent of noncriminal justice data systems, and criminal justice systems shall receive priority service and be primarily dedicated to the service of the criminal justice community.

(f) In those instances where criminal justice agencies are utilizing equipment and personnel of a noncriminal justice agency for SYSTEM purposes, they shall have complete management control of the hardware and the people who use and operate the system.

(g) The criminal justice agency shall exercise management control with regard to the operation of the equipment by:

- (1) having a written agreement with the noncriminal justice agency operating the data center providing the criminal justice agency authority to select and supervise personnel;
- (2) having the authority to set and enforce policy concerning computer operations; and
- (3) having budgetary control with regard to personnel and equipment in the criminal justice agency.

(h) Procedures for the use of system-derived criminal history data shall be as follows:

- (1) Criminal history data on an individual from the national computerized file shall be made available outside the federal government to criminal justice agencies for criminal justice purposes. This precludes the dissemination of such data for use in connection with licensing (except when a federal, state, or local law/ordinance exists making the criminal justice agency responsible for the processing or issuing of the licenses/permits) applications, or local or state employment, other than with

a criminal justice agency, or for other uses unless such dissemination is pursuant to state and federal statutes or state and federal executive order. There are no exceptions.

(2) Researchers using the data shall acknowledge a fundamental commitment to respect individual privacy interests by removing the identification of subjects as fully as possible from the data. Proposed programs shall be reviewed by the IDACS committee to assure their propriety and to determine that proper security is being provided. All noncriminal justice agency requests involving the identities of individuals in conjunction with their national criminal history records shall be approved by the NCIC advisory policy board through the IDACS committee. The NCIC or the IDACS committee shall retain rights to monitor any research project approved and to terminate same if violation of the above principles is detected. Research data shall be provided off line only.

(3) Upon verification that any agency has received criminal history information and has disclosed that information to an unauthorized source, immediate action shall be taken by the IDACS committee. Unauthorized use of criminal history information shall result in imposed sanctions as authorized by this article.

(4) Agencies are instructed that their rights to direct access to NCIC information encompass only requests reasonably connected with their criminal justice responsibilities.

(5) The IDACS committee shall make checks as necessary concerning inquiries made of the SYSTEM to detect possible misuse.

(i) The person's right to see and challenge the contents of his records shall form an integral part of the SYSTEM with reasonable administrative procedures. If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC III file, or the state central repository, it shall be available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable state and federal administrative and statutory regulations. Such requests shall be made by the person contacting the FBI or state central repository directly, and not through the SYSTEM.

(j) The following security measures are the minimum to be adopted by all agencies having access to the SYSTEM data and are designed to prevent unauthorized access to the SYSTEM data and/or unauthorized use of that data:

(1) Security measures for computer centers as follows:

(A) All computer sites accessing SYSTEM data shall have the security to protect against any unauthorized access to any of the stored data and/or the computer equipment including the following:

(i) All doors having access to the central processing unit (CPU) room shall be locked at all times.

(ii) A visitor's log shall be maintained of all persons entering the CPU area except those assigned to the area on a permanent basis. The visitor's name, date, time in, time out, agency represented, and reason for visit.

(B) Since personnel at these computer centers have access to data stored in the SYSTEM, they shall be screened thoroughly under the authority and supervision of the IDACS committee or their designated representative. This screening shall also apply to noncriminal justice maintenance or technical personnel. The screening process shall consist of a character investigation, including fingerprints, for the purpose of establishing suitability for the position. Investigations shall consist of the gathering of information as to the applicant's honesty, integrity, and general reputation. Personal characteristics or habits, such as lack of judgment, lack of physical or mental vigor, inability to cooperate with others, intemperance, or other characteristics which would tend to cause the applicant to be unsuitable for this type of position, shall be considered sufficient grounds for rejection. Also, convincing information in an applicant's past history involving moral turpitude, disrespect for law, or unethical dealings shall be considered sufficient grounds for rejection. If any of the above facts are presented to the IDACS committee, a recommendation shall be made and presented to the state police superintendent for a final approval or disapproval decision.

(C) All visitors to these computer centers shall be accompanied by a permanent full-time employee of the data center.

(D) Computers having access to the SYSTEM shall have the proper computer instructions written and other built-in controls to prevent SYSTEM data from being accessible to any terminals other than authorized terminals. These instructions and controls shall be made available to the IDACS committee for inspection upon request.

(E) Computers and/or terminals (including mobile data terminals) having access to SYSTEM data shall maintain an audit of all transactions. This audit trail shall be maintained either manually by each agency or automated by the computer center. This transaction audit shall be monitored and reviewed on a regular basis to detect any possible misuse of SYSTEM data. This audit shall be made available to IDACS for inspection upon request.

(2) Security measures for communications as follows:

(A) Lines/channels being used to transmit SYSTEM information shall be dedicated solely to SYSTEM use, i.e., there

shall be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels except by prior IDACS committee approval.

(B) Security of the lines/channels shall be established to protect against clandestine devices being utilized to intercept or inject SYSTEM traffic.

(C) Audio response terminals, radio devices, and mobile data terminals, whether digital (teleprinters) or voice, shall not be used for the transmission of criminal history data beyond that information necessary to effect an immediate identification or to ensure adequate safety for officers and the general public. Transmission shall be made to police officers upon his or her request.

(3) Security measures for terminal devices having access to the SYSTEM as follows:

(A) All agencies and computer centers having terminals on the SYSTEM and/or having access to SYSTEM data shall physically place these terminals in a secure location previously approved by the IDACS committee within the authorized agency. Subsequent physical location changes of terminals shall have prior approval of the IDACS committee.

(B) The agencies having terminals with access to SYSTEM data shall have terminal operators screened as in subdivision (1)(B) and restrict access to the terminal to a minimum number of authorized employees.

(C) Copies of SYSTEM data obtained from terminal devices shall be afforded security to prevent any unauthorized access to or use of that data. Copies of SYSTEM data which are no longer relevant shall be destroyed.

(D) Mobile teleprinters having access to SYSTEM data shall afford security to that data in the same manner as a fixed terminal. Any positive "wanted response" shall be duplicated at the agencies station terminal for proper interpretation and confirmation to occur. SYSTEM data shall not be transmitted to the device when it is unattended.

(State Police Department; 240 IAC 5-2-10; filed Nov 5, 1982, 8:25 a.m.: 5 IR 2492; filed Aug 6, 1990, 4:40 p.m.: 13 IR 2102; errata filed Aug 10, 1990, 5:00 p.m.: 13 IR 2137; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)

240 IAC 5-2-11 IDACS operator/coordinator certification training

Authority: IC 10-11-2-10; IC 10-13-2-9; IC 10-13-2-10

Affected: IC 10-13-2-3; IC 10-13-2-4

Sec. 11. (a) All IDACS terminal operators (including mobile terminals) shall be trained and tested for their proficiency at operating the IDACS terminal. All IDACS coordinators shall be trained and tested for their proficiency at operating the IDACS terminal and for their skills as the coordinator.

(b) The objectives of training requirements shall be as follows:

(1) To ensure that terminal operators and coordinators are familiar with the laws governing IDACS/NCIC/NLETS, IDACS system rules, regulations, and procedures, and what files (functions) are available and how to utilize them properly.

(2) Create an awareness of IDACS/NCIC/NLETS system capabilities in order to allow criminal justice agencies to obtain maximum use of the system.

(c) All persons assigned a system password (operator identifier) to operate the IDACS terminal and persons designated IDACS coordinator by their agency shall be trained and tested according to the guidelines set forth by the IDACS committee and approved by the state police superintendent.

(d) Training course content shall be derived from the IDACS/NCIC/NLETS manuals and publications and be periodically reviewed for relevancy and accuracy and updated accordingly.

(e) The IDACS committee can authorize the removal of a system password or impose sanctions on an agency for noncompliance with these procedures. *(State Police Department; 240 IAC 5-2-11; filed Aug 6, 1990, 4:40 p.m.: 13 IR 2105; errata filed Aug 10, 1990, 5:00 p.m.: 13 IR 2137; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

240 IAC 5-2-12 User agency sanctions

Authority: IC 10-11-2-10; IC 10-13-2-9; IC 10-13-2-10

Affected: IC 10-13-2-3; IC 10-13-2-4

Sec. 12. (a) The IDACS committee shall review violations of IDACS rules and make recommendations to the state police superintendent to impose sanctions on user agencies.

(b) The objectives of the sanction procedure shall be as follows:

(1) To ensure the integrity of the SYSTEM.

(2) Create an awareness among user agencies of the importance of following rules, regulations, and procedures in order to minimize the risk to liabilities that may be incurred by misuse of the SYSTEM and its data.

(c) Sanctions shall be based upon the class of violation, any previous violations, and any exposure to criminal and civil liabilities that the violation might place on the SYSTEM, its officials, and the offending agency.

(d) Violations shall be classed as either administrative (minor) or security (serious) violations. Security violations being defined as one which has or could result in access of SYSTEM data by unauthorized individuals. All other violations are classed as administrative.

(e) In determining the severity of the violation, the violation type, either administrative or security, and previous sanctions issued, if any, shall be considered. The IDACS committee may impose as sanctions one (1) of the following:

(1) Verbal warning.

(2) Written warning.

(3) Written notice of violation.

(4) Written notice of probation.

(5) Written notice of temporary suspension.

(6) Written notice of permanent suspension.

(f) Temporary or permanent suspension of service will not begin, unless an emergency exists, until fifteen (15) days after the agency head has received written notice by certified mail or personal service.

(g) An agency may after one (1) year apply to be reinstated if placed on permanent suspension. (*State Police Department; 240 IAC 5-2-12; filed Aug 6, 1990, 4:40 p.m.: 13 IR 2105; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

Rule 3. Indiana Law Enforcement Emergency Network–Administration

240 IAC 5-3-1 Purpose of network; limitation on participation

Authority: IC 10-11-2-10

Affected: IC 10-11-2-10

Sec. 1. The Indiana Law Enforcement Emergency Network (ILEEN) is a system to establish a common communications bond between all Indiana law enforcement officers. It provides a secondary dedicated channel of emergency inter-department communication for each vehicle participating in the program. Participation is limited to law enforcement vehicles or portables operated by certified law enforcement officers.

ILEEN provides for coordinated assistance in emergencies and supports the concept of mutual interdependence.

Manpower shortages in Indiana law enforcement agencies point up the need of large and small agencies for assistance in coping with emergencies. ILEEN can bring such assistance rapidly when an officer advises others on the ILEEN frequency that he is in an emergency situation.

Hundreds of radio units are being installed or converted for operation on ILEEN by local, county, and state agencies. At this time, the Indiana State Police has base station transmitters and receivers on the frequency ready to begin operation. (*State Police Department; Ch I, Sec I, A; filed Dec 20, 1978, 2:43 pm: 2 IR 141; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 5-3-2 Participation; request for authorization

Authority: IC 10-11-2-10

Affected: IC 10-11-2-10

Sec. 2. Participation is limited to those law enforcement agencies who file "Request For Authorization Forms" with the ILEEN Advisory Policy Committee, obtain State Police concurrence as demonstrated by a "Concurrence Form" properly completed, and who agree that the frequency will be used solely for the purpose intended. (*State Police Department; Ch I, Sec I, B; filed Dec 20, 1978, 2:43 pm: 2 IR 141; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 5-3-3 Authorization of federal communications commission; advisory policy committee; duties; objective

Authority: IC 10-11-2-10

Affected: IC 10-11-2-10

Sec. 3. (1) Participating agencies must obtain Federal Communications Commission authorization by modification of their present FCC license or obtaining a new license for the frequency. Each agency can do this by submission of the proper forms to the Federal Communications Commission. The "Concurrence Form", properly completed, must accompany the forms submitted to the FCC. It is also necessary to include a cover letter attesting to the fact that operation will be under the State plan. This will eliminate the need and delay of frequency coordination.

(2) The ILEEN Advisory Policy Committee (APC) will consist of nine members appointed by the Superintendent of the Indiana State Police, serving at his discretion. The committee will be composed of representatives from local, county, and state law enforcement. A representative of the Superintendent will serve as Chairman of the APC.

(3) The APC will serve in an advisory capacity to the Superintendent of the Indiana State Police on all matters relating to the operation of ILEEN.

(4) The APC will meet quarterly with additional meetings to be called by the Chairman as he deems necessary. Meetings may be requested by a petition of at least half the members of the APC (5). Such meetings will be scheduled at the convenience of the Chairman.

(5) The Advisory Policy Committee shall monitor all facets of the operation of ILEEN and report its findings in all such matters to the Superintendent through the Committee Chairman.

(6) The objective of the Advisory Policy Committee will be to assist each participating agency and the Superintendent of the Indiana State Police in making ILEEN the efficient law enforcement tool it is intended to be. This may only be achieved through the input, cooperation, and assistance of each participating agency. (*State Police Department; Ch I, Sec I, C; filed Dec 20, 1978, 2:43 pm; 2 IR 141; readopted filed Oct 17, 2001, 10:05 a.m.; 25 IR 935*)

Rule 4. Indiana Law Enforcement Emergency Network—Operational Procedures**240 IAC 5-4-1 Operational procedures**

Authority: IC 10-11-2-10

Affected: IC 10-11-2-10

Sec. 1. (A) General. The use of ILEEN will be confined to police related activity requiring emergency communication for police mobile units that individual agencies regular police radio facilities could not provide.

(B) Allowable Communications.

(1) Emergency

Those communications requiring coordination and cooperation of mobile units during riots, disasters, etc., or in effecting the apprehension of a person or persons suspected of being involved in a recently committed crime and who are leaving, or believed to be leaving, the jurisdiction of the police unit in pursuit. When such an emergency occurs and the operator of the mobile unit elects to use ILEEN, assistance shall be called for in the following manner.

(A) Initial Call

The message must contain enough information so that the listening units can determine whether they can or can not be of assistance.

EXAMPLE:

ILEEN, Vigo County 21 enroute South on U.S. 41 approaching Farmersburg in pursuit.

(B) Answer

A unit hearing the initial call and being in position to assist will answer.

EXAMPLE:

Vigo County 17 on U.S. 41 at Shelburn.

(C) After contact has been established, the remainder of the communications will be handled following proper police radio procedures excluding the use of any signal or code. When several units are involved in an activity, caution will be exercised so as not to overload the frequency. This will be implemented by transmitting only when the involved units have pertinent information

or when they need information to properly participate.

(2) Service

Those communications which render a service to itinerant law enforcement vehicles while transporting prisoners or having other service needs. To provide this service, base stations have been installed at all State Police District Headquarters. When a service need occurs and the operator of the mobile elects to use ILEEN, service shall be called for in the following manner:

(A) Initial Call

The message must contain sufficient information so that a listening unit or station can determine who can best provide the required service.

EXAMPLE:

ILEEN SERVICE, Vigo County 5 on U.S. 40 just west of Manhattan, a property damage accident wrecker is needed.

(B) When in range and the service is such that it can be provided by a base station, the call should be directed to that specific State Police station.

EXAMPLE:

ILEEN State Police Terre Haute, Vigo County 17.

(C) After contact is established, the remainder of the communication will be handled following proper police radio procedures excluding the use of any signal or code.

(3) Broadcasts

The State Police District Headquarters will broadcast information pertaining to stolen vehicles, felony vehicles and felony acts, if the information is available within one hour of the time of the crime's commission and if information is sufficient for visual identification. No acknowledgement of these broadcasts is required or desired, and further traffic would not be called for unless the need would develop according to an emergency situation. If a repeat or further information is needed, this must be obtained from the unit's own radio base station on that station's frequency.

(4) Testing

Ordinarily, adequate testing of the equipment will be accomplished by the technician on the service bench. Discrete operational testing will be allowed by calling the nearest State Police District Headquarters and requesting a report or by checking with another mobile unit.

EXAMPLES:

Car to Station:

ILEEN, State Police Terre Haute, Vigo County 6, signal report.

Car to Car:

ILEEN, Vigo County 16, Vigo County, signal report.

In either example, the called station or mobile will simply respond "Vigo County 6, good signal" or other appropriate short message to describe the signal.

(5) Summary

The efficiency and reliability of ILEEN will be directly under the control of each mobile unit participating in this program. Superfluous traffic will degrade the system and should be avoided by all participants. Likewise, all participants should monitor the system with the purpose of reminding violators that their superfluous transmissions are not desirable. The system will function only as well as the users wish.

(A) Bear in mind that all calls will be heard by monitors, as well as mobile units. No immediate response does not necessarily indicate that the transmission was not received; however, the transmission should be repeated. This will allow a monitoring station to alert a mobile unit that may be in the vicinity but not in service. Also, a request for service may be monitored and the necessary service dispatched by the monitoring agency.

(B) When all communications relative to the particular operation have been completed, the FCC call sign must be announced. This identifies the licensee as required by the FCC Rules and also will indicate the end of the transmission.

EXAMPLE:

State Police 32-16, KA 2181

Lafayette Police Department Car 9

KB3624

Hamilton County Sheriff Car 23

KA6439

STATE POLICE DEPARTMENT

(State Police Department; Ch I, Sec II; filed Dec 20, 1978, 2:43 pm: 2 IR 142; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)

Rule 5. Indiana Law Enforcement Emergency Network–System Violation Reports

240 IAC 5-5-1 Reporting system violations; form

Authority: IC 10-11-2-10

Affected: IC 10-11-2-10

Sec. 1. (A) Reporting. One of the major objectives of the ILEEN Committee is to maintain a high level of performance on the ILEEN System. ILEEN is a system for all Indiana police agencies and each person involved should be interested in its integrity. So it behooves any agency or officer observing or overhearing an infraction to report the incident when it occurs in order to protect the integrity of the system and eliminate continued violations.

To assist in this area, an “ILEEN System Violation Report Form” was developed and is to be completed as follows:

1. Violation Date–Include month, day, and year.

Time–List time a.m. or p.m., and time zone.

2. Agencies Involved–List agencies involved by full name.

3. Car Identifiers

Involved–List actual car numbers of all units that were involved.

4. Violation Details–Be specific and list all pertinent details as to what transpired or was said, word for word if known. Use back of sheet if more space is needed.

5. Signature; Agency,

Date–The form is to be signed by the reporting individual along with the agency name and date.

Once completed, the form is to be mailed to the following address:

Superintendent, Indiana State Police

Attn ILEEN Advisory Committee

Indiana State Police

100 North Senate Avenue

Indianapolis, IN 46204

(B) Rules, standard operating rules for the ILEEN are defined in Section II of the ILEEN Manual. If read, understood, and followed, obviously the form would not be necessary.

ILEEN SYSTEM VIOLATION REPORT FORM

VIOLATION DATE _____
TIME _____

AGENCIES INVOLVED _____

CAR IDENTIFIERS INVOLVED _____

VIOLATION DETAILS (BE AS SPECIFIC AS POSSIBLE) _____

STATE POLICE DEPARTMENT

FILLED OUT BY

(signature)

(agency name)

(date)

REQUEST FOR OPERATING AUTHORIZATION

Date _____

The _____
(Agency Name)

wishes to participate in the Indiana Law Enforcement Emergency Network (ILEEN) and as a condition for such authorization to participate submits the following information:

1. Agency Headquarters Location

(Street) _____ (City) _____ (Zip) _____
Telephone: (Area Code) _____ (Number) _____

2. Communications Center Location

(Street) _____ (City) _____ (Zip) _____
Telephone: (Area Code) _____ (Number) _____

3. FCC Call Sign (Base) _____ (Mobile) _____

4. If you do not have FCC license in your name, give name of department under whose authority you operate and who furnished base station service to your mobile(s).

Department Name _____ FCC Call Sign _____

5. Advise the number and type (police, ambulance, portable, etc) of vehicles operating under your authority for which participation authority is requested.

TYPE

NUMBER

_____	_____
_____	_____
_____	_____
_____	_____

6. Projected increase in next 12 months of Item #5 _____

7. A base station monitor on ILEEN frequency (155.475 MHz) will be installed by _____
(Date)

8. Frequency and modulation checks required by FCC will be performed by:

Name _____

Address _____

Telephone _____

Signed _____



STATE OF INDIANA
INDIANA STATE POLICE
INDIANA STATE OFFICE BUILDING
100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA 46204

TO WHOM IT MAY CONCERN:

The Superintendent of the Indiana State Police, the licensee of 155.475 Mhz, hereinafter referred to as the Indiana Law Enforcement Emergency Network frequency, hereby concurs to share the ILEEN frequency for mobile use only with the _____ Department for the purpose of coordinating police activities.

STATE POLICE DEPARTMENT

By accepting the concurrence, the _____ Department agrees to operate and maintain the ILEEN frequency in strict compliance with all applicable FCC Rules and Regulations and all present and future rules, policies and decisions made by the ILEEN governing body.

Superintendent
Indiana State Police

By placing my signature below, I understand that the Superintendent of the Indiana State Police reserves the right to withdraw this concurrence with due cause.

Agency Head



STATE OF INDIANA
INDIANA STATE POLICE
INDIANA STATE OFFICE BUILDING
100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA 46204

May 7, 1977

TO: All ILEEN Participants
FROM: Superintendent
Indiana State Police
SUBJECT: ILEEN

Enclosed is the "Concurrence Form" for your agency. This should accompany your application to the FCC for license modification. All agencies both within and outside the Chicago jurisdiction area should apply to the Washington, D.C. office. Agencies inside the Chicago area that do not presently have a license should complete Form #425. Licensees with valid license records in the Chicago Regional Data Base need only complete an abbreviated form. This consists of the following blanks:

- Section I-1, 2, 3, 4, 5, 7, 8, 9, 10, and the certification at the bottom of the page.
- Section II-1, 2, 3, 4, and 8
- Section III-1, 3, 33, 35, 36, 38, and 39

Both licensees and those not presently having licenses that are outside the Chicago area are to completed Form #400. The Federal Communications Commission has advised that frequency coordination is required for all new license applications and for present license holders outside the Chicago Region that are requesting modifications. Each agency having received State Police concurrence and a valid FCC license for the frequency 155.475 MHz may begin operating for emergency purposes only at that time. Agencies operating under another agencies license need only to confirm that the license holder is in possession of a valid license which has been modified to cover their units before beginning operation.

Superintendent
Indiana State Police

VNH: rw



STATE OF INDIANA
INDIANA STATE POLICE
INDIANA STATE OFFICE BUILDING
100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA 46204

May 6, 1977

TO: All Indiana Law Enforcement Agencies
FROM: Superintendent
Indiana State Police
SUBJECT: Invitation to Participate in ILEEN

Your agency is invited to participate in the Indiana Law Enforcement Emergency Network (ILEEN). The purpose of this new law

STATE POLICE DEPARTMENT

enforcement communications system is to provide car-to-car communications between all Indiana law enforcement agencies at all levels; municipal, county, state, and federal. This will be accomplished on a separate dedicated radio frequency of 155.475 MHz. This frequency will be used only as required for coordination and cooperation between different police agencies during emergencies. The enclosed forms must be completed and processed in accordance with the following instructions.

The form entitled "Request for Operating Authorization" will provide the ILEEN Advisory Policy Committee with the necessary eligibility information for your agency's participation in ILEEN.

Your agency's eligibility will be confirmed upon your receipt of the "Concurrence Form" signed by the Superintendent of the Indiana State Police.

If your agency desires to participate in ILEEN, fill out one "Request for Operating Authorization" and the two "Concurrence Forms" and forward them to the Chief Communications Engineer. After your eligibility has been confirmed, the State Police Superintendent will sign the "Concurrence Forms" and one copy will be returned to your agency.

Those agencies presently licensed and located within the Chicago jurisdiction should file a Form #425 with the FCC Washington, D.C. office requesting modification of their present license. Those agencies presently licensed but not located within the Chicago jurisdiction should file Form #400 with the Washington, D.C. office.

Agencies operating under another agency's license should contact that agency to affirm its inclusion in the provisions of the agency's license. This applies to Town Marshals operating on a Sheriff's license and all other such arrangements.

A copy of the signed "Concurrence Form" must be included with the FCC License Application Form. Also, a cover letter should be included stating operation will be in, by, and under the Indiana Law Enforcement Network (ILEEN) plan.

The Federal Communications Commission has advised that frequency coordination is required for all new license applications and for present license holders outside the Chicago Region that are requesting modification.

If you do not choose to participate or are not eligible, we would appreciate your indicating this on the forms and returning them. If this condition changes at a later date, contact the ILEEN Advisory Policy Committee for instructions.

ILEEN will be operated in compliance with Part 89 of the Rules of the Federal Communications Commission and the regulations of the ILEEN Governing Board.

Agencies having a base station operation must obtain and install a monitor receiver on the channel; however, the primary licensee, Indiana State Police, will be the only agency licensed for base station transmitters.

Every effort is being made to get this information to every Indiana police agency utilizing two-way mobile radios. If you know of any agency not receiving this letter, please advise them to contact the ILEEN Advisory Policy Committee for instructions.

It behooves each participant to monitor this channel and maintain strict system discipline so that this new law enforcement tool may be utilized effectively for the benefit of Indiana law enforcement.

Superintendent
Indiana State Police

JTS: rw

Enclosures

(State Police Department; Ch I, Sec III; filed Dec 20, 1978, 2:43 pm: 2 IR 143; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)

ARTICLE 6. CRIMINAL HISTORY RECORD INFORMATION

Rule 1. Release of Criminal History Record Information (Repealed)

(Repealed by State Police Department; filed Mar 6, 1984, 2:47 pm: 7 IR 813)

Rule 1.1. Criminal History Record Information

240 IAC 6-1.1-1 Applicability of rule

Authority: IC 10-11-2-10; IC 10-13-3

Affected: IC 4-1-6; IC 5-14-3

Sec. 1. The following rules and regulations [240 IAC 6-1.1], when promulgated, shall govern the collection, release and review of criminal history record information from the central repository of the Indiana state police department. *(State Police*

Department; 240 IAC 6-1.1-1; filed Mar 6, 1984, 2:47 pm; 7 IR 810; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)

240 IAC 6-1.1-2 Definitions

Authority: IC 10-11-2-10; IC 10-13-3

Affected: IC 4-1-6; IC 5-14-3

Sec. 2. (a) "Criminal justice agency" for these purposes shall mean:

(1) Courts

(2) A government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

Included in this definition are the following:

(A) enforcement officers

(B) prosecutors

(C) authorized probation officers

(D) correctional institutions

(b) "Department" means the Indiana state police department.

(c) "Criminal history record information" means information collected by criminal justice agencies and maintained in a manual or automated file on individuals consisting of identifiable descriptions and notations of arrests, detention, indictment, or other formal criminal charge, and any disposition arising therefrom, including sentencing, correctional supervision, and release. Essentially, to qualify for inclusion in the definition, the individual records so assembled must contain both:

(1) Identification descriptions sufficient to identify the subject of the record.

(2) Notations regarding any formal criminal justice transactions involving the identified individual.

(d) "Disposition" means information disclosing that criminal proceedings have been concluded.

(e) "Executive order" means an order of the chief executive of the state which has the force of law and which is published in a manner permitting regular public access thereto.

(f) "Council" means the security and privacy council created under HEA 1041.

(g) "Limited criminal history" means information with respect to any arrest, indictment, information, or other formal criminal charge, which must include a disposition. However, information about any arrest, indictment, information, or other formal criminal charge which occurred less than one (1) year before the date of a request shall be considered a limited criminal history even if no disposition has been entered.

(h) "Inspection" means visual perusal and includes the right to make memoranda abstracts of the information.

(i) "Release" means the furnishing of a copy, or edited copy, of criminal history data.

(j) "Reportable offenses" means all felonies and those Class A misdemeanors which the superintendent may designate.

(k) "Request" means the asking for release or inspection of a limited criminal history by noncriminal justice organizations or individuals in a manner which:

(1) reasonably insures the identification of the subject of the inquiry; and

(2) contains a statement of the purpose for which the information is requested.

(State Police Department; 240 IAC 6-1.1-2; filed Mar 6, 1984, 2:47 pm; 7 IR 810; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)

240 IAC 6-1.1-3 Collection and release of information

Authority: IC 10-11-2-10; IC 10-13-3

Affected: IC 4-1-6; IC 5-14-3

Sec. 3. (a) The department or any other criminal justice agency may provide criminal history record information to, or receive criminal history record information from, any other criminal justice agency as follows:

(1) Upon promulgation of these rules and regulations [240 IAC 6-1.1], no criminal history record information shall be released by the department to any noncriminal justice organization or individual except as permitted by these regulations [240 IAC 6-1.1], federal and state statute, court order, executive order, or pursuant to a specific user agreement.

(2) The department may maintain an authorized dissemination list, of all persons and/or agencies authorized to receive

criminal history record information.

(b) A noncriminal justice organization or individual requesting limited criminal history must complete a request form and tender the necessary fee.

(c) When disseminating criminal history record information to noncriminal justice organizations and individuals, the department shall edit the criminal history record information so that the recipient receives only that data to which he is entitled.

(d) When disseminating criminal history record information, the department shall maintain a record showing the organization or individual to whom the information is disseminated, reason for or authority of release, the date of dissemination, the record subject and the items released.

(e) The limitations on dissemination stated in this chapter [240 IAC 6-1.1] shall not apply to any of the following:

- (1) wanted person posters or announcements
- (2) original records of entry, such as a police blotter
- (3) court records of public proceedings
- (4) published court or administrative opinions or public, judicial, administrative, or legislative proceedings
- (5) records of traffic offenses maintained by the bureau of motor vehicles
- (6) announcements of executive clemency

(f) Nothing in this chapter [240 IAC 6-1.1] shall prevent the department from making public announcements concerning individuals within the custody of, and/or, under the supervision of, the department. Nothing in this chapter [240 IAC 6-1.1] shall prevent the department from making a general public announcement concerning the progress of an ongoing investigation.

(g) The department may compile and disseminate statistical reports derived from criminal history record information, provided individual identities are not ascertainable. (*State Police Department; 240 IAC 6-1.1-3; filed Mar 6, 1984, 2:47 pm: 7 IR 810; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 6-1.1-4 Contents of records

Authority: IC 10-11-2-10; IC 10-13-3

Affected: IC 4-1-6; IC 5-14-3

Sec. 4. (a) Content of criminal history record information shall be confined to the following:

(1) Criminal history record information shall be understood to be confined to that generally contained in "rap sheets". That is to say, such information shall be confined to a recording of personal identifying facts based on fingerprints and of the results of an arrested individuals movement through the various formal stages of the criminal justice process, from arrest through trial, if any, disposition and release.

(2) The following rules apply to criminal history record information:

(A) Individual record information entered in a persons file shall be relevant to the purpose for which the file was created.

(B) Misdemeanors, other than selected Class A's, drunk, and traffic records where the case did not result in imprisonment or probation supervision shall not be entered in criminal history record files, though may be kept in a noncriminal history file, unless a second or subsequent conviction would result in a felony violation.

(*State Police Department; 240 IAC 6-1.1-4; filed Mar 6, 1984, 2:47 pm: 7 IR 811; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 6-1.1-5 Review of information by subject of record

Authority: IC 10-11-2-10; IC 10-13-3

Affected: IC 4-1-6; IC 5-14-3

Sec. 5. (a) Each individual shall have the right to review manual or automated criminal history record information relating to him. The department (central repository) shall make available facilities and personnel necessary to permit such reviews. Such reviews shall be conducted in accordance with the following procedure:

(1) Such reviews shall occur only within the facilities of the department, central repository, and only under the supervision and in the presence of a designated employee or agent of the department. The files and records made available to the individual, shall not be removed from the premises of the department.

(2) Such reviews may, at the discretion of the department, be limited to ordinary daylight business hours, excluding weekends and holidays. Such reviews shall be permitted only after payment of the required fee for review and copy and after proper verification that the requesting individual is the subject of the criminal history record information which he seeks to review.

(3) Such reviews shall be permitted an individual or his legal representative or legal counsel only after proper verification that the requesting individual is the subject of the criminal history record information which he seeks to review. A legal representative or legal counsel shall have proper notarized legal documentation as to his capacity to represent such individual.

(4) A record of each such review shall be maintained by the department. Each record of such review shall be completed and signed by the supervisory employee or agent present at the review. The form shall include a recording of the name of the reviewer, the date of the review and whether or not any exception was taken to the accuracy, completeness or content of the information reviewed.

(5) The reviewing individual may make written summary or note in his own handwriting of the information reviewed, and may take with him such notes. Such individuals may make a copy of the original.

(6) Each reviewing individual shall be informed of his rights to challenge under these regulations [240 IAC 6-1.1]. Each such individual shall be informed that he may submit written exceptions as to the information, content, completeness or accuracy to the criminal justice agency who originated the information.

(7) Should the individual elect to submit such exceptions to central repository files, he shall be furnished the appropriate forms and a copy of that portion which he wishes to challenge. The individual shall record on the exception form that portion of the record which he challenges and the reason for such challenge. One copy of the form shall be forwarded to the review officer of the department, the second copy shall be forwarded to the hearing committee chairman and the third copy shall be retained by the central repository. The department shall in each such case cause to be conducted a review as established in the procedures for challenges to the accuracy or completeness of criminal history record information. The individual shall be informed in writing of the results of the review. Should the audit disclose errors or omissions in the information, the department shall cause appropriate alterations or additions to be made to the information and upon request shall cause notice of such alterations or additions to be given to the individuals involved, and any other departments in this or any other jurisdiction to which that criminal history record information has previously been disseminated. Upon request, the individual will be provided a list of all noncriminal justice agencies to which this information has been disseminated.

(State Police Department; 240 IAC 6-1.1-5; filed Mar 6, 1984, 2:47 pm; 7 IR 811; readopted filed Oct 17, 2001, 10:05 a.m.; 25 IR 935)

240 IAC 6-1.1-6 Challenge of information; review by hearing committee

Authority: IC 10-11-2-10; IC 10-13-3

Affected: IC 4-1-6; IC 5-14-3

Sec. 6. (a) Any person who believes that criminal history record information which refers to him is inaccurate, or incomplete, must request the originating criminal justice agency in this state to modify, or supplement that information. Should the originating department be the Indiana state police and should the Indiana state police decline or fail to act, or should the individual believe a decision pertaining to his criminal history to be otherwise unsatisfactory, the individual may request review by the hearing committee.

(1) The hearing committee shall consist of a chairman, and two other members appointed by the superintendent of state police from within that department.

(b) Such request to the committee shall be in writing. Each request shall include a concise statement of the alleged deficiencies of the criminal history record information, shall state the date and result of any review by the department, and shall append a sworn verification of the fact alleged in the request signed by the individual.

(c) Upon receipt of each such request, the review officer shall examine the criminal history record information in question and provide the committee a written summary of his review and findings.

(d) The review officer, selected by the superintendent from among his staff, shall, upon the basis of the request and/or the summary and any other statements or documents provided by the individual or by the department, determine whether there is prima facie *[sic.]* evidence that the criminal history record information is inaccurate, or incomplete. Should the review officer find that there is no such evidence, the individual may appeal the decision to the committee. Should the review officer find that there is such evidence, the committee shall review the summary, statements and/or documents and issue findings.

The individual may challenge for cause any members of the committee. Each such challenge shall be decided by a majority vote of the full committee. "All hearings will take place in Marion County, Indianapolis, Indiana at a location designated by the committee."

(e) The committee may require the individual or the department to file written statements, arguments or documentary materials. It may impose such reasonable time requirements for these purposes as it deems appropriate. Unless the individual waives in writing his right to a hearing, the committee shall conduct a public hearing at which the individual may appear with counsel, may present evidence, and may examine and cross examine witnesses. Hearings may be conducted in an informal manner and without recourse to the technical common-law rules of evidence required in proceedings in judicial courts, and such manner of proof and introduction of evidence shall be deemed sufficient and shall govern the proof, decision, and administrative or judicial review of all questions of fact if substantial, reliable and probative evidence supports such determination.

(f) The committee shall issue written findings and conclusions, in which any relief to which it believes the individual is entitled shall be fully and specifically described. Findings and conclusions, shall be adopted by a majority vote of the committee and furnished to all parties involved. (*State Police Department; 240 IAC 6-1.1-6; filed Mar 6, 1984, 2:47 pm: 7 IR 812; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 6-1.1-7 Appeals from hearing committee

Authority: IC 10-11-2-10; IC 10-13-3

Affected: IC 4-1-6; IC 4-21.5; IC 5-14-3

Sec. 7. (a) Should the individual or department with custody or control of the information in question believe the findings or conclusions of the committee to be unsatisfactory, the individual or department must seek relief from the civil courts in this state in accordance with procedures outlined in the Administrative Adjudication Act, IC 4-22-1 [*Repealed by P.L.18-1986, SECTION 2. See IC 4-21.5.*].

(b) Where the final disposition of a request includes an order that criminal history record information be modified, or supplemented, that order shall be promptly communicated by the committee to the department who will take the appropriate action. The department shall in each such case promptly transmit the terms of the order to all criminal justice agencies within this state to which that criminal history record information has previously been disseminated. Upon request, the individual will be provided a list of all noncriminal justice agencies to which this information has been disseminated.

(c) Records challenged under the provisions of these regulations [240 IAC 6-1.1] shall be deemed to be accurate, complete and valid until otherwise ordered by the committee or until adjudicated by a court of law. (*State Police Department; 240 IAC 6-1.1-7; filed Mar 6, 1984, 2:47 pm: 7 IR 813; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

ARTICLE 7. POLYGRAPH EXAMINERS

Rule 1. Certification

240 IAC 7-1-1 Definitions

Authority: IC 25-30-2-2

Affected: IC 25-30-2

Sec. 1. All terms defined in the regulation of polygraph examiners, IC 25-30-2, shall have the same meaning when used in these rules and regulations [240 IAC 7]. (*State Police Department; Polygraph Examiners; Rule I; filed Mar 6, 1984, 2:50 pm: 7 IR 813; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935*)

240 IAC 7-1-2 Forms

Authority: IC 25-30-2-2

Affected: IC 25-30-2

Sec. 2. (a) Application form. All applications for certification of polygraph examiners shall be submitted on a form as prescribed by the superintendent. The application form shall be completed in full by all individual applicants.

(b) Certification form. The certification form, when issued, shall be in a form as prescribed by the superintendent and no other.

(c) Pocket card. The pocket card, issued to each certified polygraph examiner, shall be in the form as prescribed by the superintendent and no other. *(State Police Department; Polygraph Examiners; Rule II; filed Mar 6, 1984, 2:50 pm: 7 IR 813; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

240 IAC 7-1-3 Experience requirements

Authority: IC 25-30-2-2

Affected: IC 25-30-2

Sec. 3. Applicant must show proof of successful completion of an accredited polygraph school or show proof of satisfactory completion of at least 100 criminal case examinations or at least 200 non-criminal case examinations. *(State Police Department; Polygraph Examiners; Rule III; filed Mar 6, 1984, 2:50 pm: 7 IR 814; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

240 IAC 7-1-4 Felon denied certification

Authority: IC 25-30-2-2

Affected: IC 25-30-2

Sec. 4. A polygraph examiner's certificate will not be issued to any one who has been convicted of a felony under the statutes of the state of Indiana. *(State Police Department; Polygraph Examiners; Rule IV; filed Mar 6, 1984, 2:50 pm: 7 IR 814; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

240 IAC 7-1-5 Nonresident applicants

Authority: IC 25-30-2-2

Affected: IC 25-30-2

Sec. 5. All non-resident applicants shall furnish to the superintendent of the Indiana state police all forms required under the regulation of polygraph examiners, IC 25-30-2 or these rules and regulations [240 IAC 7]. *(State Police Department; Polygraph Examiners; Rule V; filed Mar 6, 1984, 2:50 pm: 7 IR 814; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

240 IAC 7-1-6 Fees; validity of certificate

Authority: IC 25-30-2-2

Affected: IC 25-30-2

Sec. 6. (a) The fee for processing a certification of polygraph examiner will be ten dollars (\$10).

(b) The certificate will be valid for the lifetime of the applicant unless revoked for cause by the superintendent of the Indiana state police. *(State Police Department; Polygraph Examiners; Rule VI; filed Mar 6, 1984, 2:50 p.m.: 7 IR 814; filed Nov 1, 1996, 4:30 p.m.: 20 IR 738; readopted filed Sep 17, 2002, 3:20 p.m.: 26 IR 546)*

240 IAC 7-1-7 Exemptions

Authority: IC 25-30-2-2

Affected: IC 25-30-2

Sec. 7. (a) Persons who operate the polygraph solely for federal, state, county or municipal criminal justice agencies are exempt from all certification requirements while in the performance of their official duties.

(b) If persons, as described in section A of this rule [subsection (a)], desire to operate a business for personal gain, they are required to obtain a polygraph certificate and comply with all rules and regulations to obtain a certificate. *(State Police Department; Polygraph Examiners; Rule VII; filed Mar 6, 1984, 2:50 pm: 7 IR 814; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

240 IAC 7-1-8 Suspension and revocation

Authority: IC 25-30-2-2

Affected: IC 4-21.5; IC 25-30-2

Sec. 8. (a) The superintendent may suspend or revoke a certificate issued under this chapter if he determines that the polygraph operator has:

(1) Made any false statement or given any false information in connection with an application for certification.

(2) Violated this chapter.

(3) Violated any rule of the superintendent adopted pursuant to the authority contained in this chapter.

(4) Been convicted of a felony under the statutes *[sic.]* of the state of Indiana.

(b) The proceedings under this chapter shall be conducted in accordance with IC 4-22-1 *[Repealed by P.L. 18-1986, SECTION 2. See IC 4-21.5.]* and the superintendent has all powers granted therein. *(State Police Department; Polygraph Examiners; Rule VIII; filed Mar 6, 1984, 2:50 pm: 7 IR 814; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

ARTICLE 8. INDIANA DNA DATA BASE

Rule 1. Application and Administration

240 IAC 8-1-1 Application of article

Authority: IC 10-11-2-10; IC 10-13-6-8

Affected: IC 10-13-6

Sec. 1. This article governs the administration of the Indiana DNA data base established by IC 10-1-9 *[IC 10-1 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-13-6.]*. *(State Police Department; 240 IAC 8-1-1; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3333)*

240 IAC 8-1-2 Administration

Authority: IC 10-11-2-10; IC 10-13-6-7; IC 10-13-6-8

Affected: IC 10-13-6

Sec. 2. The commander of the state police laboratory has responsibility for the administration of the Indiana DNA data base established by IC 10-1-9 *[IC 10-1 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-13-6.]* subject to the authority and approval of the superintendent. *(State Police Department; 240 IAC 8-1-2; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3333)*

Rule 2. Definitions

240 IAC 8-2-1 Applicability

Authority: IC 10-11-2-10; IC 10-13-6-8

Affected: IC 10-13-6

Sec. 1. The definitions in this rule apply throughout this article. *(State Police Department; 240 IAC 8-2-1; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3333)*

240 IAC 8-2-2 "DNA" defined

Authority: IC 10-11-2-10; IC 10-13-6-2; IC 10-13-6-8

Affected: IC 10-13-6

Sec. 2. "DNA" means deoxyribonucleic acid. DNA is located in the nucleated cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification. *(State Police*

Department; 240 IAC 8-2-2; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3334)

240 IAC 8-2-3 “DNA analysis” defined

Authority: IC 10-11-2-10; IC 10-13-6-3; IC 10-13-6-8
Affected: IC 10-13-6

Sec. 3. “DNA analysis” means an identification process in which the unique genetic code of an individual that is carried by the individual's DNA is compared with the genetic codes of another individual. *(State Police Department; 240 IAC 8-2-3; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3334)*

240 IAC 8-2-4 “DNA profile” defined

Authority: IC 10-11-2-10; IC 10-13-6-4; IC 10-13-6-8
Affected: IC 10-13-6

Sec. 4. “DNA profile” means the results of all DNA identification tests on an individual's DNA sample. *(State Police Department; 240 IAC 8-2-4; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3334)*

240 IAC 8-2-5 “DNA sample” defined

Authority: IC 10-11-2-10; IC 10-13-6-6; IC 10-13-6-8
Affected: IC 10-13-6

Sec. 5. “DNA sample” means a blood, tissue, or other body fluid sample:

(1) provided by a person with respect to offenses covered by IC 10-1-9 *[IC 10-1 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-13-6.];* or

(2) submitted to the state police laboratory under IC 10-1-9 *[IC 10-1 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-13-6.]* for analysis or storage, or both.

(State Police Department; 240 IAC 8-2-5; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3334)

240 IAC 8-2-6 “Qualifying offender” defined

Authority: IC 10-11-2-10; IC 10-13-6-8; IC 10-13-6-10
Affected: IC 10-13-6; IC 35-42-4-6; IC 35-43-2-1

Sec. 6. “Qualifying offender” means a person convicted of a felony under IC 35-42 (offense against the person), IC 35-43-2-1 (burglary), or IC 35-42-4-6 (child solicitation):

(1) after June 30, 1996, whether or not sentenced to a term of imprisonment; and

(2) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.

(State Police Department; 240 IAC 8-2-6; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3334)

240 IAC 8-2-7 “Superintendent” defined

Authority: IC 10-11-2-10; IC 10-13-6-7; IC 10-13-6-8
Affected: IC 10-13-6

Sec. 7. “Superintendent” means the superintendent of the state police department or the superintendent's designee. *(State Police Department; 240 IAC 8-2-7; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3334)*

Rule 3. Collection and Submission of Samples

240 IAC 8-3-1 Responsibilities

Authority: IC 10-11-2-10; IC 10-13-6-8; IC 10-13-6-10
Affected: IC 10-13-6

STATE POLICE DEPARTMENT

Sec. 1. The department of correction shall collect a DNA sample from a qualifying offender, if the qualifying offender has not previously had a sample collected, and:

- (1) is serving a term of incarceration in a facility under the control of the department of correction; or
- (2) is transferred to a facility under the control of the department of correction.

(State Police Department; 240 IAC 8-3-1; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3334)

240 IAC 8-3-2 Approved procedure

Authority: IC 10-11-2-10; IC 10-13-6-8; IC 10-13-6-12; IC 10-13-6-17

Affected: IC 10-13-6

Sec. 2. (a) DNA samples shall be collected in a medically approved manner by a physician, registered nurse, licensed vocational nurse, licensed clinical technologist, or other person at the direction of a physician or under a protocol approved by a physician.

(b) Procedures used by the department of correction to extract and obtain liquid blood samples shall be with the approval and at the direction of the medical director of the department of correction. *(State Police Department; 240 IAC 8-3-2; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3334)*

240 IAC 8-3-3 Collection guidelines

Authority: IC 10-11-2-10; IC 10-13-6-8; IC 10-13-6-10; IC 10-13-6-11

Affected: IC 10-13-6

Sec. 3. (a) The following guidelines apply to the collection of blood samples for submission to the state police laboratory for the Indiana DNA data base:

- (1) Blood samples shall only be drawn from qualifying offenders for use as DNA samples.
- (2) A qualifying offender is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the offender.
- (3) Blood samples shall be collected using vacutainer tubes containing EDTA preservative or by a finger stick procedure using stain cards.
- (4) After collection of the blood sample, a label approved by the state police laboratory shall be affixed to the blood sample container; this label shall be completed with required information, including the name and inmate number of the qualifying offender.
- (5) Information shall be recorded on a form approved by the state police laboratory to accompany each blood sample to include the following:

(A) The qualifying offender's:

- (i) name;
- (ii) inmate number; and
- (iii) inked right thumb print.

(B) If the qualifying offender has no right thumb, then the inked print of another finger and a written notation identifying the finger used shall be recorded.

(6) The blood sample of the qualifying offender shall be placed in a container approved by the state police laboratory.

(7) An initialed integrity seal shall be placed across the lid of the approved container.

(8) Blood samples may be refrigerated for up to seven (7) days before submission to the state police laboratory.

(9) Blood samples shall be refrigerated until delivery to the state police laboratory.

(b) When it is not possible to obtain a blood sample, the department of correction shall obtain an oral swab.

(c) The following guidelines apply to the collection of oral swabs for submission to the state police laboratory for the Indiana DNA data base:

(1) Oral swabs shall only be collected from qualifying offenders for use as DNA samples.

(2) Oral swabs shall be collected using sterile cotton tipped applicators.

(3) The following procedure shall be used to collect a sample with an oral swab:

- (A) Remove a sterile tipped applicator from its package.

- (B) Swab the inner surface of the cheek using a circular motion and complete fifteen (15) to twenty (20) circles.
- (C) Repeat the steps in clauses (A) and (B) with a second sterile tipped applicator.
- (D) Place the used swabs into two (2) separate envelopes approved by the state police laboratory for the collection of DNA samples by oral swabs and place the two (2) smaller envelopes into a larger envelope approved by the state police laboratory.

(4) A label approved by the state police laboratory shall be affixed across the flap of the larger envelope; this label shall be completed with required information, including the name and inmate number of the qualifying offender.

(5) Information shall be recorded on a form approved by the state police laboratory to accompany each oral swab sample to include the following:

(A) The qualifying offender's:

- (i) name;
- (ii) inmate number; and
- (iii) inked right thumb print.

(B) If the qualifying offender has no right thumb, then the inked print of another finger and a written notation identifying the finger used shall be recorded.

(6) Oral swab samples may be refrigerated for up to seven (7) days before submission to the state police laboratory.

(7) Oral swab samples shall be refrigerated until delivery to the state police laboratory.

(State Police Department; 240 IAC 8-3-3; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3334)

Rule 4. Quality Control

240 IAC 8-4-1 Quality control testing

Authority: IC 10-11-2-10; IC 10-13-6-8; IC 10-13-6-13

Affected: IC 10-13-6

Sec. 1. The state police laboratory shall perform tests on DNA samples for quality control and assurance. *(State Police Department; 240 IAC 8-4-1; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3335)*

240 IAC 8-4-2 Quality assurance standards

Authority: IC 10-11-2-10; IC 10-13-6-8; IC 10-13-6-14

Affected: IC 10-13-6

Sec. 2. (a) A laboratory conducting forensic DNA analysis in Indiana shall comply with nationally recognized standards for quality assurance and proficiency testing.

(b) In the event of competing quality assurance standards, the state police laboratory commander shall identify the nationally recognized standard that a laboratory conducting forensic DNA analysis in Indiana must implement and follow. *(State Police Department; 240 IAC 8-4-2; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3335)*

240 IAC 8-4-3 Participation

Authority: IC 10-11-2-10; IC 10-13-6-8; IC 10-13-6-20

Affected: IC 10-13-6

Sec. 3. If a laboratory performing forensic DNA analysis in Indiana fails to meet required quality control standards, the superintendent shall deny the laboratory the right to exchange DNA identification records with federal, state, or local criminal justice agencies. *(State Police Department; 240 IAC 8-4-3; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3335)*

Rule 5. Authorized Access

240 IAC 8-5-1 Request for access; denial

Authority: IC 10-11-2-10; IC 10-13-6-8; IC 10-13-6-19

Affected: IC 10-13-6

Sec. 1. (a) A forensic DNA laboratory seeking access to the DNA data base must submit a written request to the commander of the state police laboratory.

(b) The written request required by subsection (a) must state the following:

(1) The identity of the federal, state, or local law enforcement agency requesting access.

(2) The purpose of the testing to be performed.

(c) A request submitted under subsection (a) that does not identify a requesting law enforcement agency or fails to state a proper purpose for testing under IC 10-1-9 [*IC 10-1 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-13-6.*] shall be denied. (*State Police Department; 240 IAC 8-5-1; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3335*)

Rule 6. Expungement

240 IAC 8-6-1 Request for expungement

Authority: IC 10-11-2-10; IC 10-13-6-8; IC 10-13-6-18

Affected: IC 10-13-6

Sec. 1. (a) A person whose DNA profile has been included in the Indiana DNA data base and who is eligible for expungement under IC 10-1-9-20 [*IC 10-1 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-13-6-18.*] may submit a written request for expungement to the superintendent.

(b) All identifiable information pertaining to the person in the DNA data base and all DNA samples related to the request will be destroyed upon receipt of the following:

(1) the written request for expungement under subsection (a);

(2) a certified copy of the court order reversing and dismissing the conviction that made the person a qualifying offender; and

(3) identifying information to include the following:

(A) The full name of the person requesting expungement.

(B) The inmate number and name of the person that contributed the DNA sample correlating to the DNA profile to be expunged.

(C) The inked right thumb print of the person requesting expungement, or if the person has no right thumb, then the inked print of another finger and information identifying the finger actually used.

(*State Police Department; 240 IAC 8-6-1; filed Apr 23, 1998, 9:25 a.m.: 21 IR 3336*)

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