

## **REGULATION 7**

### **DISCIPLINE**

#### **Section 7-1 Superintendent's Authority**

A. All employees of the Department shall be subject to the supervision of the Superintendent as set forth in this regulation and the statutes of the State of Indiana.

B. All internal investigations are intra-Departmental matters and are to be considered confidential. Department personnel shall not divulge, to any source, the nature of an investigation other than necessary to implement Department policies.

#### **Section 7-2 Supervisor's/Commanding Officer's Authority and Responsibility**

A. All Department supervisors shall exercise authority over subordinate employees. Any supervisor or administrative board of this Department may initiate written recommendations for disciplinary action. However, such action shall be carried out only by the supervisor/commander (or their designee) to whose command the accused employee is assigned, a disciplinary hearing officer (which includes the position of major subordinate commander or the Chief of Staff) or the Superintendent.

B. Department supervisors shall have the authority to assess, pursuant to this section, disciplinary action against employees in their respective commands, when a substantial amount of evidence indicates that a violation of the Department's regulations, rules, or SOPs have in fact been committed;

#### **Section 7-3 Offenses by Employees**

Offenses by employees against the authority of the Department shall include, but shall not necessarily be limited to:

1. The commission of any act prohibited by law or the omission of any act required by law, when said commission or omission is defined as prohibited conduct under the state or federal statutes;
2. Committing an act of neglect of duty or negligence;
3. Incompetence (Demonstrated inability to perform police functions);
4. Insubordination;
5. Dissemination of confidential information or information not disclosable to the public relating to police work without permission;

6. Consumption of alcoholic beverages while on duty or reporting to duty with any measurable amount of alcohol in the blood;
7. Operation of Department commissions at any time with any measurable amount of alcohol in their blood; except, police personnel carrying out authorized undercover operations requiring consumption of alcoholic beverages shall not operate Department vehicles if blood alcohol content exceeds .04%.
8. Negligent loss or destruction of State property or the property of another;
9. Conversion of the property of another, public property, or contraband to private or unauthorized use;
10. Conveying false information to a fellow officer or employee concerning official Department business, or conveying false information to a commanding officer/supervisor when the employee's conduct has been the subject of a complaint to the Department or is a matter of official concern to the Department.
11. Conduct that reflects unfavorably on the Department. Conduct unbecoming an employee shall mean, but is not limited to:
  - a. Absent from duty without leave;
  - b. Conduct that would interfere with the employee's ability or fitness to effectively perform required duties;
  - c. Deliberate incapacity for duty, either mental or physical, or educational;
  - d. Discourtesy or insolence to the public or other employees;
  - e. Excessive consumption of alcoholic beverages;
  - f. Neglect of duty;
  - g. Neglecting to give receipt for property taken from prisoners;
  - h. Overbearing, oppressive, or tyrannical conduct in discharge of duty;
  - i. Refusing to give name and/or badge number (if applicable), when requested;
  - j. Regular or continuous associations, or dealings with convicted felons; or with persons the employee knows, or should know, is the subject of a criminal investigation or criminal indictment; or with persons having a reputation for current involvement in criminal activities; except as is necessary to perform official duties, or when unavoidable because of a direct family relationship;

- k. Simulated use of a controlled substance;
  - l. Sleeping while on duty;
  - m. Tardiness;
  - n. Uncleanliness in person or dress; and
  - o. Willful or negligent disregard of the personal or property rights of another through the exercise of police authority. Example: Physical abuse of a prisoner; impounding the automobile of another with insufficient reason; confiscating firearms of another without authority, or failing to make proper disposition of confiscated firearms or other property.
12. Knowingly interfering with or impeding cases assigned to other employees for internal investigation; interfering with any arrest or prosecution brought by other employees of the Department or by any other agency or person.
13. Undertaking any investigation or other police action not part of an officer's regular police duties without obtaining permission from their commanding officer unless the circumstances of the situation require immediate police action.
14. Except in the performance of an authorized duty, the posting, transmitting, reproducing, and/or dissemination of information (text, pictures, video, audio, etc.) to the internet or any other forum (public or private) by an employee that would tend to discredit or reflect unfavorably upon the employee, Department, or any of its employees.
15. Employees representing themselves as an employee of the Department in a public forum with other information, opinion, or posture that would tend to discredit or reflect unfavorably upon the employee, Department, or any of its employees.

Note: Sub-sections 14 and 15 above shall not be so strictly interpreted as to restrict private communications between employees, where the employee offers constructive criticism in an effort to improve the Department.

16. Violating a Department regulation, rule, standard operating procedure, or a written or verbal order of any supervisor when such order is within the scope of the authority of said supervisor.

Section 7-4 **Investigating Complaints, Allegations, and Violations of Department Policy**

Refer to IIS-001 - Internal Investigations.

Section 7-5 **Disciplinary Hearings and Appeals**

Refer to IIS-002: Disciplinary Hearings and Appeals of Disciplinary Actions.