



Fishers Police Department



General Order 17

Rules & Regulations

CALEA Standard 26.1.1 – 26.1.8, 1.2.10

POLICY

Rules and regulations are more than guidelines. Rules and regulations offer little or no flexibility and pertain to all members. It is the policy of this Department that all rules and regulations are read, understood and obeyed by all members. Members will be disciplined for negative behavior as well as reinforced for positive behavior. Rewarding members for good performance is covered in General Order #18.

Definitions

When a word or term is not defined, the proper and fitting definition, as used within the context, or the generally accepted definition, as defined by the context, shall be used. When a male pronoun is used, the female pronoun is implied. When a singular word or term is used, the plural is implied unless otherwise specified.

Police Merit Commission: Non-sworn personnel, as appointed by Indiana law, with statutory authority over members of the Department.

Chain of Command: Line of authority (up and down) beginning with one's immediate supervisor and/or immediate subordinate.

Civilian Employee: Any employee that is not a sworn member of the department

Conduct Unbecoming: Any conduct, on or off-duty, which adversely affects or impairs the morale, efficiency or operation of the Department and any conduct that has a tendency to adversely affect, lower or destroy public respect and confidence in the Department or member.

Confidential: Not to be revealed except to authorized persons.

Counseling: Defined as the giving of advice. Used as a component of the Department's progressive disciplinary system.

Demotion: Disciplinary action recommended by the Chief of Police resulting from a violation of Department rules, regulations, orders, policies or standard operating procedures that, if upheld by the Police Merit Commission, results in reduction of the officer's permanent rank by one or more levels.

Department: The Fishers Police Department

Discharge (Officer): Disciplinary action recommended by the Chief of Police resulting from a violation of Department rules, regulations, orders, policies or standard operating procedures that, if upheld by the Police Merit Commission, results in termination of employment.

Discharge (Civilian): Disciplinary action recommended by a supervisor resulting from a violation of Department rules, regulations, orders, policies or standard operating procedures that, if upheld by the Chief of Police, results in termination of employment.

Equipment: All wearing apparel and items issued to or used by a member that are necessary in the performance of his duties.

Extra Duty Employment: any service rendered outside of the Department for work during the off-duty period for which goods, services or pay are received in return and where the actual or potential use of law enforcement authority is reasonably anticipated.

Firearm: Any handgun, shotgun, machine gun or rifle authorized by the Department for use by its members.

Immediate Supervisor: Person to whom one is directly responsible (no one intervening).

Insubordinate: Not submitting to authority; disobedient; disrespectful

Leave: Excused absence from duty.

Line of Duty: Any actions taken by a member while acting in his official capacity as a police officer for Fishers.

Member: Any employee of the Department

Necessary Force: Any force used by an officer to conduct an arrest or subdue someone which is reasonable under all the circumstances.

Neglect: Failure to perform

Obey: To comply or conform

Off Duty: That time when an officer is not scheduled in normally assigned duties as a police officer.

Off Duty Employment: Any service rendered outside the Department for work during the off duty period which is voluntary or for which goods, services or pay are received in return.

Officer: A sworn member of the Department

On Duty: Begins at that time when an officer reports for a scheduled work period as designated by the Department, whereby that officer performs duties as a police officer for Fishers.

- Shall also include such times any member is ordered to duty by the Chief of Police.
- Shall also pertain to those periods of time when any officer of the Fishers Police Department acts in an official capacity as a police officer, even while technically off duty, if that officer is enforcing a duly constituted law of the State of Indiana or Fishers or while performing those duties in the protection of life and property.

Order: Any directive, verbal and/or written, issued by a Department supervisor or officer who has been directed or authorized to give orders.

Plain Clothes Duty: Assigned to duty in clothing other than the Departmental uniform.

Police Action: Activity expected or required by law, order, rule, regulation and/or procedure.

Regulation: Order, policy, standard operating procedure and/or rule of the Department

Rule: All specifically enumerated categories regulating conduct within this General Order.

Shall: Must perform or comply

Standard Operating Procedure: Detailed directive specifying procedures for performance of various tasks within the Department

Substandard Performance: Below the acceptable level of performance as defined by policy or work standards

Supervisor: Any officer with the rank of Sergeant or above.

Suspension: Disciplinary action resulting from a violation of a Department rule, regulation, order, policy or standard operating procedure that results in time off and may include the loss of pay (all members) and police powers (officers).

Violation: Action or inaction that is contrary to rule, regulation, order, policy or standard operating procedure.

Weapons: Any Department issued instrument used by an officer for defense, to control a crowd or individual, or to effect a lawful arrest (e.g. handgun, ASP baton, OC spray).

Working Day: A member's regular shift or tour of duty.

Written Reprimand: Disciplinary action resulting from a violation of Department rules, regulations, orders, policies or standard operating procedures for which there is documentation of the violation but no loss of pay (all members) or police powers (officers).

These shall be the official Department definitions. Additions and deletions may be made from time to time at the direction of the Chief of Police.

Rules and Regulations

- A. Violation of any Law, Rule, Regulation, Order of the Department, or information in the City of Fishers Employee Handbook
 - 1. Members shall obey all Federal, State and local laws.
 - 2. Members shall obey all laws of any State or local jurisdiction where the member is present.
 - 3. Members shall obey all written and oral orders, rules, regulations, policy and standard operating procedures of the Department
 - 4. Members who are off duty, on suspension or on leave shall conform to the Department's rules, regulations, orders, policies and standard operating procedures to the same extent as if they were not off duty, on suspension or leave.
 - 5. Supervisors or commanding officers shall not issue any orders that are contrary to law or Department rule or order.

- B. Breach of Discipline
 - 1. Members shall not conduct themselves in a manner which is detrimental to the efficient operation and/or general discipline of the Department
 - 2. Members shall improve performance, conduct or behavior following disciplinary action concerning same.
 - 3. Members shall not have a record of repeated violations of Departmental rules, regulations, orders, policies and/or standard operating procedures. Violations include: Verbal Counseling, Written Warnings, Written Reprimands, Suspensions and Demotions.
 - 4. Members shall treat the official business, communications, records and data of the Department as confidential. Information regarding official business, communications, records and data shall be disseminated only to those for whom it was intended, according to Departmental procedures.
 - 5. Members shall not take, destroy or tamper with any official document or record of the Department nor shall members remove or copy official records or reports except according to Departmental procedures.
 - 6. Members shall not divulge the identity of persons giving confidential information except as required to do so by law.
 - 7. Members shall not criticize the Department or any of its officers if that criticism is in any way defamatory, obscene, unlawful or tends to impair the efficient operation of the Department.
 - 8. Members shall not make untruthful comments on the official action of a supervisor or any other member of the Department.

- C. Insubordination
 - 1. Members shall not be insubordinate or act with disrespect to any supervisor.
 - 2. Members shall not circumvent the chain of command unless otherwise authorized by Department order.
 - 3. Members shall promptly obey any lawful order of a supervisor.

D. Neglect of Duty

1. Members shall report for duty at the assigned time and place with all necessary equipment, properly attired and physically and mentally fit to perform their duties.
2. Members shall devote full time to their duties during the time they are working for the Department. Members shall not engage in any activities or personal business that would cause them to be inattentive to duty.
3. Members shall not leave their assigned duty, unless properly relieved, or by permission of the appropriate supervisor.
4. Members shall not sleep while on duty.
5. Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.
6. Members shall not take unauthorized sick leave or be absent excessively.
7. Members shall not deliberately restrict their work output or the work output of others.
8. Members shall take proper and lawful action to intervene based upon their scope of authority and training and, in addition, they will make supervisory notification if they observe unreasonable use of force, wrongful or negligent behavior, or violations of department, state or federal law by Fishers Police Department members or public safety associates. <1.2.10>
9. Supervisors shall take prompt action when they observe wrongful or negligent behavior by Department members or public safety associates. <1.2.10>
10. Members shall utilize all Department equipment and public property only for its intended purpose, in accordance with established Department procedures, and shall not abuse, damage or lose Department equipment or public property. All Department equipment issued to members shall be maintained in proper order.
11. Members shall keep and maintain all essential information on any police investigation for which they have primary responsibility.
12. Members shall make and turn in all reports promptly, accurately and completely in conformity with Department procedures.
13. Officers making arrests or otherwise coming into control of a prisoner shall make an immediate and thorough search of the prisoner and surrounding area as defined by law and Department policy.
14. Officers who recover or come into possession, custody or control of any lost, stolen, seized or abandoned property shall secure and transport it to the Department according to Departmental policy.
15. Officers shall not testify in any court case, civil or criminal, or administrative hearing except where required by law, Departmental order, or when subpoenaed. A subpoena issued in a court case shall be considered an order to report for duty.
16. Members shall comply with established grooming standards unless exempted by the Chief of Police.
17. Members must notify the Chiefs Office whenever their personal contact information changes (telephone number, address, etc.).
18. Members shall respond to all telephone calls, texts, pages and other similar communications in a timely fashion.

E. Immoral Conduct

1. Members shall not conduct themselves in an immoral and/or indecent manner that causes the Department to be brought into disrepute (all members) or impairs

- their ability to perform as police officers.
2. Sexual Harassment strictly prohibited
 - a. Sexual harassment offends the dignity of all individuals involved, it leads to a decline in workplace productivity and morale, and it is illegal under Title VII of the Civil Rights Act of 1964, as amended. It is the firm intent of Fishers to provide a working environment in which all employees are free from sexual harassment by supervisors, employees, and members of the public and outside vendors who have regular contact with City employees on City property or in the process of performing City business. All City employees are expected to understand their own rights and to observe the rights of others. (See General Order # 19)

F. Conduct Unbecoming

1. When dealing with the public, members shall not use language or gestures that are indecent or discourteous. It should be noted however, that in the performance of roadside or scheduled interviews, it becomes necessary to utilize the conduct and vocabulary of suspects as a technique to solicit confessions and/or admissions (officers).
2. Members shall not act with disrespect to any other employee of the Department, sworn or civilian.
3. Members shall not use any controlled substance or drug unless prescribed by someone permitted by law to prescribe such drugs.
4. Members shall not report for duty, or perform duty, when the use of any drug or medication impairs their effectiveness.
5. Members shall not partake of any intoxicating beverage while on duty, except in the performance of their duty, nor shall any member report for duty under the influence of any intoxicants to any degree whatsoever.
6. Officers while off duty and in uniform shall not, in any location open to the general public, consume alcoholic beverages or engage in any activity that would be demeaning to the uniform and the Department.
7. Officers while in uniform or wearing any identifiers that identify them as a police officer, shall not enter any bar establishment where customers are required to be 21 years of age, unless conducting official business or picking up a carry-out order where the stay in that facility will be minimum. Officers in uniform may not take a break in a bar.
8. Officers shall not mistreat persons who are in their custody; nor shall they mistreat animals. Officers shall handle such persons or animals according to law and Departmental order.
9. Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force according to law and Departmental policy. **<1.2.10>**
 - a. All officers shall intervene and notify a supervisor, when safe to do so, if another officer of the agency or public safety associate is observed engaging in a blatantly unreasonable use of force or if a member of the agency is observed to be in violation of: FPD policy or procedure, City, County, State, or Federal law.
10. Officers shall only use their weapons according to State law and Departmental policy.

11. Members shall not enter into official Departmental correspondence or official verbal communication with anyone, except in performance of their official duties.
12. Members shall not intervene in the assigned case of another member without permission of their commanding officer, but shall give assistance when and where necessary.
13. Members shall not officially recommend or suggest the service of any person, company or other organization doing business for profit.
14. Members shall not use their official position, badge or credentials for personal advantage nor to solicit goods, services or gratuities.

G. Substandard Performance

1. Members shall perform their duties in a manner which will maintain satisfactory standards of efficiency in carrying out the objectives of the Department.
2. Members shall conform to established work standards according to their rank or position. Non-conformity shall include, but not be limited to, inability or unwillingness to perform assigned duties.

H. Failing to Cooperate or be Truthful

1. Members shall be cooperative and truthful when testifying in any court, administrative hearing or internal investigation.
2. Members shall be truthful in all official reports and correspondence.
3. Upon the order of the Chief of Police, his designee or any supervisor, members shall answer truthfully all questions specifically, directly and narrowly relating to the performance of their official duties or, for officers, their fitness for serving as a police officer.

I. Drug-Free Workplace Act of 1988

Fishers is dedicated to maintaining a drug-free workplace and complying with the requirements of the Drug-Free Workplace Act of 1988.

This policy covers the following substances: alcoholic beverages, controlled or illegal drugs or substances. Exceptions to this policy include drugs prescribed by a licensed practitioner (as defined by IC 16-42-19-5) which are being used in accordance with their instructions.

In addition to the provisions listed in this policy, the following activities are prohibited while a member is at the workplace, or otherwise engaged in City business:

1. Coming to work under the influence of alcohol or illegal drugs not prescribed by a physician.
2. Performing work duties while under the influence of alcohol or controlled and/or illegal substances whether on or off City premises.
3. Operating a City owned vehicle while under the influence of alcoholic beverages or other illegal drugs not prescribed by a physician.
4. The manufacture, possession, use, sale, distribution, receipt, or transportation of any controlled substance or illegal drug.
5. The consumption of alcoholic beverages except at company-sponsored events, where authorized.

The following actions, even if not occurring on City premises or during working hours, are considered to endanger the safety of others and the City's reputation for honesty, integrity and safety and are prohibited as well:

1. Conviction for criminal offenses related to the manufacture, possession, use, sale, or distribution of any controlled substance or illegal drug.
2. Operating a City owned vehicle while under the influence of alcoholic beverages or illegal drugs.
3. Any other actions involving alcohol or controlled or illegal substances that, in the opinion of management, endanger the safety of others and the City's reputation for honesty, integrity and safety.

Any member who engages in such behavior will be subject to disciplinary action, up to and including immediate termination, or as a condition of continued employment, may be required to successfully complete drug or alcohol abuse counseling or rehabilitation if necessary.

Under the Drug-Free Workplace Act, any employee convicted of drug related violations, or who pleads guilty or no-contest to such charges must inform the City in writing within five (5) days of the conviction or plea. Failure to do so will result in disciplinary action, up to and including termination.

- J. No member shall use any tobacco while in uniform on duty, while on duty for the police department, in a place which may expose-him/her to the view of the general public, or while in direct contact with a citizen. This includes crime scenes, accident scenes, or any other place in view of the general public.

**For purposes of this policy, tobacco includes, but is not limited to: using, lighting, and/or carrying any lighted or activated device. This includes, but is not limited to: cigarettes, electronic cigarettes, electronic vaping devices, smokeless tobacco, snuff, chewing tobacco, water pipes (hookah devices), bidis, kreteks, cigars, or any pipes emitting smoke, odor, vapor, or similar substances.

Smoking is prohibited anywhere inside the Fishers Police Station and all city vehicles (owned or leased). This applies to all employees and their passengers while on duty and off duty. Smoking areas are designated outside the building at the discretion of the Chief of Police.

While it is not the intent of this rule to prohibit the use of tobacco, use of any such products while on duty should be done under conditions which place a premium on professional image and respect.

The Disciplinary System

The Department shall maintain a disciplinary system that is based on fairness and consistency. When circumstances permit, the Department will follow the concept of progressive discipline by gradually increasing disciplinary actions for each successive instance of member misconduct.

Although consistency in administering discipline is desirable, many factors will be considered when determining the appropriate level of discipline imposed at each step. Factors include but are not limited to:

1. Time interval between offenses;
2. Effectiveness of prior disciplinary actions;
3. Willingness to improve; and
4. Overall work performance

Some violations may be more serious in one case because of the member's job responsibilities, than in another case, and certain violations are of such a severe nature that immediate termination upon the first offense is appropriate.

The Department retains the right to treat each incident of misconduct on an individual basis without necessarily establishing a precedent for the future.

Actions taken on any officer violation of Department rule, order, policy or standard operating procedure beyond the authority of the Chief of Police, shall be referred to the Police Merit Commission.

A. Counseling

1. Counseling may be employed by itself or in conjunction with one or more other components to correct inappropriate behavior.
 - a. The following criteria must be met for counseling:
 1. There must be a reasonable belief that the member is having trouble understanding, adjusting to or internalizing matters that are:
 - a. job or task related;
 - b. policy or procedure related; or
 - c. other matters that are affecting the member's work performance.
 - b. The following procedures are to be followed for using counseling:
 1. The member or any supervisor may initiate the counseling process based upon information as outlined above.
 2. Continued inappropriate behavior may necessitate other corrective measures. These may include any steps in the progressive disciplinary system.
 - c. The goal of counseling is to assist the member in a supportive fashion and have a positive impact on work performance. The purpose and progress of the counseling experience may be documented and maintained by the supervisor at their discretion, with copies available to the member's Division Commander.

B. Training as a Form of Discipline

1. Training, as a component of the Department's progressive disciplinary system, may be employed by itself or in conjunction with one or more of the other components.
2. The goal of additional training is to assist the member in correcting and improving his / her performance level.
3. Procedures and criteria for using training as a function of discipline shall adhere

to the guidelines established by the Training Director, including remedial training.

C. Oral reprimand

1. Disciplinary action resulting from a violation of a Department rule, order, policy or standard operating procedure. Oral reprimands may be used for minor violations and as a step in progressive discipline.

D. Written reprimand

1. Disciplinary action resulting from a violation of a Department rule, order, policy or standard operating procedure. The reprimand may include recommendations for other discipline. Documentation of the violation shall be forwarded to the Chief of Police through the chain of command. If sustained by the Chief, a copy of the documentation shall be made a part of the member's personnel file. For officers, a written reprimand entails no loss of police powers or pay, only written documentation. Written reprimands should be used to document misconduct and as a step in progressive discipline. A copy of the written reprimand will be provided to the charged member and the issuing supervisor shall provide counseling.

E. Suspension

1. Disciplinary action resulting from a violation of a Department rule, order, policy or standard operating procedure may include a loss of pay or, for officers, a loss of police powers. A copy of the findings will be provided to the charged member and made a part of the member's personnel file. In designating the actual dates of an officer's suspension, the Chief shall consider the officer's work schedule. The Chief shall list the calendar dates of the suspension as well as the number of days suspended. An officer shall forfeit pay for working days suspended only. Police powers shall be forfeited for the entire calendar day period. A suspended officer shall not be permitted to wear the Department uniform or to use or wear any Department clothing, equipment or other related items. Suspended officers shall be required to surrender, as ordered, any Department equipment including but not limited to: badges, Department identification, Department issued weapons and Department vehicle.

F. Demotion

1. Disciplinary action resulting from a violation of a Department rule, order, policy or standard operating procedure resulting in reduction of the officer's permanent rank.

G. Officer Discharge

1. Disciplinary action recommended by the Chief of Police resulting from a violation of a Department rule, order, policy or standard operating procedure that, if upheld by the Police Merit Commission, results in termination of employment. In the event of discharge, the officer shall surrender all property belonging to the Department and City of Fishers, Indiana to the respective Division Commander immediately. At the time the officer surrenders all property, he will receive the following documentation:

- a. A written statement citing the reason for discharge;
- b. The effective date of the discharge;
- c. A statement of the status of fringe and retirement benefits after discharge; and
- d. A statement of the content of the member's employment record relating to the discharge.

Officer Disciplinary Authority

- A. The Police Merit Commission shall have the ultimate authority to discipline any officer of the Department for all recommendations of discharge, demotion and suspensions in excess of five (5) days.

- B. The Chief of Police has the authority to discipline any officer of the Department as outlined below. Following his determination in a disciplinary matter, the Chief may:
 - 1. Issue an oral reprimand.
 - 2. Issue a written reprimand.
 - 3. Suspend an officer, with or without pay, for up to five (5) workdays and make recommendations to the Police Merit Commission for suspensions in excess of five (5) days.
 - 4. Recommend discharge of the officer to the Police Merit Commission.

- C. Department supervisors shall have the authority to discipline subordinate officers as outlined below.
 - 1. Recommend additional or remedial training
 - 2. Conduct counseling session
 - 3. Issue an oral reprimand
 - 4. Issue a written reprimand
 - 5. Suspension
 - a. The Assistant Chief of Police has the same authority to suspend an officer as the Chief of Police.
 - b. All other supervisors (Captains, Lieutenants, and Sergeants) are granted the authority from the Chief of Police to suspend an officer with pay for a time not to exceed one (1) workday. These supervisors may not suspend an officer without pay.
 - c. When an officer is suspended by a supervisor, notification must be made to the Chief of Police or Assistant Chief in the absence of the Chief, as soon as possible. Notification to the Chief(s) will be made via the chain of command to ensure necessary notifications are made.
 - d. Supervisory suspensions are limited to times when the officer to be suspended is unable to perform job functions (i.e. Intoxicated) or is otherwise immediately disruptive to the work environment. The Chief of Police, after reviewing the paid one-day suspension, may change the suspension to un-paid and/or extend the suspension not to exceed 5 days, or reverse the suspension. Suspensions longer than 5 days need to be authorized by the Police Merit Commission.
 - e. If at all possible, the supervisor should attempt to gain authorization from the Chief through the chain of command prior to issuing a paid one day

suspension. If due to time constraints, or circumstances authorization is not provided prior to suspension, notification to the Chief through the chain of command must be made as soon as possible.

- f. All supervisors may recommend longer un-paid suspensions or any of the disciplinary actions listed above to the Chief through the chain of command.
- g. In the case of any suspension, complete and accurate documentation shall be completed, by the supervisor issuing the suspension, before the end of that shift.
- h. After a supervisory suspension, the Division Commander may notify the suspended officer to report to the Chief's office at an appropriate time. The supervisor issuing the suspension shall be present at that meeting.

- D. All reports of disciplinary actions shall be forwarded, in writing, to the Chief of Police through the chain of command within three (3) working days of the action. The Chief of Police shall ensure disciplinary consistency throughout the Department. Disciplinary recommendations may be made by any supervisor of the Department or review board.
- E. Before an officer of the Department can be suspended in excess of five (5) days, demoted or dismissed, the officer shall be offered an opportunity for a hearing before the Police Merit Commission as outlined by Indiana law. The request for a hearing, by the officer, must be made in writing within five (5) days after receipt of written notification of the suspension, demotion or dismissal.

Written notice of the hearing shall be given either by service upon the officer in person or by a copy left at the officer's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must state:

- 1. the time and place of the hearing;
- 2. the charges against the member;
- 3. the specific conduct that comprises the charges;
- 4. that the officer is entitled to be represented by counsel;
- 5. that the officer is entitled to call and cross-examine witnesses;
- 6. that the officer is entitled to require the production of evidence; and
- 7. that the officer is entitled to have subpoenas issued, served and executed in the county where the unit is located.

- F. An officer may appeal the decision of the Police Merit Commission to the Circuit Court of Hamilton County in cases of suspension in excess of five (5) days, demotion or dismissal.

All appeals must be made within thirty (30) days after the decision is rendered. (IC36-8-3-4-[f]).

****Non-Sworn Discipline and Discharge—REFER TO CITY OF FISHERS EMPLOYEE HANDBOOK**

Disciplinary Records Management

- A. All disciplinary actions shall be documented and forwarded to the Chief of Police through the chain of command.

- B. The Chief of Police will ensure that all disciplinary findings are included in the member's personnel file.
1. Conclusions of discharge, demotion and suspension will be made a permanent part of the member's file.
 2. Documentation of oral and written reprimands will remain in the member's disciplinary file as long as inappropriate behavior continues or the member has not formally requested the documentation removed pursuant to the following:
 - a. A member who has received an oral or written reprimand may submit a written request to the Chief of Police to have the documentation removed from his file if:
 1. One (1) year has passed since the reprimand was issued; and
 2. No further evidence exists of continued inappropriate behavior. ♦