



Carmel Police Department

General Order #26



Rules and Regulations

CALEA Standard #26.1.1 – 26.1.4 / 26.2.1 – 26.2.2

Supporting Documents: GO 52

Policy:

Rules and regulations are more than guidelines. Rules and regulations offer little or no flexibility and pertain to all officers. It is the policy of this Department that all rules and regulations are read, understood, and obeyed by all officers.

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 Board

Non-sworn elected officials, with statutory authority over members of the Department. (IC 36-8-3.5)

Chain of Command

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

Conduct Unbecoming an Officer

Any conduct, on or off-duty, which adversely affects or impairs the morale, efficiency or operation of the Department and any conduct that tends 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

The giving of advice. Used as a component of the Department's progressive disciplinary system (Level 1 Discipline).

Demotion

A Level 2 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 Board, results in reduction of the member's permanent rank by one or more levels.

Department

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Discharge

A Level 2 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 Board, results in termination of employment.

Discipline (Level 1)

Includes disciplinary training, professional development, or written reprimand resulting from a violation of a Department rule, order, policy, or standard operating procedure that DOES NOT include a loss of police powers, loss of pay, demotion, or termination.

Discipline (Level 2)

Includes any action where an officer receives discipline resulting from a violation of a Department rule, order, policy, or standard operating procedure that includes a loss of police powers, loss of pay, or loss of job.

Equipment

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

Firearm

Includes but is not limited to any type of handgun, shotgun, 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 the City of Carmel.

Member

Any civilian employee or sworn police officer of the Department



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Necessary Force

Any force used by a member to effect 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 the member 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 duly sworn member of the Department

On Duty

Begins at that time when a member reports for a scheduled work period as designated by the Department, whereby that member performs duties as a police officer for the City of Carmel.

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 member of the Carmel Police Department acts in an official capacity as a police officer, even while technically off duty, if that member is enforcing a duly constituted law of the State of Indiana or the City of Carmel 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 member 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.



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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 the performance of various tasks within the Department

Substandard Performance

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

Supervisor

Any member with the rank of Sergeant or above.

Suspension

Level 2 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 police powers and pay.

Violation

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

Weapons

Any Department issued instrument used by a member 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

Level 1 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 or police powers

These shall be the official Department definitions. Additions and deletions may be made



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from time to time at the direction of the Chief of Police.

Rules and Regulations

A. Violation of any Law, Rule, Regulation or Order of the Department

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 that is detrimental to the efficient operation and/or general discipline of the Department
2. Members shall improve performance, conduct or attitude 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.
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.



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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 a supervisor, or unless authorized to do so by the Communications Center.
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 when they observe wrongful or negligent behavior by Department members.
9. Supervisors shall take prompt action when they observe wrongful or negligent behavior by Department members.
10. All members shall intervene within their scope of authority and training and notify the appropriate supervisory authority if they observe another department member or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, local ordinance, state, or federal law.
11. 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.
12. Members shall keep and maintain all essential information on any police investigation for which they have primary responsibility.
13. Members shall make and turn in all reports promptly, accurately, and completely in conformity with Department procedures.
14. Members 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.
15. Members 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.
16. Members shall not testify in any court case, civil or criminal, or administrative hearing except



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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.

17. Members shall comply with established grooming standards unless exempted by the Chief of Police.
18. Members shall log in and check the contents of their city email account, Guardian account and Online Information Center (OIC) account at least one time during each work period. It is further expected that each member act on any official requests, direction or other action referred to in the document in a timely fashion.
19. Members shall advise their direct Supervisor when they are going to be out of state or out of country.
20. Members must notify the Chiefs office whenever their personal contact information changes (telephone number, address, etc.).
21. Members shall respond to all telephone calls, texts, pages, and other similar communications in a timely fashion.
22. Following any law enforcement action in which injuries have been sustained, members shall render appropriate medical aid consistent with the employee's training as quickly as reasonably possible. Appropriate medical aid begins with requesting an emergency medical response and may include increased observation to detect obvious changes in condition or applying first-aid.

E. Immoral Conduct

Members shall not conduct themselves in an immoral and/or indecent manner that impairs their ability to perform as police officers or causes the Department to be brought into disrepute.

F. Conduct Unbecoming an Officer

1. When dealing with the public, members shall not use language or gestures that are indecent or discourteous.
2. Members shall not act with disrespect to any other employee of the Department, sworn or civilian.
3. Members shall not record nor cause to be recorded, conversations with other department members without first advising all involved in the conversation. This includes surreptitiously recording any conversation among or between other department members. Exemptions to this rule shall be authorized by the Chief of Police.
4. Members shall not use any controlled substance or drug unless prescribed by someone permitted by law to prescribe such drugs.
5. Members shall provide their immediate supervisor with written notice of all medications prescribed to them that may impair the member's ability to operate vehicles, equipment or to perform the essential functions of the member's job.



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6. Members shall not report for duty, or perform duty, when the use of any drug or medication, prescribed or over the counter (i.e., cold or cough medicines) that contains alcohol or other substances that impairs their job performance.
7. 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.
8. Members 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.
9. Members shall not mistreat persons who are in their custody; nor shall they mistreat animals. Members shall handle such persons or animals according to law and Departmental order.
10. Members shall not use more force in any situation than is reasonably necessary under the circumstances. Members shall use force according to law and Departmental policy.
11. Members shall only use their weapons according to State law and Departmental policy.
12. Members shall not enter into official Departmental correspondence or official verbal communication with anyone, except in performance of their official duties.
13. 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.
14. Members shall not officially recommend or suggest the service of any person, company or other organization doing business for profit.
15. Members shall not use their official position, badge, or credentials for personal advantage nor to solicit goods, services, or gratuities.
16. Members shall not use their official position, badge, or credentials to avoid the consequences of an illegal act.

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 their fitness for serving as a police officer.



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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 employee 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 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 Board.

When an officer is interviewed, formally or informally, regarding a matter that might lead to a disciplinary action, that officer may request that an FOP representative is present. If this request is made all questioning will cease for a reasonable period of time (not to exceed 24 hours) until an FOP representative can be present.

A. Training (Level 1 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 Support Division Commander, including remedial training.

B. Professional Development (Level 1 Discipline)

1. Professional development, as a component of the Department's progressive disciplinary system, may be employed by itself or in conjunction with one or more other components to correct inappropriate behavior.



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- a. The following criteria must be met for professional development:
 - (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 professional development as a function of progressive discipline:
 - (1) The member or any supervisor may initiate the professional development 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 professional development is to assist the member in a supportive fashion and have a positive impact on work performance. The purpose and progress of the professional development experience shall be documented by the supervisor in the Guardian Tracking system.

C. Written Reprimand (Level 1 Discipline)

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.

A written reprimand entails no loss of police powers nor 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.

D. Suspension (Level 2 Discipline)

Disciplinary action resulting from a violation of a Department rule, order, policy, or standard operating procedure that includes a loss of police powers and may include loss of pay. 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,



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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 may be required to surrender, as ordered, any Department equipment including but not limited to badges, Department identification, Department issued weapons and Department vehicle.

A member may be suspended with or without pay during an investigation when allegations are serious enough to, if sustained, warrant a suspension, demotion or dismissal.

E. Demotion (Level 2 Discipline)

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

F. Discharge

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 Board, results in termination of employment.

In the event of discharge, the member shall surrender all property belonging to the Department and City of Carmel Indiana to the respective Division Commander within ten (10) days of notification. At the time the officer surrenders all property, he will receive the following documentation:

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

If a member's alleged conduct is serious enough, if sustained, to warrant discharge from the Department, the member may be suspended with or without pay pending the outcome of the investigation.



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Additionally, if a member is subject to criminal charges, the Police Merit Board may place the member on administrative leave pending the disposition of the criminal charges in the trial court.

Disciplinary Authority

- A. The Carmel Police Merit Board shall have the ultimate authority to discipline any member of the Department when the discipline involves a discharge, demotion, or suspension in excess of five (5) days without pay. The Board must approve all recommendations for discharge, demotion, and suspensions in excess of five (5) days.
- B. The Chief of Police has the authority to discipline any member of the Department as outlined below. In making his determination, the Chief may refer the matter to the Carmel Police Merit Board with his recommendation. Following his determination in a disciplinary matter, the Chief may:
 - 1. Initiate a Professional Development session(s)
 - 2. Issue a written reprimand.
 - 3. Suspend a member, with or without pay, for up to five (5) workdays and make recommendations to the Police Merit Board for suspensions in excess of five (5) days.
 - 4. Recommend demotion of a member to the Police Merit Board.
 - 5. Recommend discharge of the member to the Police Merit Board.
- C. Department supervisors shall have the authority to discipline subordinate officers as outlined below.
 - 1. Recommend additional or remedial training
 - 2. Conduct professional development session
 - 3. Issue a written reprimand

However, these supervisors may recommend any of the disciplinary actions listed in (B) above to the Chief through the chain of command. The Chief may delegate additional disciplinary authority to a Deputy Chief.

- D. Emergency suspensions, with pay, may be made by any supervisor for violations under IC36-8-3-4. The respective Division Commander shall be notified immediately of any such suspension.
 - 1. Complete and accurate documentation shall be completed, by the supervisor issuing the suspension before the end of that shift.
 - 2. The officer suspended shall be instructed, by the supervisor issuing the



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suspension, to report to the Division Commanders office at 0900 hrs. the morning following the suspension. The supervisor imposing the suspension shall also be present at that meeting.

3. The Division Commander shall notify the Chief of Police of the suspension. If further action is warranted, the Division Commander shall notify the suspended officer to report to the Chief's office.
- E. 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. However, no discipline is considered final until the Chief has taken an action.
- F. Before a member of the Department can be suspended in excess of five (5) days, demoted or dismissed, the member shall be offered an opportunity for a hearing before the Carmel Police Merit Board (IC36-8-3)

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 member in person or by a copy left at the member'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 member is entitled to be represented by counsel;
 5. that the member is entitled to call and cross-examine witnesses;
 6. that the member is entitled to require the production of evidence; and
 7. that the member is entitled to have subpoenas issued, served, and executed in the county where the unit is located.
- G. A member may appeal the decision of the Carmel Police Merit Board 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])
 - H. If a member receives a written reprimand or suspension of five (5) days or less, the Chief shall, within forty-eight (48) hours, notify the Carmel Police Merit Board in writing of the action and the reasons for the action. A member who is reprimanded in writing or suspended under this section may, within two (2) business days, request that the Carmel



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Police Merit Board review the disciplinary action. If a review is requested, the Carmel Police Merit Board shall grant a review of the reprimand or suspension of less than 5 days to be held at the next regular open meeting of the Merit Board. Deliberations by the Merit Board regarding the review may be held in executive session. Following its review, the Carmel Police Merit Board shall issue a recommendation to the Chief of Police regarding the reprimand or suspension. The Chief of Police may choose to follow the recommendation of the Carmel Police Merit Board, but the Chief retains final decision-making authority regarding reprimands and suspensions of less than 5 days.

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 disciplinary file.
- C. Conclusions of discharge and demotion will be made a permanent part of the member's file.
- D. Documentation of written reprimands, and professional development sessions 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:
- E. (Example: an officer has been late to work numerous times which leads to a professional development entry. The officer continues to be late to work and eventually a suspension for a day off is given to the officer. All entries about the suspension (not the actual suspension entry) would not be removed until the officer can show corrected behavior for at least 1 year from the suspension date.
- F. A member of the Carmel Police Department who has received any type of Level 1 written discipline or was the subject of an unsubstantiated internal / external complaint may submit a written request to the Chief of Police to have the documentation removed from his/her file as long as the written discipline meets the following criteria:
 - a. One (1) year has passed since the document was issued; and:
 - b. No further evidence exists of continued inappropriate behavior / progressive disciplinary issues and:
 - c. The internal / external complaint and / or investigation was not an act defined by:



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GO 52.1.1.

B Categories of Internal Affairs Investigations.

1. *Categories of complaints that require formal internal affairs investigations shall include:*
 - a. *Allegations of corruption;*
 - b. *Allegations of brutality;*
 - c. *Allegations of misuse of force;*
 - d. *Allegations of breach of civil rights;*
 - e. *Allegations of criminal misconduct; or*
 - f. *Any other allegations deemed necessary by the Chief of Police.*

- G. A member of the Carmel Police Department who was the focus of an **unsubstantiated** internal investigation (an act defined by GO 52.1.1.B Categories of Internal Affairs Investigations) where department discipline was NOT imposed may be removed from his/her file after three (3) years have passed since the investigation was completed (GO 52.1.10).
- H. A member of the Carmel Police Department who was the focus of a substantiated internal investigation (an act defined by GO 52.1.1.B Categories of Internal Affairs Investigations) where department discipline was imposed may be removed from his/her file after ten **(10) years** have passed since the document was issued (GO 52.1.10). If the level 2 discipline was not any part of an act defined by GO 52.1.1.B Categories of Internal Affairs Investigations, then the discipline imposed may be removed from his/her file after **(3) years**. (Example: progressive discipline leading up to a suspension day / committing a department policy violation resulting in a suspension day)