INDIANA STATE POLICE	***STANDARD OPERATING PROCEDURE*** State Form 39870(R/S-06)	Reference Number IIS-002
	Subject Disciplinary Hearings and Appeals of Disciplinary Actions	
	Special Instructions Replaces IIS-002 dated June 3, 2025	Effective Date **August 27, 2026**

I. PURPOSE

Establish guidelines for conducting disciplinary hearings and appeals of disciplinary actions brought against an employee.

II. POLICY

With the exception of employees and troopers in probationary status, a disciplinary hearing shall be conducted on all alleged violations for which Written Charges have been prepared against the accused employee, unless waived by the accused employee.

Employees, except probationary employees, may request an appeal of a disciplinary action brought against them by the Department.

Probationary employees, who are the subject of an internal investigation, may receive supervisory or disciplinary action at the direction of the Superintendent, or designee, without a hearing, and have no right to appeal that decision to the State Police Board.

III. DISCIPLINARY HEARING

A. During a disciplinary hearing or appeal (at any level) the accused employee shall be unarmed and in plain clothes, as outlined in ENF-025.

B. Employee waiver:

1. Employees who waive the hearing or fail to make an appearance at the scheduled hearing without good cause shall be subject to the disciplinary action imposed by the hearing officer or the Superintendent. Such disciplinary action shall be final and not subject to review unless good cause is shown.

2. Employees may waive a hearing by signing the bottom section of the "Acknowledgement of Receipt of Charges and Notice of Hearing" and then returning it to the responsible commander. If the hearing is waived by the employee proceed, to section V.

C. Disciplinary hearings (when not waived by the employee) shall:

1. Be conducted by a disciplinary hearing officer (DHO), as defined by IIS-001;

a. A DHO, other than the Assistant Superintendent or designee, shall serve as the hearing officer for all hearings involving any employee within their command, where the possible punishment shall not exceed ten (10) days loss of pay.

b. The Assistant Superintendent, or designee, shall serve as the DHO for all GHQ hearings and all other

hearings where:

(i) The potential penalty exceeds ten (10) days loss of pay;
(ii) Any other disciplinary matter at the discretion of the Superintendent or Assistant Superintendent; or
(iii) The employee has appealed a Finding and Order issued as described in section a. above.

2. Be scheduled not less than five (5) days but within fifteen (15) days from the date the Statement of Charges was delivered to the accused employee;

3. Only be scheduled or continued, outside the time limits specified in section C. 2, with a valid reason for either party, and with the approval of the Commander of the Internal Investigations Section (IIS);

4. Be informal and without recourse to the technical common law rules of evidence required for proceedings in judicial courts. All hearings except those conducted before the Indiana State Police Board are not subject to the provisions set forth in the Administrative Orders and Procedures Act (IC 4-21.5);

5. Determine the facts and arrive at a just and effective remedy;

6. Be held at a reasonable time;

7. Be limited to the facts and allegations set forth in the statement of charges; and

8. May only be attended by:

a. The accused employee (AE) with or without legal counsel, unless the appearance is waived or the employee fails to appear without good cause,

b. The AE's commander or designee and other members of the AE's chain of command,

c. Members of the Department's Legal Office or IIS, and

d. Any other person(s) who has direct knowledge or evidence related to the charges who will appear as requested by either the DHO or the AE.

IV. DISCIPLINARY HEARING/REVIEW PROCESS

A. The DHO shall electronically record the hearing in its entirety.

1. The date, time, location, and identity of all persons in attendance shall be noted for the record. The DHO and all persons present shall be identified by name and position, if applicable.

2. It is not necessary that the record of the hearing be transcribed.

3. The hearing record shall be forwarded to the IIS Commander after the hearing has been concluded.

B. Legal counsel representing the accused at disciplinary hearings other than before the State Police Board shall:

1. Not participate in the hearing other than to privately counsel their client;
2. Not attempt to influence the hearing officer conducting the hearing in any manner;
3. Not respond verbally to any questions directed to the accused; and
4. Not interrupt the hearing process. Upon any interruption, the hearing officer may have counsel removed from the hearing.

C. The DHO shall ensure that the following information is included on the record:

1. The DHO shall read or cause to be read the following administrative rights to the accused.

"*We would like to inform you that you will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this State and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to answer questions at this time which relate directly to the performance of your official duties or fitness for duty, you will be subject to Departmental disciplinary charges which could result in your dismissal from the Department.*"

a. Ask if the accused understands these rights?
b. The DHO then reads the following:

"*Do you understand that any statement you make, whether they indicate violation of rules and regulations or violations of criminal law, may be used against you in any subsequent Departmental charges?*"

2. Were the written charges received by the accused?
3. Were the written charges delivered personally by a commanding officer?
4. The hearing officer shall read or cause to be read each charge individually, and then

a. Ask if the accused understands the charge; and
b. Ask the accused to answer to the charge.

(1) The accused may admit to (in full), admit in part, or deny the charge.
(2) If the accused refuses to answer, the hearing officer shall automatically enter a denial of that charge for the individual.

5. Introduction of evidence relating to the charges.

a. The DHO shall note in the record the number of the internal investigation that will be considered as evidence when making a determination as to the outcome of the written charges.

6. The DHO shall offer the accused an opportunity to respond to the written charges.

a. The DHO may consider as evidence an oral statement, written statement, or other documentation provided by the accused employee.

b. If the accused employee wishes to have other individuals present to offer testimony, it shall be the sole discretion of the DHO as to whether that testimony is relevant or will be allowed.

7. Closing the hearing.

a. Upon the close of evidence, ask if the accused has anything further to say.
b. The DHO shall close the hearing by reading the following:

"*I will consider the evidence and statements made here today and will make a determination. You will receive written notification as to my decision within 15 days.*"

c. The DHO shall make the final statement: "Let the record show that this hearing is concluded."

d. The DHO shall note for the record the time the hearing ended.

8. Upon final determination of the outcome of the hearing the DHO shall confer with the IIS Commander regarding past practices and the employee's past disciplinary history and then generate the Finding and Order.

V. WRITTEN NOTICE OF FINDING AND ORDER

A. Any DHO taking disciplinary action pursuant to Regulation 7 shall give the disciplined employee written notice of the Finding and Order prior to the effective date of the disciplinary action and within fifteen (15) days of the hearing.

B. Upon completion of the Finding and Order, the disciplined employee's commander shall ensure all items related to the internal investigation are forwarded to the IIS Commander and ensure no items are kept outside of IIS.

C. Upon delivery of the Finding and Order to the employee, the DHO or designee, shall deliver a copy of the written charges and a copy of the Finding and Order shall be sent directly to the IIS for inclusion in the IAPro.

D. If an investigation of misconduct results in a dismissal, the written notice shall contain a summary of the violation committed, the reason for dismissal, the effective date of the dismissal and a statement of the status of fringe and retirement benefits after dismissal.

E. Any Finding and Order that qualifies for reporting under I.C. 5-2-1-12.5 shall be forwarded to the Executive Director of the Indiana Law Enforcement Academy within thirty (30) days of the issuance of the Finding and Order.

F. Any officer who resigns or retires from the Department after engaging in conduct that qualifies for reporting under I.C. 5-2-1-12.5 shall be reported, in the form of a factual basis of the complaint known to the Department at the time, to the Executive Director of the Indiana Law Enforcement Academy within thirty (30) days of the resignation or retirement.

G. All employee notifications of a Finding and Order shall be sent by certified mail, return receipt requested, and shall be addressed to the disciplined employee at the last known place of residence.

VI. APPEAL OF DISCIPLINARY ACTION

A. Disciplinary action involving a loss of pay not to exceed ten (10) days loss of pay.

1. An employee may, within fifteen (15) days of receiving written notice of disciplinary action to be assessed against the employee, appeal in writing, through channels, to the Superintendent.

2. Upon receipt of such appeal, the Commander of IIS shall notify the employee of the scheduled hearing before the Assistant Superintendent or designee. Such hearings shall be held within thirty (30) days after receipt of the appeal unless extended by the Superintendent.

3. All appeals to the Superintendent shall be heard by the Assistant Superintendent, or designee, in the same manner as a disciplinary action potentially involving loss of pay exceeding ten (10) days, demotion, or termination.

B. Disciplinary action involving a loss of pay exceeding 10 days loss of pay or termination.

1. All disciplinary hearings where a loss of pay potentially exceeding ten (10) days, demotion, or termination shall be heard by the Assistant Superintendent or designee.

2. The Assistant Superintendent, or designee, shall make a make a recommendation for discipline to the Superintendent at the conclusion of the hearing.

3. The employee may request an appearance with the Superintendent at the conclusion of the hearing. At the appearance, the Superintendent shall consider statements made by the disciplined employee and all other relevant information available, and then notify the employee of the findings within fifteen (15) days after the appearance.

C. Appeals to the State Police Board may be made when:

1. An employee, within fifteen (15) days of receiving written notice of the Superintendent's Finding and Order from a hearing before the Assistant Superintendent, or designee, may appeal such findings in writing to the State Police Board.

2. If an employee fails to request a hearing before the State Police Board within fifteen (15) days, the Superintendent's Finding an Order shall be final and not subject to review.

3. An employee, who requests a hearing before the State Police Board, may be represented by legal counsel.

4. The State Police Board hearing is informal and without recourse to the technical common law rules of evidence required in proceedings in judicial courts. Except as otherwise provided by Title 10 of the Indiana Code, all hearings conducted before the State Police Board are subject to the provisions set forth in the Administrative Orders and Procedures Act (I.C. 4-21.5).

5. The Board's findings must be based exclusively on the evidence of record in the proceeding and on matters officially noticed in that proceeding. Findings must be based upon substantial evidence. The State Police Board's Finding and Order is considered the final order of the Agency.

6. The State Police Board shall notify the employee of its Finding and Order.

G. Any employee aggrieved by such determination may seek judicial review by following the applicable provisions of the Administrative Orders and Procedures Act.

H. All notification of a Finding and Order shall be by certified mail, return receipt requested, and shall be addressed to the employee at the last known place of residence.

I. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies, and procedures.