



State of Indiana
Indiana Department of Correction

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**POLICY AND ADMINISTRATIVE
PROCEDURE
Manual of Policies and Procedures**

**Title
INFORMATION AND STANDARDS OF CONDUCT FOR DEPARTMENTAL
STAFF**

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Replaces:
IC 4-15-2.2 <i>et seq.</i> IC 36-1-20.2 11-8-2-5(a)(8) IC 11-8-2-8 IC 35-44.1 <i>et seq.</i> IC 35-44.2 <i>et seq.</i> IC 35-48-2-1 <i>et seq.</i> 42 IAC 1-1 <i>et seq.</i>	00-00-101 04-03-106 00-01-103 04-03-108 00-04-101 04-03-109 02-01-109 04-03-110 04-03-101 04-06-101 04-03-102 04-06-103	04-03-103 (Eff. Date 12-1-2012 / ED # 12-71)

I. PURPOSE:

The purpose of this policy and administrative procedure is to provide information to staff and to any person providing service to the Indiana Department of Correction regarding employment with the Department of Correction or with another entity while stationed at a Department of Correction facility and to establish standards of conduct for all Department of Correction staff to ensure professional conduct while performing assigned duties. This is to be used as a resource summarizing the personnel policies and procedures for the employment relations between the State and its employees. It is not a contract of employment, does not create any such contractual obligations for the State or the Department of Correction, and does not abridge any rights contrary to the provisions of the State Civil Service System, Indiana Code 4-15-2.2 or other applicable laws. Unless otherwise covered by the provisions of Indiana Code 4-15-2.2-21 concerning the State classified service or other applicable statute, all State employees are employed at will and may be dismissed, demoted, disciplined, or transferred for any reason that does not contravene public policy.

II. POLICY STATEMENT:

The Department of Correction shall ensure that its staff is provided information about employment with the Department, including benefits, standards of conduct, and other relevant information.

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In order for Department staff to carry out assigned duties in the most efficient and professional manner, they must be fully informed of their individual duties and responsibilities, provided with adequate administrative and supervisory direction, informed of their performance levels, and treated with dignity and respect at all times.

Employees are expected to acquaint themselves with all applicable policies and administrative procedures, to render honest and efficient performance of duty, and to be responsible for adherence to the standards of conduct and all governing statutes, Department policies, procedures, directives, and rules.

The rules and requirements set forth in this document apply to all Department staff, contractors, and volunteers.

The State of Indiana and the Department of Correction reserves the right to withdraw or change the policies, benefits, and programs described in this policy at any time at the sole discretion of the State of Indiana and the Department of Correction. While the State and the Department will make every effort to notify employees of these changes, employees are responsible for keeping up-to-date on the State’s policies, benefits, and programs.

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. **APPOINTING AUTHORITY:** The Commissioner of the Department of Correction who has the power by law or by lawfully delegated authority to make appointments to positions in the Department, and to take other lawful actions as are necessary for the operation of the Department. The Commissioner has delegated, verbally or in writing, these powers and duties to, but not limited to, the following individuals, who are referred to throughout this document as a facility appointing authority or designee:
 1. The Warden for a facility housing incarcerated individuals;
 2. The Parole District Supervisor for the Parole District Office;
 3. The Executive Director of Workforce Engagement for the Correctional Training Institute; and,
 4. The Executive Director of Indiana Correctional Industries (ICI).

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- B. BUSINESS DAY: Monday through Friday, excluding weekends, holidays, and emergency days declared in writing by the State of Indiana or the facility appointing authority or designee.
- C. CELL PHONE: Any handheld electronic device with the ability to receive and / or transmit voice, text, or data messages without a cable connection including, but not limited to, cellular telephones, digital wireless phones, PDAs (personal digital assistants with wireless communication capabilities).
- D. CHEMICAL TEST: Analysis of breath, urine, or other bodily substance for the presence of intoxicants.
- E. COMMISSIONER: The Commissioner of the Indiana Department of Correction.
- F. COMMITTED: Placed under the custody or made a ward of the Department, including being placed under parole supervision or being placed in a minimum security assignment, including an assignment to a community transition program.
- G. CONTROLLED SUBSTANCE: A drug, substance, or immediate precursor listed in IC 35-48-1, *et seq.* The Indiana State Personnel Department policy on drug testing defines controlled substance as: Controlled Substance – The meaning assigned by 21 U.S.C. 802 and includes all substances listed on schedules I through V as they may be revised from time to time (21 CFR 1308 and 21 USC 812). In most circumstances, employees will be tested for the following controlled substances: Amphetamines, Cocaine, Marijuana, Opiates, and Phencyclidine (PCP).
- H. DEPARTMENT: The Indiana Department of Correction.
- I. DISCHARGE: The termination of a commitment to the Department.
- J. DISCIPLINARY ACTION: The administration of a systematic, objective, and non-discriminatory process of corrective measures to an employee for the purpose of enhancing their behavior.

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- K. **ELECTRONIC DEVICES:** Any device not including a watch that uses electricity or could be made to use electricity. Watches that do more than illustrate time are considered an electronic device.
- L. **FACILITY:** Any physical location or area owned, controlled, operated, managed, or used by the Department or controlled by organizations that have contracted with the Department to house or supervise an individual, including all physical locations or areas inside and outside such a location. This includes all correctional facilities (including contractual), Central Office Administration, Parole District Offices, and Indiana Correctional Industries.
- M. **FRATERNIZATION:** Contact with another beyond that which is necessary to complete the assigned job responsibilities:
1. Fraternalization between staff and incarcerated individuals includes any contact between an employee and an incarcerated individual, of either sex, beyond that necessary to carry out the employee's job responsibilities, including, but not limited to: romantic relationships; sexual activities; having an incarcerated individual work or provide any type of services to an employee not approved in accordance with Policy 04-06-102; living with an incarcerated individual; gossiping with an incarcerated individual about other staff or incarcerated individuals; having contact with an incarcerated individual's family beyond that necessary to carry out assigned duties.
 2. Fraternalization between employees includes contact which is inappropriate in the work place or which can be construed as having a negative impact on the operation of the Department, including but not limited to a romantic or sexual relationship between a supervisor and subordinate.
- N. **HARASSMENT BASED ON PROTECTED CLASS:** Verbal or physical conduct that slanders or shows hostility or hatred toward an individual because of their protected status that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonable interfering with an individual's work performance; or (3) otherwise adversely affects an individual's

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employment opportunities. The behavior need not be intentional in order to be considered harassment.

- O. **INCARCERATED INDIVIDUAL:** An adult or juvenile person committed to the Department and housed or supervised in a facility either operated by the Department or with which the Department has a contract, including an adult or juvenile under parole supervision; under county probation supervision following a commitment to the Department; in a minimum security assignment, including an assignment to a Community Transition Program (CTP); or who has been discharged from a commitment to the Department, parole supervision, or county probation supervision following a commitment to the Department within the preceding 365 days.
- P. **INSUBORDINATE BEHAVIOR:** The showing, demonstrating, or engaging in an act of contempt, disrespect, or disobedience for the Department or any person of authority in the Department through physical, verbal, written, or any other type of conduct.
- Q. **INSUBORDINATION:** A willful act on the part of an employee to disobey or ignore a State and/or Department standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment.
- R. **INTOXICANTS:** Any biological matter or chemical substance utilized to produce a state of intoxication, including, but not limited to, alcohol and controlled substances.
- S. **MISCONDUCT:** Behavior by an employee which violates a standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, performance expectation, or condition of employment of the State and/or the Department.
- T. **PAROLE:** The administrative conditional release of an incarcerated individual from a facility prior to the expiration of the sentence.
- U. **PHYSICAL CONFINES:** All physical locations and areas inside or outside of any facility owned, controlled, operated, managed, or used by the Department.

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- V. PROBATION: A procedure whereby a defendant found guilty of a crime is released by the court, subject to conditions imposed by the court, under the supervision of a probation officer and/or the court.
- W. PROTECTED CLASS: Race, color, creed, religion, sex, national origin, age, sexual orientation or gender identity, physical or mental disability, veteran status, citizenship status, genetic information, ancestry, off-duty tobacco use, and sealed or expunged arrest or conviction record.
- X. REASONABLE SUSPICION: Information or knowledge which is sufficient to induce a prudent and cautious person to believe that an action or violation may have occurred. This definition is not intended to encompass the Reasonable Suspicion test as it pertains to the State’s policy on Drug and Alcohol Testing available on line at:

http://www.in.gov/spd/files/datp_rp.pdf
- Y. SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. The behavior need not be intentional in order to be considered sexual harassment.
- Z. STAFF or EMPLOYEE: Any and all persons employed by the Department, including contractors and volunteers.
- AA. THEFT: Knowingly or intentionally exerting unauthorized control over property of another person.
- BB. TOBACCO PRODUCT: Any item that contains tobacco (e.g., cigarettes, cigars, snuff, chewing tobacco, electronic cigarettes [vape pens], etc.) or any substance that is specifically designed to be used as a substitute for tobacco (e.g., cabbage cigarettes, non-tobacco snuff or cigarettes and cigars, etc.), not including products that are to be used in the cessation of smoking or the use of tobacco (e.g., nicotine gum, patch, etc.).

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IV. INTRODUCTION:

The vision, mission, and goals of the Department of Correction can only be achieved by the combined efforts of staff. Each employee is a necessary and vital part of the whole without which the Department cannot achieve its purpose.

In an effort to meet the needs of staff and the Department, this policy and administrative procedure has been created. This policy and administrative procedures are a resource for staff to obtain information necessary to perform effectively and efficiently in their respective assignments.

As this policy and administrative procedure is read, staff shall keep in mind that the Department relies on its staff to obtain and maintain the knowledge and information necessary to complete all job assignments. This policy and administrative procedure will offer staff the opportunity to obtain that knowledge.

V. RESPONSIBILITIES

A. Departmental

The Department shall ensure that a copy of this and all other policies and procedures are available to staff through the Facility Policy Manager and supervisory staff. This policy and administrative procedure shall be presented to all Department staff in new employee orientation at each facility.

It is the intent of the Department that this policy and administrative procedure present a basic understanding of the requirements for employment with the Department and the State of Indiana. The information in these procedures is not all inclusive. The Department reserves the right to change any of the provisions in this policy and administrative procedure and shall notify staff of such changes.

B. Staff

Each employee is responsible for familiarity with and adherence to this and all other State policies and procedures. Compliance with the standards in this policy and administrative procedure is the responsibility of each employee. An employee engaging in misconduct or otherwise violating

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the standards in this policy and administrative procedure may be subject to disciplinary action, up to and including dismissal.

VI. CODE OF ETHICS:

As positions with State service are a public trust, employees are to serve the public efficiently and effectively, consistent with applicable laws and State and/or Department standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment. An employee shall be aware of and comply with the State Ethics Code found at the Office of the Inspector General’s website located online at:

<http://www.in.gov/ig/2336.htm>

The Department is committed to a code of ethics that guides employees in their performance, conduct, and behavior while serving in the criminal justice field. This code ensures that professionalism is reflected in the operation and activities of the Department and its staff.

By following the Department’s Code of Ethics, staff shall ensure the Department operates in a professional manner. Staff shall conduct themselves at all times and perform their duties in such a way as to set a good example for the incarcerated and thereby earning their respect. Staff shall adhere to the following principles.

- A. I shall maintain high standards of honesty, integrity, and impartiality free from any personal considerations, favoritism, or partisan demands in connection with my duties.
- B. I shall be courteous, considerate, and prompt when dealing with the public, realizing that as State employees and employees of the Department, we serve the public.
- C. I shall maintain mutual respect and professional cooperation in my relationships with other staff of the Department.
- D. I shall be firm, fair, and consistent in the performance of my duties and shall not allow my personal convictions, beliefs, prejudices, or biases to interfere with my official acts or decisions.
- E. I shall uphold the provisions of the United States Constitution, the Constitution of the State of Indiana, federal and State laws, rules and regulations, and the policies and procedures of the Department.

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- F. I shall conduct myself, whether on-duty or off-duty, in a manner that will not bring dishonor or disrepute to the Department or the State of Indiana.
- G. I shall maintain the confidentiality of any information entrusted to me and designated as confidential. All Department staff shall complete State Form 41465, "Statement of Trafficking Laws and Authorization for Search," and State Form 55855, "Statement of Confidentiality," as part of new employee orientation.
- H. I shall not use my position with the Department for personal gain. Staff are prohibited from using their official position to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest.
- I. I shall not discriminate against any person, including incarcerated individuals, other employees, or the public, in any manner on the basis of race, color, creed, religion, sex, national origin, age, sexual orientation, gender identity, physical or mental disability, veteran status, citizenship status, genetic information, ancestry, off-duty tobacco use, and sealed or expunged arrest or conviction record.
- J. I shall not accept nor solicit, from anyone including the incarcerated and/or their families or acquaintances, anything of value, including a gift, gratuity, favor, entertainment or loan, which is or may appear to be designed to influence any official conduct.
- K. I shall maintain the highest standards of personal hygiene, grooming, and neatness while on-duty or when representing the Department in any manner.
- L. I shall report any corrupt or unethical behavior that could impact upon the operation of the Department.

An employee, who has a question regarding certain behavior that may violate an ethics rule or law, is strongly encouraged to contact the Indiana State Ethics Commission and seek an advisory opinion before engaging in the behavior. Information on how to seek an advisory opinion by the State Ethics Commission can be at found at the Office of the Inspector General's website located online at:

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VII. GENERAL INFORMATION:

Staff are expected to adhere to all State Personnel Department policies which can be found online at:

<https://www.in.gov/spd/>

A. Public Statements and Testimonials

Staff are not to make public comments, speeches or statements, address public gatherings, appear on radio, television, the internet or any other medium, prepare any articles for publication to the media as representatives of the Department without the approval of the facility appointing authority or designee. This includes comments made on the internet when the employee identifies their self or makes reference to their self as an employee of the Department of Correction. If an employee is requested to make comments or speeches, the employee is to advise their immediate supervisor of the request. The supervisor may refer the employee to the facility's Public Information Officer or to the Department's Chief Communications Officer for additional assistance in the preparation of the comments or speeches.

Staff shall not authorize the use of their name, photograph, or official title, which identifies them as an employee of the Department, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the facility appointing authority or designee.

Employees shall refrain from engaging in public criticism of the State and/or the Department, its standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, conditions of employment, or other employees. Additionally, staff shall not use defamatory, obscene, or language that may negatively impact the operation of the Department, the incarcerated, other employees, or the public or which may interfere with the ability of an appointing authority or designee to maintain discipline. If an employee has a complaint about the State or the Department, they are to use approved methods of resolving complaints, such as making a report to the appropriate supervisor in the employee's chain of command or using the employee complaint procedure, in order to resolve any issue.

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Staff shall adhere to Policy and Administrative Procedure 00-03-104, “Social Media.”

B. Identification

All staff of the Department shall be issued an official identification. An employee shall possess on their person this Department identification at all times while they are on-duty or are representing the Department. The identification shall remain the property of the Department and shall be returned to the Department upon request in a timely and respectful manner.

If the Department identification is lost or stolen, damaged or destroyed, the employee shall immediately report to the facility appointing authority or designee the circumstances surrounding the loss of the identification. The employee may be charged to replace a lost, stolen, destroyed, or damaged (excluding normal wear and tear) identification.

Staff shall not duplicate or procure Department badges, identification, insignia, uniforms, or any other type of Department identification without the prior written authorization of the facility appointing authority or designee, nor shall staff possess unauthorized badges, identification, insignia, uniforms, or any other type of unauthorized identification at any time.

Staff shall not use Department identification for personal or financial gain, for obtaining anything of substantial value, for the private benefit of the employee, their family, or friends, for obtaining privileges not otherwise available to them except in the performance of duty, or for avoiding consequences of illegal acts.

Staff shall return all Department badges, identification, insignia, uniforms, or any other type of Department identification when they retire, resign, or otherwise leave the Department. If an employee is suspended, dismissed or otherwise absent from work, they shall return all such items when ordered to do so. Staff, including former staff, shall be responsible for all costs of litigation, including attorney fees if the Department or the State institutes legal action for the recovery of Department and/or State badges, identification, insignia, uniforms, or any other type of Department and/or State identification.

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C. Discipline

1. An employee who violates a State and/or Department standard, rule, regulation, policy, procedure, lawful directive, written or verbal order, agreement, responsibility, or condition of employment may be subject to disciplinary action, up to and including dismissal, in accordance with IC 4-15-2.2-24 which states, “An employee in the unclassified service is an employee at will and serves at the pleasure of the employee’s appointing authority, and may be dismissed, demoted, disciplined or transferred for any reason that does not contravene public policy.”

Dismissal shall be the presumptive disciplinary sanction for an employee that violates the Department’s sexual abuse or sexual harassment policies.

For further information, staff may contact their Human Resources Office or the State Personnel Department, Employee Relations Division.

2. Employees who violate this policy and administrative procedure shall be ineligible for promotions or transfer opportunities. Employees will be eligible for consideration for promotion and/or transfer after one (1) year from the effective date of the last infraction.
3. Progressive discipline shall revert back one (1) step after one (1) year from the last infraction. Employees shall refer to Policy and Administrative Procedure 04-03-104, “Working Hours and Leave Time,” for discipline regarding tardiness.

D. Employee Complaint Procedure

All Department employees are eligible to use the complaint procedure established in the State Civil Service Act (IC 4-15-2.2-42). Further information on the Civil Service Complaint process can be found online at:

<http://www.in.gov/spd/2399.htm>

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E. Employee Leave Time

The Department fully supports the State Personnel Department’s leave policies available online at:

www.in.gov/spd.

The policies found there govern the use of leave time for employees of the Department.

VIII. EMPLOYMENT REQUIREMENTS:

A. Background Checks

All persons recommended for hire in the Department shall undergo a thorough background check (e.g., criminal history background check, including a driver’s license check and fingerprinting, sex offender registry check, employment verification, educational verification, license verification, and in appropriate cases, Children Protective Services check, in limited cases, credit history check, or any screen or check deemed necessary by the facility appointing authority or designee). Additionally, criminal history background checks, including driver’s license checks and fingerprinting, shall be conducted on all volunteers, interns, and persons working in the Department on contract who have direct contact with the incarcerated. Also, any other persons who will have routine access in Department facilities or contact with the incarcerated or their information as a normal part of their duties shall submit to a criminal history background check, including a driver’s license check and fingerprinting. It is at the discretion of the facility appointing authority or designee to conduct the above background check requirements on any non-employee who has contact with the Department (e.g., outside repair personnel).

Subsequent criminal history background checks shall be completed, minimally, every four (4) years on current employees, contractors, and volunteers who may have contact with the incarcerated.

The Department shall not hire or promote an individual to a position that may have contact with the incarcerated who:

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1. Has engaged in sexual abuse in a correctional facility, including prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse; or,
3. Has been civilly or administratively adjudicated to have engaged in the activities addressed in numbers 1 and 2 above.

In order to receive an offer of employment, promotion, demotion, or transfer into a position with the Department, a person must complete a disclosure and release form through the State's contracted third party background check vendor and complete an Indiana Data and Communications System (IDACS) form during the interview process. The forms will be part of the application process and will allow the Department to research information concerning a person's personal history, including but not limited to, criminal law violations, education records, employment history/records, professional licenses, etc. A refusal to sign these releases shall eliminate the applicant from further consideration for the position.

During the interview portion of the hiring, promotion, demotion, or transfer process all applicants/employees who may have contact with the incarcerated shall be asked, in written applications or in-person interviews, about any previous substantiated incidents of sexual misconduct or sexual harassment. Material omissions regarding such misconduct or the provision of materially false information shall be grounds for termination of employment.

All current staff shall be subject to criminal history, driver's license checks, and other appropriate checks.

All persons selected for employment, promotion, demotion or transfer within the Department shall be subject to the following checks:

- Criminal History Background Check: In order to ensure the safety and security of the Department, it is necessary for the Department to be aware of any persons who have a history of criminal behavior. Certain

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criminal convictions, such as those resulting in the person not being able to possess or use a firearm, may restrict a person from being assigned to certain positions, such as not being able to possess or use a firearm due to a criminal conviction. Once the criminal history background check has been completed, the results of the check shall be stamped “CONFIDENTIAL”. Only those employees designated by the facility appointing authority or designee shall be granted access to these records. If suspect information on matters with potential terrorism connections is returned on an applicant, it shall be forwarded to the local Joint Terrorism Task Force (JTTF) or other similar agency.

- Fingerprinting: In addition to completing the “Criminal History Check” form, all persons subject to such a check shall submit a completed fingerprint card. Fingerprints shall be taken using the standard “Federal Bureau of Investigation, United States Department of Justice Applicant Fingerprint” card. Each facility shall ensure that procedures are in place to have suitable fingerprints taken. If the fingerprints cannot be taken at the facility, the facility shall make arrangements to have the fingerprints taken at a location as near the facility as possible. The employee responsible for ensuring completion of the criminal history background check shall be responsible for ensuring the completion and submission of the fingerprint card. All applicant fingerprint cards are to be submitted to the Indiana State Police for processing. Only those persons designated by the facility appointing authority or designee shall have access to the fingerprint cards.

In those cases where the results of a criminal history background and/or fingerprint check determines that the person has a criminal history or some other concern arises with the person’s application, the designated employee shall notify the facility appointing authority or designee immediately. The subject of the check shall be advised as to the results of the check. The facility appointing authority or designee shall determine what action needs to be taken based upon the results received. The possible actions range from an explanation regarding the results to termination from employment, contract or volunteer/intern status. In any case, the person shall not be permitted to return to work until the matter is resolved.

- Sex Offender Registry Check: Sex Offender Registry checks shall be conducted on all persons selected for employment, promotion,

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demotion, or transfer with the Department. Designated staff shall check the Indiana Sex and Violent Offender Directory database, which is accessible on the internet, to determine whether the subject is registered as a sex offender. Prior sex offenses may limit the person from being hired for certain positions within the Department.

- Employment Verification & Past Employment Verifications: The Employment Verification and past employment verification shall be conducted to ensure that the applicant actually worked at the employer(s) listed on the application/resume. Indiana State Personnel Department (INSPD) Verifications Team shall verify all positions listed on the application/resume that qualifies the applicant for the position sought. INSPD's Verifications teams shall complete the following procedures unless instructed by the agencies:
 1. Education beyond high school shall be verified
 2. Work History: Previous 5 years will be verified unless applicant is a candidate for a teaching position. Candidates for Teaching positions must have all employment as a licensed teacher verified (such verification may also be conducted by field HR staff); and,
 3. Required Licensures.

The verifications shall include dates of employment Any information received during the employment verification process shall be documented in writing, including the name of the individual providing the information, date, time, and response. If the employer provides no response, that also must be documented.

B. Chain of Command

In order to ensure proper morale and discipline, it is essential that staff recognize the lines of authority within the facility to which the employee is assigned. Staff must know their immediate supervisor so that work-related questions or problems can be discussed with the appropriate person. Immediate supervisors are to assist staff in resolving questions or problems before it is necessary to take them to a higher level.

C. Training

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Employees are encouraged to participate in any training that will assist them in the performance of their duties. Consideration will be given to any request for training; however, fiscal constraints and security issues may result in denials of some requests.

Employees will be required to participate in any mandatory in-service training programs as directed by their supervisor. When work schedules permit, staff may attend in-service training programs during regular working hours. Overtime-eligible employees must have prior approval from the facility appointing authority, or designee, prior to training that will result in overtime

D. Personal Contact Information

Each employee must provide their facility with a current address and telephone number through which they may be contacted during off-duty hours. Changes of address or telephone number shall be reported to the supervisor, payroll, and to the facility personnel office as soon as the new information is available. Failure to provide address and/or telephone number changes within five (5) business days may result in disciplinary action, up to and including dismissal. Each employee is also responsible for updating their personal information using the designated computer application.

E. Emergency Notification

Each employee shall provide their facility with the name and contact information (telephone number, address, cell phone number, etc.) of a person to be contacted in case of an emergency situation involving the employee. Staff shall be required to update this information as necessary and at least bi-annually on State Form 51884, "Emergency Preparedness Personal Information." Failure to provide emergency notification contact name and contact number changes within five (5) business days may result in disciplinary action, up to and including dismissal.

F. Staff Guests

Staff wishing to bring guests to the facility must obtain permission from the facility appointing authority or designee prior to the visit. Guests shall be required to abide by the rules for all visitors. Staff shall not be relieved

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from their assigned duties to escort a guest without prior approval from the facility appointing authority or designee.

G. Drug Free Workplace / Use of Intoxicants

The Department fully supports the State’s policy on a Drug and Alcohol Free Workplace found online at;

<http://www.in.gov/spd/files/dafw.pdf>

A priority of the State of Indiana is the health and safety of State employees, their clients, and the public. The use of illegal drugs by employees, on or off duty, will not be tolerated.

No employee shall report for duty, remain on duty, or operate a State vehicle while having any measurable amount of alcohol in their system (which for enforcement purposes is defined as .02) or while having any measurable trace of a controlled substance in their system for which the employee does not have an authorized prescription.

All staff who have direct contact with the incarcerated in a facility or who are required to possess a Commercial Driver’s License (CDL) in the performance of their duties shall be required to participate in random and other tests for alcohol and controlled substances in accordance with federal and State law and policy. Failure to provide a suitable sample for such a test or failure to report for such a test when so instructed shall result in disciplinary action up to and including dismissal.

As a condition of employment, staff shall consent to a chemical test upon request. Such a request shall be based on a reasonable suspicion that the employee has used intoxicants, or due to the nature of certain job assignments. Refusal to submit to a chemical test upon request will be considered insubordination and grounds for disciplinary action, up to and including dismissal.

If an employee has been prescribed any medication that may have an intoxicating effect, the employee is to notify and acquire the written permission of the facility appointing authority or designee prior to being under the influence of or otherwise taking the medication while on-duty. More information on bringing medication into a facility is covered in Policy and Administrative Procedure 02-03-103, “Facility Entrance/Exit Procedures.”

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Staff who believe they have an intoxicant abuse problem are advised to contact the State of Indiana employee assistance program (EASY at 1-800-886-9747; www.liveandworkwell.com; Access Code: Indiana) or the facility’s Human Resources staff who can refer them to this program. Employees with a dependence on intoxicants may self-report and qualify for a leave of absence for treatment indicated by a medical or substance abuse professional or ordered by a judge. Such leave may qualify for coverage as family medical leave, and the request/approval process for that leave must be followed.

For further information please refer to the State Personnel Department’s (SPD) Drug/Alcohol Testing Policy and Family Medical Leave Policy, found on the SPD’s website here:

<http://www.in.gov/spd/2396.htm>

or by contacting either the immediate supervisor or the facility’s Human Resources staff.

Staff shall not manufacture, distribute, dispense, possess, use, or be under the influence of any intoxicant within the physical confines of any facility, or while representing the Department or while on-duty.

H. Dress and Grooming

Employees are empowered to carry out the mission and goals of the Department. To achieve these goals, a high degree of contact with members of the general public may be required. Whether interacting with legislators, judges, news media, families of the incarcerated, or incarcerated individuals themselves, quite often the image staff project will be the image of the Department that people retain. In addition to contact with the general public, staff who have daily or even occasional interaction with the incarcerated should strive to present a professional image in order to serve as a role model for the incarcerated population. Therefore, all employees are expected to report to work appropriately dressed and groomed and prepared to begin their respective assignments.

Uniformed staff shall refer to Policy 02-03-104, “Dress Standards for Uniformed Staff,” and non-uniformed staff shall refer to Policy 04-03-110, “Dress Standards for Department of Correction Non-Uniformed Staff,” to address questions regarding the appropriate dress standards. Additionally, all staff shall refer to Policy and Administrative Procedure

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04-03-109, “Grooming Standards for Department of Correction Staff,” for questions regarding the appropriate grooming standards.

I. Mandatory Overtime and/or Overtime Assignments

Due to the need to provide twenty-four (24) hour security in Department facilities, staff may be required to work overtime. Failure to work such mandatory overtime or overtime for which the employee has volunteered may result in disciplinary action. For further information on overtime, staff may refer to the State’s policy found online at:

<https://www.in.gov/spd/files/Hours-of-Work-and-Overtime-Policy-11-27-16.pdf>.

J. Use of Equipment and Firearms

Staff shall not bring non-State issued self-protection equipment, firearms, ammunition, or chemical agents into Department facilities without the written approval of the facility appointing authority or designee. The only weapons to be used while on-duty are those weapons authorized and provided by the Department or facility. Staff must be trained and certified in the use of any weapon which they are authorized to use.

Department employees, including contractors and volunteers, may secure their personally owned firearms and/or ammunition in a locked case and secure the firearm and/or ammunition in the trunk, glove compartment, or out of plane sight inside the employee’s locked personal vehicle.

Personally owned firearms **shall not** be transported in a State vehicle and only Department-issued equipment shall be worn with the Department-issued uniform, or used while on-duty.

For further information on firearms and chemical agents, employees may refer to Policy and Administrative Procedure 02-01-113, “The Certification and Use of Firearms, Chemical Agents, and Conducted Energy Weapons.”

Additionally, staff shall not bring into the facility personally-owned restraint equipment, not limited to but including handcuffs, handcuff keys, waist chains, etc. All necessary restraint equipment shall be provided by the Department or the facility. For further information, refer to Policy 02-

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01-112, “The Use of Restraint Equipment with Adults” and/or Policy 03-02-108, “The Use of Restraint Equipment with Youth.”

Staff shall be properly trained and authorized in the use of any Department weapon or equipment before the use of any such weapon or equipment. Staff shall carry and use Department weapons and other equipment only in accordance with law and established Department procedures or with Commissioner approval. Staff shall not use or handle Department weapons or equipment without proper training and authorization; nor shall staff use or handle Department weapons and equipment in a careless or imprudent manner.

Staff shall not duplicate or procure Department weapons or keys, or any other type of Department property, equipment, or resources without the prior written authorization of the facility appointing authority or designee; nor shall an employee possess unauthorized weapons or keys or any other type of property, equipment, or resources at any time.

Staff shall return all Department and/or State weapons and keys, or any other type of property, equipment, or resource when they retire, resign, or otherwise leave the Department, and they shall return all property, equipment, and resources when ordered to do so because of suspension, dismissal, or other absence from work. An employee or former employee shall be responsible for all costs of litigation, including attorney fees, if the Department or the State institutes legal action for the recovery of Department and/or State property, equipment, resources, or the replacement or repair costs thereof.

For further information regarding the use and possession of Department keys, staff shall refer to Policy and Administrative Procedure 02-03-106, “Key Control.” For further information on the use and possession of Department tools, refer to Policy and Administrative Procedure 02-03-107, “Tool Control.”

Department employees, including contractors, are permitted to bring personal cell phones into a facility in accordance with Policy and Administrative Procedure 04-03-112, “Staff Cell Phone/Smart Phone Usage,” and respective facility directives.

IX. STANDARDS OF CONDUCT:

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This section sets forth Standards of Conduct which describe expectations of conduct, both on-duty and off-duty, for an employee of the Department. All employees are expected to conduct themselves in a manner which does not reflect negatively on the Department and must avoid any conduct which would negatively impact on the proper performance of their duties.

These Standards are not intended to be an exhaustive and comprehensive list of all conduct prohibited or required by the Department. An employee may be disciplined for any act of misconduct regardless of whether the misconduct is or is not specifically identified in these Standards of Conduct.

These Standards of Conduct are not intended to limit the authority of the Department to adopt and enforce rules and procedures that are more stringent or comprehensive than those that are contained in this document.

The right and authority to interpret, define, set forth, and/or clarify the meaning of the Standards of Conduct or of any word, phrase, term, sentence, or provision herein, or of any other rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment of the Department is the sole and exclusive right and authority of the Commissioner or the Commissioner’s designee.

It is the responsibility of each employee to be knowledgeable of and to strictly adhere to the Standards of Conduct and all other standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment of the State and/or the Department. If an employee is confused by or has a question relating to the meaning or application of a standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment of the State and/or the Department, the employee is required to ask their immediate supervisor or the facility’s Human Resources staff as to the meaning of, or application of the standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment of the State and/or the Department.

An employee who violates a Standard of Conduct rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment of the State and/or the Department will be subject to disciplinary action.

A. Solicitation and Selling on Department Property

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Solicitation of staff for funds, membership, or individual commitment to outside organizations or causes within any facility or the physical confines of a facility during the employee’s working hours shall be permitted only with the prior written approval of the facility appointing authority or designee. Such approval shall be granted only if the activity does not disrupt the security or efficiency of the facility.

Staff shall not supplement any State salary through activities engaged in the physical confines of the facility, such as selling items for profit, collecting commissions, owning or operating concessions, rendering service to other staff, the public, or the incarcerated. With the approval of the facility appointing authority or designee, staff may sell items for not-for-profit organizations, such as schools or the Girl Scouts, in the facility. In such cases, the employee must ensure that the ordering and delivery of any items sold is not done during their or other employees’ working hours and that these activities do not interfere with the operation of the facility.

With the approval of a facility appointing authority or designee, staff may be allowed to post items for sale on a bulletin board, either electronic or otherwise. If such a bulletin board is approved, staff shall indicate that they may be contacted at home during off-duty hours. In such cases, the employee must ensure that the posting, ordering, and delivery of any items are not done during working hours and that these activities do not interfere with the operation of a facility.

The facility appointing authority, or designee, has the authority to approve or deny postings, remove items for content, and ensure items are removed in a timely fashion.

B. Trafficking

An employee is strictly prohibited from giving any unauthorized physical object to an incarcerated individual or receiving any unauthorized physical object from an incarcerated individual without the prior authorization of the facility appointing authority or designee. Staff are required to complete State Form 41465, “Statement of Trafficking Laws and Authorization for Search,” upon hire. An employee who violates this Standard commits the act of trafficking and will be dismissed from employment.

For purposes of this Standard the term “physical object” is a thing having mass in the physical world regardless of the use, size, amount, value, or any other characteristics of the object. The term “physical object” includes

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written information including, but not limited to, correspondence or any document belonging to or addressing the subject of the State, the Department, an employee, the public, or an incarcerated individual.

An employee who engages in an act of trafficking engages in misconduct that directly threatens the safety and security of the Department, a facility, employees, the public, and the incarcerated. This fact is true regardless of the frequency of the trafficking or the use, size, amount, value, or other characteristics of the trafficked physical object.

The Department does not consider any act of trafficking to be benevolent. Therefore, the Department will not accept benevolent intent as a defense to a disciplinary action for trafficking misconduct. If an employee wishes to donate or give items to the incarcerated, the employee must acquire the prior written permission of the facility appointing authority or designee. Furthermore, the Department will not accept the fact that an employee did not profit from an act of trafficking as a defense to any disciplinary action for trafficking misconduct.

The Indiana Code criminal provisions that prohibit trafficking with an incarcerated individual are set forth below. The definitions of trafficking as set forth in the criminal code are slightly different from the definition set forth above. An employee must strictly adhere to the prohibitions of behavior set forth in this Standard and in the Indiana Code provisions. An employee engaging in behavior that violates this Standard or the Indiana Code provisions commits the act of trafficking, regardless of whether the employee is arrested, prosecuted, or convicted.

The Indiana Code criminal provisions addressing trafficking are as follows: (<http://www.in.gov/legislative/ic/code/>)

- IC 35-44.1-3-5 Trafficking with an inmate
- IC 35-44.1-3-6 Trafficking with an inmate outside a facility
- IC 7.1-5-10-16 Sale to inmate prohibited

C. Contact and/or Relationships with Incarcerated Individuals

No employee shall have any personal contact with an incarcerated individual and/or the family or close friends of an incarcerated individual beyond that necessary for the proper supervision and treatment of the individual, without prior approval by the Commissioner. If any unavoidable contact is made, such contact shall be reported to both the

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employee's immediate supervisor and the facility appointing authority or designee as soon as possible, but no later than the employee's next scheduled working day.

Examples of inappropriate contact include, but are not limited to:

1. Living with or providing lodging for an incarcerated individual, unless the individual is the employee's parent, step-parent, child, step-child or where the incarcerated individual and employee were married prior to the individual's incarceration with the Department;
2. Entering into a marriage with an incarcerated individual;
3. Offering an incarcerated individual employment or employing an incarcerated individual outside of the scope of State-affiliated employment;
4. Carrying messages to or from an incarcerated individual regardless of the source or content;
5. Personal social relationship of any type with an incarcerated individual (including contact through social media);
6. Visiting or corresponding with an incarcerated individual, unless the incarcerated individual is a relative and permission has been obtained from the employee's facility appointing authority or designee and the facility appointing authority or designee of the facility where the incarcerated individual is housed or supervised;
7. Physical contact beyond that which is routinely required by specific job duties (Sexual contact with an incarcerated individual is not only strictly prohibited, but is also a criminal offense and may be prosecuted under IC 35-44.1-3-10); and,
8. Fraternalization with an incarcerated individual.

Upon learning of the commitment to the Department of a friend or relative, staff must notify the facility appointing authority or designee, in writing, of such a relationship. New employees shall advise of the existence of such a relationship upon accepting employment with the Department or upon discovery if not known at the time of accepting

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employment. Veteran staff shall advise of the existence of such a relationship by completing the “Notification or Relationship/Knowledge of Incarcerated Individual” form. This notification shall include: the incarcerated individual’s name, DOC # (if known), relationship, facility where the individual is housed or supervised, and whether the employee intends to maintain the relationship, including visiting or corresponding if the person is a family member. For purposes of this Standard, the word “relative” includes an ex-spouse, or any other person who by marriage or birth was related or is currently related to the employee. An employee must obtain prior written approval from the employee’s facility appointing authority or designee and the facility appointing authority or designee of the facility where the incarcerated individual is housed or supervised before visiting, corresponding with, or in any way communicating with a friend or relative committed to the Department.

Employees involved in a criminal investigation or trial that results in the commitment of a perpetrator to the Department shall be required to report that connection to the facility appointing authority or designee in writing. If appropriate, the facility appointing authority shall act in accordance with Policy and Administrative Procedure 01-04-106, “Monitoring Program.”

D. Investigations and Duty to Report

Staff shall cooperate fully in any Departmental investigation and any authorized investigation by an outside person or organization pertaining to Department business. Failure to cooperate with any investigation will result in disciplinary action, up to and including dismissal.

Staff shall answer questions, respond to lawful orders, or render material and relevant statements in an investigation. Staff shall not divulge the identity of persons giving confidential information except as authorized by proper authority. Staff shall not violate a confidentiality order or agreement issued to or agreed to by the employee in the course of an investigation. Staff shall not interfere with, attempt to interfere with, or direct others to interfere with any investigation. Staff is strictly prohibited from engaging in false reporting or informing, and/or providing false statements or documents. False reporting or informing, and/or providing false statements or documents will result in disciplinary action, up to and including dismissal.

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Employees have an affirmative duty to report violations of the Department's *Information and Standards of Conduct for Departmental Staff* or any other State or Departmental policy/procedure to the appropriate supervisor or facility appointing authority or designee. Should a facility appointing authority or designee be involved in the misconduct, staff shall report the violation to the Office of the Commissioner or the Chief Legal Officer. All reports or violations must be made in a timely fashion and must be signed by the reporting party.

Staff shall not direct reprisals, intimidate, or harass any person who has filed a report of misconduct or provided information in an investigative matter.

E. Use of Physical Force

Use of physical force shall be governed by Policy and Administrative Procedure 02-01-109, "The Use of Physical Force," for staff in adult facilities or supervising individuals on parole or Policy and Administrative Procedure 03-02-109, "The Use of Physical Force in Juvenile Facilities," for staff working in Division of Youth Services facilities or supervising youth on parole. Staff shall use only the amount of force as reasonably necessary to perform their duties. Only the minimum amount of force, applied in compliance with Policy and Administrative Procedure 02-01-109 or Policy and Administrative Procedure 03-02-109, necessary to achieve the desired results will be employed. The use of force to intimidate, coerce, punish or extract revenge is strictly prohibited.

Any employee involved in, or who is a witness to, a use of force incident shall provide a complete factual account of their actions and/or observations as required by Department policies and procedures. The incident report must be submitted to the shift supervisor or facility appointing authority or designee prior to the end of the shift on the day the incident occurs

F. Use of Tobacco

Department facilities (State-owned or contracted) have been declared "non-tobacco" areas except as otherwise identified below. No person is permitted to possess or use tobacco products while on these facility properties. This prohibition includes the possession or use of tobacco products and items related to tobacco use, such as cigarette lighters, e-cigarettes, vape pens, etc.

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Staff shall not be permitted to use tobacco products when operating any vehicle other than a personally-owned vehicle.

This prohibition shall not pertain to employees possessing tobacco in their personally owned vehicles during on-duty hours.

G. Insubordination and Insubordinate Behavior

Employees are prohibited from showing, demonstrating, or engaging in an act of contempt, disrespect, or disobedience for the Department or any person of authority in the Department through physical, verbal, or written conduct. This Standard applies regardless of whether the act of insubordinate behavior was witnessed by the person of authority or by others, including employees, the incarcerated, or the public.

Staff shall strictly adhere to the *Information and Standards of Conduct* and any and all other standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment of the State and/or the Department without argument. Staff who knowingly fail to strictly adhere to the Standards of Conduct and any and all other standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment of the State and/or the Department engages in insubordination.

Employees are prohibited from refusing to obey a lawful job-related order from a superior. The refusal to obey lawful job-related orders from a superior constitutes insubordination. An employee may request review of the order by a higher authority or facility appointing authority or designee only after the order is obeyed.

H. Search of Staff and Personal Property

Staff, their personal property, and motor vehicles are subject to search upon entering a facility. Additionally, any work area is subject to search at any time. An employee, when requested, ordered, or required to comply with a search of their person, personal property, motor vehicle, or work area, is strictly obligated to comply with such request, order, or requirement.

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Searches of personal property or motor vehicles shall, if at all possible, be conducted in the presence of the employee or their designated representative. Searches of staff will generally be limited to metal detectors and other electronic devices, canine searches, and frisk searches. Staff may be ordered to remove their footwear and socks, empty and turn inside-out their pockets, and empty their wallets, purses, meal containers, or any other type of pocket or container in the possession of an employee.

More intrusive searches of staff, such as strip searches, may be conducted if there is reasonable suspicion that an employee is attempting to bring into or remove from a facility any contraband, or illegal, unauthorized, or prohibited property or information. Such a search shall be conducted by a same-gender employee and only upon the authority of the facility appointing authority or designee.

If upon the search of an employee, their personal property, motor vehicle, or work area, any contraband, or illegal, unauthorized, or prohibited property or information is discovered, the employee will be subject to disciplinary action, up to and including dismissal. Staff refusing to submit to any type of search shall be denied entry to a facility and will be subject to disciplinary action, up to and including dismissal. For purposes of this Standard, an employee who demonstrates behavior that appears to be intended to avoid submitting to a search (such as fleeing or otherwise abruptly leaving a facility or abruptly taking leave time), may be deemed to have refused to submit to a search.

I. Arrests and Convictions

Due to the special nature of the relationship between an employee and the incarcerated, as well as an employee’s duty to serve as a role model for the incarcerated and the public, the arrest or conviction of an employee for any crime or infraction may be grounds for disciplinary action. The Department is committed to providing the public with qualified employees who possess good character and standards.

Employees receiving citations for traffic violations while in a State vehicle or conducting Department business shall report the citation to their immediate supervisor. Sanctions imposed for the violation of traffic rules and regulations shall be the responsibility of the employee. Violations of traffic rules and regulations may be cause for disciplinary action in accordance with State Personnel Department rules.

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The Department fully supports the State’s policy on Arrests and Convictions which is located at the following link:

Policy Statement: <http://www.in.gov/spd/files/acpolicy.pdf>
Responsibilities and Procedures: <http://www.in.gov/spd/files/acrandp.pdf>

J. Dereliction / Neglect of Duty

Employees are required to remain awake, alert, and devote their full attention to their assigned duties and areas of responsibility during working hours. An employee is required to fully perform their job duties and to give appropriate attention to the performance of any assigned duty. An act or omission of an employee indicating neglect of their assigned job duties or for the safe and proper care and control of the incarcerated will be considered dereliction/neglect of duty.

Staff assigned to a post or a duty that involves the supervision of incarcerated individuals shall not leave the post or duty assignment until properly relieved unless the employee receives proper authorization to do so. An employee is expected to remain on-duty for their entire shift or work assignment unless properly authorized to leave that shift or assignment.

Examples of Dereliction/Neglect of Duty include, but are not limited to: sleeping on-duty; failure to take appropriate action on an act or condition deserving attention; losing or misplacing Department property, equipment, or resources, including keys and weapons; losing or misplacing Department information, records, or documents; playing games, watching television, or movies, using a computer or electronic device for any purpose other than that which has been approved, or otherwise engaged in entertainment while on-duty unless properly authorized; engaging in any activities or personal business which would cause neglect or inattention to duty; unauthorized absence without leave; engaging in unnecessary or unauthorized radio transmissions; failure to report to duty at the time and place designated; unnecessary absence from one's post or assignment during a work shift; and the failure to be knowledgeable of and to strictly adhere to the Standards of Conduct and any and all other standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment of the State and/or the Department.

K. Use of Slang, Gestures, or Other Derogatory References

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Staff shall perform assigned job duties in a professional manner and shall respond to questions from others in a polite and courteous manner. An employee shall not use, make, or display any coarse, obscene, indecent, vulgar, profane, insulting, rude, abusive, derogatory, inflammatory, or potentially inflammatory language, gestures, or images to or about other employees, incarcerated individuals, families of the incarcerated, or the public. Staff shall not use, make, or display any offensive language, gestures, or images concerning race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, physical or mental disability, veteran status, citizenship status, genetic information, or ancestry.

Staff shall be courteous, considerate, prompt, and respectful when interacting with the public, other employees, and the incarcerated. Staff shall be tactful in the performance of assigned duties, shall control their temper, and shall exercise patience and discretion. An employee is strictly prohibited from fighting or quarreling with another employee or a member of the public while on-duty.

Staff shall refer to incarcerated individuals by title (Mr. , Mrs., Ms. Miss, Mx, etc.) if known and surname. Staff shall refer to other employees by rank designation or title (Dr., Mr., Mrs., Ms. Miss, Mx, etc.) if known, and first name or surname.

Staff shall not wear any visible article of clothing or possess any item on-duty that contains coarse, obscene, indecent, vulgar, profane, insulting, rude, abusive, derogatory, inflammatory, or potentially inflammatory language, gestures, or images concerning any of the following: race, color, creed, religion, national origin, age, sex, sexual orientation or gender identity, physical or mental disability, veteran status, citizenship status, genetic information, or ancestry.

Staff who have tattoos which display offensive language or images shall be required to cover these tattoos either with clothing (e.g., long sleeved shirt) or another suitable covering which does not draw undue attention on the employee while they are on duty. Examples of tattoos considered inappropriate or offensive include, but are not limited to tattoos that contain coarse, obscene, indecent, vulgar, profane, insulting, rude, abusive, derogatory, inflammatory, or potentially inflammatory language, gestures, or images concerning any of the following: race, color, creed, religion, national origin, age, sex, sexual orientation or gender identity,

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physical or mental disability, veteran status, citizenship status, genetic information, or ancestry.

Staff shall not drive on-grounds or park at a facility in a personal vehicle that displays offensive language, gestures, or images concerning any of the following: race, color, creed, religion, national origin, age, sex, sexual orientation or gender identity, physical or mental disability, veteran status, citizenship status, genetic information, ancestry, off-duty tobacco use, and sealed or expunged arrest or conviction record.

An employee who wears an article of clothing in violation of this Standard, or who drives or parks in a personal vehicle that violates this Standard, may be ordered to immediately correct the violating conduct in an appropriate manner. Additionally, an employee who violates this Standard will be subject to disciplinary action in accordance with the severity of the misconduct.

L. Confidentiality

Certain information maintained by the Department is considered confidential. Staff shall not release any information concerning other employees, incarcerated individuals, the Department, or the State without proper authorization. Staff are required to complete State Form 55855, "Statement of Confidentiality," upon hire. Employees are prohibited from engaging in discussions pertaining to the operations and official business of the Department which are of a confidential nature with any person outside the Department without the permission of a facility appointing authority or designee. Staff shall ensure, prior to releasing any information, that all appropriate laws, rules, policies/procedures of the State and/or the Department are being followed.

M. Reporting

Staff shall submit true, accurate, legible, and appropriate reports in a timely manner when required to do so by Department policies/procedures or by supervisory staff. Staff shall not knowingly nor intentionally convey false information to other persons regarding themselves, other employees, the incarcerated, or the operation of the Department. Staff shall not knowingly or intentionally enter or cause to be entered any inaccurate, false, or improper information into any Department books, records, reports, or documents.

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An employee or applicant for Department or State employment shall not falsify a Department or State employment application, or in any way lie or submit false documents during the hiring process. If at any time after employment it is discovered that an employee has violated this Standard, the employee shall be subject to disciplinary action in accordance with the severity of the misconduct.

Staff shall promptly report to the facility appointing authority or designee all crimes, potential crimes, suicides, attempted suicides, fires, accidents and all happenings, complaints and other information of Department interest which may come to the employee’s attention. Staff shall promptly report any "tips" or other information to designated staff.

N. Licenses

Staff whose duties include the operation of Department vehicles shall maintain a valid and current Operator/Driver’s License or, if required, a Commercial Driver’s License, and shall immediately report the loss or suspension of the license to the facility appointing authority or designee. Employees are strictly prohibited from operating a Department vehicle without being properly authorized to do so and without possessing a valid and current Operator Driver’s License or, if required, a Commercial Driver’s License. Staff shall present a copy of a current license to the immediate supervisor or designated staff and shall be responsible for ensuring that the license is renewed whenever required.

Staff whose employment position requires possession of a valid and current professional or other license (such as an attorney, doctor, nurse, teacher, etc.), shall possess and maintain a valid and current required license, and shall immediately report the loss or suspension of the license to the facility appointing authority or designee. Employees are strictly prohibited from engaging in employment duties that require possession of a valid and current professional or other license without being properly authorized to do so and without possessing a current and valid required license. Staff shall present a copy of the current and valid license to the immediate supervisor or designated staff. It shall be the responsibility of the employee to ensure that the license is current and renewed as required by law.

Teachers and licensed staff in the Division of Education shall follow the procedures for providing proof of possession of a current license as provided in the administrative procedures for Policy and Administrative

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Procedure 01-01-101, “Adult Academic and Technical Programs,” and Policy and Administrative Procedure 01-01-103, “Academic and Technical Programs in Youth Services Facilities.”

Duties requiring a valid license cannot be performed by an employee who does not hold a valid license at the time the duties are performed. An employee whose licenses are permanently revoked or suspended for an indefinite time period will be reassigned to a position not requiring such license, or employment will be terminated in accordance with all the circumstances.

O. Sexual Misconduct

Employees are strictly prohibited from engaging in any type of sexual misconduct in a facility or on or in property controlled by the Department. Employees are strictly prohibited from engaging in any type of sexual act while on-duty. An employee is strictly prohibited from engaging in any type of sexual act with or in the presence of an incarcerated individual. An employee who violates this Standard will be dismissed from employment. The Department will not accept as a defense to a disciplinary action that a sexual act was consensual.

Indiana Code 35-44.1-3-10 states an employee who knowingly or intentionally engages in sexual intercourse or other sexual conduct (as defined in Indiana Code 35-31.5-2-221.5) with an incarcerated individual commits sexual misconduct, a Level 5 felony. If the incarcerated individual is under the age of 18, the employee commits sexual misconduct, a Level 4 felony. The Department will aggressively pursue criminal prosecution of an employee who violates Indiana Code 35-44.1-3-10.

P. Civil, Criminal, and Administrative Matters

Staff shall comply with an order to appear and testify before any court or judge, any legislative committee, or any officer, board or body authorized to conduct any hearing or inquiry. An employee who receives an order to give a deposition, affidavit, or appear as a witness in a civil, criminal, or administrative matter stemming from the employee's official Department duties shall advise the facility appointing authority or designee as soon as possible after the order is received.

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Employees shall not give testimony on behalf of or as a character witness for any incarcerated individual or parolee in a civil, criminal, or administrative proceeding without the prior written consent of the appointing authority or designee. This standard does not prevent an employee from preparing a progress report in accordance with statute and Department policies and procedures.

Q. Information, Records, and Documents

Employees are not to engage or attempt to engage or to allow another person to engage or attempt to engage in the following conduct: improperly using (including personal use), accessing, damaging, destroying, losing, stealing, selling, trading, giving, removing, duplicating, concealing, withholding, falsifying, forging, or otherwise disposing of, tampering with, or altering information, records, or documents of the Department, an employee, an incarcerated individual, a member of the public, and/or the State.

Unless otherwise authorized, an employee shall immediately report in writing to the facility appointing authority or designee any and all violations of this Standard. An employee shall submit a written report which contains all known facts surrounding the cause and nature of any and all violations of this Standard.

Staff shall return all information, records, or documents of the Department, an employee, an incarcerated individual or parolee, a member of the public, and/or the State when they retire, resign, or otherwise leave the Department, and shall return all information, records, or documents of the Department, an employee, an incarcerated individual or parolee, a member of the public, and/or the State when ordered to do so because of suspension, dismissal, or other absence from work. Staff and former staff shall be responsible for all costs of litigation, including attorney fees, if the State and/or Department institutes legal action for the recovery of information, records, or documents of the Department, an employee, an incarcerated individual or parolee, a member of the public, and/or the State.

The Department shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such a former employee has applied for work, in accordance with United States

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Department of Justice (DOJ) published standards associated with the Prison Rape Elimination Act (PREA).

R. Property, Equipment, and Resources

An employee is to comply with the terms and conditions of the State Form 54986, “Staff Uniform Responsibility Form,” the Information Resource User Agreement (IRUA) and any other standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment relating to Department and/or State property, equipment, or resource.

Staff shall use Department and/or State property, equipment, and resources only for intended purposes. All Department and/or State property, equipment, and resources issued to staff or to which staff has access shall be maintained in proper order and returned upon request.

Staff shall be trained and authorized in the use of any Department and/or State property, equipment, or resource. Staff shall use Department and/or State property, equipment, and resources in accordance with law and established Department and/or State procedures. Staff shall not use or handle Department and/or State property, equipment, and resources in a careless or imprudent manner.

Unless otherwise authorized, staff shall immediately report in writing to the facility appointing authority or designee all improper uses of State and/or Department property, equipment, or resources.

Staff shall return all property, equipment, and resources owned by the Department and/or the State when they retire, resign, or otherwise leave the Department, and shall return all property, equipment, and resources when ordered to do so because of suspension, dismissal, or other absence from work. Staff and former staff shall be responsible for all costs of litigation, including attorney fees, if the Department or the State institutes legal action for the recovery of Department, State, incarcerated individual, employee property, equipment, resources, or the replacement or repair costs thereof.

S. Conduct Unbecoming Staff

Staff must conduct themselves at all times, both on and off duty, so as to reflect favorably on the Department. Conduct which reflects unfavorably

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on the Department is conduct which may negatively impact the safety and security of the Department, a facility, an employee, an incarcerated individual, a member of the public, or which has a tendency to destroy confidence in the operation of the Department.

Unbecoming conduct may lead to disciplinary action. Examples of behavior that would constitute unbecoming conduct include, but are not limited to, a violation of any standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment of the State and/or the Department, and:

1. Conduct endangering the safety of the employee or other employees;
2. Overbearing, oppressive, or tyrannical conduct in discharge of duty;
3. Neglect of duty;
4. Acts of incompetence;
5. Discourtesy or insolence;
6. Unauthorized destruction of property;
7. Gambling while on State property or while on duty;
8. Participating in, threatening, or encouraging any strike, slowdown, work stoppage, or any other interruption or interference with the activities of the Department; and,
9. Any conduct that would interfere with the employee's ability or fitness to effectively perform required duties.

X. APPLICABILITY:

This policy and administrative procedure is applicable to all employees, contractors, and volunteers serving the Department of Correction.

signature on file
Christina Reagle
Commissioner

Date