

CAUTION: The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

40 IAC 2-1-7 Appearances, activities and expenses

The ISP superintendent questioned whether he could receive reimbursement for actual travel expenses incurred while participating as a member of the Commission on Accreditation for Law Enforcement which had a contract to accredit ISP. SEC found it was permissible for the superintendent to accept payment of the actual cost of lodging, meals and transportation for attendance at their meetings from the Commission on Accreditation for Law Enforcement.

**91-I-17: Travel
Indiana State Ethics Commission
Official Advisory Opinion
(Decision August 15, 1991)**

FACT SITUATION

The Superintendent of the State Police was appointed in January to serve as a commissioner on the Commission on Accreditation for Law Enforcement agencies (COALE). He had attended two meetings, one in Denver and one in Springfield, Illinois.

The COALE was put together by four professional police organizations, the National Sheriff's Association, the International Chiefs of Police, the Professional Enforcement Research Foundation (PERF), and the National Organization of Black Police Officers (NOBPO). This national commission had twenty-one members that set the standards for professionalism and accreditation. The Commissioners were nominated by the four professional organizations. The superintendent of the State Police was nominated to be a commissioner by the International Chiefs of Police. Each of these professional organizations had a veto vote.

The Indiana State Police had participated in the accreditation process for two years. The process was about ninety percent completed at this time. The Indiana State Police Department had a contract with COALE at a cost of about \$21,000 to do the accreditation process.

Expenses to attend the meetings were paid directly for motel and meals by COALE. When the superintendent traveled to Springfield, Illinois, he took a state car and the state was reimbursed directly for the mileage by COALE. The superintendent had not received any money for expenses directly.

QUESTION

May the superintendent of the Indiana State Police Department receive reimbursement for actual travel expenses incurred while participating as a member of the Commission on Accreditation for Law Enforcement which has a contract to accredit the Indiana State Police Department?

OPINION

The Commission found it was permissible for the superintendent of the Indiana State Police Department to receive payment of the actual cost of lodging, meals, and transportation from the Commission on Accreditation for Law Enforcement agencies on which he served for attendance at their meetings.

The relevant rule is as follows:

40 IAC 2-1-7, on Appearances, activities and expenses, provides "(A) There are many coincidental activities which a state officer or employee may or may not perform or participate in which frequently are invitational in nature. Such activities include, but are not limited to, personal appearances, participation in conferences, conventions, seminars and public meetings. Such

activities enhance the accessibility by the public to state officers and employees and are therefore, to be encouraged if compatible with the performance of one's official duties.

(B) However, state officers and employees should exercise due care that such occasions or events are of a nature and in a setting that may not be reasonably construed by the public as improper.

(C) State employees should utilize the normal state policy and procedures concerning travel expense and allowance provisions when attending events concerning state business. However, there may be instances where state employees may be considered in compliance with the letter and spirit of the Code (40 IAC) even if expenses are directly assumed by a sponsor. The Ethics Commission may review such event for any improprieties. Each case shall be evaluated on its individual merits.

(D) Amounts assumed by a sponsor for a state officer or an employee for reasonable expenses in attendance at a sponsored activity shall not be deemed as compensation, a gift or a gratuity.

(E) If a sponsor is desirous of reimbursing the State for any part or all of the expenses incurred by the State on behalf of its state officer, employee or their official representatives, such sponsor should remit to the Treasurer of the State any such amounts. The Treasurer of the State shall quietus such funds into the general fund."