

# Georgia Department of Public Safety

## Policy Manual

SUBJECT <b>CODE OF CONDUCT</b>	POLICY NUMBER <b>3.01</b>
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### BACKGROUND

In order for any law enforcement agency to be successful in meeting its responsibilities, it is vital to first obtain the respect and confidence of the people. The first positive step in that direction is the acknowledgment of the “core beliefs” of what constitutes a Department of Public Safety (DPS) employee. These Core Beliefs are Trust, Fortitude, Compassion and Professionalism. The reputation, history and future of the Department are built upon these beliefs.

The Pledge of Honor states these values simply but well:

#### *Pledge of Honor*

*I am a member of the Department of Public Safety dedicated to the promotion of public safety and the preservation of life and property. I pledge myself to obey the law, and enforce it honestly and faithfully without any consideration of class, creed, or condition. I shall aid those in danger or distress, and lay down my life rather than swerve from the path of duty. My conduct shall always uphold the honor of the Department.*

Those who have walked before us and built this reputation were also taught the “essence of a Member” which stated in part:

*“They must have wisdom, courage, strength, patience, leadership, kindness, strategy, faith, diplomacy, and tolerance.”*

With these thoughts in mind, the Code of Conduct is established to ensure all employees are aware of their responsibilities to the public and the Department.

### 3.01.1 Purpose

- A. To establish a Code of Conduct to be adhered to by all members of the Department.
- B. To promulgate regulations which will govern the performance of duties by members of the Department and the conduct of their affairs while on or off-duty.
- C. To ensure that all members have knowledge that the commission of any act or omission of any act which constitutes a violation of any of the regulations, directives, core beliefs, policies, procedures or orders of the Department, either written or oral, whether stated in this directive or elsewhere, will constitute justification for disciplinary action, up to and including termination.

### 3.01.2 Policy

It is the policy of the Department to ensure that members are fully cognizant of their obligations to the Department, to the profession in which the member has elected to serve, and to the public. Applicable regulations outlined below will govern the activities of all members of the Department, both on and off duty.

### 3.01.3 Responsibility

It shall be the responsibility of each member of the Department to conform to the Code of Conduct. Failure to conform will be grounds for disciplinary action up to and including termination.

### 3.01.4 Regulations

The regulations set forth in this directive shall apply to all members of the Department except where they would not reasonably apply.

***These codes of conduct, regulations, are listed under broad headings strictly for the purpose of organization. Any one may apply to more than one area and the grouping does not intend to limit the application of any regulation as it may apply to the evaluation of one's conduct.***

#### A. Duty to follow instructions/orders/policy

1. Members will uphold the Constitutions of the United States and the State of Georgia, obey all federal, state and local laws in which jurisdiction the member is present, and comply with court decisions and orders of courts.
2. Members will promptly obey any lawful orders of a supervisor. This will include orders relayed from a supervisor by a person of the same or lesser rank or by a duty officer.
3. Members who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive will respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order will stand. Under these circumstances, the responsibility for the conflict will be upon the supervisor. Members will obey the conflicting order and will not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
4. Members will not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, members will request the issuing supervisor to clarify the order or request their permission to confer with a higher-ranking supervisor.
5. Members will respond in a prompt manner appropriate to the circumstances when dispatched or ordered to respond to a situation.
6. Members will acquaint themselves with and comply with all Rules of the Department of Public Safety and with all Departmental policies.
7. Upon the order of the Commissioner or any other supervisor, members will truthfully answer all questions that may be asked of them.

8. Members are required to truthfully answer questions by, or render material and relevant assistance to, competent authority pursuant to any official investigation undertaken by the Department. This requirement shall not supersede the member's Constitutional rights concerning testimonial self-incrimination in a criminal investigation.
9. Members are required to be truthful to their supervisors and to all superior officers.

B. Court

1. Members will not make false accusations of a felony, misdemeanor, traffic, petty offense or administrative charge.
2. Members will, upon being subpoenaed, attend court or quasi-judicial hearings. When appearing in court on Department matters or investigations, either the uniform of the day or professional business attire will be worn. Weapons will not be displayed unless wearing the uniform. Members will present a neat and clean appearance, avoiding any mannerism that might imply disrespect to the court.
3. Any member subject to recall who is personally subpoenaed to testify in any trial or hearing will notify a supervisor upon receipt of the subpoena, notice, or request to do so.
4. Members will not accept a witness fee when they are required to attend court for criminal or civil cases directly related to work during their regularly assigned duty hours. See O.C.G.A. § 24-10-27.1. (Witness fees that are attached to a subpoena should be returned to the sender.)
5. A member will not volunteer to testify in civil actions with the exception of personnel matters. A member will not testify unless lawfully and properly subpoenaed or directed to do so by the member's Commanding Officer or Division Director upon the advice of the Department's Legal Services Division. If a subpoena arises out of Department employment, the member will immediately notify their Commanding Officer or division director of the service or notification. If a member is informed that they are a party to a civil action related to their employment, the member shall comply with Policy 8.03 – Legal Proceedings and Representation. Members and employees will not enter into any financial understanding for appearances as witnesses prior to any trial with the exception of appearance fees and mileage.
6. When a member is subpoenaed to testify in a civil or criminal proceeding that is not related to the Department, the member will appear and testify on their own time, in appropriate civilian attire, and will provide their own transportation.
7. Members of the Department shall not be deputized by any sheriff, court official, or other officer of any county or court in Georgia or any other state unless approved by the Commissioner of the Department of Public Safety. Members may receive honorary awards from such organizations.
8. Members will not serve civil process or assist in civil cases unless the specific consent of the Commissioner is obtained.
9. Any employee who is subject to a court order restraining that employee from harassing, stalking, or threatening an intimate partner or child of such partner or

the employee, or engaging in conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, shall immediately notify their respective Division Director through the chain of command.

#### C. Intoxicants

1. Members will not consume intoxicating beverages while on-duty except in the performance of duty, and in those instances, never to the extent that the member's ability to perform an official assignment or function is impaired.
2. Members will not appear for duty while under the influence of intoxicants or with any detectable amount of intoxicants in their system.
3. Except in the performance of duty, members in uniform will not enter any establishment or place where the principal business is the sale of alcoholic beverages.
4. Members shall not operate official vehicles with a detectable amount of alcohol in their system.
5. Members, while off-duty, will refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the Department, or renders the members unfit to report for their next regular tour of duty. The use of intoxicants while in uniform is prohibited.
6. Members will not possess or use cannabis or any controlled substances except when authorized by law or Departmental directive or prescribed by a physician or dentist. When controlled substances are prescribed or other medication is being used, members will notify their supervisor if the use may affect their job performance or ability to operate a motor vehicle where applicable.
7. Members will not store or bring into any Departmental facility or vehicle alcoholic beverages, controlled substances, cannabis derivatives, except those which are held as evidence, used for training or other official capacity.

#### D. Investigations

1. Members will not interfere with cases being handled by other members of the Department or by any other governmental agency unless:
  - a. Ordered to intervene by a supervisor.
  - b. The intervening member reasonably believes that a manifest injustice would result from failure to take immediate action. When intervention occurs, a report of such intervention will be made to a supervisor as soon as possible.
2. Members will not obstruct any investigation by destroying, altering, concealing or disguising real evidence, or by planting false evidence or furnishing false information to lawful authority.
3. Members who are the complainant or the target of a pending departmental investigation or who have been questioned or have otherwise given statements as part of the investigation will not discuss the complaint, their testimony or any other aspect of the investigation while it is still pending except with a member of

the Office of Professional Standards, the person conducting the investigation, or a member of the Staff of the Legal Services Office, unless directed to do so by the Office of Professional Standards, Legal Services staff, or the Commissioner.

4. Members will not induce a witness or any other person who has knowledge regarding any issue under investigation by the Department, or any other law enforcement agency, to make false statements, withhold information, conceal information, absent themselves or otherwise fail to cooperate with lawful investigating authorities.
5. Members will not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor unless the emergency nature of the situation requires immediate police action.
6. Any member who has knowledge of actual or suspected criminal activities or is about to conduct a criminal investigation must notify a supervisor verbally or in writing and has an obligation to assist in the investigation if requested.
7. When a member becomes aware that they are the subject of an investigation by a government agency other than the Department, they will immediately notify their Commanding Officer or Division Director and inform them of the circumstances surrounding the incident being investigated, the agency conducting said investigation and what actions they have taken to resolve the matter.
8. With the exception of personnel matters, members shall not submit to any interview or give a statement concerning the performance of their official duties to any officer or official of another agency, federal, state, or local, without first informing their supervisor or other appropriate department official.
9. When a law enforcement officer or an agent from another law enforcement agency requests a member of the Department to submit to an interview concerning a non-duty related issue, the member shall inform the supervisor as soon as possible.

#### E. Reporting for Duty

1. Members will report for duty at the time and place required or report their inability to do so by notifying their supervisor or another supervisor as soon as practical prior to the beginning of their tour of duty. Members will not leave their assigned duty posts during a tour of duty except when authorized by proper authority. Members will be physically and mentally fit to perform their duties. They will be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Any legally issued subpoena shall constitute an order to report for duty.
2. Any employee who, without the approval of a supervisor, fails to appear when scheduled to work shall be considered absent without authorized leave. Any employee with an unauthorized absence may be placed in non-pay status and subject to disciplinary action, up to and including termination.
3. Except when necessary in the performance of routine enforcement activities, felony pursuits, traffic crash investigations, etc., all out-of-state travel by members, while on duty, shall be authorized by a Special Order.

4. Members will not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of this Department or any other governmental agency or any individual authorized to conduct such an inquiry as to the condition of their health.
5. Members will remain awake while on duty unless doing otherwise is specified or authorized as part of their regular duties. If unable to do so, they will notify their supervisor, who will determine the proper course of action.
6. Members shall ensure that their supervisors are aware of their current street address and telephone number at which they can be contacted for emergency notification/call out purposes. Any changes must be reported to personnel referenced above within 48 hours after they take place.
7. Members shall not give other members' addresses and telephone numbers to non-members of the Department without the approval of Human Resources or the member.

F. Public and Political Conduct

1. Members will conduct themselves both on and off-duty, in such a manner as to reflect most favorably on the Department. Members shall not conduct themselves in any manner that brings the Department into disrepute or reflects discredit upon themselves as a member of the Department, or impairs the operation and efficiency of the Department or individual. Members will not engage in any conduct that is unbecoming an employee of the Department, nor which impairs the operation of the Department. No member will engage in any behavior which results in incarceration or probation.
2. Members shall not post or distribute photographs or information for personal reasons, which would identify them as members of or reflect poorly on the Department.
3. Members who identify themselves as a member of the Department in a public forum (i.e. the internet), shall delete any inappropriate correspondence (solicited or unsolicited) that would bring discredit upon the member and/or the Department in compliance with Departmental policy.
4. Members will not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the member or the Department, if it may be reasonably inferred that the person, business, or organization:
  - a. Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty.
  - b. Has an interest that may be substantially affected directly or indirectly by the performance or non-performance of an official duty.
5. No member will accept or solicit any fee or compensation growing out of the performance of official duties unless authorized by the Commissioner.
6. Members will not accept compensation, honorariums or permit their expenses to be paid by sources other than the State of Georgia for speaking or writing

assignments performed as part of their official duties unless specifically authorized by the Commissioner or designee. For further guidance, see Policy 3.03 – Code of Ethics.

7. Members will not use their official position, official identification cards, or badges for:
  - a. Personal or financial gain for themselves or others.
  - b. Obtaining privileges not otherwise available to them except in the performance of duty.
  - c. Avoiding consequences of illegal acts.
8. Members will not lend to another person their identification cards or badges, or permit them to be photographed or reproduced without the approval of the Commissioner.
9. Members will not authorize the use of their names, photographs or official titles that identify them as employees of the Department, concerning testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Commissioner.
10. Members of the Department shall not sign petition(s) reflecting titles, positions, or identifying the person as an employee of this Department.
11. Members will not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service or commercial service (such as an attorney, ambulance, towing service, bondsman, bonding company) when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance. Members will proceed in accordance with established Department procedures. This will not include any recommendation made in the performance of official duties that is in the best interest of the Department and does not provide benefit to the member, or their family and/or personal or business associates.
12. Members will notify supervisory personnel when they have received an assignment involving a person or group with whom the member has had social, business, or other relationships of a nature that might impair or give the appearance of impairing the member's impartiality or independence in the conduct of an assignment.
13. Members will be courteous to the public. Members will be tactful in the performance of their duties, will control their tempers, and exercise the utmost patience and discretion and will not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, members will not use coarse, violent, profane or insolent language or gestures, and will not express any prejudice concerning race, ethnicity, religion, politics, national origin, lifestyle or similar personal characteristics.
14. Members will not wear/use cell phone ear pieces while on duty, except when operating their vehicles.

15. Except as necessary in the performance of official duties, or where unavoidable because of pre-existing family relationships, members will avoid regular or continuous associations or dealings with persons whom they know, or should know, are under criminal investigation or indictment, or who have a reputation in the community or the Department for present or past involvement in felonious or criminal behavior that may adversely affect Department operations.
16. Members will not publicly criticize or ridicule the Department, its policies or other employees by speech, writing or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline or is made with reckless disregard for truth.
17. Members will not start, repeat or otherwise spread, in an unofficial manner, any idle, unsupported or unverified information or allegations (rumors or gossip) relating to any matter that affects the Department, the Board of Public Safety, or any person or entity that the Department has a special statutory duty to provide security or protection.
18. Members will not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge information or any other matters of the Department while holding themselves out as representing the Department in such matters without the approval of the Troop Commander/Division Director unless so required in the performance of their duties as outlined in Departmental policy.
19. Members shall not participate in the activities of any organization where such participation has an adverse impact on the operations of the Department that:
  - a. Maintains the right to strike;
  - b. Is opposed to minority groups;
  - c. Attempts to interfere with the administration of the Department;
  - d. May in any way exact prior consideration of allegiance and thus interfere with efficient and effective Department operations, or
  - e. Advocates the overthrow of any local, state or national government.
20. Personal activities or associations of a member that knowingly create an apparent or real conflict of interest with the conduct of official duties are prohibited. A "conflict of interest" arises when a member's private interest, whether of a financial nature or otherwise, conflicts with the member's impartial conduct of official duties and responsibilities.
21. Involvement in political activities will not be permitted during employees' on-duty time. Political activities include soliciting or receiving any contribution for any political party or cause, or storing, posting, carrying or distributing political literature of any nature. The off-duty political activities of all employees shall be governed by applicable Georgia Statutes and the Georgia State Personnel Board Rule 478-1-.08, Political Activity, and Rule 478-1-.07, Outside Employment. Specifically, Georgia Statutes provide that employees shall not:



- a. Be a candidate for or hold any full time elective or appointive office of a political subdivision, political party, or political organization of Georgia per OCGA 45-10-70.
- b. Coerce, attempt to coerce, or command any other state employee to provide salary, money, or anything else of value to any party, committee, organization, agency, or person for political purposes per OCGA 45-11-10.
- c. Hold office in the legislative or judicial branches of Georgia government, except that an employee who has taken an unpaid leave of absence may temporarily serve as a legislative branch employee during the legislative session and any authorized stay-over period per OCGA 16-10-9.
- d. Contribute any money or anything of value to any person, organization, or committee for political campaign or election in county or state primaries or general elections per OCGA 35-2-12.
- e. Transport any political campaign literature or matter, solicit votes, or transport any person soliciting votes while traveling in vehicles upon which the state is paying mileage per OCGA 50-19-8.

G. General Duties

- 1. Members will maintain a level of moral conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Members will not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute.
- 2. Members will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members will perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of the laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving law enforcement attention; or absence without leave. In addition, other indications of unsatisfactory performance are: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.
- 3. Members will show a respectful attitude at all times toward their supervisors and all superior officers.
- 4. Employees who are NOT sworn shall be barred from carrying firearms in any Departmental buildings, unless assigned to do so as a regular job duty.
- 5. Sworn Members will carry their identification cards and badge when carrying a weapon, except when impractical or dangerous to their safety while in the performance of their assigned duties. Members will make every effort to ensure the security and safekeeping of the identification card and badge at all times. They will furnish their name and badge number to any person requesting that information, when they are on-duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

6. When any person needs assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established procedures.
7. Except in the performance of duty or while acting under proper and specific orders from a supervisor, members will not knowingly visit, enter or frequent a house of prostitution, gambling house or establishment wherein the laws of the United States, the state or local jurisdiction are violated.
8. Members will not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor. Member will not engage or participate in any legal gambling while on duty or in uniform.
9. Books, magazines, TV, and newspapers of any description shall not be carried in patrol cars or in the place of duty for use by the member in such a way that it adversely affects a member's performance or ability while on duty.
10. Members shall not fraternize with, give or receive any item, loan money to, or converse with inmates other than for official departmental business purposes.
11. Members will submit all necessary reports on time in accordance with established procedures. Reports submitted by members will be truthful and complete, and no member will knowingly make false statements, charges or allegations in connection with any citations, warnings, assistance rendered, traffic crash reports, field reports, investigative reports, computer entries or by any other means which creates an official record of the Department.
12. All sworn uniform personnel are required to wear a time piece while on duty, such time piece is to be in good working order and bearing the correct time.
13. Members will utilize Department equipment only for its intended purpose, in accordance with established Department procedures and will not abuse or damage Department equipment. Members will use reasonable care to avoid loss of equipment. All equipment issued to members will be maintained in proper order. Employees may be asked to reimburse the Department for damaged or lost equipment.
14. Members will operate vehicles in a careful and prudent manner, and will obey all laws and all Department directives pertaining to such operation. Loss or suspension of the member's driver license will be reported to the employee's supervisor immediately.
15. Members will not mistreat persons who are in their custody. Members will handle such persons in accordance with law and Department procedures.
16. Members will not use more force in any situation than is reasonably necessary under the circumstances. Members will use force in accordance with procedures outlined in Departmental policy.
17. Members will not make any arrest, search or seizure that they know or should know is not in accordance with law and Department procedures.

18. Except when acting under proper and specific orders from a supervisor, members on-duty will maintain a neat, well-groomed appearance in accordance with Departmental policy.
19. No member shall tape or otherwise electronically record or transmit the conversation of any other member of the Department without authorization. The taping of radio traffic at communication centers is authorized. The taping of interviews by persons conducting an official investigation as well as any other taping by the members of the staffs of the Office of Professional Standards, Human Resources or the Legal Services Office are also authorized. No other taping of conversations or the voices of members of this Department shall be authorized unless all parties to the conversation have given their permission.

#### H. Evidence

1. Members will treat the official business, evidence, documents and photographs of the Department as confidential. Information regarding official business will be disseminated in accordance with the Open Records Act, other state laws requiring disclosure and established procedures. Members may remove or copy official records or reports from a Departmental facility only in accordance with established procedures. Members will not divulge the identity of persons giving confidential information except as authorized by proper authority or release items of evidence, documents, photographs, etc., to members of the news media or others outside the criminal justice system without the express permission of the applicable Division Director.
2. Property or evidence that has been discovered, gathered, or received in connection with official responsibilities will be processed in accordance with established procedures.
3. Members will not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other law enforcement action, except in accordance with established procedures.

#### I. Financial

1. Employees who have personal business transactions with a supplier that is affiliated with the Department will make it clear to the supplier that the transaction(s) are in no way associated with the Department. Personnel should not request special discounts or favors from the supplier based on the Department's business transactions and associations with the supplier. Transactions with Department suppliers will be controlled through the Purchasing process in the normal course of business and shall be legally authorized.
2. Members are required to timely file their Federal and State Income Tax returns.
3. Members will not undertake any financial obligations which they know or should know they will be unable to meet and will pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition will not, by itself, be a cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster will not be cause for

discipline, if a good faith effort to settle all accounts is being undertaken.

J. Additional Regulations For Supervisors

1. Supervisory personnel will be responsible for subordinates' adherence to Department rules, regulations, policy, orders, directives and procedures.
2. Supervisors are responsible and accountable for the maintenance of discipline and will provide leadership, supervision and example to ensure the efficiency of Department operations.
3. Supervisors are responsible for the job performance and development of all subordinates.
4. Authority and functions may be delegated to subordinates but responsibility remains with the supervisor who made the assignment.
5. Supervisory personnel remain answerable and accountable for all job related failures on the part of their subordinates when the supervisor was aware of the potential for failure and failed to take the appropriate action to correct the deficiency.

K. These standards of conduct are a representative, and not an exhaustive, list.

L. Employees who violate any of these standards may be subject to disciplinary action, including, but not limited to, unpaid disciplinary suspension in full day increments (one or more full days) or dismissal, even on the first offense.