

Georgia Department of Public Safety

Policy Manual

SUBJECT CODE OF ETHICS	POLICY NUMBER 3.03
DISTRIBUTION ALL EMPLOYEES	REVISED DATE 5/15/2019
	POLICY REVIEWED 5/15/2019

3.03.1 Purpose

To establish a code of ethics for members of the Georgia Department of Public Safety.

3.03.2 Policy

The Georgia Department of Public Safety shall conduct its operations in accordance with the best ethical practices of the law enforcement profession. The actions of members of this department shall be governed by the Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees issued by the Governor on January 13, 2003, renewed on June 2, 2011, revised on March 30, 2017 and renewed on January 14, 2019, and the contents of this policy. Violations of the provisions of this policy may result in disciplinary action up to and including dismissal.

3.03.3 Definitions

- A. Charitable organization - shall have the meaning defined in O.C.G.A. § 45-20-51.
- B. Member - any employee of the Department of Public Safety.
- C. Family member - a spouse, parent, grandparent, child, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister.
- D. Gift - anything of value exceeding \$75, including, but not limited to, lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money or anything that retains value after acceptance.
- E. Lobbyist - shall have the meaning defined in O.C.G.A. § 21-5-70(6)
- F. Officer - the Governor and the heads of all State agencies who are appointed by the Governor. For purposes of this Order, all "officers" are also "employees" or "members" as that term is defined herein.
- G. Person - an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of individuals.
- H. Value - the actual retail price or cost attributable to a gift, less applicable taxes and gratuities or a reasonable estimate based upon customary charges for like goods or

services in the locality. A series of tickets to sporting, entertainment, or similar events shall be valued as one gift. Entrance fees, admission fees, or other tickets shall be valued at the face value of the ticket or fee, excluding any portion attributable to a charitable contribution, if provided by a charitable organization.

- I. Ethics Officer – Director of Legal Services for the Department of Public Safety.

3.03.4 Procedures

- A. Executive Order: Members must comply with the Code of Ethics for Executive Branch Officers and Employees

1. Conflict of Interest

- a. Members shall make every effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person would conclude from the circumstances that the member's ability to protect the public interest, or perform public duties, is compromised by personal interests. An appearance of conflict could exist even in the absence of a true conflict of interest.
- b. Members shall recuse themselves from any proceeding in which the member's impartiality might reasonably be questioned due to the member's personal or financial relationship with a participant in the proceeding. A "participant" includes, but is not limited to, an owner, shareholder, partner, employee, or agent of a business entity involved in the proceeding. If the member is uncertain whether the relationship justifies recusal, then the member shall disclose the relationship to the person presiding over the proceeding. The presiding officer shall determine the extent to which, if any, the member will be permitted to participate. If the affected member is the person presiding, then the vice chair or other substitute presiding officer shall make the determination.
- c. An employee shall not be employed outside of his or her state employment or serve as a corporate officer or director of any organization if such employment or service conflicts with his or her duties as an employee of the state.

2. Gifts

- a. No member nor any person on their behalf, shall accept, directly or indirectly, any gift from any person with whom the member interacts on official state business, including, without limitation, lobbyists and state vendors. If a gift has been accepted, it must be either returned to the donor or transferred to a charitable organization.

3. No member shall accept any honoraria whatsoever.

4. Expenses

- a. Members on whose behalf actual and reasonable expenses for food, beverages, travel, lodging, and registration are paid to permit the member's participation in a meeting related to official or professional duties of the member shall file a Payment by Third Parties Expense Reporting Form (DPS-008) no later than 30 days after such expenses are paid.

- b. The report shall be filed with the Ethics Officer.
 - c. The report shall contain:
 - 1) A description of each expense;
 - 2) The monetary value thereof;
 - 3) The name and address of the person paying such expense, and
 - 4) The purpose, date, and location of the meeting.
 - d. Notwithstanding this provision, the preferred practice is for the department and not third parties to pay such expenses.
5. No member shall advocate for or cause the advancement, appointment, employment, promotion, or transfer of a family member to an office or position with an agency or with the Office of the Governor.
6. Lobbying
- a. The use of a lobbyist will not be required or preferred as a way to obtain access to employees or members.
 - b. Former members should not use their former positions for financial or other personal gain or to influence legislation or procurement decisions. Members shall decline to communicate on official government matters with any lobbyist who was an officer within the preceding one-year period.
 - c. The department shall not contract with any person to provide lobbying, as that term is defined in O.C.G.A. § 21-5-70(5), services on behalf of the department.
 - d. Members who promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, shall coordinate all such activities with the Office of the Governor. All such coordination and activities shall be approved by the Commissioner in advance.
7. Fair and Equal Access
- a. Members are required to afford all constituents fair and equal opportunity to express their concerns and ideas regarding State programs and policies without regard to their political affiliation, sophistication, or affluence.
 - b. Recommendations and decisions made by members in the performance of their duties shall be made without bias.
8. Political Activities
- a. Members wishing to take part in political activities are responsible for complying with applicable federal and state law and policy 3.01 - Code of Conduct section -3.01.4, F, 21)
 - b. Members are prohibited from soliciting or knowingly accepting any campaign contribution in a governmental building or office. "Accept" means to receive a contribution by personal hand-delivery from a contributor or their agent.

This does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fundraiser.

- c. Members are permitted to express their opinions on political subjects and candidates and to take an active part in political campaigns outside of working hours, including the wearing of badges or buttons and displaying of bumper stickers and posters. Members are encouraged to vote.
- d. Members who wish to seek office must comply with applicable federal, state laws and policy 3.01 – Code of Conduct section 3.01.4, F, 21. Members must notify the Ethics Officer prior to announcing or qualifying for any elected position or office.

9. Personal Use of Telephone and Internet Access

- a. Personal long-distance calls shall not be charged to State telephones. Members must use their personal cell phone or other personal resource for this purpose.
- b. State-provided internet access is intended for public business. Member use of the internet may be recorded and monitored. No member is permitted to use or access the internet for pornographic, obscene, or other improper purposes. (also refer to the Utilization of Technologies Policy #14.01.5)

10. Exceptions and Waivers

- a. There may be unique or compelling circumstances warranting exceptions to or waivers from these policies in certain individual cases.
- b. In those instances, prior written approval of the Executive Counsel to the Governor is required. Members seeking an exception or waiver should contact the Department's Ethics Officer.

B. In addition to the contents of the Governor's Executive Order as outlined above, sworn members shall comply with the Law Enforcement Code of Ethics published by the International Association of Chiefs of Police. This code states:

- 1. As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.
- 2. I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.
- 3. I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never

employing unnecessary force or violence and never accepting gratuities.

4. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.
5. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.
6. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

C. Ethics Officer

1. The Department shall have an Ethics Officer for the purposes of:
 - a. Ensuring that members are aware of ethical requirements;
 - b. Responding to ethics related questions, and
 - c. Recording receipt of agency/member gifts and third party reimbursements.
2. The Ethics Officer shall make available forms necessary to comply with the provisions of this policy.
3. The Ethics Officer for the Georgia Department of Public Safety shall be the Director of Legal Services.