



LAW ENFORCEMENT OPERATIONS POLICY AND PROCEDURES

Procedure 7.3.1p5 Chapter 5: Code of Conduct

Revised:

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I. POLICY

NOTE: This policy is in addition to the established TCSG Policy governing employee conduct (TCSG Policy 4.3.2 Ethics and Standards of Conduct for Employees). These apply specifically to employees of the TCSG law enforcement agencies. Nothing in this policy serves to contradict or be less restrictive than the established TCSG policy.

A. Technical College System of Georgia Department of Public Safety Mission (**GLECP 1.1**)

The mission of the TCSG DPS is to provide a safe working environment for the employees at the TCSG System Office. We will achieve this mission by protecting life, liberty, and property and defending the constitutional rights of all people with compassion, fairness, integrity, and professionalism.

B. TCSG Policy 4.3.2 states:

All Technical College System of Georgia (TCSG) employees must maintain the highest ethical and professional standards of conduct while carrying out their official duties, responsibilities, and associated professional obligations. In addition, all employees must work solely for the public good while striving to maintain public trust.

Employees must avoid even the appearance of impropriety or conflict of interest to ensure that their official actions are not motivated by private or personal interests. This includes all aspects of their interactions with our students, other employees, and the System's business, community, and state and local government partners.

While performing their assigned duties, all employees are expected to adhere to federal and state law, all State Board policies and TCSG procedures, the Code of Ethics of Government Service outlined in O.C.G.A. § 45-10-1, all provisions of the Governor's January 14, 2019, Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees.

Any employee whose position is funded by or utilizes federal funds is subject to relevant national conflict of interest regulations.”

In addition, any TCSG law enforcement agency employee must adhere to the TCSG Law Enforcement Operations Policy and Procedures Manual.

C. In addition, all employees hired as P.O.S.T. certified peace officers must also abide by the P.O.S.T. Act (O.C.G.A § 35-8.) **(GLECP 1.4)**

D. The Agency will remove from law enforcement duties any officer failing to meet annual P.O.S.T. training requirements under the law. **(GLECP 1.5)**

II. PURPOSE

The purpose of this policy is to promote efficiency, discipline, and good public relations by setting forth policies governing the conduct, both on and off duty, of all employees of the TCSG law enforcement agencies. This policy will:

A. Establish a Code of Ethics for all law enforcement agency employees **(GLECP 1.3)**

B. Establish a Code of Conduct for all law enforcement agency employees **(GLECP 1.4)**

C. Establish a standard operating procedure governing outside employment. **(GLECP 4.12)**

D. Refer employees to the TCSG standard operating procedure governing sexual harassment.

E. Establish a standard operating procedure governing the receipt of civil process served on either the Agency or its employees.

F. Outline an employee early warning/intervention system.

G. Establish a social media policy regarding the use of agency material, photographs, images, recordings, etc. **(GLECP 1.20)**

III. Rules and Regulations

A. General

1. Oath of Office - Before assuming sworn peace officer status, all peace officers shall take and subsequently abide by a path of office as provided by O.C.G.A. 45-3-1; and to enforce the law. **(GLECP 1.2)**

2. Code of Ethics - The Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of the Agency. **(GLECP 1.3)** It states:

"As a law enforcement officer, my fundamental duty is to serve humankind; 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 men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature that is confided to me in my official

capacity will be kept ever secret unless revelation is necessary for performing my duty.

I will never act officiously or permit personal feelings, prejudices, 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.

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 the police service. Therefore, I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement."

3. All personnel are to abide by the code of ethics for government service created by state and adopted by the agency found in O.C.G.A. 45-10-1.

45-10-1. Establishment and text of code of ethics for government service generally

Any person in government service should:

- i. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.
- ii. Uphold the constitution, laws, and legal regulations of the United States and the State of Georgia and of all governments therein and never be a party to their evasion.
- iii. Give a full day's labor for a full day's pay and give to the performance of their duties their earnest effort and best thought.
- iv. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- v. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for themselves or their family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of their governmental duties.
- vi. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
- vii. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of their governmental duties.
- viii. Never use any information coming to them confidentially in the performance of governmental duties as a means for making private profit.
- ix. Expose corruption wherever discovered.
- x. Uphold these principles, ever conscious that public office is a public trust.

B. Standards of Conduct (GLECP 1.4)

All employees, regardless of rank or assignment, shall be governed by the following general rules of conduct. Violation of any of these rules by any officer/employee of the Agency shall be considered sufficient cause for dismissal, demotion, suspension, or other disciplinary action.

1. Obedience to Laws. Employees shall abide by the laws of the United States and the

State of Georgia and local ordinances. Breaking the law is a policy violation and can lead to disciplinary actions, including termination.

2. Insubordination. Insubordination is any failure or deliberate refusal to obey a lawful order given by a supervisor. Any disrespectful, mutinous, insolent, or abusive language or action toward a supervisor, whether in or out of the supervisor's presence, is prohibited. Employees shall promptly obey all lawful orders and directions given by supervisors. Flouting the authority of a supervisor by displaying apparent disrespect or disputing their orders shall likewise be deemed insubordination.

3. Issuance of Unlawful Orders. No commanding or supervisory employee shall knowingly or willfully issue an order violating federal or state law or an agency rule or policy.

4. Officers shall not obey any order they know or should know would require them to commit any illegal activity. If in doubt about the legality of an order, officers shall request the issuing officer to clarify the order or confer with a higher authority.

5. Possession or Use of Alcohol and Illegal Drugs. Per TCSG Policy Procedure: 4.3.2p4. (III.L.4) Standards of Business Conduct:

Employee possession and/or use of illegal drugs or alcohol in the workplace (to include any clinical internship/externship site) is incompatible with the mission of the Technical College System of Georgia (TCSG) and, as such, is expressly prohibited.

The TCSG fully complies with the Federal Drug-free Workplace Act of 1988, the Drug-free Public Workplace Act of 1990, and applicable State Personnel Board Rules about a Drug and Alcohol-Free Workplace. Authorized exceptions to the general prohibitions regarding alcohol are outlined in O.C.G.A. § 3-8-6 and the accompanying State Board policy 3.3.6 (II.C.6) about the service and use of alcohol in a Technical College's business/conference center, as well as O.C.G.A. § 3.3.21.1. (b) about the possession/use of alcohol for educational (i.e., instructional delivery) purposes.

6. Off duty. Per TCSG Policy Procedure: 4.3.2p4. (III.L.4) Standards of Business Conduct:

While the TCSG is not typically concerned with activities/actions of employees during non-work time, off-duty conduct becomes a concern when it negatively impacts TCSG operations or reflects unfavorably on the Agency or state government. Therefore, any such conduct may result in the delivery of disciplinary action up to and including dismissal.

7. Truthfulness. Employees shall be truthful in all official verbal and written communications and reports. In addition, employees shall be truthful in any court-related testimony or agency investigation. Untruthfulness may result in termination.

8. Courtesy. Employees shall be courteous, dignified, polite, and businesslike when dealing with the public.

9. Outside employment. **(GLECP 4.12)** See TCSG Policy Procedure 4.3.2p6 Other Employment Procedure pertaining to all employees of the Technical College System of Georgia. See Chapter 3 – Organization and Administration of the TCSG Law

Enforcement Operations Policy and Procedure Manual.

10. Prohibited Association/Frequenting. Employees are prohibited from frequenting or associating with the person(s), organizations, or places, known to be involved in the criminal activity unless necessary for official business.

11. Solicitations. Technical College System of Georgia employees shall not directly or indirectly solicit, receive, accept, or agree to receive a thing of value by inducing the reasonable belief that the giving of the item will influence their performance or failure to perform any official action. See TCSG Policy Procedure 4.3.2p4. (III.L.4) Standards of Business Conduct

12. Gifts, Honoraria, and Expenses. See TCSG policy 4.3.2p3. (III.L.3) Gifts, Honoraria, and Expenses pertaining to all employees of the Technical College System of Georgia.

14. Unauthorized Persons on Patrol. Persons without official business shall only accompany personnel on patrol or an investigation if approved by the Chief of Police.

15. Contact Information. The Department shall list each employee's address and telephone number. It is the officer's responsibility to maintain a working phone and notify the office of the Chief of Police of any changes in the officer's address or phone number.

16. Job-Related Gains. Per TCSG Policy Procedure: 4.3.2p1. (III.L.1.) Ethical Responsibilities of Employees, in performing their official duties and responsibilities, all employees must work solely for the public good, striving vigilantly to avoid even the appearance that their actions are motivated by private or personal gain.

17. Altering Records. Stealing, altering, forging, selling, or tampering with any official record, report, or citation is prohibited. In addition, the unauthorized removal of any record, card, report, letter, document, or official file from the Department is prohibited.

18. Status While Off-Duty. Employees shall refrain from acting as law enforcement officers while off-duty, except in emergencies or when serious criminal offenses have been committed.

19. Duty to Intervene. All employees are responsible and obligated to protect the public and other employees from acts of misconduct and/or objectively unreasonable uses of force. It shall be the duty of every employee, regardless of rank and/or assignment, to observe excessive physical force being applied to either stop or attempt to stop any law enforcement officer when such force is inappropriate or is no longer required. Every employee is responsible for reporting any incident where any officer is suspected of inappropriately using force or continuing to use force beyond what was reasonable to accomplish the task at hand. Employees are also responsible for reporting such incidents witnessed by the employee when they involve employees of other agencies. Any employee failing to meet this directive of "Duty to Intervene" shall be held accountable in the same manner as the officer applying/continuing the unreasonable force. **(GLECP 1.10d)**

C. Sexual Harassment

1. As stated in TCSG Policy 6.1.2p Sexual Harassment and Misconduct, sex discrimination, including sexual harassment and sexual misconduct, is prohibited and

should be reported in accordance with the policy. Sexual misconduct includes but is not limited to, domestic violence, sexual violence, dating violence, sexual assault, sexual exploitation, and stalking.

2. As required in TCSG Policy 6.1.2p Sexual Harassment and Misconduct, all TCSG law enforcement agency employees will receive annual Sexual Harassment training.
(GLECP 2.2b)

D. Civil Process

1. Employees are not to give any deposition, affidavit, or appear as a witness in a civil matter stemming from their official duties without a proper judicial summons and the knowledge of the Chief of Police and TCSG General Counsel. Private civil actions, which have no connection with the employee's agency position or official action, are not within the scope of this rule.

2. Employees shall immediately report, in writing, the facts of the matter to their immediate supervisor whenever they learn they are about to become a defendant in any criminal or job-related civil case. Members shall also report the facts of the matter to their immediate supervisor whenever they learn that any fellow member is about to be or is a defendant in any job-related civil case. The supervisor will contact the affected employee for validation of the information.

A copy of the papers served should be furnished at the time of notification. The paperwork should then be forwarded through the chain of command to the Chief of Police, who will notify the appropriate personnel, including the TCSG General Counsel.

3. Employees subpoenaed to any judicial hearing (criminal or civil) will honor said subpoena and promptly notify their immediate supervisor.

4. Before giving testimony as a character witness for any defendant in a criminal trial, employees will notify the Chief of Police and TCSG General Counsel.

5. Employees who file a claim or bring suit in relation to an incident that stemmed from their departmental duties or otherwise involves their employment shall notify the Chief of Police and TCSG General Counsel.

6. Employees who desire to settle in a civil suit against any person, business, etc., about injuries sustained or damages incurred in the line of duty must first obtain approval from TCSG General Counsel. This must be done so the TCSG retains its right of subrogation in such claims. Upon approval, the employee will be notified by the Chief of Police that a settlement can be made.

E. Employee Early Warning/Intervention System (EWS) **(GLECP 1.19)**

A. General

1. The Early Warning System is necessary for the agency to exercise its responsibility to ensure that employees maintain physical, mental, and legal fitness to carry out assigned duties. The system is based on a concern for the welfare of each agency employee and identifies employees whose involvement in specifically identified incidents may indicate behavior in need of further review.

2. Any time an employee is identified by the agency's early warning system, that employee's identity will be held in the strictest confidence. Any unauthorized disclosure of an individual's identity or the circumstances surrounding an employee's involvement in the EWS will be considered a violation of the department's code of conduct.
3. If any supervisor (sworn or civilian) observes work behavior or performance that may indicate that the employee has underlying problems, the supervisor shall consult with the employee's immediate supervisor, who will then initiate the appropriate actions. In the event the first supervisor is the initial observer, they will be required to get another supervisor's input as well.
4. To assess the possibility that the employee may have just had a temporary issue due to things beyond their control, such as missed medication, upsetting news regarding themselves or a family member, or other incidents that may have caused them to experience a bad day, an interaction with a representative from Human Resources and the Chief of Police will be held.

B. Procedures

1. Provisions to Initiate the Review

First line supervisors often have the best knowledge of their subordinates and should be able to identify trends and or changes in behavior. Therefore, first line supervisors must be vigilant in ensuring that proper administrative paperwork is completed, submitted, and reviewed (e.g., use of force reports, pursuit reports, workplace accident reports, annual evaluations, etc.).

Any time any of the following occurs, an assessment of facts of each of the events will be conducted to determine if there is a need to address policy, training, or behavior:

- a. When an employee has 3 or more allegations of misconduct in a 12-month period.
- b. When an employee's actions require completing 3 or more Use of Force Reports (for incidents other than presence, dialogue, handcuffing, or soft hand techniques, that do not result in any injury or complaint of injury) within a 12-month period.
- c. When an employee is involved in two or more preventable work-related accidents within a 12-month period.
- d. When an employee receives two or more disciplinary actions in a 12-month period.
- e. When an employee receives three or more complaints in a 12-month period.
- f. When an employee receives four or more administrative/ IA inquiries in a 12-month period.
- g. When an employee is involved in five or more separate incidents within a 12-month period, that involve any of the above triggers, individually or in any combination.

The policy does not alleviate supervision of the responsibility for addressing policy/training needs or acting upon conduct that is contrary to policy or the Code of

Conduct, regardless of whether or not provisions have been met to initiate review as described above.

2. Reporting Requirements

After reviewing these records, should the need for further investigation into the observed behaviors be warranted, then the internal affairs function or the Chief of Police and Human Resources may investigate further. The supervisor will provide documentation to include the Personnel Early Warning Evaluation form and their review, and any notes generated by the review.

The review shall include a recommendation for intervention, and/or remedial action, if appropriate. If no action is required, the facts justifying no action will be examined in the review. The Chief of Police, in conjunction with Human Resources, will make the final determination as to what action will be taken next. Recommended interventions may include one or more of the following actions:

- a. No action.
- b. If applicable, due to medical issues, take FMLA leave per TCSG Procedure 4.5.1p.
- c. Formal counseling or other actions included in TCSG Policy 4.4.1.
- d. Referral to the TCSG EAP and/or mandatory referral to a mental health or behavioral counseling professional and/or medical doctor.

3. Roles of Supervisors and Management

Agency supervisors will be responsible for generating the proper evaluation report and investigation notes for the purpose of review and retention. Supervisors shall be responsible for assuring that recommendations for intervention are followed through, and respond in writing, or give written explanation why other interventions were used, or no action at all was taken. This information shall be forwarded to the Chief of Police for review.

4. Follow Up

In the case where an employee took FMLA leave, a fitness for duty evaluation may be required per TCSG Procedure 4.5.1p.

- a. The supervisor is responsible for monitoring the employee's work performance and behavior once a recommended action has been provided and to:
 - i. Monitor the employee throughout the action period to ensure the employee is receiving the appropriate assistance.
 - ii. Provide a final report of action recommended and completed and provide a copy to the Chief of Police and Human Resources for placement in the employee's confidential employment file.
- b. During any promotion process, any member of the promotion board with knowledge of an employee's identification by the department's EWS shall not allow that knowledge to influence their decision whether to recommend an employee for promotion.

TCSG Policy 4.9.4 (<https://www.tcsg.edu/tcsgpolicy/files/4.9.4p.pdf>)

Employee Assistance Program states:

The Technical College System of Georgia (TCSG) recognizes the need to assist employees with addressing concerns that can adversely impact their personal and work lives, interfere with their job performance, or negatively affect the workplace. Therefore, the TCSG provides a comprehensive Employee Assistance Program (EAP) through a contract provider organization as a resource to covered employees. The program is both an employee benefit and a management tool designed to build and maintain a quality workforce. Participation in an EAP neither protects an employee from warranted disciplinary action nor jeopardizes an employee's job or career advancement.

RELATED AUTHORITY: O.C.G.A. § 20-4-11 – Powers of the Board and O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Refer to the policy for information on the following:

a. specific evaluation criteria for the System - TCSG Policy 4.9.4 Employee Assistance Program Section VI. A, B, C, and D (**GLECP 1.19a**)

b. the role of supervision in the System - TCSG Policy 4.9.4 Employee Assistance Program Section VI. C and D (**GLECP 1.19b**)

c. descriptions of remedial actions or assistance to the employees. TCSG Policy Procedure: 4.4.1p. (III.T.1) Positive Discipline (**GLECP 1.19c**)

G. Social Media and Other Electronic Communication (GLECP 1.20)

1. While employees may utilize their off-duty time for their pursuits concerning social networking sites and other forms of electronic communication, they are not authorized to engage in any activity that is illegal or brings discredit to the Agency.

2. Employees may not post pictures on social networking sites or other forms of electronic communication of themselves in any attire (such as a uniform, any article of clothing with a departmental logo or patch, etc., or any part of an official uniform) that identifies them as a member of the Department, without approval from the Chief of Police.

3. Employees may not post pictures of departmental equipment (such as a patrol car) on social networking sites or other forms of electronic communication without the express consent of the Chief of Police.

4. Employees are not authorized to post messages or texts concerning departmental business, other employees, or elected officials.

5. Employees can bring matters involving departmental business and/or employees to their immediate supervisor for review and action. However, posting such comments on a social networking site or another form of electronic communication is an ineffective

means to resolve work-related problems and needs to be authorized.

This policy is for the Law Enforcement Agencies of the Technical College System of Georgia use only and does not apply to any criminal or civil proceeding. The policy shall not be construed as creating a higher standard of safety or care in an evidentiary sense concerning third-party claims. Violations of this policy will form the basis for departmental administrative sanctions only. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.