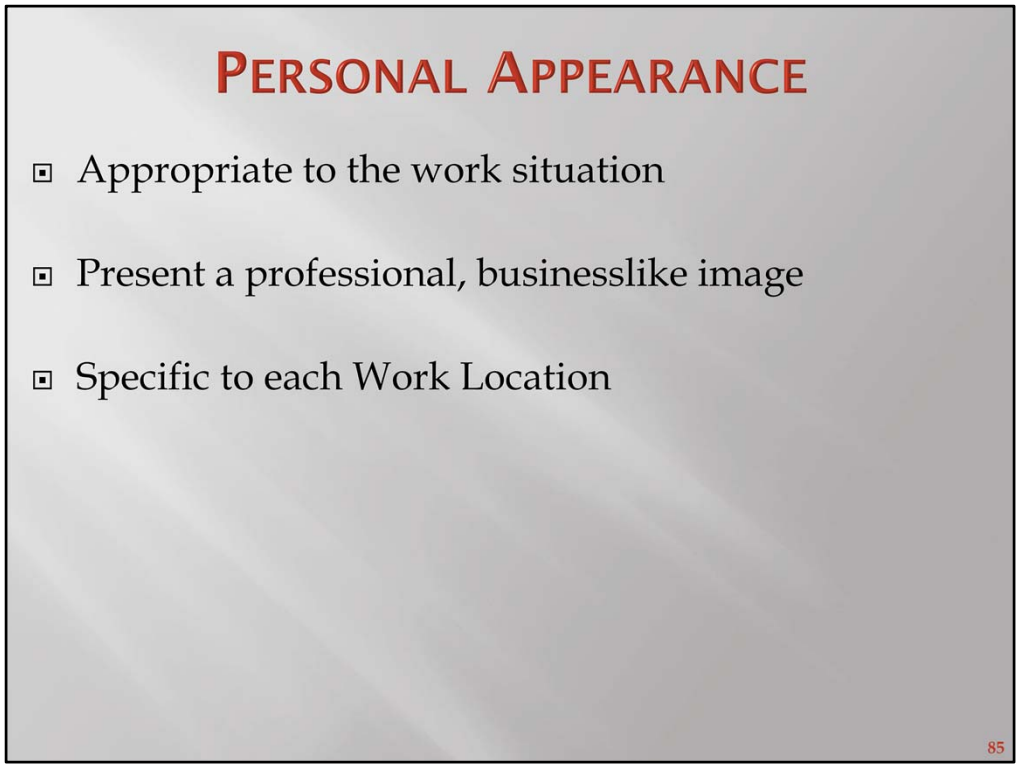
Orientation Manual Page: 54

Now that we have covered employment policies, we will not move on to talk about Professional Standards and conduct. At this time, I would also reiterate that your Division and or Unit/Facility may have additional policies, procedures, or stipulations. Therefore it is important to refer to your supervisor or appropriate manager at your facility if you have any questions.

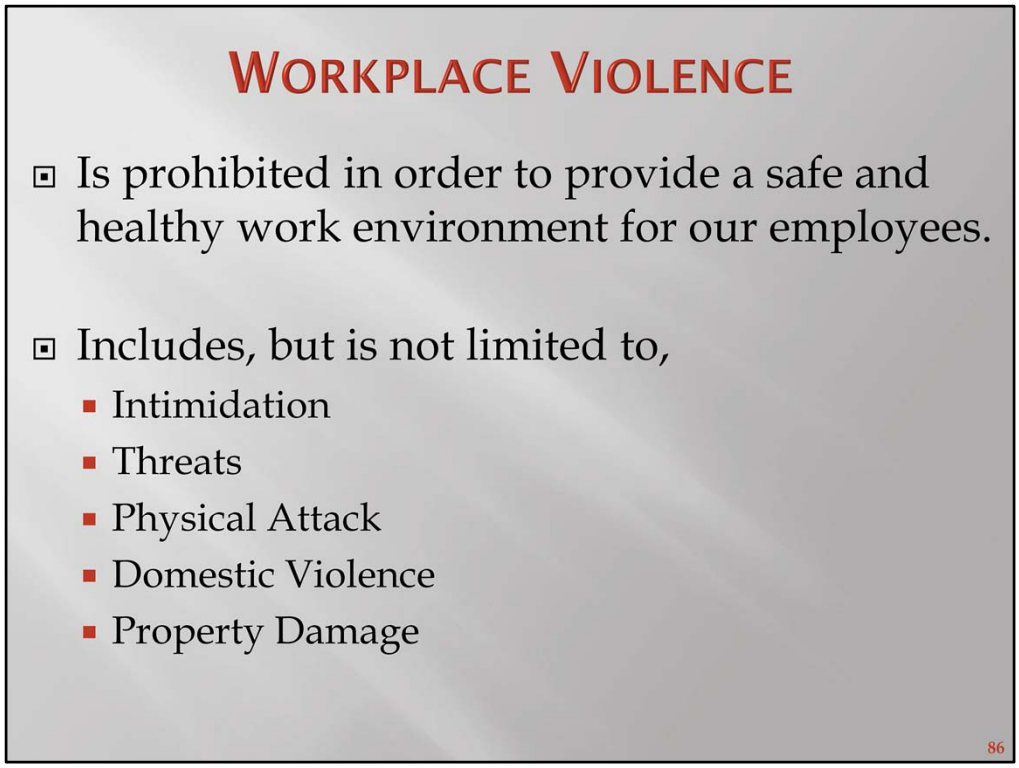


Orientation Manual Page: 54

The Department of Public Safety has a Personal Appearance Policy. It is the expectation that each employee's dress, grooming, and personal hygiene within the Department of Public Safety should be appropriate to the work situation.

Employees are expected at all times to present a professional, businesslike image. Departures from conventional dress or personal grooming and hygiene standards are not permitted.

Standards for what is appropriate will vary according to the specific work location and the activity being performed by the employee and whether the employee is uniformed. You should confirm with your supervisor if there are any questions regarding appearance or dress code.



Orientation Manual Page: 54

DPS prohibits violence in the work place in order to provide a safe and healthy work environment for our employees. There is an online training module that you will complete as part of the new employee onboarding process. So we will briefly cover what workplace violence is and what you should in a situation involving workplace violence.

Workplace violence includes, but is not limited to, intimidation, threats, physical attack, domestic violence, or property damage and includes acts of violence committed by State employees, clients, customers, relatives, acquaintances, or strangers against State employees in the workplace

Violations Include

- Engaging in workplace violence.
- Failing to report or investigate a threat of workplace violence.
- Use or possession of a weapon in violation of Policy or State law governing the use and possession of such weapons /firearms.

87

Orientation Manual Page: 55

Violations of the policy include
- Engaging in workplace violence.
- Failing to report or investigate a threat of workplace violence.
- Use or possession of a weapon in violation of Policy or State law governing the use and possession of such weapons /firearms.

What to Do?

- Employees share in the responsibility of creating and maintaining a work environment free from all forms of threatening behaviors.
- Report all violations to your supervisor or manager IMMEDIATELY or at least within 24 hours of the occurrence.

88

Orientation Manual Page: 55

All employees share in the responsibility of creating and maintaining a work environment free from all forms of threatening behaviors.

Therefore, employees shall report any and all violations of this policy to his/her supervisor, another authorized supervisor, or the manager immediately but at least within 24 hours of the occurrence of the policy violation(s).

Orientation Manual Page: 56

All employees and agents of the Department are expected to act in a manner consistent with standards of personal conduct that contributes to a professional working environment in all departmental workplaces. The Department has ZERO TOLERANCE for violations of the unlawful workplace harassment policy and for retaliation.

Unlawful Workplace Harassment includes unwelcomed or unsolicited speech or conduct that is based on:

- Race
- Color
- Religion
- Sex
- Genetic Information
- National Origin
- Age
- Disabling Condition

Unwelcomed or Unsolicited Speech/Conduct could include, but is not limited to, the following:

- Threats of physical violence or harm; displaying items that imply such a threat;
- Slurs, epithets, humiliating and derogatory jokes or comments concerning national origin, ethnicity, race, color, handicap, age, religion, creed or gender;
- Off-color, sexually suggestive, sexist or risqué email, stories, jokes, items, songs, personal accounts, or pictures;

- Questioning others about personal matters, including the nature, existence or details of relationship with spouses or lovers, sexual preferences or history;
- Physical touching other than handshakes, including rubbing, hugging, stroking, kissing, or grabbing any part of someone else's body or personal items on their body without their consent;
- Sexually aggressive conduct, including bumping, cornering, or touching in any manner the area around (or clothing on) someone's buttocks, upper leg, thigh, crotch, chest or breasts; and
- Sexual advances, requests for sexual favors, comments containing sexual language or references with sexual innuendo or implications, obscene gestures.

And when such behavior creates 1 of the following:
Hostile Work Environment (HWE) - which is defined as:
An environment that a reasonable person would find hostile or abusive and one which the person who is the object of the harassment in fact perceives to be hostile and abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, the severity of the conduct, and whether the conduct is physically threatening or humiliating, or unreasonably interferes with an employee's work performance.

OR

Constitutes Quid Pro Quo Sexual Harassment which is defined as:
Unwelcomed sexual advances, requests for sexual favors or other verbal or physical conduct when:
- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, OR
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

WHAT TO DO?

- Submit a written complaint to the DPS EEO Office within 15 days of that alleged harassing action.
- A complaint for some alleged harassing actions may also be simultaneously filed with the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged harassing action.

*Complaints relating to Genetic Information are limited to the agency's internal grievance process and may be simultaneously filed with the (EEOC).

90

Orientation Manual Page: 58

Every employee has a duty to report immediately conduct which he or she reasonably believes constitutes unlawful workplace harassment. The Department has a ZERO TOLERANCE stance against workplace harassment. The failure of an employee to report conduct that reasonably appears to violate the unlawful workplace harassment policy negatively impacts the Department's ability to identify and eliminate unlawful workplace harassment. Therefore, it is imperative that every employee report conduct he or she reasonably believes may violate the unlawful workplace harassment policy.

Any individual who wishes to file a grievance under this policy must submit a written complaint to the Department within 15 calendar days of the alleged harassing action. This then begins the agency process of conducting an investigation. That process is outlined in your manual. The department is required to investigate all allegations and to take appropriate action in a timely manner.

The individual may file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC). A complaint with the EEOC must be submitted within 180 days of the alleged harassing action.

Advisory Note: Complaints relating to Genetic Information are limited to the agency's internal grievance process and may be simultaneously filed with the Equal Employment Opportunity Commission (EEOC).

PREA

- Was enacted by Congress to address sexual abuse of persons in confinement and under supervision in all public and private correctional institutions
- Purpose of New Employee Orientation training is to prepare you with basic information prior to coming into contact with offenders, juveniles or inmates.
- This training will **not** satisfy your requirement to obtain Sexual Abuse and Harassment 101 as required under the PREA Standards §115.31 (231/ 331).

91

Orientation Manual Page: 59

The Prison Rape Elimination Act of 2003 was enacted by Congress to address the problem of sexual assault of persons in the custody of U.S. correctional agencies. The Act applies to all public and private institutions that house adult and juvenile offenders and is also relevant to community-based agencies.

The purpose of covering this material during New Employee Orientation training is to prepare you with basic information prior to coming into contact with offenders, juveniles or inmates. This training will **not** satisfy your requirement to obtain Sexual Abuse and Harassment 101 as required under the PREA Standards §115.31 (231/ 331). For many positions within our agency, additional training will be required regarding PREA. Your supervisor or their designees will advise you of that and will schedule you for any required training.

PREA

- DPS has adopted a standard of **ZERO TOLERANCE** for incidents of sexual abuse and harassment involving offenders and juveniles.
- Policy requires the detection, elimination, reduction, prevention and punishment of sexual abuse.
- Employees have a duty to report incidents of sexual abuse/ harassment of offenders and juveniles.
- PREA protects the offenders' 8th amendment right to be free from cruel and unusual punishment.

92

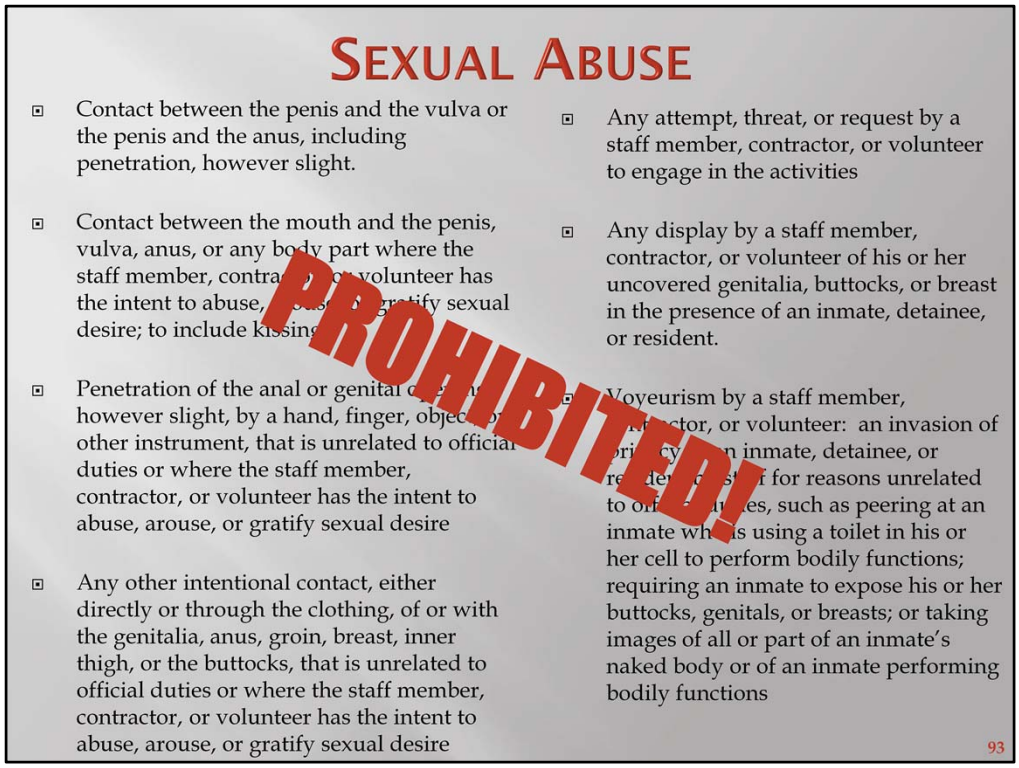
Orientation Manual Page: 60

DPS has adopted a standard of zero-tolerance for incidents of sexual abuse and harassment involving offenders and juveniles. NCDPS is committed to a standard of zero-tolerance of offender/ juvenile/inmate sexual abuse by staff, population & residents, correctional agents, volunteers and other individuals who come in contact with or provide services for those in confinement or under supervision.

DPS policy requires the detection, elimination, reduction, prevention and punishment of sexual abuse.

DPS employees have a duty to report incidents of sexual abuse/ harassment of offenders and juveniles.

PREA protects the offenders' 8th amendment right to be free from cruel and unusual punishment.



Orientation Manual Page: 60

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or juvenile.

I'll give you a moment to read over this list. They are also located in your workbook.

PAUSE to allow participants to read

All of these are considered Sexual abuse and are **CLICK** prohibited. Consent is no defense.

Sexual Harassment

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another.
- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

PROHIBITED!

94

Orientation Manual Page: 60

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another;

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

These are CLICK prohibited by policy.

Personal Dealings with Offenders

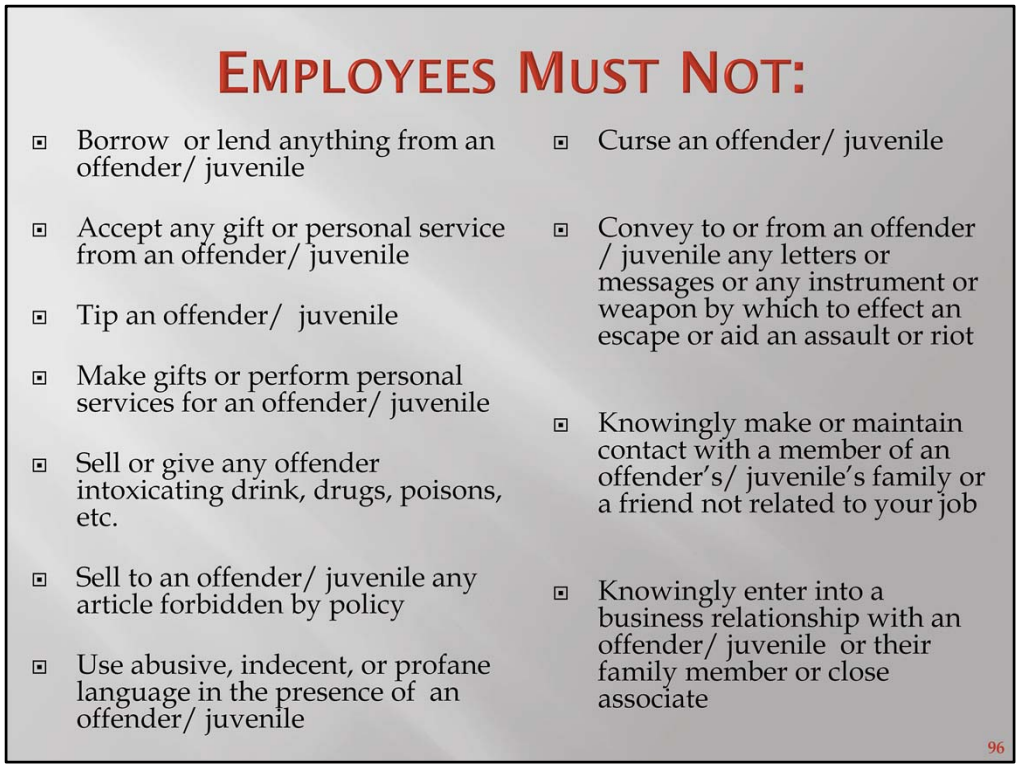
- DPS employees are required to maintain professional relationships with offenders (inmates/ probationers) and juveniles.
- Employees must treat offenders/ juveniles in a quiet but firm manner and must refrain from inappropriate and improper contact with them.

95

Orientation Manual Page: 60

DPS employees are required to maintain professional relationships with offenders (inmates/ probationers) and juveniles.

Employees must treat offenders/ juveniles in a quiet but firm manner and must refrain from inappropriate and improper contact with them.



Orientation Manual Page: 61

In compliance with that, an employee must not:

- Borrow or lend anything from an offender/ juvenile
- Accept any gift or personal service from an offender/ juvenile
- Tip an offender/ juvenile
- Make gifts or perform personal services for an offender/ juvenile
- Sell or give any offender intoxicating drink, drugs, poisons, etc.
- Sell to an offender/ juvenile any article forbidden by policy
- Use abusive, indecent, or profane language in the presence of an offender/ juvenile
- Curse an offender/ juvenile
- Convey to or from an offender / juvenile any letters or messages or any instrument or weapon by which to effect an escape or aid an assault or riot
- Knowingly make or maintain contact with a member of an offender's/ juvenile's family or a friend not related to your job
- Knowingly enter into a business relationship with an offender/ juvenile or their family member or close associate

Prevention Strategies

- Align yourself with other employees
- Do not discuss your personal life.
- No gifts, letters, etc.
- Talk with other staff when you see warning signs.
- No favors.
- Recognize your stress level.
- Do not ignore inappropriate/deliberate behavior.
- Have pride in your job.

97

Some suggestions for helping employees maintain appropriate boundaries include:

- Align yourself with other employees. Show respect for them in front of inmates, offenders, and juveniles
- Do not discuss your personal life or that of any other employee in front of inmates, offenders, or juveniles
- No first name familiarity
- Recognize "over friendly" inmate/ offender/ juvenile behavior and question their motives
- Never accept gifts, letters or phone calls. Never give out your number or address
- Talk with other staff when you see warning signs. Approach them in good faith and not judgmentally. Don't let them "fall off of the cliff" and then tell everyone that "I could have told you that this was going to happen"
- Don't do any favors, like mailing cards, getting money, calling family, etc. Favors immediately lead to obligations for you to the inmate/ offender or juvenile and this obligation never goes away
- Recognize your level of personal stress. Talk to someone at the unit
- Do not ignore inappropriate deliberate behavior such as flashing or exposing themselves, inappropriate clothing, buttons or zippers undone
- Pride. Have personal pride about your job
- Remember your family and community. This can be an outstanding career for you. You can be in charge of your own destiny. You can be a role model for other employees and new staff. Don't be reluctant to share or ask for advice.

Reporting Prior Relationships with Offenders

- Must be reported by the employee to his/her supervisor.
- If an employee wishes to be placed on an offender's list of approved visitors, they must submit written notification to their supervisor.

98

Orientation Manual Page: 61

Relationships between an employee and an offender that existed prior to employment or incarceration, probation, etc. must be reported by the employee to his/her supervisor as soon as the employee becomes aware that the individual is now an offender and will be or is assigned to the facility where the employee works or under the supervision of the employee.

If an employee wishes to be placed on an offender's list of approved visitors, they must submit written notification to their supervisor.

Contact with Family/Associates

- If you are contacted by the family or close associate of an offender, you must immediately report this to your supervisor.
- Violation of this policy or failure to notify his/her supervisor that an offender's family member/ close associate has contacted him/her will be subject to disciplinary action up to and including dismissal.

99

Orientation Manual Page: 61

If you are contacted by the family or close associate of an offender, you must immediately report this to your supervisor.

Any employee who knowingly associates with an offender's family member or close associate in violation of this policy or fails to notify his/her supervisor that an offender's family member/ close associate has contacted him/her will be subject to disciplinary action up to and including dismissal.

Contact with Juvenile's Family/Associates

- Staff shall report any relationship between a staff member and a juvenile's family that existed prior to the juvenile's admission and/or commitment immediately to the supervisor.
- Staff shall not make or have contact with any member of a juvenile's family, unless assigned duties require such an association, or unless specifically authorized by the Center Director. This includes any visits with the juvenile's family while off-duty.
- A staff member shall immediately report any contact with a juvenile's family member that occurs outside of the professional responsibilities to his supervisor.

100

Orientation Manual Page: 62

Staff shall report any relationship between a staff member and a juvenile's family that existed prior to the juvenile's admission and/or commitment immediately to the supervisor.

Staff shall not make or have contact with any member of a juvenile's family, unless assigned duties require such an association, or unless specifically authorized by the Center Director. This includes any visits with the juvenile's family while off-duty.

A staff member shall immediately report any contact with a juvenile's family member that occurs outside of the professional responsibilities to his supervisor.

Limits to Cross Gender Viewing and Searching

The Department is required under the national standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) Standards §115.15 to implement limits to cross-gender viewing and searches. If you are hired to work in a facility which houses inmates, offenders or juveniles, this standard will require the following:

- Shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- Shall not permit cross-gender pat-down searches of female persons in confinements, absent exigent circumstances. Facilities shall not restrict female persons in confinements' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- Shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female persons in confinements.
- Shall implement policies and procedures that enable persons in confinements to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering a housing unit.

101

Orientation Manual Page: 62

The NC Department of Public Safety is required under the national standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) Standards §115.15 to implement limits to cross-gender viewing and searches. If you are hired to work in a facility which houses inmates, offenders or juveniles, this standard will require the following:

Shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.

Shall not permit cross-gender pat-down searches of female persons in confinements, absent exigent circumstances. Facilities shall not restrict female persons in confinements' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

Shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female persons in confinements.

Shall implement policies and procedures that enable persons in confinements to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering a housing unit.

Employee Responsibilities

- Be informed about the agency's policies
- Recognize the signs of abuse and harassment
- Respond appropriately

Failure to report may result in disciplinary action up to and including dismissal

102

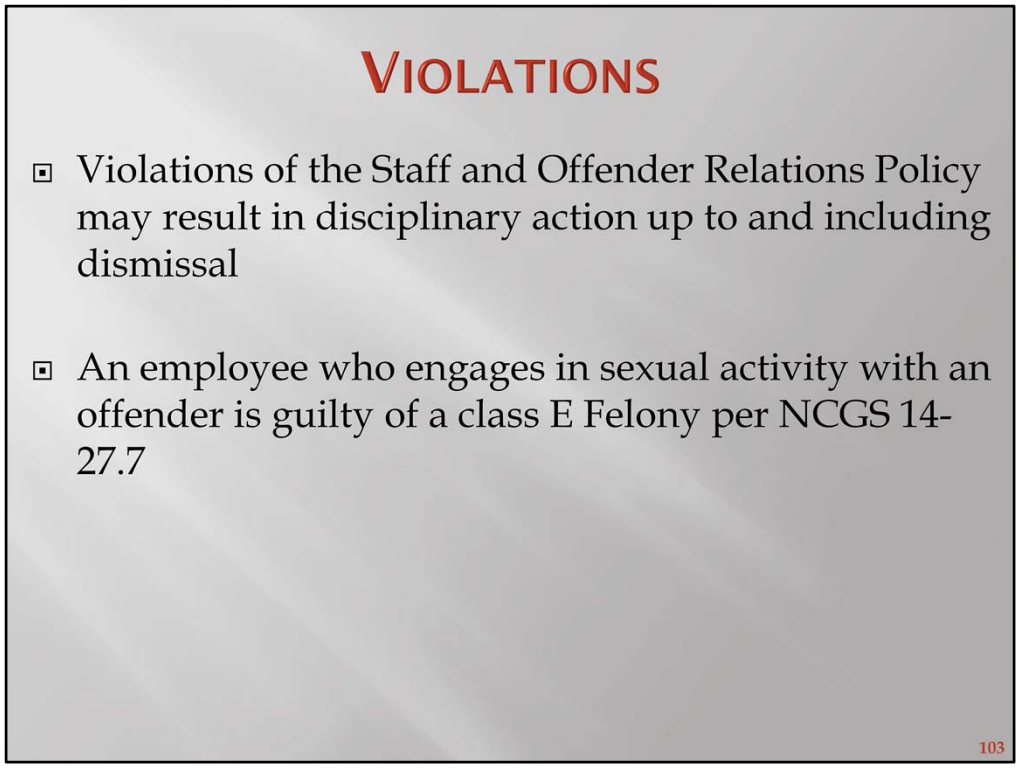
Your responsibilities as an employee are to:

Be informed about the agency's policies

Recognize the signs of abuse and harassment

Respond appropriately

Failure to report may result in disciplinary action up to and including dismissal



Orientation Manual Page: 62

Violations of the Staff and Offender Relations Policy may result in disciplinary action up to and including dismissal

An employee who engages in sexual activity with an offender is guilty of a class E Felony per NCGS 14-27.7

Hiring and Promotions Prohibition

DPS is prohibited from hiring and promoting persons who may have contact with offenders or juveniles under its supervision anyone who has:

- Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution or
- Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, or coercion, or if the victim did not consent or was unable to consent or refuse, or
- Has been administratively adjudicated to have engaged in the activities described,

You MUST report this to your supervisor immediately

104

Orientation Manual Page: 61-62

DPS is prohibited from hiring and promoting persons who may have contact with offenders or juveniles under its supervision anyone who has:

Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution or

Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, or coercion, or if the victim did not consent or was unable to consent or refuse, or

Has been administratively adjudicated to have engaged in the activities described,

You MUST report this to your supervisor immediately

Limitation of Political Activity

No State employee subject to the Personnel Act or temporary State employee shall:

- Take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he/she is expected to perform services for which he/she receives compensation from the State;
- Otherwise use the authority of his position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof

105

Orientation Manual Page: 63

G.S. 126, Article (5) clearly delineates what State employees may and may not do relevant to political activity during regularly scheduled working hours. No State employee subject to the Personnel Act or temporary State employee is allowed to:

- Take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he/she is expected to perform services for which he/she receives compensation from the State;
- Otherwise use the authority of his or her position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results.
- No State employee or official shall use any promise of reward or threat of loss to encourage or coerce any employee subject to the Personnel Act to support or contribute to any political issuer, candidate, or party.
- Prior to filing for an elective office, an employee is required to notify the appropriate manager in writing of an intent to seek an elective office. The manager will review the employee's notification to determine if the elective office would create any conflict of interest for the employee and/or the Department and if the elective office would be full-time, part-time, or time-limited. The employee will be notified in writing of approval or disapproval.

Reporting Theft or Misuse of State Property

- All employees are required to report to their supervisor within **72 hours** any information or evidence of theft or misuse of any State-owned property or building.
- This includes attempted or actual:
  - Arson
  - Damage
  - Theft
  - Embezzlement

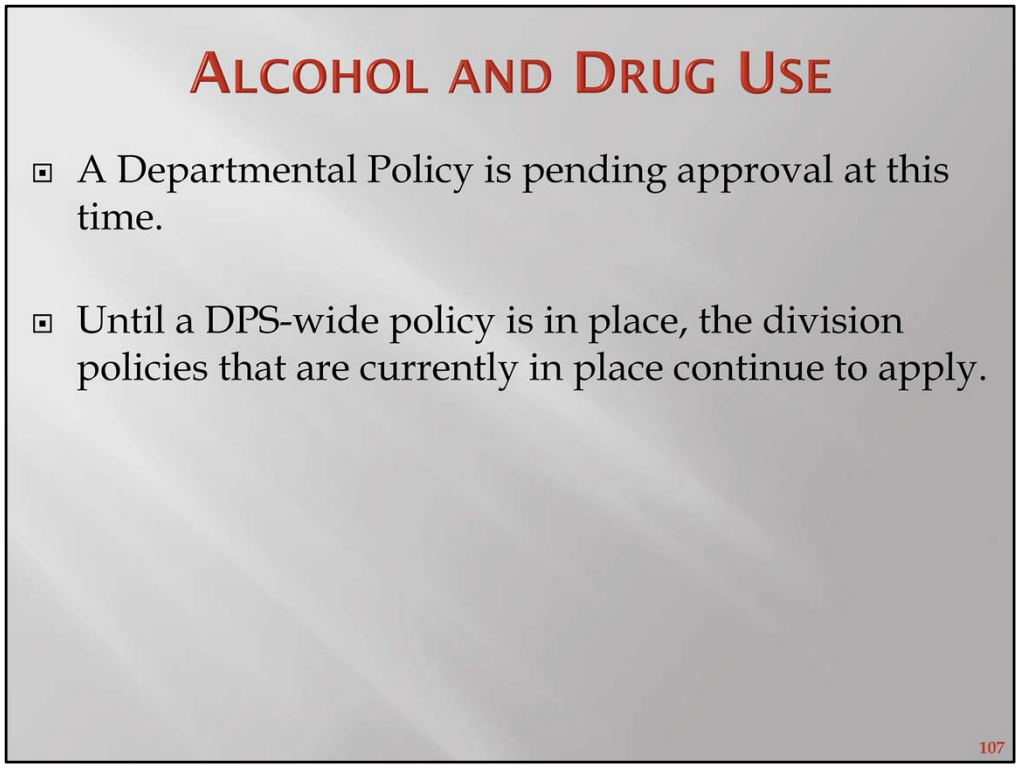
106

Orientation Manual Page: 64
G.S. 114-15.1 requires that the Department Head report any information or evidence of an attempted arson, or arson, damage of, theft from, or theft of, or embezzlement from, or embezzlement of, or misuse of, any state-owned personal property, buildings or other real property to the State Bureau of Investigation (SBI) within (10) days of receipt of such information. As a result, all employees are required to adhere to the following steps when reporting information:

All information shall be reported to the supervisor/manager immediately or no later than 72 hours after discovery.

The supervisor/manager shall immediately report this information to the Facility/Section Head.

Instructor note: If an employee asks what the process is:
The Facility/Section Head shall complete a State Property Incident Report (SBI-78 Form) in entirety and email it to the Director of Internal Audit as soon as possible. The Facility/Section Head shall report suspected criminal activity concerning the misuse of state property, such as suspected theft of state property, to local law enforcement authorities immediately. Internal Audit will report the incident to the SBI.

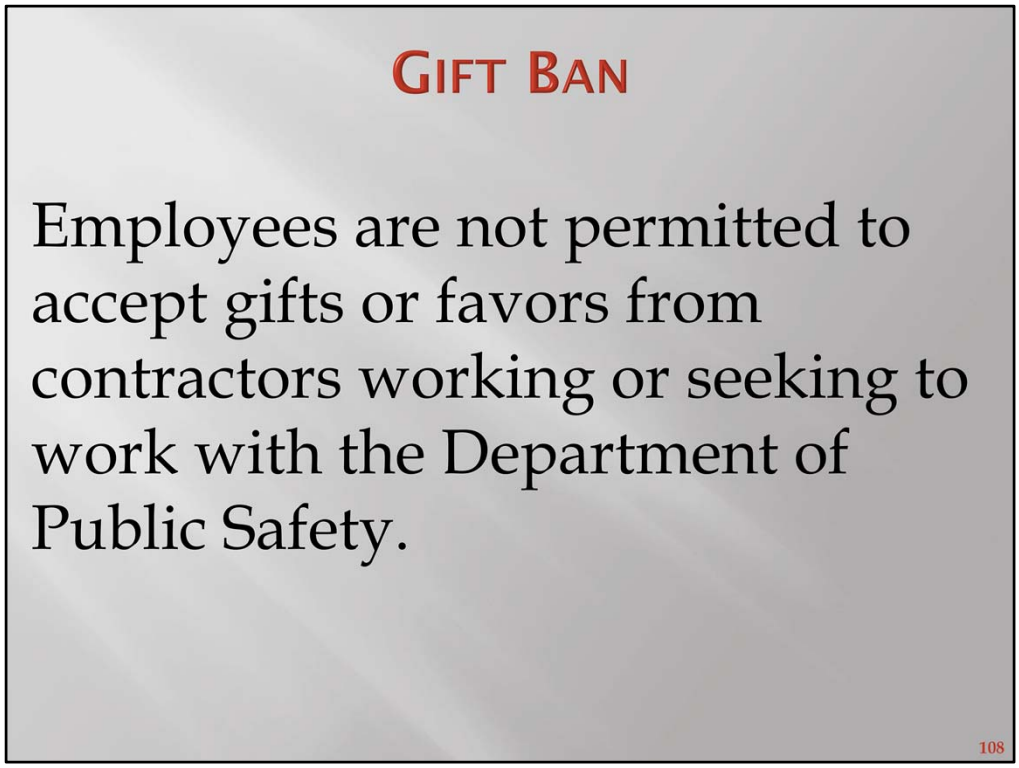


Orientation Manual Page: 64

Executive Leadership is currently reviewing and finalizing a DPS Policy regarding Alcohol and Drug use.

Until that agency wide policy is signed in to effect, the division policies that are currently in place continue to apply related to alcohol and drug use.

If you have any questions regarding what that policy is, you should discuss with your supervisor or hr staff.



Orientation Manual Page: 64

As an employee, you are not permitted to accept gifts or favors from contractors working or seeking to work with the Department of Public Safety.

Further, a violation of North Carolina General Statute §133-32 is a Class 1 misdemeanor and failure to abide by Executive Order 24 and North Carolina General Statute §133-32 will be considered unacceptable personal conduct and grounds for disciplinary action, up to and including dismissal.

Criminal Convictions with Firearms

- Employees in positions that handle firearms are subject to the federal "Domestic Violence Offender Gun Ban" (18 U.S.C. § 922(g)(9) and the "North Carolina Felony Firearms Act" (N.C.G.S. §14-415.1).
- Criminal Offenses that relate to these prohibitions may result in employee termination.

109

Orientation Manual Page: 65

The Department of Public Safety must adhere to the federal "Domestic Violence Offender Gun Ban" at 18 U.S.C. § 922(g)(9) and the North Carolina Felony Firearms Act at N.C.G.S. §14-415.1.

The federal statute prohibits the possession or use of weapons by persons convicted of misdemeanors involving domestic violence and the state law prevents gun possession or use by persons convicted of a felony.

As a result of these prohibitions, the Department may not hire individuals subject to these prohibitions into positions that in the course of duty may handle firearms.

Employees are required to report criminal offenses. If subject to these prohibitions, the prohibition may result in the employee's termination from employment.

Criminal Offenses

- Employees are required to report any civil or criminal charge(s) for which they receive formal notice, excluding minor traffic non-moving violations.
- This notification should be communicated to your supervisor immediately upon returning to work or within 24 hours, whichever is sooner.
- Certain offenses may impact your employment.
- Failure to notify your supervisor may result in disciplinary action.
- Also applies to any domestic violence orders.

110

Orientation Manual Page: 65

All employees, including those employees in other pay status (for example, those exhausting vacation leave, sick leave, military leave, etc.) or on leave without pay, are required to report to his/her supervisor any civil or criminal charge(s) for which they receive formal notice, excluding minor traffic non-moving violations where the maximum possible punishment is a fine and no personal injury is involved.

This applies to offenses that not only occur in North Carolina but in any other jurisdiction, foreign or domestic, whether federal, state, territory, commonwealth, or other governmental entity.

Formal notice includes, but is not limited to:
1. Arrest
2. Detention
3. Citation
4. Criminal summons
5. Civil summons
6. Permanent restraining order
7. Warrant for arrest
8. Order for arrest
9. Bill of information
10. Notice from DMV
11. Order to Show Cause

In addition, all employees are required to report to his/her supervisor any motor vehicle offense which could result in immediate suspension or revocation of the employee's driver's license if convicted of the charged offense, either individually or in combination with previous or other violations. Examples of violations that must be reported include:

- Driving While Impaired (DWI)
- Driving Under the Influence (DUI)
- Speeding over 55 mph and over 15 mph

NOTE: This is not an all-inclusive list. When employees have questions about what should be reported, they have a duty to seek clarification from the work unit supervisor/manager.

Notification Process:

Once charged, an employee must report the offense to their supervisor/manager immediately upon returning to work or within 24 hours, whichever is sooner. Failure to notify your supervisor of an arrest or criminal charge in accordance to this policy is considered unacceptable personal conduct and may result in disciplinary action up to and including dismissal.

As we previously discussed and as a reminder, employees in positions that may handle firearms are subject to the federal "Domestic Violence Offender Gun Ban" at 18 U.S.C. § 922(g)(9) and the North Carolina Felony Firearms Act at N.C.G.S. §14-415.1. Criminal offenses that relate to these prohibitions may result in employee termination.

Once formal notice has been services and once the employee has gone to court, the employee will submit a certified true copy of the court disposition (with original raised seal/stamp from the Clerk of Courts Office) to their supervisor/manager within 48 hours of the disposition.

Disciplinary Action Due to Criminal Offenses

- Disciplinary action is issued based on the documented behavior and is separate and apart from the criminal proceedings.
- Discipline may be issued at the time of being charged or may be issued after the court disposition and is normally considered on a case-by-case basis.
- If you are a certified officer, it is important to be aware that any disciplinary action that is initiated by the Department does not preclude any action that may be taken by the Criminal Justice Standards Division.

111

Orientation Manual Page: 65

Disciplinary action may be issued based on the documented behavior and is separate and apart from the criminal proceedings. Discipline may be issued at the time of being charged or may be issued after the court disposition and is normally considered on a case-by-case basis.

If you are a certified officer, it is important to be aware that any disciplinary action that is initiated by the Department does not preclude any action that may be taken by the Criminal Justice Standards Division.

Criminal Offenses for Certified Officers

- Are required to be reported to the Criminal Justice Standards Division.
- If convicted of a misdemeanor offense while employed as a criminal justice officer, Criminal Justice certification may be suspended for three (3) years, based on the decision of the Criminal Justice Standards Division.
- Commission or conviction of a felony while employed as a criminal justice officer will result in the suspension of Criminal Justice certification.

112

Orientation Manual Page: 66

Arrests and criminal offenses of certified officers are required to be reported to the Criminal Justice Standards Division. Work units report certified officer's criminal offenses to DPS Personnel and DPS Personnel reports these offenses to the Criminal Justice Standards Division.

After the employee has gone to court and a court disposition has been issued, the work unit will report the disposition to DPS Personnel and DPS Personnel will report the disposition to the Criminal Justice Standards Division.

If a certified officer is convicted of a misdemeanor offense while employed as a criminal justice officer, their Criminal Justice certification may be suspended for three (3) years, based on the decision of the Criminal Justice Standards Division. Commission or conviction of a felony while employed as a criminal justice officer will result in the suspension of Criminal Justice certification.

Please note that according to the Criminal Justice Administrative Code, "Convicted" or "Conviction" means and includes:

- Verdict or Finding of Guilty or
- Plea of Guilty or
- Plea of No Contest, Nolo Contendere, or the Equivalent

In addition, if an employee is charged with an offense but it is dismissed in court, the charge still has to be reported to the Criminal Justice Standards Division. Criminal Justice will investigate the offense and if they

find that there is reason to believe that the employee committed the offense, regardless of the court disposition, they still may revoke certification.

Although DPS Personnel notifies the Criminal Justice Standards Division of certified employee's criminal offenses, ultimately, it is the certified officer's obligation and responsibility to ensure that criminal offenses are reported to Criminal Justice Standards Division.

Domestic Violence Orders

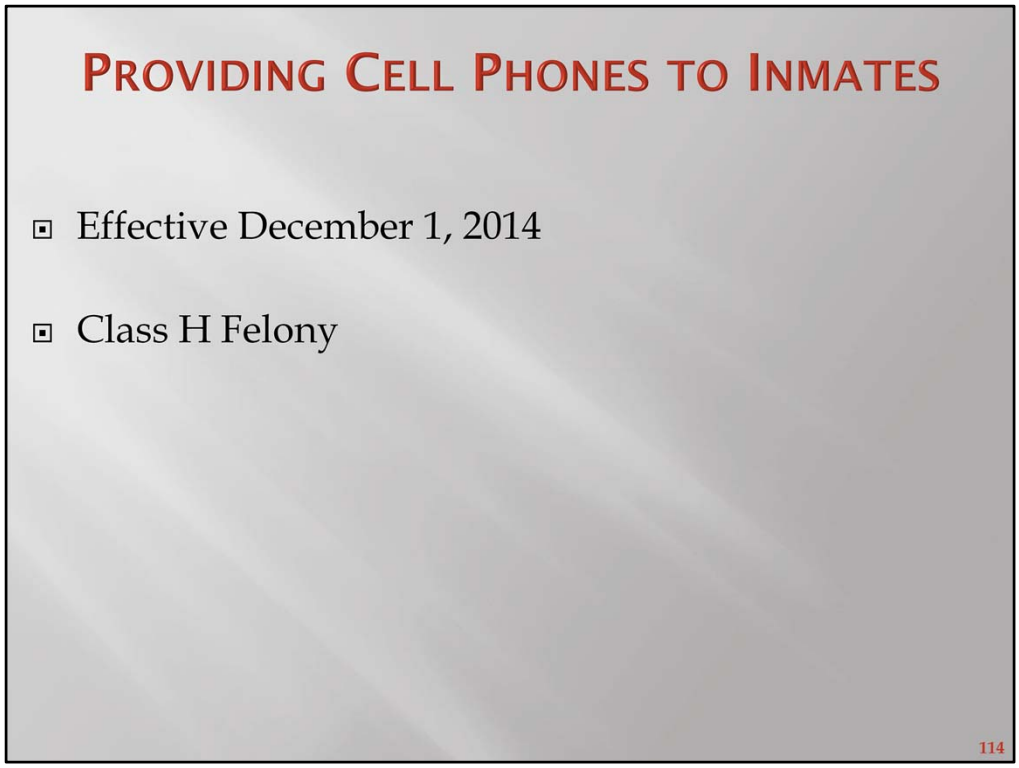
- Required to report within 24 hours to his/her supervisor any domestic violence order.
- The employee shall be reassigned to a post not requiring the use of a firearm.
- Temporary reassignment of duty is subject to the availability of appropriate positions. Should the order exceed a 12-month period, employment status shall be reevaluated.
- NOTE: Employees in positions that may handle firearms are subject to the federal "Domestic Violence Offender Gun Ban" at 18 U.S.C. § 922(g)(9).

113

Orientation Manual Page: 67

All employees are required to report within 24 hours to his/her supervisor any domestic violence order. The employee shall be reassigned to a post not requiring the use of a firearm. The granting of any temporary reassignment of duty is subject to the availability of appropriate positions and may be to a different division. Should the order exceed a 12-month period, employment status shall be reevaluated.

NOTE: Employees in positions that may handle firearms are subject to the federal "Domestic Violence Offender Gun Ban" at 18 U.S.C. § 922(g)(9). Criminal offenses that relate to this may result in employee termination. Refer to the section in the Orientation Manual on "Criminal Convictions with Firearms Prohibitions" for more information.



Orientation Manual Page: 67

Effective December 1, 2014 any person who knowingly gives or sells a mobile telephone or other wireless communications device, or a component of one of those devices, to an inmate in the custody of the Division of Adult Correction of the Department of Public Safety or to an inmate in the custody of a local confinement facility, or any person who knowingly gives or sells any such device or component to a person who is not an inmate for delivery to an inmate, is guilty of a Class H felony.

Dealing with Media Inquiries

- Responding to news media inquiries promptly is good customer service.
- All media inquiries should be handled through coordination with the DPS Communications Office.
- DPS staff should always inform their supervisor of media inquiries and work with the appropriate communications officer before responding.

115

Orientation Manual Page: 68

Responding to news media inquiries promptly is good customer service.

In order to provide accurate and comprehensive response, all media inquiries should be handled through coordination with the DPS Communications Office.

DPS staff should always inform their supervisor of media inquiries and work with the appropriate communications officer before responding.