



DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 101	STANDARDS OF CONDUCT	
	Effective: 4/2/2025	Commissioner Approval: 
	Authorities: AS 39.52 ; AS 39.25.080 ; AS 18.35 ; AS 18.65.672 ; AS 18.65.684	
	Applicability: ALL DEPARTMENTAL EMPLOYEES	
	Special Instructions: See OPM Chapter 111	

101.100 INTRODUCTION

While specific expectations and responsibilities are established throughout the OPM, this chapter outlines the required behaviors in carrying out all functions and demands of the department. Egregious misconduct is grounds for immediate dismissal but any violation of the standards of conduct shall be subject to discipline, up to and including dismissal. See 111.360 A. For VPSOs, violations of this chapter may result in denial or revocation of a VPSO certificate by the Department, AS 18.65.672 and AS 18.65.684.

101.300 GENERAL PROVISIONS

- A. *Conduct standards apply to all personnel.*** All of the ethical standards and rules expressed herein are inclusive, and together constitute the standards of conduct by which all personnel are to be governed. It shall be the duty of all personnel to study and become familiar with the rules and regulations governing the organization and operation of the department, as well as the rules governing control and discipline. VPSOs shall also be subject to the personnel rules of their employer.
- B. *Professional standards of behavior apply.*** The standards of conduct set out in this chapter do not recognize every possible act that constitutes unacceptable behavior. Conduct that shocks the conscience or that violates generally recognized standards of professional behavior is forbidden.
- C. *Reputation and effectiveness of the Department is affected by the conduct of personnel.*** The reputation of the Department of Public Safety is influenced to a large degree by public belief in the integrity of its employees. Such traits as loyalty, determination, alertness, intelligence, unselfishness, honesty, and high moral standards, are instantly appealing and respected. All personnel are expected to make a dedicated effort to conduct their official life so that they will inspire the confidence and trust of the public. Good conduct and reputation helps assure the cooperation and support of the public, the cooperation of other agencies, and the mutual cooperation of all who serve to increase the effectiveness of the department.
- D. *Honesty.*** Honor and trustworthiness is the cornerstone of this department's relationship with the public. It is also the cornerstone of the employee/employer relationship as well. The Department of Public Safety has zero tolerance for acts of dishonesty in any form or manner.

101.310 CANONS OF POLICE ETHICS

- A. *Canons adopted by Department.*** The Code and Canons of Ethics of the International Association of Chiefs of Police are adopted for the guidance of all personnel. The canons as adopted appear as OPM 101.310 B-L.
- B. *Primary responsibility of job.*** The primary responsibility of the police service and of the individual officer is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will, and is never the arm of any political party or clique.
- C. *Limitation of authority.*** The first duty of a law enforcement officer as upholder of the law is to know the bounds of an officer enforcing it. Because they represent the legal will of the community, be it local, state, or federal, they must be aware of the limitations and prescriptions which the people, through law, have placed upon them. They must recognize the wisdom of the American system of government, which gives to no person, groups of people, or institution, absolute power, and they must insure that they, as a prime defender of that system, does not subvert its character.
- D. *Duty to be familiar with the law and with responsibilities of self and other public officials.*** The law enforcement officer shall assiduously apply themselves to the study of the principles of the laws, which they are sworn to uphold. They will make certain of their responsibilities in the particulars of their enforcement, seeking aid from their superiors in matters of technicality or principle when they are not clear to themselves. They will make special effort to fully understand their relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.
- E. *Utilization of proper means to gain proper ends.*** The law enforcement officer shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, encourages disrespect for the law and its officers. If the law is to be honored, those who enforce it must first honor it.
- F. *Cooperation with public officials in the discharge of their authorized duties.*** The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of political affiliation or personal prejudice. They shall be meticulous, however, in assuring themselves of the propriety under the law of such actions, and shall guard against the use of their office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, they shall seek authority from their superior officer, making sure to give them a full report of the proposed service or action.
- G. *Private conduct.*** The law enforcement officer shall be mindful of their special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expression of either disrespect for the law or seeking to gain special privilege, reflects

unfavorably upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. A career within law enforcement does not entitle any person to special privileges. A law enforcement career provides satisfaction and pride of furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, an officer who conducts their private life in this manner will be seen to the public as an example of stability, fidelity, and morality.

H. *Conduct toward the public.* The law enforcement officer, mindful of their responsibility to the whole community, shall deal with the individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct their official life in such a manner as to inspire confidence and trust. Thus, they will be neither overbearing nor subservient, for no individual citizen has an obligation to stand in awe of them, nor a right to command them. The officer will give service where they can and require compliance with the law. They will do neither from a personal preference or prejudice, but rather as a duly appointed officer of the law discharging their sworn obligation.

I. *Conduct in arresting and dealing with law violators.* The law enforcement officer shall use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. Their office gives them neither the right to prosecute the violator, nor to mete out punishment for the offense. They shall at all times have a clear appreciation of their responsibilities and limitations regarding detention of the violator. They shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end, they shall cultivate a dedication to the service of the people and the equitable upholding of their laws, whether in the handling of law violators or in dealing with the law abiding.

J. *Gifts, favors, and gratuities.* The law enforcement officer representing government bears the heavy responsibility of maintaining, through their own conduct, the honor and integrity of all government institutions. They shall therefore guard against placing themselves in a position in which any person can expect special consideration, or in which the public can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.

K. *Presentation of evidence.* The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word. The law enforcement officer shall take pains to increase their perception and skill of observation, mindful that, in many situations, their perception and skill is the sole impartial evidence of the case.

L. *Attitude toward profession.* The law enforcement officer shall regard the discharge of their duties as a public trust and recognize their responsibility as a public servant. By diligent study and sincere attention to self-improvement, they shall strive to make the best possible

application of science to the solution of crime, and in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. They shall appreciate the importance and responsibility of their office, and hold police work to be an honorable profession rendering valuable service to their community and their country.

101.320 GENERAL RULES OF CONDUCT

- A. *Personnel to be courteous.*** All personnel, when dealing with the public and each other, shall be patient, courteous, and respectful. Personnel shall be tactful in the performance of their duties, shall control their tempers, exercise the utmost patience and discretion, and not engage in argumentative discussions even in the face of provocation, and shall be attentive to citizens seeking assistance or information, or who desire to register complaints or give evidence.
- B. *Statements shall not belittle others.*** Personnel shall neither intentionally make statements belittling the beliefs or teachings of another person without legal basis for their utterances, nor shall they make statements that by their very utterance would bring discredit upon the department through demonstration of a lack of compassion, tolerance, understanding, or thoughtfulness on the part of personnel. Personnel shall not express any prejudice concerning race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, marital status, changes in marital status, pregnancy, and parenthood.
- C. *Coarse language and gestures.*** In the performance of their duties no personnel will use coarse, violent, profane, insolent language, or gestures.
- D. *Prejudicial statements prohibited.*** Personnel shall not express any prejudice concerning race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, marital status, changes in marital status, pregnancy, and parenthood.
- E. *Personnel to be punctual.*** Personnel shall regard punctuality in all their engagements and the diligent performance of their duties as a prime responsibility to the public.
- F. *Personnel to be impartial.*** Personnel shall be cognizant of their primary obligation to render impartial, efficient, and effective services to the public in the discharge of their duties, and to always regard their office as a public trust.
- G. *Authority not to be used to secure personal advantage.*** Personnel shall administer their duties in a courteous, fair, just, impartial, and reasonable manner, affording no one more reasonable treatment than others. They shall recognize the limitations of their authority and at no time use the power or influence of their office or position for their own personal advantage.
- H. *Personnel responsible for state property.*** All personnel are responsible for loss or damage to state property due to their carelessness or negligence and shall safeguard state property against loss or damage.
- I. *Discriminatory behavior prohibited.***

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1. The department will not condone, permit, or tolerate, on the part of its personnel any kind of discrimination or harassment of persons, whether to personnel, applicants, or members of the public, on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, marital status, changes in marital status, pregnancy, and parenthood. Any personnel who knowingly permits, engages in, or instigates such discrimination or harassment will be subject to disciplinary action up to and including dismissal.
2. The Department of Public Safety subscribes to a policy of equality in the provision of services and the application of enforcement actions to all citizens. Decisions to arrest, file charges, or deliver any service to a member of the public shall not be influenced by race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, marital status, changes in marital status, pregnancy, and parenthood.

101.330 NEGLECT OF DUTY

A. *Neglect of duty.*

1. No personnel shall engage in any activities or personal business that causes them to neglect or be inattentive to their assigned tasks, while in duty status.
2. Personnel shall execute their duty to the best of their training and ability. A person failing to carry out their duty, absent compelling mitigating circumstances, shall be subject to appropriate discipline.

B. *Reporting for duty.* Personnel shall report for duty at the time and place required by assignment or orders, and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of the information required for the proper performance of duty so that they may immediately assume their duties.

Judicial subpoenas shall constitute an order to report for duty under this section.

C. *Fictitious illness or injury reports.* No personnel shall feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive the department as to the condition of their health.

If requested by the employer, an absence reported as "sick leave," shall be supported and verified through written documentation provided by a licensed physician.

D. *Sleeping on duty.* All personnel shall remain awake while on duty. If unable to do so, and in danger of falling asleep, they shall report to a supervisor, who shall immediately release the individual from duty, placing the individual in appropriate leave status, pending further supervisory review and appropriate action.

E. *Absent without leave.* Personnel, while on duty, shall not leave any post, assignment, duty, or their area without permission from their supervisor.

F. *Accessing personal social media.* Personnel may not use department or personally-owned equipment or resources to access social media while on-duty, except during meal and relief periods and as permitted by [SOA Information Security Policy #ISP-172](#).

101.340 FOLLOWING ORDERS AND ASSIGNMENTS

A. *Personnel are required to complete assignments in timely manner.* All personnel are required to complete their assignments in a timely manner, as specified by Detachment, Division, unit S.O.P., manuals, or supervisor assignment.

B. *Supervisors are responsible for completion of subordinate's assignments.* It is the supervisor's responsibility to ensure that subordinate's assignments are reasonable, possible, practical, and are completed on time and as required by department policies, rules, and procedures.

C. *Consequence of assignment neglect.* In addition to disciplinary measures imposed for neglect of responsibilities, personnel may also experience leave cancellation and merit increases being denied or withheld.

D. *Action of personnel receiving conflicting orders.* Personnel who are given an otherwise proper order, which is in conflict with a previous order, rule, procedure, regulation, or directive, shall 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 shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor.

E. *Personnel shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued.*

F. *Action of personnel receiving unlawful order.* Personnel shall not obey any order which they know, or should know, would require them to commit an unlawful act. If in doubt as to the legality of an order, personnel shall request a conference with a higher authority, stating the reasons why they believe the order to be unlawful, or shall request the issuing supervisor to clarify and present a copy of the order in writing. A copy of the order is to be retained by the personnel.

G. *Insubordination.* Personnel shall promptly obey any lawful order of a superior officer, a commanding officer, an Officer-in-Charge (OIC), or a civilian supervisor. This includes orders relayed to personnel by another personnel of the same or lesser classification, by any other personnel of the department, or by any reliable means.

H. *Failure to comply with directions.* Personnel shall comply with department policies and with verbal or written directions, instructions, directives, manuals or memoranda or other communications from a supervisor, officer-in-charge, or superior officer.

I. *Truthfulness.* Personnel responding to superiors or to questions posed during the normal course of business or during an official investigation shall truthfully, completely, and thoroughly answer all questions specifically directed or narrowly related to the scope of inquiry.

Personnel failing to be forthright in response to any work-related question are subject to disciplinary procedures due to dishonesty.

101.350 FAILURE TO PERFORM DUTIES PROPERLY

- A. *Violation of rules.*** Personnel shall not commit or omit acts that they know, or should know, would constitute a violation of any written rules, regulations, procedures, directives, or orders of the department.
- B. *Departmental reports.*** Required reports, submitted by personnel, will be truthful, complete, and submitted on time following established department report writing procedures. No personnel shall knowingly enter, or cause to be entered, any inaccurate, false, or improper information into any department record.
- C. *Processing property and evidence.*** Property or evidence that has been discovered, gathered, or received in connection with departmental responsibilities will be processed in accordance with established departmental procedures. Personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence.
- D. *Abuse of process.*** Personnel shall not make false accusations of any charges including criminal or traffic offenses. Personnel shall not knowingly make false accusations of personnel misconduct.
- E. *Arrest, search, and seizure.*** Officers shall not make any arrest, search, or seizure that they know, or should know, is not in accordance with law and departmental procedures.
- F. *Use of government equipment.*** Personnel shall utilize department or government equipment for its intended purpose, in accordance with established department procedures, and shall not abuse, use negligently, negligently damage, or lose this equipment through acts of omission or commission. This equipment shall be maintained in proper order and any defect or hazardous condition will be reported to the personnel's supervisor. Personnel shall neither use, nor shall they allow family members or other persons to use, government equipment for personal benefit or other non-state business purposes except where specifically allowed in law, regulation, or policy.

101.360 IMPROPER CONDUCT

- A. *Unbecoming conduct.*** All personnel shall conduct themselves, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming of personnel shall include anything that brings, or may bring, the department into disrepute, or reflects discredit upon the personnel as a member of the department, or that which impairs the operations or efficiency of the department or its personnel.
- B. *Personal conduct.*** Personnel shall conduct their personal and business affairs in a manner that does not discredit or otherwise bring the department into disrepute or compromise the personnel's ability to perform their duties.

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C. ***Conformance to laws.*** Personnel shall obey all the laws of the United States and of the state and local jurisdiction in which personnel are present.

1. A conviction of the violation of any law shall be *prima facie* evidence of a violation of this section. Lack of a criminal complaint, or an acquittal of a violation of law, shall not preclude internal administrative investigation and disciplinary action.
2. All personnel are required to report arrests, indictments, and/or convictions for misdemeanor or felony crimes to their supervisor immediately upon return to duty. Arrests, indictments, and/or convictions shall be reported regardless of the jurisdiction in which the charges were made.

D. ***Cowardice.*** No officer shall shirk from danger or show cowardice.

E. ***Possession and use of drugs.*** Personnel shall not possess or use any controlled substance in violation of Municipal, State, or Federal Law. When a licensed medical practitioner prescribes products containing a controlled substance in the treatment of personnel that will or is likely to have an impact on the performance of the individual's duties, the individual's supervisor shall be notified immediately.

F. ***Use of alcohol.***

1. Personnel shall not consume intoxicating beverages while on duty, in or out of uniform, except in the performance of official duties, and while acting under proper and specific orders from a detachment commander or designee. Personnel shall not appear for duty or be on duty while under the influence of intoxicants.
2. Personnel, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results, or may result, in discrediting their employer or renders the personnel unfit to report for the next regular tour of duty.

G. ***Use of tobacco.***

1. Personnel shall be aware of and obey the law in regard to smoking as outlined in AS 18.35.
2. Personnel, while on official duty, shall not carry, either in hand or mouth, lit or unlit, a cigarette, cigar, pipe or chewing tobacco, when approaching a violator, in lending assistance to any person, while making contact with any member of the public, or when the possibility exists for them to make contact with the public.
3. Personnel are prohibited from smoking in State-owned, leased, or rented vehicles. See 103.300 E.

H. ***Gifts, gratuities, bribes or rewards.***

1. Personnel shall not solicit or accept any gift or privilege (including money, tangible or intangible personal property, food, beverage, loan, promise, service,

or entertainment) from any person, business, or organization, for the benefit of the individual or the department, if it may reasonably be inferred that the gift:

- a. Seeks to influence the performance or nonperformance of an official nature or duty (Any incident of this type shall be immediately reported to the individual's supervisor).
 - b. Has an interest that may be substantially affected, directly or indirectly, by the performance or nonperformance of an official duty.
 - c. Are discounted services or merchandise as a result of the individual's association with the department, unless such discount is routinely offered to various groups or individuals and not limited to department personnel.
2. Personnel shall not accept any rewards or gifts that are the result of services rendered while on official duty, or as a result of official action, without the consent of their Director or Commissioner.
 3. The department [Designated Ethics Supervisor](#) will be consulted for guidance and to answer questions regarding applicability of this section or any other ethics related concerns. For a VPSO, the VPSO's supervisor will be consulted for guidance.

I. *Abuse of position.*

1. Personnel shall not use their official position, official identification cards or badges:
 - a. For personal or financial gain.
 - b. For obtaining privileges not otherwise available to them, except in the performance of duty.
 - c. For avoiding consequences of illegal acts, such as: relief from traffic ordinances, statutes, or regulations while operating privately owned vehicles.
2. Personnel shall not lend to another person their identification cards or badges, or permit them to be photographed or reproduced, without the approval of the Commissioner.

J. *Influence affecting persons or effecting results.*

1. Any attempt by any personnel to bring influence to bear upon the Commissioner or Director for the purpose of securing promotion, transfer, or for personal interest, or to avoid the penalties for reprehensible action or conduct, shall be considered equivalent to insubordination and treated accordingly.
2. No personnel, while on official duty, will solicit or seek outside influence in the form of requests, letters, or petitions to be sent with the intent of influencing their superiors, the legislature, or the executive branch of government.

K. *Advertisements, endorsements, and referrals.*

1. Personnel shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary, and the person needing the service is unable or unwilling to procure it or request assistance, personnel shall proceed in accordance with established departmental procedures.
2. Personnel shall not endorse, sanction, or knowingly permit the use of their names, titles, ranks, or photographs, or generic title of "State Trooper" to be used in connection with any professional or personal advertisement or testimonial, without the written permission from the Commissioner's office.

L. ***Questionable associations.*** Personnel shall 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 involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the individual.

M. ***Visiting prohibited establishments.*** Personnel shall not knowingly visit, enter, or frequent premises where the laws of the United States, the state, or the local jurisdiction are violated, except in the performance of duty. Personnel are exempted from this policy when acting under proper and specific orders from a supervisor.

N. ***Gambling.*** Personnel shall not engage or participate in any form of illegal gambling at any time, except in the performance of official duties, and while acting under proper and specific orders from a detachment commander or designee.

O. *Public statements and appearances.*

1. Personnel shall not criticize or ridicule the department, its policies, or other personnel by speech, writing, or other expressions, where such expression is defamatory, obscene, unlawful, impairs the operation or efficiency of the department, or is made with reckless disregard for truth or falsity.
2. Personnel shall not address public gatherings, social networking opportunities, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information, or any other matters of the department while representing the department in such matters, unless specifically authorized by department policy or a supervisor.
3. Any official statements for public release concerning the affairs of the department, e.g., organization changes, creation of new posts, etc., that have not been released to the public must be authorized by the Commissioner, a Director, or their designee.

P. Confidential departmental information.

1. Personnel shall not release reports or information relative to any investigation except in accordance with the written instructions of the Department of Public Safety relative to the confidentiality of certain records.
2. Personnel shall not divulge information deemed confidential to any unauthorized person, whether obtained through the execution of official duties or other means.
3. Personnel shall not release any information pertaining to personnel's (personnel records) except in accordance with the written instructions of the Department of Public Safety relative to the confidentiality of certain records. [Ref. AS 39.25.080]
4. Personnel shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

Q. Damaging information. Upon discovery, any information potentially damaging to the department or its personnel, will be reported, via the appropriate channels, to a supervisor, superior officer, and the applicable Division Director.

R. Conflict of Interest. When practical, personnel should avoid being involved in cases where the individual has a personal relationship with any party, to include victims, witnesses, suspects. However, this may not be possible in all investigations. If personnel have a personal relationship with an involved person, they should notify their chain of command and seek direction about whether to be involved to ensure the personnel is not put in a position that compromises their professional judgment or risks the chance of adverse action in a case. (Employees are encouraged to review [AS 39.52.110 \(a\)\(3\)](#)).

In the event a conflict exists, and a supervisor is unable to reassign duties and the conflict is unavoidable, the involved personnel shall disclose the conflict to the appropriate parties.

S. Statements in civil cases. In civil cases, personnel will not give statements concerning official department business to litigants or their attorneys without a court order and prior notification to a supervisor.

T. Protection of department documents. Personnel shall not copy, alter, destroy, remove, or fail to safeguard any official record or document, except in accordance with established department procedures.

U. Improper use of department records. Personnel shall not make improper use of information contained in department records. Improper use of departmental information includes:

1. viewing departmental records without a legitimate business purpose for doing so (including for the purpose of satisfying curiosity);
2. obtaining information in violation of law, regulation, policy, procedure, or other rule;

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3. release of records to any third party not legally entitled to the records;
4. release of records to any third party not authorized by policy or procedure to receive the records;
5. release or use of records for personal gain, or to benefit or cause injury to a third party (including influencing political, electoral, or governmental decisions); and
6. release or use of records for financial gain.

V. ***Treatment of prisoners.*** Prisoners will be treated with respect and shall not be verbally, mentally, or physically abused. Force will only be used against persons in custody to the extent necessary to prevent escape or to assure compliance with lawful orders.

W. ***Sexual misconduct.***

1. Sexual Misconduct of any nature is strictly prohibited and if proven may result in disciplinary action up to and including termination. Sexual Misconduct is defined in 101.900 Definitions.
2. Anyone in a supervisory capacity or position of authority shall not engage in any activity of a sexual nature with personnel whom they directly supervise. (The disparity of power between the two individuals inherently makes this an unequal relationship)
3. Personnel, under color of authority or representing the Department will not extort, encourage, offer, accept, or engage in sexual favors.
4. Personnel will not engage in any on-duty activity of a sexual nature.
5. Personnel will not engage in any activity of a sexual nature at or in any Department or official workplace or vehicle.
6. Public displays of affection are strongly discouraged while in uniform and/or in a state vehicle.
7. All reports of sexual misconduct will be forwarded to the Colonel, applicable Division Director, or their designee, who will determine the means for department investigation.
8. Personnel who witness sexual misconduct shall immediately notify a supervisor. Should a supervisor be involved in the incident, the report shall be made to the next level in the chain of command.
9. Supervisors are in a unique position to detect warning signs and patterns that may indicate sexual misconduct by their subordinates. As such, they must act immediately to address the behavior in question. Upon receipt of a complaint, including those that are anonymous or from third parties, or when personnel demonstrate signs and patterns that may indicate sexual misconduct, department supervisors will immediately

begin the complaint process as described in the Department Personnel Investigations (DPI) manual.

10. Victims of sexual misconduct shall be treated with professionalism and dignity. Their allegations shall be taken seriously throughout the investigative process regardless of their background, criminal history, or perceived lack of credibility or questionable behavior.

W. ***Surreptitious recording of personnel by another.*** No personnel shall record other personnel by any means without their knowledge.

This provision does not apply to recordings made with authorization or on department installed telephone line recorders, security cameras installed in the department or other officially operated facilities, made pursuant to court orders, or made during department authorized criminal or administrative investigations.

101.370 INCOMPETENCE

Personnel failing to demonstrate the ability to consistently perform their duties at an acceptable level, after receiving training and having a reasonable opportunity to seek assistance or guidance, shall be deemed incompetent and subject to appropriate disciplinary action.

101.900 DEFINITIONS

Egregious Misconduct – Including but not limited to gross disobedience, theft, fraud, dishonesty, chemical or alcohol intoxication, being under the influence of alcohol while on the job, physical misconduct, abusive or lewd behavior, the unauthorized possession, viewing or accessing of pornography or lewd materials at work or on State equipment, or the abandonment of duties. See 111.360 A.

Personnel – Means both Department of Public Safety employees as well as VPSOs for purposes of OPM Chapter 101. Nothing in this chapter should be interpreted to suggest that VPSOs are employees of the Department of Public Safety.

Sexual Misconduct - Sexual misconduct by law enforcement personnel is any behavior by personnel that takes advantage of the personnel's position in law enforcement to misuse authority and power (including force) in order to commit a sexual act, initiate sexual contact with another person, or respond to a perceived sexually-motivated cue (from a subtle suggestion to an overt action) from another person. It also includes any communication or behavior by personnel that would likely be construed as lewd, lascivious, inappropriate, or conduct unbecoming of an employee and violates general principles of acceptable conduct common to law enforcement. In addition, any action where personnel engage in on or off duty in illegal, prohibited, or otherwise clearly inappropriate sexual conduct which may damage public respect for the personnel and/or the department. Various forms of sexual misconduct (including criminal acts) could be directed at colleagues, citizens, detainees, juveniles, and crime victims or witnesses. These forms may include, but are not limited to, the following:

1. Sexual contact by force;

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2. Unwarranted physical contact with citizens (e.g. inappropriate or unnecessary searches or pat-downs);
3. The use of any information gained while on duty or under the color of authority for personal use (e.g. using a phone number given to an officer during a traffic stop or on a call to ask someone on a date or engage in a personal conversation).
4. Sexual behavior while on duty or in uniform (e.g. masturbation, viewing and/or distributing pornographic images, sexting, whether by personal or Department phone or computer);
5. Voyeuristic actions that are sexually motivated (e.g. looking in windows of residences for sexually motivated reasons, traffic stops to better view occupants for non-professional reasons);
6. Sexual harassment of colleagues or co-workers.

Sexual Favor - Any sexual act occurring in exchange for privileged treatment, salary enhancement, career advancement, or for taking or not taking law enforcement action.

Sexting - Sending a text message or image by means of any electronic device alluding to activities of a sexual nature.

Workplace - Any property owned, leased, or otherwise designated for use by the state or a VPSO program, including vehicles, training sites, substations, lodging obtained as a result of official travel, or any other location on-duty personnel is present or might be present.