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## **ETHICS**

The Law Enforcement Code of Ethics drafted by the International Association of Chiefs of Police is adopted as a general standard of conduct for Special Agents of the State Bureau of Investigation.

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against opposition 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 or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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. I will constantly strive to achieve those objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

## **CONDUCT**

1. Conduct, as set forth in this Section, shall at all times govern the official and unofficial actions of each employee of the State Bureau of Investigation, whether their status is "sworn", "non-sworn", "on-duty", or "off-duty".
2. This rule applies to both the professional and private conduct of all employees. It prohibits conduct which is contrary to the intent and purpose of Bureau policies or goals, or which would reflect adversely upon the Bureau

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or its employees. It includes not only all unlawful acts by employees, but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the employee or the Bureau.

3. Conduct toward the public and fellow employees: Employees shall at all times be respectful, courteous, and impartial when dealing with the public and other employees.
4. Employees shall not use coarse, violent, profane, derogatory, or insolent language or gestures, and shall not maliciously express any prejudice concerning race, religion, politics, sex, or national origin.
5. Employees are encouraged to bear in mind the sensitivity of others and should exercise good judgment when making remarks that may be offensive to others even though these remarks are not meant to be malicious.

#### **GENERAL**

- A. Employees shall conduct themselves in such a manner as to reflect most favorably upon the Department of Justice, the State Bureau of Investigation, and the profession of Law Enforcement.
- B. Employees shall conduct their private and professional lives in such a manner as not to impede the State of North Carolina, Department of Justice, or the SBI's efforts to achieve its policies and goals, nor bring discredit upon these agencies or upon the employees of any of these agencies.

#### **COMPLIANCE**

Employees shall not, by acts of commission or omission, fail to comply with any of the rules, regulations, directives, or policies adopted by the State Bureau of Investigation, whether or not they are stated in this manual. Ignorance of Bureau rules, regulations, directives, or policies shall not justify any such non-compliance.

#### **PENALTY**

- A. Any employee that fails to comply with the CODE OF CONDUCT is subject to disciplinary procedures as prescribed by the State Personnel Commission and

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procedures set forth in the Division policy and procedure manual.

- B. Employees may be dismissed, demoted, suspended, or warned on the basis of unacceptable personal conduct. Discipline may be imposed, as a result of unacceptable conduct, up to and including dismissal without any prior warning to the employee. The supervisor will notify his or her assistant director concerning employee personal misconduct issues; however, the authority is delegated to the supervisor to warn an employee regarding personal misconduct, and in exigent circumstances suspend an employee from duty for personal misconduct. As soon as possible, the supervisor must notify his or her assistant director of any warning given or action taken due to an exigent circumstance. The assistant director will recommend to the Director appropriate discipline for the personal misconduct. Disciplinary demotion, suspension, or dismissal for personal misconduct requires written notification to the employee. Such notification must include specific reasons for the discipline and notice of the employee's right of appeal. All demotions, suspensions and dismissals are at the discretion of the Director.

#### **UNBECOMING CONDUCT**

Unbecoming conduct and grounds for disciplinary action for employees shall include but not be limited to:

- A. Conduct which tends to bring the Bureau into disrepute.
- B. Conduct which reflects discredit upon any employee of the Bureau.
- C. Conduct which tends to impair the operation and efficiency of the Bureau or its employees.
- D. Conduct which impairs an employee's ability to complete work assignments objectively and diligently or to handle classified information.

#### **ACKNOWLEDGMENT OF AUTHORITY**

- A. Each employee shall acknowledge the authority of the Attorney General and the Director.
- B. Each employee shall acknowledge the authority bestowed upon other Bureau employees by the Director.

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## **INSUBORDINATION**

The following behavior shall constitute an act(s) of insubordination:

- A.     Disrespect to an individual holding a position with a higher level of authority.
- B.     Responding to a bona fide order in a disrespectful manner.
- C.     Refusal to accept a reasonable and proper assignment from an authorized superior.
- D.     Refusal to comply with a direct order.
- E.     Refusal to carry out a direct order.

## **CONFLICTING OR ILLEGAL ORDERS**

- A.     An employee who is given an order that is contradictory to established Bureau policy and procedure or to a previously received order or directive shall respectfully point out the conflict to the individual issuing the order. If the individual issuing the order does not alter or retract the conflicting order, the order shall stand. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order or directive previously issued.
- B.     An employee shall not obey any order that would cause him to knowingly commit an illegal act. If in doubt as to the legality of the order, the employee shall request the issuing individual to clarify the order, or he shall confer with a higher authority.

## **CONFORMANCE WITH LAWS**

Each employee shall obey the laws of the United States, of the State of North Carolina, and of local jurisdiction. If the evidence revealed by an investigation indicates that it is more likely than not that an employee has knowingly committed an act(s) which constitutes

a violation of a civil or criminal law or ordinance, then the employee may be deemed to have violated this subsection irrespective to prosecution or judicial verdict.

## **EMPLOYEE ARREST**

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If an employee is arrested, or has reason to believe that he or she is a suspect in a criminal investigation, he or she will immediately notify his or her Supervisor in writing and set forth any and all circumstances known by him or her concerning the arrest and/or investigation.

### **PERSONAL APPEARANCE**

- A. All Bureau employees shall maintain a neat, well-groomed appearance while on duty.
- B. Personal hygiene and appearance will be such that an employee will not adversely affect normal operations of the Bureau and/or employees of the Bureau.
- C. Employees will abide by the following guidelines:
  - 1. Hair must be neat, trimmed, combed, and clean.
  - 2. Hair must not be styled in such a manner as to hinder the effective use of gas masks, hearing protectors, and other headgear designed for individual safety.
  - 3. Wigs and hairpieces must conform to guidelines established for natural hair.
  - 4. Agent Trainees will conform to dress and grooming standards as stated in the SBI Academy Rules and Regulations.

### **EXCEPTIONS**

- A. An employee may request that the Director grant an exception to this section. The Director may require that the medical condition be substantiated by a physician selected by the Director.
- B. A Special Agent in Charge or Supervisor may grant a temporary exception to this section if it is deemed necessary in order to facilitate official Bureau business.

### **DRESS CODE**

- A. Employees, while on duty, shall dress according to individual taste but in a manner which will promote/enhance a professional image of the Bureau and within the following guidelines:

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- B. Attire shall be clean, neat, and not propose or portray attitudes or ideas inconsistent with the standards of the Bureau. Males will wear dress slacks, shirt, and footwear. Females will wear a conservatively designed dress, skirt, blouse/shirt, dress slacks, and footwear designed for dress purposes.
- C. Smocks may be worn in the immediate work area or other specified areas when approved by the Special Agent in Charge or Supervisor.
- D. ATTIRE PROHIBITED:
  - 1. Clothing which induces ridicule.
  - 2. Clothing which displays a message, saying, or other wording (excluding SBI Logo)
  - 3. Clothing which shows excessive wear or has a faded or washed out appearance.
  - 4. Dress/skirt with hemline above knees.
  - 5. Pants/slacks with leg length above ankles.
  - 6. "Flip flop" type footwear.
  - 7. Bedroom type footwear.
  - 8. Footwear or clothing designed for athletic activity.
- E. Males will wear a conservative suit, conservative and coordinated sport coat and dress slacks, dress shirt and tie, and clean/shined dress shoes when attending court or otherwise appearing before a group of individuals as a spokesman for the Bureau.
- F. Females will wear a conservatively designed dress, suit, skirt, and blouse, coordinating dress pants and jacket, and footwear designed for dress wear when attending court or otherwise appearing before a group of individuals as a spokeswoman for the Bureau.
- G. EXCEPTIONS:

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1. A Special Agent in Charge or Supervisor may grant a temporary exception to this section if it is deemed necessary in order to facilitate official Bureau business.
2. An employee may deviate from this section without further approval in the event that the employee is not given sufficient notice to be properly dressed prior to the beginning of an assignment.
3. Temporary deviation from this section may be approved by the employee's Special Agent in Charge or Supervisor in event of extreme climatic conditions.
4. Special Agents in Charge or Supervisors may prohibit other articles of clothing on a case-by-case basis.
5. Smocks may be worn in the immediate work area or other specified areas when approved by the Special Agent in Charge or Supervisor.
6. Casual attire will be permitted on Fridays. Employees who have court appearances, appointments, etc. with the public in their professional capacities will require normal business attire. Casual attire does not include jogging suits, tank tops, shorts, or any other inappropriate or prohibited attire. Knee length, dress walking shorts will be permitted for women. The casual attire exception does not apply to the SBI Special Agent Academy.
7. Agent Trainees in the SBI Academy will conform to the dress and grooming standards as established in the SBI Academy handbook.

**UNSATISFACTORY PERFORMANCE OF DUTIES**

- A. All employees shall maintain sufficient competency to properly perform their duties and to fulfill the responsibilities of their position.
- B. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objective of the Bureau.
- C. Failure to comply with this section constitutes unsatisfactory performance of duties.

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- D. The Job Performance Disciplinary Process usually is, and should be, at the end of several non-disciplinary efforts by the Special Agent in Charge or Supervisor, such as the Performance Management System (Improvement Plan), training, coaching, or counseling.
- E. If the Job Performance Disciplinary Process is utilized, the Special Agent in Charge or Supervisor is encouraged to consider using appropriate training and/or coaching as a means to improve the employee's job-related deficiency.
- F. Job Performance Disciplinary Action, Suspension, and Dismissal
  - 1. Written Warning- Supervisors shall consult Justice Personnel and their immediate Assistant Director prior to issuing a written warning. A copy of the written warning and the grievance procedure shall be provided to the employee. The supervisor's assistant director, the Assistant Director for Administrative Services, and Justice Personnel shall be provided a copy of the written warning.
  - 2. Final Written Warning- Before issuing the final written warning, the supervisor shall review the contents of the warning with his or her assistant director, the Assistant Director for Administrative Services, Justice Personnel, and the Director. A copy of the final written warning shall be provided to the employee along with a copy of the grievance procedure. The supervisor's assistant director, the Assistant Director for Administrative Services, the Director, and Justice Personnel shall be provided a copy of the final written warning.
  - 3. Dismissal- Dismissal is at the discretion of the Director. The SBI will adhere to guidelines specified in the North Carolina Office of State Personnel Manual.

#### **ABUSE OF POSITION**

- A. Employees are prohibited from using their official position, their official identification cards and/or badges, or any other reference to the Department of Justice or the Bureau:
  - 1. For personal or financial gain.



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2. For obtaining privileges not otherwise available to them.
3. For avoiding the consequences of illegal acts.
4. For any purpose other than identification relating to their assigned Bureau duties.

### REWARDS/GRATUITIES

No employee shall solicit or accept from any person, business, or organization any reward, gratuity, emolument, favor, or other consideration for the benefit of the employee, their family, or the Bureau if it may reasonably be inferred that the person, business, or organization giving the gift:

- A. Seeks to influence action of an official nature, or
- B. Seeks to affect the performance or non-performance of an official duty, or
- C. Has an interest which may be substantially affected, either directly or indirectly, by the performance or non-performance of an official duty.

### ASSOCIATIONS

Employees shall avoid regular or continuous associations or dealings with persons who they know, or should know, are racketeers, sexual offenders, gamblers, suspected felons, persons under criminal investigation or indictment, or who have a reputation in the community for present involvement in felonious or criminal behavior except as necessary to the performance of official duties.

### OBTAINING CREDIT

No employee will act in any official capacity to establish credit, obtain loan of goods or money, or incur any other manner of indebtedness for themselves or any other individual, including informants, which they would not otherwise be eligible for, or entitled to, without the express consent of their Supervisor.

### ENDORSEMENTS AND REFERRALS

- A. No employee will write any letter or otherwise communicate any recommendation or

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censure for any person, group, product, or item in the capacity of a Bureau representative and using the image and prestige of the Bureau, without the approval of the Director.

- B. An employee shall not recommend or censure in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service such as bondsman, mortician, or private detective.

#### **PERSONAL REMARKS**

- A. An employee shall not make any derogatory personal remarks against the character, reputation, integrity, intelligence, ability, or efficiency of the Bureau or any of its employees or any other law enforcement agency or its officers or employees, to anyone not employed by the Bureau.
- B. An employee making such derogatory remarks about another Bureau employee shall be prepared to substantiate the remark with facts.
- C. Violation of this section may constitute irresponsible and malicious conduct and grounds for dismissal.

#### **USE OF DRUGS**

An employee shall not use any controlled substances as defined by Chapter 90 of the General Statutes of North Carolina, except when prescribed by a duly licensed member of the medical profession for the treatment of a bona fide ailment.

#### **INHUMANE TREATMENT**

- A. No employee will engage in, or be a party to, any form of brutality, unjust, or inhumane treatment, or in any other manner knowingly violate an individual's constitutional rights.
- B. If an employee is present when such acts take place under circumstances beyond their control, they will withdraw immediately and submit a written report to the Director setting forth all of the circumstances and details.

#### **INTERFERENCE WITH INVESTIGATION, REDUCTION OF CHARGES, PLEA BARGAINING**

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- A. An employee shall not interfere with cases assigned to other employees unless requested to do so by the assigned employee or instructed to do so by a Supervisor. An employee shall not interfere with any arrest, prosecution or administrative proceeding brought about by any other employee of the Bureau or by any other agency or person. If an employee has knowledge that an arrest or prosecution would bring about a manifest injustice, they shall report it to their Supervisor.
- B. An employee shall not intercede on behalf of any person in any case assigned to another employee or other law enforcement officer.
- C. An employee will have no involvement with witnesses, suspects, defendants, or their legal counsel in matters concerning plea bargaining, immunity, or reduction of sentence. All inquiries concerning these matters shall be referred to the District Attorney.

#### **PAYMENT OF DEBTS**

- A. An employee shall not undertake any financial obligations which he or she knows, or should know, that he or she will be unable to fulfill, and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for disciplinary action, except in unusually severe cases. However, repeated instances of financial irresponsibility shall be the cause for disciplinary action.
- B. Financial difficulty stemming from unforeseen medical expenses or personal disaster shall not be cause for disciplinary action, provided that the employee is making a good faith effort to settle all accounts.
- C. An employee shall not become financially obligated to his or her subordinates.

#### **CONFIDENTIALITY OF INFORMATION**

- A. Records of criminal investigations, intelligence records, and evidence collected and compiled by the Director and his or her assistants shall not be considered public records within the meaning of G.S. 132-1.4, and following, of the General Statutes of North Carolina and may be made available to the public only upon an order of a court of competent jurisdiction. Provided that all records and evidence collected and compiled by the Director of the Bureau and his or her assistants shall, upon request, be made available to the District Attorney of any district if the same concerns persons or investigations in his or her district" (G.S. 114-15).

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- B. No employee will divulge any information concerning an investigation, evidence, or other non-administrative matter relative to official business of the Bureau, or any other agency to which the employee is privy by virtue of their employment, except to the following:
1. District Attorney if applicable under paragraph A above.
  2. Individuals so designated by an order of a court of competent jurisdiction.
  3. Individuals entitled to an exception by another section of the Bureau Policy and Procedure Manual.
  4. Other Bureau employees or officials of another agency actively engaged in the investigation together.
  5. Others, including Bureau employees, on a need-to-know and right-to-know basis.

#### **FICTITIOUS ILLNESS OR INJURY**

An employee shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Bureau as to the condition of their health. The Director may require a statement from a medical doctor or other acceptable proof that an employee was unable to work.

#### **CARRYING CONCEALED FIREARM**

Only sworn employees who have been issued a Bureau weapon and who have satisfied Bureau weapon qualification requirements are authorized to carry a weapon concealed on or about their person. At no time shall an employee have on their person any firearms after having consumed intoxicating beverages unless they are exempted as set forth under USE OF ALCOHOLIC BEVERAGES.

#### **USE OF ALCOHOLIC BEVERAGES**

- A. An employee shall not drink intoxicating beverages while on official duty.
- B. An employee shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever, nor shall he or she have any odor or intoxicants on their breath.

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- C. An employee called back to duty shall notify their immediate Supervisor if they are unable to comply with paragraph (B) above. The Supervisor will determine the course of action to be taken.
- D. EXCEPTION: An exception may be made to this section if the employee can justify the fact that the use of intoxicants was a necessary part of an investigation.

### **PERSONAL INVOLVEMENT IN INVESTIGATIONS**

No employee will pursue any investigation in which they or their immediate family or close personal friends are involved as suspects, witnesses, or victims without the knowledge or approval of their assigned Supervisor.

### **TRUTHFULNESS**

An employee shall be truthful and complete in all written and verbal reports and statements pertaining to Bureau business and their Bureau-related activities.

### **VISITING PROHIBITED ESTABLISHMENTS**

An employee shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, State of North Carolina, or the local jurisdiction are regularly violated, except in the performance of duty or while acting under specific orders.

### **INFORMATION RESOURCE ACCESS**

- A. Employees of the Department of Justice (DOJ), will have access to Information Resources that are confidential in nature. All information, and data processing systems to which employees are given access are only to be used for the conduct of activities authorized by the Department. Furthermore, the use of these resources must be conducted according to the policies, standards, and procedures instituted by the Department. Unauthorized use of information resources may constitute a violation of State or Federal laws. In addition, unauthorized use or disclosure of information or data processing systems will result in disciplinary action consistent with the policies and procedures of the State Personnel Commission and the Department of Justice.
- B. All computer software and related documentation, developed by the Department's

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employees or contract staff, remains the exclusive property of the State of North Carolina Department of Justice. Unauthorized disclosure or distribution of computer software or related documents will result in disciplinary action consistent with the policies and procedures of the State Personnel Commission and the Department of Justice.

- C. The State reserves the right to monitor and log all network activity, including e-mail, with or without notice, and that users should have no expectation of privacy in the use of these resources.
- D. Software obtained from sources outside of the Department is subject to license agreements that may restrict the right to copy the software. Copies of software can only be made for backup purposes unless specifically authorized, in writing, by the owner of the rights to the software product. Violation of copyright protection is a violation of Federal legislation and Department policy.
- E. The installation and use of personal software, on state owned devices is not permissible without prior approval of the IT Division head.

#### USE OF THE INTERNET

- A. Acceptable Use:
  - 1. Communication and information exchange directly related to the mission or work tasks of the Department of Justice.
  - 2. Personal use as described in the Department of Justice policy on *Use of the North Carolina Integrated Information Network and the Internet*.
  - 3. Announcement of new laws, procedures, policies, rules, services, programs, information, training, or other work-related activities.
  - 4. Research of legal issues using the research system provided by Lexis-Nexis via the Internet, as well as other legal research links.
  - 5. Communication and exchange for professional development and education of Department of Justice employees.
  - 6. Communication of other administrative information, including the exchange of non-confidential databases.

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7. Research and collection of information during the course of criminal investigation.

**B. Unacceptable Use:**

1. Any purpose that would violate a Federal or North Carolina law or regulation including copyright laws.
2. Any purpose that would allow unauthorized access to confidential data
3. Any purpose that would compromise public safety or public health.
4. Use for for-profit activities, including commercial advertising, unless specific to the mission or work tasks of the Department of Justice.
5. Use for accessing or distributing indecent or obscene material, unless specifically authorized during a criminal investigation by the District Special Agent in Charge or Unit Supervisor.
6. Use for fund raising or public relations activities not related to the mission or work tasks of the Department of Justice.
7. Engage in any activity which is deliberately and maliciously offensive, libelous, or slanderous.
8. Install or download any software
9. To gain inappropriate access “hacking” to another system outside the DOJ network.
10. Storing non-departmental data or information on departmental physical devices (disks, servers) streaming audio, video, and push technologies and bandwidth intensive and are not a legitimate use of network.

**C. Undercover Usage of Internet**

1. All undercover usage of the Internet must have specific documented permission of the district Special Agent in Charge or Unit Supervisor.
2. All undercover activities on the Internet will be documented in an official

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SBI report.