Clayton County Police Department

PROCEDURES

Subject			Procedure #
LAW ENFORCEMENT ROLE & AUTHORITY, OATH OF OFFICE & ETHICS			**A1**
Authorizing Signature 	Effective **10-27-2025**	☐ New ☒ Amended ☐ Rescinds	Total Pages **7**

I. PURPOSE

The purpose of this policy is to reaffirm the Clayton County Police Department's role and authority. Furthermore, to establish a formal process for administering the Oath of Office to incoming law enforcement officers, and ensuring that all employees understand the Department's Oath of Office and/or Code of Ethics, specific to their position.

II. POLICY

It is the policy of the Clayton County Police Department (CCPD) to provide all employees, sworn and non-sworn, with guidance and resources to perform duties ethically, consistent with standards established by the Department. All employees must follow all applicable rules, laws, and the Department's written directives, including their respective Code of Ethics, while sworn personnel must also take a legally binding Oath of Office, emphasizing the nature of their role and ethical responsibilities tied to their legal authority.

III. DEFINITIONS

Ethics: Ethics are defined as the moral principles and values that guide the behavior of an individual or group.

Non-Sworn Personnel: Non-sworn (or civilian) personnel, are employees of the Clayton County Police Department (CCPD) who perform crucial administrative and specialized tasks that do not require the legal authority of a sworn officer. These include roles like, records clerks, crime analysts, crime scene technicians, dispatchers, animal control officers, social workers, etc.

Sworn Personnel: Sworn personnel are employees of the Clayton County Police Department (CCPD) who have taken an Oath of Office and are Georgia Peace Officer Standards and Training (POST) certified. This grants them full law enforcement authority, including the power to make arrests within the jurisdictional limits of Clayton County. This differentiates them from non-sworn (or civilian) personnel within the Department, who do not have this law enforcement authority.

Written Directive: Any written or electronic document used to guide or affect the performance or conduct of employees. The term includes Policies and Procedures (P&Ps), General Orders (GOs), Memorandums (Memos), Rules and Regulations (R&Rs), Instructional Materials and any other item that is approved by the Chief of Police, and distributed to employees of this Department.

IV. AGENCY ROLE

A. The role of the Clayton County Police Department is best stated by the Department's Mission and Vision Statements.

Mission Statement: To serve and protect all citizens with excellence.

Vision Statement: The Clayton County Police Department is dedicated to establishing safer communities by building trust and confidence through professionalism and collaborations.

B. The Clayton County Police Department will establish goals and objectives to ensure the direction of the Department is consistent with its mission statement.

The goals and objectives of the Department are outlined in the *Clayton County Police Department's Strategic Plan*.

The *Clayton County Police Department Strategic Plan* can be viewed from the CCPD's Internet Site (https://www.claytonpolice.com/) or by clicking on the link (shown below).

https://www.claytonpolice.com/wp-content/uploads/2023/12/Strategic-Plan-2023-2026.pdf

See also CCPD SOP: *B3: Planning & Research*.

C. The Clayton County Police Department's Core Values and Tenets of Conduct are very important in reminding personnel that they have a duty to represent the Department, community and law enforcement in a positive manner with their actions, interpersonal contact, and level of service. All personnel shall abide by the *CCPD's Core Values* and conduct themselves in accordance with the *CCPD's Tenets of Conduct*.

Core Values: The Department's Core Values support the Clayton County Police Department's mission to serve the community and build public trust. By putting these principles into practice, employees can improve community relations and ensure effective public service.

Commitment: A promise to be loyal to a set of values, a code of ethics, an oath, or a sworn duty.

Honor: A high moral standard of behavior.

Integrity: Having the personal dedication to always do the right thing.

Transparency: Not being afraid to have your actions and conduct examined or put under scrutiny.

Professionalism: The skill, appearance, good judgment and behavior that is expected from an employee who represents the Clayton County Police Department.

Tenets of Conduct: These guidelines emphasize treating people with respect, seeking positive solutions, representing the profession well, and providing excellent service to the community.

1. Treat each other and the community with respect.
2. Think of a problem as just an opportunity to find a solution.
3. Be a positive representative of the Department, the community and the law enforcement profession, both on and off duty.
4. Service the community as you would want a family member to be serviced.

D. The purpose of the Clayton County Police Department is to enforce the law fairly and firmly; to prevent crime; to pursue and bring to justice those who break the law; to keep the peace; to protect, help and serve the people of Clayton County; and to do all of this with integrity, common sense and sound judgment.

E. Standards of Conduct

1. Employees must be compassionate, courteous and patient, acting without fear or favor or prejudice to the rights of others.

2. Officers must be professional, calm and restrained in the face of violence and use only that force which is reasonable and necessary to accomplish their lawful duty.
3. Officers must strive to reduce the fears of the public and, so far as they can, to reflect their priorities in the action's they take.
4. Employees must respond to well-founded criticism with a willingness to change.
5. Officers must support and uphold the Constitution of the United States of America and the Constitution of the State of Georgia.
6. Employees must discharge their duties consistent with the Department's Oath of Office and/or the Code of Ethics specific to their position.

V. OATH OF OFFICE & CODE OF ETHICS

All personnel shall perform their duties ethically, with due diligence, and in compliance with all applicable laws, rules, and written directives of the Department. Sworn personnel are bound by their Oath of Office and the Policing Code of Ethics, while non-sworn personnel must adhere to a different Civilian Code of Ethics that still emphasizes integrity, fairness, and responsibility to the public and the Department.

A. Oath of Office [CALEA 1.1.1]

1. The Oath of Office is established by the Georgia Association of Chiefs of Police (GACP) and adopted by this Department.
2. All sworn personnel of this Department shall upon employment as certified peace officers by the Georgia Peace Officer Standards and Training (POST) Council, be administered the Oath of Office by the Chief of Police or authorized designee. Sworn personnel must swear or affirm to support and defend the Constitution of the United States of America and the Constitution of the State of Georgia.
3. Sworn personnel will read the Clayton County Police Department's Oath of Office Form (see Appendix A of this policy) and request clarification on any points they do not understand. By signing the form, sworn personnel formally agree to abide by the principles and duties outlined in the Oath of Office.

   Officers will sign the form exactly as their name appears on it, after taking their Oath of Office. A notary public will notarize the officer's signature on the form and complete the notarial certificate. The signed form shall be placed in the employee's personnel file and a copy provided to the employee.
4. The Oath of Office will be administered to the Department's Police Recruits after they have successfully completed all of the required training at the Clayton County Police Academy (CCPA), but before they are assigned to field training.
5. There is no Oath of Office for non-sworn personnel.

B. Code of Ethics [CALEA 1.1.2]

Adherence to a Code of Ethics is a cornerstone to a successful career within the Department.

1. Policing Code of Ethics
   a. Sworn personnel shall abide by the Policing Code of Ethics established by the International Association of Chiefs of Police (IACP) and adopted by this Department.
   b. All sworn personnel of this Department shall upon employment read the Clayton County Police Department's Policing Code of Ethics Form (see Appendix B of this policy) and request clarification on any points they do not understand. By signing the form, sworn personnel agree to abide by a set of principles and guidelines that govern their professional conduct and personal life.

Sworn personnel will sign the form exactly as their name appears on it. A witness will also sign the form, below the employee's signature. The signed form shall be placed in the employee's personnel file and a copy provided to the employee.

2. Civilian Code of Ethics

   a. All non-sworn personnel of this Department shall upon employment read the Clayton County Police Department's Civilian Code of Ethics Form (see Appendix C of this policy) and request clarification on any points they do not understand.

   b. By signing the form, non-sworn personnel agree to abide by a set of principles and guidelines that govern their professional conduct and personal life.

   Non-sworn personnel will sign the form exactly as their name appears on it. A witness will also sign the form, below the employee's signature. The signed form shall be placed in the employee's personnel file and a copy provided to the employee.

VI. TRUTHFULNESS

A. Employees shall be truthful in all matters and shall not lie, falsify, conceal, purposely distort, diminish, embellish, or fail to fully disclose facts associated with any departmental business.

B. All employees, regardless of position, duty assignment or rank, are representatives of the Department. Therefore, each employee is expected to conduct departmental business without intentional, malicious, deceptive conduct. Such conduct may take one (1) or more of the following three (3) forms:

   1. Deceptive action in a formal setting (e.g., testimony during hearings or court proceedings; statements provided or submitted during administrative questioning or internal affairs investigations; documentation during completion of County or departmental forms and/or reports; etc.);

   2. Failure to bring forward information about another employee involved in criminal behavior or egregious violations of departmental policy; or

   3. Creation of false evidence that tends to implicate another person in a criminal act.

   Intentional, malicious, deceptive conduct in any of these forms may permanently destroy an employee's credibility as well as damage the public's trust of the Department.

C. Any employee guilty of intentional, malicious, deceptive conduct may face disciplinary action, up to and including termination.

VII. AGENCY AUTHORITY AND LIMITS THEREON

The Department's statutory or legal basis is as follows:

A. Article IX, Section II, Paragraph I (a) of the Georgia Constitution states that the governing authority of each county shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with the Constitution or any local law applicable thereto.

B. Article IX, Section II, Paragraph III (a) (1) of the Georgia Constitution states that in addition to and supplementary of all powers possessed by or conferred upon a county, the county may exercise police powers and provide police protection.

C. Section 36-8-1 of the Official Code of Georgia Annotated (O.C.G.A.) states that the county governing authority shall have authority to elect or appoint such number of county police as in its discretion it deems proper, provided that the county governing authority complies with the provisions of this Code section.

D. The Clayton County Police Department is a legally constituted government entity having mandated responsibilities to enforce state and local laws having personnel utilizing general and specific law enforcement powers as authorized by State law. Clayton County Police officers are authorized representatives of the Clayton County Police Department.

E. The sworn officers of the Clayton County Police Department are empowered to enforce the laws of the State of Georgia within the boundaries of the County. They also have the authority to cite for violations of County ordinances that apply to all land within the jurisdiction of unincorporated Clayton County, being all portions of the County not in the ownership of the municipal, state, or federal government and to any area for which the Clayton County Board of Commissioners has jurisdiction consistent with the provisions of Georgia law. All sworn officers shall be responsible for the use or misuse of delegated authority.

F. Power of Arrest

1. Powers of County Police Generally: Pursuant to O.C.G.A. § 36-8-5, under the direction and control of the county governing authority, the county police shall have:

   a. The same power to make arrests and to execute and return criminal warrants and processes in the county of their election or appointment only, as sheriffs have; and

   b. All the powers of sheriffs as peace officers in the county of their election or appointment.

   By virtue of the above-cited code section, the sworn officers of the Clayton County Police Department have jurisdiction to enforce the laws of the State of Georgia within the jurisdictional limits of the County, including municipalities.

2. Although sworn officers have jurisdiction within the city limits of the incorporated areas of the County, pursuant to O.C.G.A. § 36-8-5, every attempt shall be made to allow the respective city agency to take control of situations encountered by a County Officer in an incorporated area. See also CCPD SOP: *A8: Criminal Process & Arrest Procedures*.

VIII. POST CERTIFICATION INFORMATION

The Georgia Peace Officer Standards and Training Council (hereinafter referred to as “POST”) was established in 1970 by the Georgia General Assembly as a regulatory body. POST is responsible for the certification and regulation of Georgia's peace officers and other various public safety personnel. Additionally, POST is responsible for establishing the minimum training standards and curriculum of the personnel certified by the agency. Before POST will certify a candidate as a peace officer, the candidate must meet certain minimum standards for employment. These requirements are outlined in O.C.G.A. § 35-8-8.

A. Sworn officers must comply with POST certification and/or registration requirements in order to perform as peace officers in the State of Georgia. Each officer is required to have POST certification and/or registration to have arrest powers in the State of Georgia.

B. POST holds the authority to take disciplinary actions against peace officers, including revoking or suspending their certifications or registrations. These actions are taken when officers violate laws, ethical standards, training requirements, or departmental policies.

C. Information on the Recertification Process & Dealing with Expired Certifications

1. POST has voted to end the recertification requirement for all POST certified peace officers, effective January 1, 2022. There will be no further recertification process. However, those POST certified officers whose certifications have already expired will be required to complete the following courses in order to remove the expired status:

   a. Classroom or Online Instruction:

      1) Legal Update;
      2) Use of Force;

3) De-escalation; and
4) Community Oriented Policing.

b. Skills Demonstration: Officers must demonstrate proficiency in firearms by completing Georgia's Standard Qualification Course for Firearms Requalification with GA POST-Certified Firearms Instructor.

2. POST also recommends the returning officer take the sixteen (16) hour Georgia Criminal Law course either at the Georgia Public Safety Training Center (GPSTC) or from a POST certified instructor.

3. Upon determination that the courses have been passed and that there are no other issues with the officer's certification, POST will remove the expired status.

D. Sworn officers are ultimately responsible for maintaining their POST certification. Failure to renew or maintain certification can expose both the officer and the Department to potential criminal and/or civil liability. For instance, failing to complete in-service training requirements can lead to loss of arrest powers, and possibly even emergency suspension of certification. Dependent upon the circumstances, any officer who allows their certification to expire may face disciplinary action, up to and including termination.

E. **Each officer can view their certification status by checking their training records via the GPOSTC website or by clicking on the following link:** www.gapost.org. Click the "POST Data Gateway" link on the top left side of the page and log in. Once logged in, click the "Demographics" link; this link will display the Officer's Information (i.e., O-key number and officer's last name), Annual Training Dashboard, Demographics, Officer Certifications, Employment History, Mandated Training History and Training History.

F. In-Service Training

In-Service Training shall provide employees with continuous and on-going instruction designed to enhance, refresh and update job related knowledge, skills and abilities. A minimum of twenty (20) hours of In-Service Training is required of all sworn personnel each year (by December 31st each year) by the State of Georgia and POST. The Department recommends that each officer receive a minimum of forty (40) hours of in-service training annually. This requirement can include the twenty (20) hours as required to meet state mandate.

IX. POST CERTIFICATION STATUS CHANGE NOTIFICATIONS

POST rules regarding officer records being updated and disciplinary actions being reported:

A. Applications to be Permanent Records: Responsibility to Keep Current: All certification applications under these rules shall be a permanent record. Should any change occur after certification that would require a different answer to any question in the application, to include change of address, or any supporting document that is made as part of the application, such change must be reported, by the officer, as an amendment to the application within thirty (30) days of the date of the occurrence of such change. Hiring, promotions, termination of employment and other changes in the employment status of a certified officer is the responsibility of the agency to report within fifteen (15) days of the occurrence of such change in status.

B. Notification of Disciplinary Action: Any applicant/candidate for certification or person certified pursuant to O.C.G.A. Title 35, Chapter 8, who has disciplinary action taken against them by any agency, organization, or department of this State, a subdivision or municipality thereof, or federal, shall notify POST Council within fifteen (15) days of said action. For purposes of the fifteen (15) day time limit, evidence that notification was mailed within fifteen (15) days shall be sufficient. Disciplinary action as used herein means any action taken by any municipal, county, state or federal agency against a certified officer, which meet any of the following criteria:

1. Arrest by local, state, or federal authorities;

2. Suspensions, in totality, of thirty (30) days or longer for singular incidents of misconduct, demotions (other than for administrative purposes), termination by employing agency, or resignations in lieu of terminations;
3. Indictments of presentments in any local, state or federal courts; or
4. Conviction or bond forfeiture, in any local, state or federal court. The term "conviction" shall include a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon.

   Minor traffic citations written to a certified officer need not be reported to POST.

C. Notification Required by Employing Agency: Employing agencies shall inform POST in writing within fifteen (15) days of any applicant/candidate for certification or certified officer arrest.

D. Supervisor Notification: Sworn personnel shall immediately, and without delay, notify their immediate supervisor of any circumstance that has, may or will affect the current status of their POST certification, ability and authority to operate a County vehicle, or when they become aware of a POST certification status change. After such notification, the affected officer shall immediately notify the Chief of Police in writing, via chain of command, of the circumstances and change in POST certification status.

   The following circumstances require immediate notification as outlined above:

   1. When the POST certification of an affected officer is suspended or revoked for any reason;
   2. When the driver's license of an affected officer is suspended or revoked for any reason;
   3. When an officer is arrested for any crime;
   4. When an officer is arrested for any serious traffic offense in which a physical arrest occurs; and
   5. Any other circumstance, which could affect their POST certification and/or ability to perform their job duties.

X. TRAINING

A. Newly hired employees shall receive mandatory training on legal compliance, which will include ethics, this is part of the overall New Employee Orientation program offered by the County Human Resources (HR) Department. This training must be completed within sixty (60) days of being hired.

B. Newly hired police recruits for the Department receive mandatory ethics training as part of their initial Police Academy instruction.

C. After completing the police academy, graduates enter a Field Training Program with an experienced Field Training Officer (FTO), where they apply their skills and knowledge in real-life situations under close supervision of their FTO.

D. All personnel will receive new and updated written directives via PowerDMS.

   1. Employees shall review the written directives distributed to them.
   2. Employees shall seek clarification from their immediate supervisor or chain of command if any part of a written directive is unclear.

E. All employees will be required to take ethics training as mandated by the Department, County, POST, or other relevant entities. Ethics training can be in the form of classroom, roll call training, shift briefing, computer-based training and bulletins, or any combination of methods as determined by the Department, unless other mandates or requirements are in place.

XI. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *A1: Department Role & Authority*, dated August 1, 2022.