


<u>ADMINISTRATIVE REGULATION</u>  COLORADO DEPARTMENT OF CORRECTIONS	REGULATION NUMBER 1450-01	PAGE NUMBER 1 OF 10
	CHAPTER: Staff Personnel	
	SUBJECT: Staff Code of Conduct	
RELATED STANDARDS: ACA Standards 2-CO-1C-04, 2-CO-1C-20, 2-CO-1C-24, 4-4063, 4-4069, and 4-4120 OPR: EDO	EFFECTIVE DATE: July 1, 2005	
	SUPERSESSION: 02/01/05	
	Joe Ortiz Executive Director	

I. POLICY

It is the policy of the Department of Corrections (DOC) that staff are to have honesty, integrity, and respect for the worth and individuality of human beings as well as a strong commitment to professional and ethical correctional service. Staff must constantly strive to live up to the highest possible standards of their profession and to incorporate and adhere to the January 15, 1999 Executive Order, "Executive Department Code of Ethics," as its ethical performance standard. **[2-CO-1C-04] [4-4069]**

II. PURPOSE

It is the purpose of this administrative regulation to disseminate the referenced executive order to ensure that all staff, contract persons, ***volunteers***, or persons from other agencies whose assignment is primarily on the premises of DOC facilities, centers or offices, ***have read and adhere to the order. [4-4120]*** This administrative regulation and executive order (Attachment "A") provide staff with rules and standards governing their conduct as correctional professionals.

III. DEFINITIONS

- A. Code of Conduct: A coherent and documented set of standards with enforceable sanctions and protection (e.g., corrective, disciplinary actions with due process). **[2-CO-1C-04]**
- B. Conduct Unbecoming: Includes any act or conduct either on or off duty, which negatively impacts job performance, not specifically mentioned in administrative regulations which tends to bring the DOC into disrepute or reflects discredit upon the individual as a correctional staff member.
- C. Employee Identification Card: The DOC will issue an ID card to staff upon hire which will be utilized to grant access into their assigned facility. The ID card is the property of the CDOC and may not be altered. The front of the ID contains: date of birth, height, weight, color of hair and eyes, sex, employee ID number, and indicates "This badge is property of the Colorado Department of Corrections and must be returned upon termination of employment."

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- D. Family Member of an Offender: Any person related to an offender by blood or by marriage. This may include, but is not limited to: spouse, children, stepchild, adopted child, foster child, parents, stepparents, adoptive parents, foster parents, brother, sister, niece, nephew, cousin.
- E. Former Offender: A person who has been found guilty of committing a felony, has been sentenced to any DOC, and less than three years have elapsed since his/her release from custody.
- F. Offender: Any individual under the supervision of the criminal justice system to include community correction clients, parolees, correctional clients, probationers, or youthful offender system residents.
- G. Official Investigation: Includes, but is not limited to: an investigation conducted by the Office of the Inspector General.
- H. Sexual Misconduct: Any behavior or act of a sexual nature, directed toward anyone by another person. Sexual misconduct includes, but is not limited to: acts, threats, requests for sexual acts, or attempts to commit acts such as sexual harassment, sexual contact, obscenity, behavior of a sexual nature or implication of the same, inappropriate sexual comments, taking or soliciting photographs/pictures of a person's nude breasts, genitalia or buttocks, indecent exposure, invasion of privacy for sexual gratification, sexually harassing comments or language, inappropriate touching or incidents of intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks or other body parts with the intent to abuse, arouse, or gratify sexual desire or incidents of indecent exposure of breasts, genital areas, or other body parts, even with consent in a penal institution.
- I. Staff: DOC employees (temporary or permanent), volunteers, contractors, on-site vendors, and persons from other agencies/organizations/businesses whose assignment is primarily on the premises of DOC facilities, centers, or offices, regardless if property is owned by the state of Colorado.
- J. Workplace (Environment): Includes, but is not limited to: DOC owned or leased facilities, property, or any other location where a DOC staff is serving as a representative of DOC, including off-ground work sites, whether staff are on or off duty.
- K. Workplace Harassment: A course of conduct which results in an intimidating, hostile, or offensive environment.

IV. PROCEDURES

The following rules and standards are included, but not limited to: accepted principles, expressing in general terms the ***conduct expected of DOC staff. Violations of these principles may result in corrective or disciplinary action. [2-CO-1C-04]*** Failure to adhere to these rules and standards may also adversely affect the safety and security of the facility and the general public. The Department reserves the right to monitor staff activity in order to ensure compliance with this administrative regulation. Violations of these principles may result in an investigation, as defined in administrative regulation 1150-04, *Professional Standards Investigations*.

- A. Staff, offenders, and their families shall be treated professionally, regardless of age, sex, race, national origin, sexual orientation, religious affiliation, disabilities/handicaps or offenders' criminal history.

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- B. Excessive physical force or verbal abuse of offenders by staff will not be permitted, nor will physical/verbal force be used beyond that necessary to control an offender or to enforce legitimate and legal commands.
- C. Staff will not exchange special treatment or favors or make threats for information from offenders.
- D. Staff may not knowingly maintain social, emotional, sexual, business, or financial associations with current offenders, former offenders, or the family and/or friends of offenders. Prohibited activities include, but are not limited to: telephone calls, letters, notes, or other communications outside the normal scope of employment. **[2-CO-1C-24]**
1. Staff shall not directly or indirectly give to or accept from any offender, or member of the offender's family, anything in the nature of a gift or promise of a gift.
 2. Staff shall not wager or engage in any unauthorized game, contest, or sport with any offender.
 3. During the performance of their duties, or as representatives of the DOC, staff may not sign any petition, letter, affidavit, or recommend in any way to the courts or representatives of the courts, leniency, pardon, probation, parole, or any other form of criminal case disposition on behalf of an offender.
 4. Any exceptions to the above, or when these individuals are immediate family members of the staff person, must be approved in writing by the appropriate appointing authority who will forward copy to the Inspector General's Office. Relationships include:
 - a. The staff with an offender.
 - b. The staff with a family member of an offender.
 - c. A family member of the staff with an offender.
 - d. A family member of the staff with family member of an offender.
- E. Horseplay between staff, or staff and offenders, is prohibited. Horseplay includes, but is not limited to: wrestling, pushing, chasing, or practical jokes.
- F. Staff shall not discuss with offenders their personal lives or another staff's personal life.
- G. Staff are prohibited from aiding or abetting an escape or an escape attempt. Staff are under a duty to report any information regarding evidence of plans to escape, escape attempts, or actual escapes to their appointing authorities immediately.
- H. Staff shall not bring into or carry out of a facility any items for offenders. The introduction of any items of contraband into any DOC property is prohibited and may be criminally prosecuted.

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- I. All items received or purchased from offenders, or given to offenders, will be through officially sanctioned and documented channels and will have prior approval of the appointing authority. **[4-4069]**
- J. Professional relationships with colleagues will be of such character as to promote mutual respect, assistance, consideration, and harmony within DOC and with other agencies.
- K. Dating/romantic/sexual relationships between a supervisor and staff who is within the direct supervisory chain of command of the supervisor, or when the supervisor is in a position to influence the employment status of the staff member, is prohibited.
- L. Supervisors shall not accept gifts, money, or favors from staff under their supervision. Minor value gifts (e.g., Christmas, birthday, retirement) or collections for flowers or gifts are permitted.
- M. Staff shall avoid situations which give rise to direct, indirect, or perceived conflicts of interest. **[2-CO-1C-24] [4-4069]**
- N. Any action on or off duty on the part of DOC staff that jeopardizes the integrity or security of the Department, calls into question the staff's ability to perform effectively and efficiently in his/her position, or casts doubt upon the integrity of the staff, is prohibited. Staff will exercise good judgment and sound discretion.
- O. Gambling (as per CRS 18-10-102) is not allowed on DOC premises or while on duty. Illegal gambling is prohibited at all times.
- P. Staff will not accept any gifts, presents, subscriptions, favors, gratuities, or promises that could be interpreted as seeking to cause staff to compromise their official duties. Staff will not accept private or special advantage from their official status as DOC staff. **[2-CO-1C-24] [4-4069]** Department of Corrections credentials, uniforms, identification cards, or badges may not be used to coerce, intimidate, or deceive others or obtain any privilege or article not otherwise authorized in the performance of official duties.
- Q. Uniforms or identifiable portions thereof, are not to be worn outside DOC for recreational purposes, outside employment, in any business serving alcohol as a main source of income, during any political campaign, or while purchasing or publicly consuming alcohol.
- R. When staff leave the employment of the DOC, all uniform pieces originally issued by the DOC are to be returned for appropriate disposal. Uniforms shall not be given or sold to non-DOC agencies or employees.
- S. Staff shall not bear false witness against other staff or offenders.
- T. Staff will not engage in acts of corruption, bribery, indecent, or disorderly conduct, nor will staff condone such acts by other staff.
- U. When a staff member is the subject of an external investigation, has been arrested for, charged with, or convicted of any crime or misdemeanor (except minor traffic violations), or is required to appear as a

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defendant in any criminal court, that staff member will immediately inform and provide a written report to his/her appointing authority who shall inform the IG's Office.

- V. Staff will not knowingly associate or deal with persons who are known or suspected to be involved in illegal activities.
- W. All incidents which may constitute a felony or appear to be of a criminal nature, or which involve staff/offender relationships shall be referred immediately to the IG for review, prior to inquiry or investigation. In such cases, the IG will make the decision as to when the subject of the inquiry or investigation is notified of the details of the misconduct. The executive director may require that an investigation be conducted by other DOC staff not assigned to the IG's Office, or by an outside agency.
- X. Staff shall neither falsify any documents nor willfully depart from the truth, either in giving testimony or in connection with any official duties or official investigation.
- Y. During the course of an official DOC investigation, staff shall cooperate fully by providing all pertinent information that they may have. Full cooperation involves responding to all questions and providing a signed statement or affidavit, if requested.
- Z. Staff shall politely give their names and assignments when requested to do so, unless such action is likely to jeopardize the successful completion of an assignment.
- AA. Staff shall not interfere with any legal investigation or fact-finding process, nor with the operation of any other work unit of DOC. Staff are prohibited from attempting to hinder or influence, in any manner, the testimony or information to be given by any witness, or potential witness, in an investigation or administrative proceeding.
- BB. Whenever any staff appears in court on DOC business, staff shall attend punctually and dressed in the appropriate DOC uniform or business attire.
- CC. Staff are required to remain fully alert and attentive during duty hours.
- DD. Staff shall report within 24 hours to their appointing authority, supervisor, and Human Resource Office any change in their address and/or telephone number. If a post office box is used, the "physical" address must also be provided.
- EE. Staff are required to report to work at the time scheduled, unless prior arrangements are made with their supervisor. Staff who are too ill to work will provide the supervisor with as much notice as possible, not less than two hours prior to their scheduled shift. Staff who must miss a scheduled shift for reasons such as court appearances or promotional exams, must give their supervisors prior notice (when staff receive notice), or the next work day.
- FF. There is an obligation to be accountable and efficient in the use of state resources. Staff shall not use or allow the use of state time, supplies, or state-owned or leased property and equipment for their private interests. Loss, misuse, misplacement, theft, or destruction of state property must be reported to the appropriate supervisor immediately. Staff shall not appropriate any lost, found, evidential,

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offender, or DOC property to their own personal use. Staff shall photocopy multiple-paged documents on both sides of paper whenever possible.

GG. State Vehicle Usage

1. Staff not possessing a valid state of Colorado driver's license are prohibited from operating a state-owned/leased vehicle or a state-owned commercial motor vehicle. Staff operating such vehicles are charged with and responsible for the safe operation and prompt, accurate, reporting of any accident involving the vehicle. Accidents, or mechanical and/or maintenance problems, shall be reported to staff's supervisor by the next working day.
2. Staff assigned state vehicles cannot use personal vehicles to conduct official business without prior authorization of the appointing authority, or designee. Staff are not insured by the state while driving personal vehicles on state business.
3. Visitors are not allowed to drive or ride in a state vehicle, without prior approval from the appointing authority, appropriate director, or executive director.
4. Staff designated to carry firearms shall be responsible for ensuring personal or state issued ammunition and/or firearms are secure at all times and are not left in a state vehicle, unless placed in a secure lock box.

HH. Staff shall comply with and obey all DOC administrative regulations, procedures, operational memorandums, rules, duties, legal orders, procedures, and administrative instructions. Staff shall not aid, abet, or incite another in the violation of administrative regulations, procedures, operational memorandums, rules, duties, orders, or procedures of the DOC. Failure to obey any lawfully issued order by a supervisor, or any disrespectful, mutinous, insolent, or abusive language or actions toward a supervisor is deemed to be insubordination.

II. Verbal or physical altercations between staff in the workplace are unacceptable practices. While on or off duty, staff are required to maintain a considerate, cooperative, and cordial relationship toward fellow staff. Any DOC staff member who becomes aware of threats against non-offenders, or allegations of threats against non-offenders, shall report such to the Inspector General's Office for possible investigation.

JJ. Staff who are involved in, or are a material witness to, a use of force incident are required to provide a complete factual account of their actions and/or observations of the incident, as outlined in administrative regulation 100-07, *Incident Reporting*.

KK. Staff shall not disclose information ranging from personal data concerning staff and offenders to information which would breach security or unduly endanger any person, unless directed to do so by the executive director, or designee. Staff receiving such a request for information will report the inquiring party to their appointing authority. Staff will not use, or release for use, official information for private purposes. Staff will not remove from files or make copies of records, or documents, except in accordance with established procedures, or upon proper authorization.

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- LL. Staff are required to provide complete and accurate information on their employment/promotional application and supporting documents.
- MM. Former staff members will be granted access only to DOC information available to other members of the public.
- NN. In any public statement, staff will clearly distinguish between those that are personal views and those that are positions on behalf of the DOC.
- OO. Workplace harassment in any form will not be tolerated.
- PP. Any behavior of a sexual nature whether verbal, nonverbal, or physical is strictly prohibited. Examples of such acts include, but are not limited to: telling jokes of a sexual nature, making reference to one's sexual life or preference, making suggestions to staff of a personal nature, use of profanity, and offensive touching.
- QQ. Displaying, reading, publicizing, or bringing any materials of a sexual nature into the workplace, such as pictures, posters, calendars, graffiti, objects, reading materials, or other materials that are sexually revealing, suggestive, demeaning, or sexually explicit are prohibited.
- RR. Acts of sexual misconduct against offenders or retaliation against offenders who refuse to submit to sexual advances is a crime, regardless of consensual nature. All cases will be referred to the IG and if appropriate, the IG will refer to the district attorney for prosecution. Further, retaliation against individuals because of their involvement in the reporting or investigation of a sexual misconduct complaint is prohibited.
- SS. Staff who receive any information, from any source, concerning sexual misconduct or who observe incidents of sexual misconduct, are required and have a duty to immediately report the information or incident directly to the appropriate appointing authority. The appointing authority will report it immediately to the Office of the Inspector General.
- TT. Use (including under the influence) of alcohol or illicit drugs, or the misuse of prescription drugs, while on duty is prohibited. Illegal **possession**, manufacture, **use**, sale, or transfer **of a controlled substance is prohibited** and may be subject to prosecution, **except in the performance of official duties [2-CO-1C-20] [4-4063]** and with prior written authorization of the executive director. Failure to submit to a urinalysis/intoximeter or saliva screening, when requested for DOC drug or alcohol testing, may result in corrective or disciplinary action, as per administrative regulation 1450-36, *Employee Drug Deterrence Program* and administrative regulation 1150-04, *Professional Standards Investigations*.
- UU. The executive director, inspector general, or appointing authority may require an intoximeter, saliva screening, blood, urine, psychological, or medical examination of DOC staff, if it is believed that such examination is necessary for the purposes of determining the fitness of the staff member to perform his/her duties or for the safety of other staff.
- VV. Staff who receive information regarding criminal activity or misconduct shall refer to administrative regulation 1150-04, *Professional Standards Investigations*.

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- WW. Any staff or personal website (non-DOC) placed on the Internet (World Wide Web) with information, photographs, or references to the DOC must be authorized, in advance, by the executive director. All content changes made to approved sites must be authorized, in advance, by the executive director (see AR 1350-01, *Public Information*, Attachment "C").
- XX. All staff shall sign the certificate of review and compliance (Attachment "B") which will be placed in the staff's permanent personnel record.
- YY. Whenever staff are contacted by anyone other than an investigator with the Inspector General's Office, the Attorney General's Office, or District Attorney's Office regarding any investigation or other allegations, staff should direct all inquiries to the Inspector General's Office, in the case of a criminal investigation.
- ZZ. Any act or conduct, on or off duty, which affects job performance and which tends to bring the DOC into disrepute, or reflects discredit upon the individual as a correctional staff, or tends to adversely affect public safety, is expressly prohibited as conduct unbecoming, and may lead to corrective and/or disciplinary action.
- AAA. All staff are prohibited from using or possessing tobacco, tobacco-related products, or tobacco substitutes in the workplace, as per AR 100-04, *Tobacco Use in Buildings and Vehicles*.
- BBB. Staff who receive a subpoena to appear in a civil or criminal case will notify their supervisor who will ensure that they are given sufficient time off to appear.
- CCC. Lost Employee ID Badges
1. Staff shall be held responsible for safe keeping of the ID badge and shall not alter it in any manner. If an ID badge is lost, misplaced, or stolen, it must be reported immediately to the first line supervisor and either the facility/office investigator or the Office of the Inspector General. The investigator or IG's Office will file a report, send out a DOCALL message, and enter the incident into CCIC (Colorado Crime Information Center). Replacements will be issued only with a supervisor's signed approval and a fee of \$25.00. Corrective or disciplinary action may be considered if a lost, misplaced, or stolen card represents carelessness or negligence on the part of the employee which may compromise the security of the building or facility.
 2. The DOC employee will make payment to either the facility cashier or to the facility liaison (also known as staff resource coordinator) or designated person for the cost of the replacement badge. Payment made to the facility liaison must be in the form of a check made payable to the Colorado Department of Corrections. The facility liaison will forward the check to the Canon City Business Office cashier or facility cashier. Cashiers may accept cash or personal checks.
- Receipts will be issued to an employee making payment to the facility cashier. The employee must present the receipt to the facility liaison as proof of payment prior to a replacement badge being issued.

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V. RESPONSIBILITY

- A. Appointing authorities shall ensure dissemination, training, and enforcement of this administrative regulation.
- B. Appointing authorities shall ensure that all staff, contract persons, volunteers, or persons from other agencies whose assignment is primarily on the premises of DOC facilities, centers, or offices, have read and adhere to this administrative regulation. **[4-4120]**
- C. All staff shall be familiar with and comply with the provisions of this administrative regulation.
- D. The director of Administration and Finance shall **review and update this administrative regulation annually. [2-CO-1C-20] [4-4063]**
- E. The Training Academy administrative head shall assure all new staff **receive a copy and** are trained on the contents of this administrative regulation during Basic Training, **and assure that Attachment "B" is signed by those staff. [4-4069]**

VI. AUTHORITY

- A. CRS 17-1-103. Duties of the executive director.
- B. CRS 18-10-102. Definitions.
- C. CRS 24-50-116. Standards of performance and conduct.
- D. Colorado State Fiscal Rules (July 1, 1990).
- E. Colorado State Personnel Rules.
- F. Executive Order, "Executive Department Code of Ethics," 1-15-99.
- G. CRS 18-8-401 through 18-8-409. Abuse of public office.
- H. CRS 18-8-308. Failing to disclose a conflict of interest.
- I. CRS 18-3-404. Unlawful sexual contact.
- J. CRS 18-7-701. Sexual conduct in penal institutions.

VII. HISTORY

February 1, 2004
February 1, 2003

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January 31, 2002
 October 15, 2001
 October 15, 2000
 March 1, 2000
 July 15, 1999
 February 15, 1999
 June 1, 1998

- ATTACHMENTS:
- A. Executive Order, "Executive Department Code of Ethics," 1-15-99
 - B. DC Form 1450-01B, Certificate of Review and Compliance
 - C. DC Form 100-1A, Administrative Regulation Implementation/Adjustments

D 001 99
EXECUTIVE ORDER
EXECUTIVE DEPARTMENT CODE OF ETHICS

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order adopting the following Executive Department Code of Ethics.

1. Purpose

Public confidence in the integrity of state government demands that public officials demonstrate the highest ethical standards at all times. Those who serve the people of the State of Colorado as public officials should do so with integrity and honesty, and should discharge their duties in an independent and impartial manner. At the same time, qualified individuals should be encouraged to serve in state government and have reasonable opportunities with all citizens to develop private economic and social interests. This Executive Order strives to accomplish these ends by providing standards by which the conduct of all who serve in the Executive Department of the State of Colorado can be measured.

2. Code of Ethics

All elected officers, appointees and employees of the Executive Department:

- (a) Shall serve the public with respect, concern, courtesy and responsiveness;
- (b) Shall demonstrate the highest standards of personal integrity, truthfulness and honesty and shall through personal conduct inspire public confidence and trust in government;
- (c) Shall not use public office to bestow any preferential benefit on anyone related to the officer, appointee or employee by family, business or social relationship;
- (d) Shall not disclose or use or allow others to use confidential information acquired by virtue of state employment for private gain;
- (e) Shall not accept any compensation, gift, payment of expenses or any other thing of value which would influence him or her to depart from the faithful and impartial discharge of his or her duties;
- (f) Shall not accept any compensation, gift, payment of expenses or any other thing of value as a reward for official action taken;
- (g) Shall not engage in outside employment unless: (1) the outside employment is disclosed to the Governor or, in the case of an employee, the employee's immediate supervisor; and (2) the outside employment does not interfere with the performance of state duties;
- (h) Shall not use state time, property, equipment or supplies for private gain;
- (i) Shall not knowingly engage in any activity or business which creates a conflict of interest or has an adverse effect on the confidence of the public in the integrity of government;
- (j) Shall carry out all duties as a public servant by exposing corruption or impropriety in government whenever discovered;
- (k) Shall support equal access and employment opportunities in state government for all of the State of Colorado;

(1) Shall comply at all times with the standards of conduct set forth in title 24, article 18 of the Colorado Revised Statutes.

3. Certification of Review and Compliance

“Principal departments” in this section 3 has the meaning set forth in section 24 - 1 - 110 of the Colorado Revised Statutes.

(a) All heads of principal departments and senior staff members of the Governor=s Office shall submit to the Board of Ethics, on or before January 30 of each year, a Disclosure of Gifts and Benefits Statement in the for attached as Exhibit C.

4. Board of Ethics

Pursuant to section 24 - 18 - 112 of the Colorado Revised Statutes, there shall be a Board of Ethics for the executive branch consisting of five members to be appointed by and to serve at the pleasure of the Governor. The Board of Ethics shall:

(a) Comment, when requested by the Governor, on each proposed gubernatorial appointment including the heads of the principal departments and the senior members of the Governor=s office based upon the provisions of title 24, article 18 of the Colorado Revised Statutes;

(b) Upon written request of the Governor, review complaints of any violation of the provisions of title 24, article 18 of the Colorado Revised statutes by an elected officer, appointee or employee of the Executive Department.

(c) Make written recommendations to the Governor concerning his requests; and

(d) Review appeals brought before the Board of Ethics pursuant to section 24 - 30 - 1003 of the Colorado Revised Statutes.

5. Past Executive Orders Superseded and Replaced.

The Executive Order of September 30, 1988 concerning ethics in the executive branch of government, as well as all previous Executive Orders concerning ethics in the executive branch, are hereby superseded and replaced by this Executive Order.

GIVEN under my hand and the
Executive Seal of the State of Colorado
This 15th day of January, 1999.

Bill Owens
Governor

COLORADO DEPARTMENT OF CORRECTIONS

CERTIFICATE OF REVIEW
AND COMPLIANCE WITH EXECUTIVE
ORDER ON ETHICS DATED

January 15, 1999

By my signature hereon, I _____ swear and affirm that I have read the Executive Order of January 15, 1999 and will abide by the Code of Ethics and Mandate of Governor Bill Owens set forth in that Executive Order.

Signature

Date

Printed name

Employee #

Witness

Date

ADMINISTRATIVE REGULATION
IMPLEMENTATION/ADJUSTMENTS

DC FORM 100-1A (09/94)

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(FACILITY/WORK UNIT NAME) _____
WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN NOT APPLICABLE WITH THE FOLLOWING ADJUSTMENTS TO MEET
LOCALIZED OPERATIONS/CONDITIONS

(SIGNED) _____ (DATE) _____
Administrative Head