

South Carolina Department of Public Safety

Office of the Director

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POLICY	400.09
EFFECTIVE DATE	MARCH 20, 2002
ISSUE DATE	JULY 15, 2005
SUBJECT	DISCIPLINARY ACTION FOR VIOLATION OF CRIMINAL JUSTICE AGENCIES' INFORMATION SYSTEMS [NCIC]
APPLICABLE STATUTES	S. C. Code of Laws §8-11-230, §8-11-690, R. 19-717 et al.
APPLICABLE STANDARDS	
DISTRUBTION	TO ALL EMPLOYEES

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN
EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.
THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR
ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE
CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR
ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR
INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY
CONTRACT OF EMPLOYMENT**

I. PURPOSE

Employees of the Department of Public Safety will conduct themselves in accordance with applicable laws, regulations, department policies and generally acceptable work behaviors. Employees in supervisory positions will set an example by their conduct, attitude and work habits.

The Federal Bureau of Investigation requires that agencies with operators having access to the FBI CJIS (Criminal Justice Information Service) system have a written disciplinary policy which address violations of NCIC (National Crime Information Center) policies.

This policy establishes disciplinary guidelines for Department of Public Safety personnel who violate SLED/CJIS, FBI/NCIC, federal or state laws, regulations, policies or procedures as they relate to records keeping, handling and release of law enforcement information and Department of Motor Vehicle driver license information. Employees should not construe any recommended actions contained herein to be a definitive course of action that the department will strictly follow when administering discipline.

II. POLICY

It is the policy of the department that disciplinary actions imposed for unacceptable conduct are imposed in a consistent and fair manner and generally follow a progressive disciplinary plan. Supervisors will consult with the Department's Office of Human Resources prior to imposing any corrective action or attempting to resolve any disciplinary matter, so that the particular circumstances of the behavior can be carefully

considered. Employees should not construe any recommended actions contained in this directive to be a definitive course of action that the department will strictly follow when administering discipline. The department reserves the right to impose any type of disciplinary action for any offense as it deems appropriate, including termination from employment for a first offense.

In addition, the department forbids dissemination of any information collected by criminal justice agencies used by department employees in the performance of official duties. Only those employees specifically authorized by the department may have access to computers housing information collected by the FBI CJIS, NCIC or access to SC Department of Motor Vehicles' driver license records and for only those purposes for which authorization was granted. Violators of this policy may be subject to disciplinary action under this policy and Policy 400.08, Disciplinary Action, which is fully incorporated herein by reference

III. VIOLATIONS

- A. Unauthorized dissemination of, receipt of, or access to the following information may result in disciplinary action
 - 1. Wanted person information
 - 2. Criminal history information
 - 3. Information compiled in the course of investigation of crimes that are known or believed on reasonable grounds to have occurred, including information on identifiable individuals compiled in an effort to anticipate, prevent or monitor possible criminal activity.
- B. Failure to follow administrative procedures and controls put in place to assure the accurate and timely entry of data into the computerized criminal justice information system may also result in disciplinary action.
- C. Failure to comply with any applicable policies, procedures, guidelines, directives, laws or regulations.
- D. Unauthorized modification, destruction or theft of system data or media.

IV. PROCEDURES

- A. All of the provisions of [Policy 400.08](#), Disciplinary Action, shall apply to disciplinary actions arising under this Policy.
- B. The progressive disciplinary system described in Policy 400.08 will be followed; however serious offenses may result in immediate suspension or termination for the first offense.
- C. Prior to commencing disciplinary action under this policy, the department's Office of Human Resources shall be consulted.

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTIONS

APPROVED BY THE OFFICE OF HUMAN RESOURCES BUDGET AND CO0NTROL on June 1, 2005

By Order of the Director Date: July 15, 2005
<i>James K. Schweitzer</i>
Director S C Department of Public Safety
The Original Signed Copy of this Policy is on File in the Office of the General Counsel