

**A Regulation to Revise the Oromia National Regional State Prison Administration Commission Police Members Code of Conduct Regulation No 47/2005**

**WHEREAS**, it has become necessary to make prison Administration Commission police members understand their rights and obligations to enable them carry out their duties in a transparent and accountable manner;

**WHEREAS**, it has become necessary to revise the existing regulation with a view to fill gaps occurred on its implementation;

**NOWTHEREFOR**, in accordance with article 65 (2) of Proclamation No. 163/2011 the following regulation is hereby issued.

**Part One**

**General Provisions**

**1. Short Title**

This regulation may be cited as “A Regulation No 168/2014 to Revise Oromia National Regional State Prison Administration Commission Police Members Code of Conduct Regulation No 47/2005”

**2. Definitions**

Unless the context requires otherwise, in this regulation:

- 1) “Commission” means Oromia National Regional State Prison Administration Commission.
- 2) “Commissioner” means the Commissioner of the Oromia National Regional State Prison Administration commission.
- 3) “Member” means a police member who is employed and work in different structures of the Commission.
- 4) “Prison” means a place where prisoners are sent by order and decision of authorized courts to serve their penalties and to be corrected and rehabilitated;
- 5) “Management Committee” means the management committee of the Commission.
- 6) “Prisoner” means a person who is convicted by authorized court, serving his penalty in the prison.
- 7) “Court” means Oromia National Regional State regular courts found at different level.
- 8) “Bureau” means Oromia National Regional State Bureau of Administration and Security.
- 9) “Head of Bureau” means head of the Administration and Security Bureau.

- 10) “Medical Institution” means clinics and health posts found under the Commission, health centers of the federal prison Administration Commission and other medical institutions that deliver medical service to members of the Commission.
- 11) “Promotion in Rank” means promoting member of the Commission from one rank to the next level rank.
- 12) “Promotion in Position” means promoting member of the Commission from one job position to the next position or to the higher job position.
- 13) “Equipment” means materials necessary for the duties of the Commission such as weapon, uniform, emblem, rank and similar materials.
- 14) “Position Payment” means a payment made for the difficulty of the job based on the study of the Commission’s structure.
- 15) “Trainer” means a candidate trained to be the member of the Commission.
- 16) “Technical and Vocational Training Center for Prisoners” means a center where regular training or different vocational educations delivered for prisoners.
- 17) “Simple bodily injury” means a bodily injury that limits capacity to work fully or partially for limited period.
- 18) “Severe bodily injury” means bodily injury on job that limits capacity to work permanently that is incurable.

### **3. Scope of Application**

This regulation shall be applicable on all heads and members assigned on different ranks indicated under article 46 of this regulation except the Commissioner, Vice Commissioner, head of government communication Affairs of the Commission in the Status of vice Commissioner and civil workers.

### **4. Gender Reference**

Provisions of this regulation set out in the masculine gender shall also apply to the feminine gender.

### **5. Fundamental Principles**

- 1) Respecting and cause to respect the established Constitutional system.
- 2) Working in collaboration with the justice and security sectors with a view to realize sense of public servant.
- 3) Accepting and implementing values of the Commission;
- 4) Establishing transparent and accountable working system that ensures the effectiveness of the Commission;

## Part Two

### Screening, Recruitment, Training, Assignment and Transfer

#### 6. Recruitment Criteria

- 1) Any person who wants to be employed as a member of the Commission shall be fulfill the following criteria:
  - a) An Ethiopia nationality;
  - b) Honest for federal and Oromia regional state constitution, respect and cause to be respected;
  - c) Free from being a member of any political party;
  - d) Physically capable and medically fit;
  - e) Having good discipline;
  - f) Having no criminal record;
  - g) Free from different addictions, and other similar drugs which affect human mind;
  - h) Aged from 18 -25 years,
  - i) A one who complete secondary school education and take National Examination and above;
  - j) Speak, read and write Afan oromo,
  - k) Passing the entrance exam delivered;
  - l) Other criteria issued by the Commission;
- 2) In case where male and female candidates have equal marks priority shall be given for female candidates.

#### 7. Execution of Recruitment

- 1) Selection of member candidates shall be implemented with prior notice in a transparent manner.
- 2) Notwithstanding article 6 of this regulation, the content of the notice shall contain necessary additional information.
- 3) Details of working procedures relating to selection of member candidates shall decided by the directive to be issued.

#### 8. Duty to take Training

Every selected member candidate shall take police profession training before being assigned to the regular duties of the Commission.

## **9. Obligation to Enter Contract**

Every Any selected candidate shall enter into a contract to serve the Commission at least for seven years before taking training. The content of the contract shall determined by the directive to be issued.

## **10. Right of the Trainee**

- 1) Every trainee shall have the following rights while he is on training:
  - a) Right to get food service;
  - b) Right to get health service;
  - c) Right to get dormitory services, training cloths and shoes;
  - d) Right to get stationary materials;
  - e) Right to get pocket money from the training center monthly which is deducted from the budget assigned by the government for the implementation of the training.
- 2) The Trainee shall have a right to lodge any grievance committed against him or any complain he has to his immediate head found at different level, including the Commissioner. The detail shall be determined by the directive to be issued.
- 3) He shall have a right to participate in different committees established in the training center.

## **11. Duty of the trainees**

- 1) Every trainee shall have the following duties while he is on training:
  - a) Duty to follow attentively training given in the training center;
  - b) Duty to respect directives and work procedures issued by the training center;
  - c) Duty to take care, protect and use the property of the center properly;
  - d) Duty to create good relationship with trainees and other staffs of the training center;
- 2) A trainee who completes his training according to this regulation shall have a duty to serve the Commission for at least seven years.
- 3) The duty of service year shall commence from the day the training begins.

## **12. Bodily Injury on Training**

- 1) A trainee who sustains simple or severe bodily injury while he is on training shall get necessary medical treatment.
- 2) Where the trainee sustain simple bodily injury on training and the case is approved by medical report from certified health institution that the trainee could not continue the training, the injury shall be considered as an injury occurred on the work and the trainee shall be paid cost of transport and six month salary and he shall be withdrawn from the training.

- 3) Where the trainee sustain severe bodily injury on training and the case is approved by medical report from certified health institution that the trainee could not continue the training, the injury shall be considered as an injury occurred on the work and the trainee shall be paid cost of transport and one year salary and he shall be withdrawn from the training.
- 4) Where the bodily sustained is due to the fault of the trainee it shall not be considered as a bodily injury occurred on work.

### **13. Oath**

- 1) A trainee who completes training shall make the following oath before engaging on his job.

*“I .....being loyal to my country shall pledge to honor and ensure the honor of the constitution of Federal Democratic Republic of Ethiopia, the Constitution of the region and other laws, perform my duty in accordance with the law, keep confidential matters in secret and stand for the dignity and respect of prisoners and citizens human rights, shall not be partial, to serve in justice and loyally.”*

- 2) The oath shall be signed by the member and kept in his personal file.

### **14. Assignment**

- 1) A trainee who has completed his training shall be assigned by the Commission to serve in profession with which he is trained.
- 2) Notwithstanding to sub-article 1 of this article the commission may assign the trainee on other job positions where it thinks fit taking into consideration the knowledge and efficiency of the trainee. Its implementation shall be determined by the directive to be issued.

### **15. Other Training or Education Opportunities**

- 1) A trainee who fulfill the criteria set out may be granted training or education opportunities internal and abroad ,collages ,universities and different training cnters with a view to build their capacity. Its implementation shall be determined by directive to be issued.
- 2) A member who has been granted with education opportunity shall have a duty to serve two fold of the education time.
- 3) A member who has been granted with training opportunity shall give prior notice to the commission in case where he requires to change, or prolong or withdraw from such training.

## **16. Reassignment**

- 1) In case where it believes necessary the commission may assign or reassign every member from one job position to another job position.
- 2) Where the member is assigned or reassigned from one job position to another job position in accordance with sub article 1 of this regulation the per diem for the member, transport for the member and his family, including household materials shall be covered by the Commission.
- 3) Notwithstanding to sub article 1 of this article in case where the member requests transfer and the request accepted cost of transport and per diem payment shall not be covered by the Commission.
- 4) In case where members who want to be assigned on vacant job position are too many they shall be assigned through competition.
- 5) Notwithstanding sub article 1 of this article, the Commission may assign a member on higher job position for not more than one year with the purpose of keeping the job from underperformance.
- 6) In case where the job position up on which the member assigned is cancelled the member shall be assigned on similar job position in the same office.
- 7) In case where the medical board of government health institution certifies that the member could not work on job position up which he has already be assigned because of problem of health:
  - a) He may be assigned on job position which is suitable for him, similar and vacant;
  - b) If vacant and similar job position is not available and the member is willing to be assigned on lower job position, without deducting his existing salary, without preserving the existing job position or the kind job, he may be assigned on lower job position.
- 8) Every member shall have a duty to serve for two years in desert area, out of desert area for three years on the position he is already assigned or reassigned.
- 9) Matters regarding condition to apply for reassignment, power and duties of organs at different level and its implementation shall be determined by the directive to be issued.

### **Part Three**

#### **Salary, Loan, per Diem and Professional Fee**

## **17. Salary and Salary Scale**

- 1) Initial salary and salary increment of the members assigned on various posts shall be in accordance with the salary scale set by the government.

- 2) The member who has special profession shall choose professional or rank salary.
- 3) When the member is granted with promotion in post and the salary scale of the member is below the initial salary of the post he has been assigned it shall be granted with initial salary scale designated for the new post.
- 4) In case where the salary of the member is higher or equal to the initial salary of the new post or rank, he is promoted to receive a salary on the level next to what he is earning at the time of promotion.
- 5) The initial and maximum salary scale and increment to be made for every post shall be indicated.
- 6) The member, who has satisfactory, high and very high job performance, shall be granted salary increment based on their performance.

#### **18. Promotion in Position and Its effect on Salary Increment**

In case where as a result of promotion in post, the existing salary of the member is equal with the time up on which he gets the next salary increment, the time to be granted with salary increment shall commence from the day he has been granted the previous salary increment.

#### **19. Demotion**

In case where it is decided to demote the member to the lower post due to breach of severe discipline or low performance in accordance with this regulation, it shall be made to get the salary of such post based on the type of job and the post he is being assigned.

#### **20. Effect of Demotion on salary Increment**

Where a member is demoted due to breach of discipline, the date of salary increment shall commence from the time of demotion of such member.

#### **21. Time for Salary Payment**

- 1) A member's salary shall be paid from the 26<sup>th</sup> day of the month up to the last day of the month.
- 2) Where the member is died after working 10 and above days the salary of that month shall be paid for his spouse or persons living with him.
- 3) Where a member's service is suspended due to death 3 month salary shall be paid for his spouse or persons living with him.
- 4) Every member who takes annual leave shall be paid a salary of that month in advance.
- 5) Every member may assign an agent in accordance with the law to receive his salary.

## **22. Borrowing salary**

Every member may borrow his salary on good causes. Its implementation is in accordance with the region's financial law.

## **23. Withholding or Deducting Salary**

- 1) Salary of the member shall not be withheld or deducted except on the following conditions:
  - a) Consent or agreement of the member or ;
  - b) Order of the court or;
  - c) In accordance with this regulation or in accordance with the law;
- 2) The money to be deducted shall not exceed 1/3 of his salary.

## **24. Per diem and Professional Fee**

- 1) Every member shall be paid per diem and transport cost in accordance with financial laws when he travel to other places from his regular work places for government job.
- 2) Every member shall be paid professional allowance for a service he delivers by special profession he acquires.
- 3) The type of professional fee to be paid and its implementation shall be decided by directives issued.

## **25. Position Payment**

Member's payment of position shall be paid as it may be necessary. Its implementation shall be determined by the directive issued.

### **Part Four**

#### **Working Hours, Medical Service and Various Leaves**

## **26. Working Hours**

- 1) Warden Service shall be rendered without interruption day and night or for 24 hours including holidays.
- 2) Every member shall be on duty for 8 hours per day and not more than 56 hours in a week without interruption or at different days or hours or day and night.
- 3) Every member shall have a duty to work additional working hour where he is ordered based on the existing or compulsory conditions of the region.
- 4) No payment shall be made for additional working hours; however, equivalent leave shall be given for the additional working hour.
- 5) Entrance and exit working hours shall be decided depending up on the existing condition.

## **27. Medical Service**

- 1) Every member, his spouse or children under the age of 18 years shall have a right to get free medical service in health institutions.
- 2) Every member shall have a right to get medical service in case of simple or severe bodily injury while he is on duty by the expense of the Commission.
- 3) Without prejudiced to sub article 1 of this article, in case where every member or his spouse or children under the age of 18 years referred to government health institution for higher medical service, medical treatment shall be delivered in any government health institution; every expense shall be covered by the Commission.
- 4) Where the member is on his job or in case where he retires or dies his spouse or children under the age of 18 years shall have a right to get medical service in the Commission's health institution.
- 5) Where the members are referred for higher medical service transport expenses shall be covered by the Commission based the evidence submitted thereof.
- 6) Without prejudice to sub article 2 of this article, in case where, as result of the nature of his job, the member could not perform his job properly necessary things shall availed for him by the expense of the Commission upon approval by the certified health professional and the Commission's management committee to this effect.
- 7) Every retired member, his spouse or children under the age of 18 shall have a right to get free medical service from health institution of the commission up to Federal prison Administration Commission health institution.
- 8) Every member shall have a right medical service from private health institutions upon approval by the Commission and this includes non working days.

## **28. Various Leaves**

- 1) Every member shall be granted annual leave, sick leave, maternity leave, mourning leave, special leave and other leaves granted without salary in accordance with the Civil Servant Law of the region.
- 2) Every member shall take annual leave assigned for that budget year within the period of that budget year. However, annual allowed for given budget year may be transferred for the next budget year. Its implementation shall be in accordance with the Civil Servant Law of the region.

## **29. Absence from the Job Without Permission**

- 1) In case where there is absence from a job without permission, every member shall notify such condition to his immediate head on the next working day.

- 2) Where any member is absent from his job without permission or good cause his salary for absent day shall be deducted.
- 3) Where any member is absent from his job for more than 21 consecutive days without permission it shall be deemed to terminate his job by his consent and he shall be dismissed from his job.
- 4) Notwithstanding the provision of Sub article 3 of this article, if the absence of the member is as a result of force majeure and such is supported by evidence, and the member submit an application and if the Commission is convinced it may be decided the return of the member to his job.
- 5) In case where the member is dismissed in accordance with the provision of sub article 3 of this article the Commission shall have a right to request the refund of the government property and the training expenses if any.

## **Part Five**

### **Duty and Ethics of the Member**

#### **30. Honesty**

- 1) Every member shall be honest for the Constitution, respect and cause to be respected rights and freedom of citizens recognized under the Constitution.
- 2) Every member shall use his knowledge and effort for the services of the country and the public at large.
- 3) Every member shall protect himself at any time and place from acts undermining the dignity of the Commission and have ethical behavior to be respected and develop public trust among the public at large.

#### **31. Obedience**

- 1) Every Member shall perform his regular and additional duty effectively and efficiently.
- 2) He shall have a duty take and perform an order given from his superior unless such order is illegal order.
- 3) Every superior found at any level shall have responsibility for the legality of an order he gives.

#### **32. Respecting Working Hour**

Every member shall a duty to respect job entrance and exit hours.

### **33. Confidentiality**

Every member shall not disclose secret issues under his knowledge as a result of his job or other reasons for other persons or organ except for concerned organs.

### **34. Handling and Utilizing Property**

- 1) Every member shall be required to utilize, keep and use properly for only intended purpose equipment's he obtained to perform his duty.
- 2) Every member who terminates his job for any reason shall return weapon, equipments, emblem, identity cards, documents, money and other property of the Commission.

### **35. Borrowing money or Taking Gifts**

- 1) Every member shall never borrow money from any person who has connection owing to the nature of his profession or a customer.
- 2) No member shall receive gifts or request different promises from any person for the service he delivers or he will deliver.

### **36. Disclosing Income**

Every member shall disclose his income other than his salary in accordance with the law.

### **37. Performing Jobs other than Activities of the Commission**

- 1) Every member shall not engage in jobs that conflicts with or impair his duty or works that inconsistent with his status and affect his professional dignity.
- 2) Without prejudice to sub article (1) of this article every member may up on informing his institution, if it is allowed he may engage in other jobs during his rest.

### **38. Conflicts of Interest**

- 1) Every member shall have an obligation to notify in writing in to his immediate head where he come across with his personal case or cases connected with his relative or friend or cases conflict with his duty.
- 2) An immediate head for whom the case is submitted shall give necessary decision immediately.

### **39. Soliciting aid or Contributions**

No member shall collect any sort of aids or contribution without acquiring permission from the concerned superior head or from the Commission and its structures.

### **40. Performing Warden Activities Diligently**

- 1) Every member while he is on warden activity shall protect himself from acts that affect his attention.

- 2) Every member shall have an obligation to respect work procedure and directives issued by the Commission while engaging on duty of warden.
- 3) A member who takes out prisoner for different activities upon signing shall engage him only on intended activities and return him by keeping properly.
- 4) No member shall take out more than 5 prisoners for the purpose of engaging them on work or for other reasons alone out of the prison's premises.
- 5) Without prejudice to sub article (4) of this article, in case where the existing condition of the Institution obliges a member may take out of the prison's premise not more than seven prisoners whose penalty is simple, not more than four suspects who are on remand with simple or grave offence.
- 6) In case where persons arrested for civil liability are in the Prison one member may round up to four prisoners.
- 7) A member shall sign when he take out prisoners, suspects or arrested persons out of the prison's premise.

#### **41. Prohibited Acts and Other Duties**

Every member shall not commit the following prohibited acts:

- 1) Participating on strikes, demonstration or taking part on peace demonstration called by other organs;
- 2) Taking alcoholic drinks or drugs while he is on duty of warden;
- 3) Going from places of warden activity or performing other additional jobs;
- 4) Giving or pledging or exchanging or selling equipment or weapon to any other person;
- 5) Giving identification card to other person or letting him to use for illegal act;
- 6) Failing to wear clean and in a complete manner his uniform while he is on duty;
- 7) Growing hair and beard for male members;
- 8) Except for wedding ring wearing jewel, nail polish, ear rings and other similar things and letting down hair;
- 9) Failing to preserve the reputation of the Commission at any time and place while on or out of duty;
- 10) Being with full integrity, honest and patient; using disgusting and taboo words in his communication;
- 11) Failing to know and implement directives issued by the Commission;
- 12) Failing to make an effort to be competitive through learning warden sciences and other different educations to perform his duties properly;

## Part Six

### Organizing Daily Events Book of Record, Personal files and Performance Evaluation of Members

#### 42. Organizing Daily Events Book of Record

Record book of daily events on which daily occurrences are recorded shall organize in every Prison Administrations.

#### 43. Organizing Personal file

- 1) The Commission shall have a duty to organize personal file of the members.
- 2) The personal file of the members shall contain the following lists
  - a) Member's employment application, life history, his finger prints and medical examination results;
  - b) His oath, signed contractual agreement to serve for seven years fi evidence document showing guarantee;
  - c) Evidence relating to educational background and training;
  - d) Job experience in the commission, and any service rendered in other office if any;
  - e) Letter of assignment, rank, promotion, reassignment, salary increment and prizes he has received;
  - f) Evidences or letter by which he applied to get annual leave or other leaves requested and granted in accordance with this regulation;
  - g) Evidence showing number of his family members and medical card;
  - h) Performance evaluation result;
  - i) Charges for breach disciplinary faults and measures taken if any;
  - j) Evidences showing suspension or termination from job and other necessary evidences if any.

#### 44. Investigating Personal Files, Requesting Evidence and Job Experience

- 1) Every member up on request has the right to look in to or copy or receive copy of his personal files.
- 2) Except heads or concerned performers no person shall investigate personal files of the member unless it is authorized by concerned organ.
- 3) Inserting any other documents in the personal files of the member without his knowledge shall be prohibited.
- 4) Every member shall have a right to request any evidence in his personal file to be explained or support letters or job experiences to be written to other bodies.

#### 45. Performance Evaluation of Members

- 1) Performance evaluation of members shall be conducted without interruption.
- 2) Performance evaluation conducted in transparent manner with concerned body and be implemented in accordance with the directive issued by the commission.

#### Part Seven

#### Awarding Rank, Promotion and Prize

#### 46. Level and Steps of Rank

- 1) Members Level of rank shall have primary, medium and high level rank.
- 2) Steps and naming of the Commission's rank shall be the following.
  - a) Constable, Assistant Sergeant, Vice Sergeant, Sergeant, Chief Sergeant : Primary rank
  - b) Assistant Inspector, Vice Inspector, Inspector: Medium Rank
  - c) Chief Inspector, Vice Commander, Commander, Assistant Commissioner, vice Commissioner, and Commissioner : High Rank

#### 47. Wearing Rank Badge

- 1) Every member with a rank shall wear rank badge with uniform showing his level of rank.
- 2) Details of the manner of rank badge and its color content shall determined by the directive issued.

#### 48. Duration of Rank Promotion

- 1) Promotion in rank may be awarded regularly or on urgent conditions.
- 2) Before being awarded the next rank every member shall stay on the rank he has already awarded at least for the following period of time.

S.N	Rank Awarded	Duration of time (in Year)		Rank to be Awarded
		Regular	Urgent	
1	Constable	4	3	Assistant Sergeant
2	Assistant Sergeant	3	2	Vice Sergeant
3	Vice Sergeant	3	2	Sergeant
4	Sergeant	3	2	Chief Sergeant
5	Chief sergeant	3	2	Assistant Inspector
6	Assistant Inspector	2	1	Vice Inspector
7	Vice Inspector	3	2	Inspector
8	Inspector	3	2	Chief Inspector
9	Chief Inspector	3	2	Vice Commander
10	Vice Commander	3	2	Commander
11	Commander	4	3	Assistant Commissioner
12	Assistant Commissioner	-	-	-
13	vice Commissioner	-	-	-
14	Commissioner	-	-	-

- 3) Notwithstanding to sub article 1 of this article, a member that has a special performance or has special ability or registers tangible change shall be awarded promotion in rank without waiting a specified period. Its implementation shall be determined by directive issued.

#### **49. Rank Promotion Award**

- 1) Promotion in rank from assistant Sergeant to chief Sergeant shall be awarded by the Commission,
- 2) Promotion in rank from Inspector to Commander shall be awarded by the Bureau upon approving the recommendation of the Commission's Management committee,
- 3) Promotion in rank for Assistant Commissioner shall be awarded by the President of the Region based on the recommendation of the Bureau.

#### **50. Criteria for Rank Promotion**

- 1) Promotion in rank shall be awarded through computation,
- 2) A member who is eligible for promotion in rank shall fulfill the following criteria:
  - a. Shall fulfill time to be awarded rank promotion,
  - b. Shall accomplish training necessary for such rank as it may necessary,
  - c. He shall not compete for promotion in rank unless two years lapsed in case where the member has been punished with severe disciplinary measure.
  - d. Any member shall not compete for promotion in rank where his remaining retirement period is one or below one year.
- 3) In case where members score equal result in competing for rank promotion priority shall be given for the one who has awarded such rank priorly.
- 4) Without prejudice the provision of this article sub article 1 – 3, the details of this article the criteria and work procedure in which promotion in rank is to be awarded shall be decided by directive to be issued.

#### **51. Suspension, Demotion or Cancellation of Rank**

- 1) In case where there is grave disciplinary fault, based on the recommendation of the Commission, promotion in rank may be suspended, demoted or cancelled.
- 2) Without prejudice the provision of this article sub article 1, in case where the committed disciplinary fault results in suspension, demotion or cancellation of rank, such suspension, demotion or cancellation shall be conducted by the organ that award such rank. The detail of its implementation shall be decided by the directive to be issued.

## **52. Effects of Promotion in Rank**

A member who is awarded promotion in rank shall get salary on which he is promoted. However, in case where the salary he has already paid is greater than or equal with the salary of the new rank, he shall get the next salary scale assigned for the new rank.

## **53. Award**

The Commission may grant an award for members who scored high work performances result. Type, criteria to grant award and its implementation shall be decided by the directive to be issued.

## **54. Establishment and Accountability of Rank Promotion Committee**

- 1) Rank Promotion Committee hereafter called “Rank Promotion Committee” is hereby established at Commission, Zonal, as it may be necessary at Woreda level.
- 2) The accountability of the Committee shall be at Commission level to the Commissioner, at Zonal and Woreda level to the head of the Zonal Prisons Administration and to the head of Woreda Prison Administration respectively.

## **55. Members of Rank Promotion Committee at Commission Level**

- 1) Rank Promotion Committee at Commission level in general shall have five members: two members to be assigned by the Commissioner who serve as Chairperson and Secretary, three members to be elected by members.
- 2) Among the members of Rank Promotion Committee at least one shall be a female.
- 3) Terms of office of the committee shall be two years; a member may be elected for two terms.

## **56. Members of Rank Promotion Committee at Zonal and Woreda Level**

- 1) Rank Promotion Committee at Zonal and Woreda level in general shall have five members: two members to be assigned by the heads of Zonal and Woreda Prison Administration who serve as Chairperson and Secretary, three members to be elected by members.
- 2) Among the members of Rank Promotion Committee at least one shall be a female.
- 3) Terms of office of the committee shall be two years; a member may be elected for two terms.

## **57. Powers And Duties of Rank Promotion Committee at Commission Level**

Rank Promotion committee at Commission level shall have the following powers and duties

- 1) Examine and organize evidence and work experience of the competitors;
- 2) Put level of competitors involved in rank promotion in accordance with the criteria set out;

- 3) Elect and present competitor or competitors who have obtained high score with recommendation;
- 4) If it found necessary may order the production of different evidences and examine personal files of the members;
- 5) The committee shall have a minute regarding the administration of the competition;
- 6) Cause the implementation of rank promotion upon approval by the concerned organ;

**58. Powers And Duties of Rank Promotion Committee at Zonal and Woreda Level**

Power and duties given to the Rank promotion Committee under article 57 shall applicable to the Zonal and Woreda rank promotion Committee as the case may be.

**59. Meeting Procedure Ranke Promotion Committee at Commission, Zonal and Woreda Level**

- 1) The quorum shall be full where 2/3 of the members are present.
- 2) Decision of the Committee shall passed by majority vote of members present in the meeting; in case of tie the chairperson shall have the casting vote.
- 3) In case where the committee decide in majority vote the idea of minority vote shall be registered on the minute of the meeting with its reason.
- 4) The details of the working procedures of rank promotion committee shall be decided by the directive to be issued by the Commission.

**Part Eight**

**Termination or Extension of Service**

**60. Consensual Resignation**

- 1) Any member may resign by his consent after giving service for 7 years by giving prior notification of one month for the Commission.
- 2) The Commission may extend request of resignation by member for three months where the member is important and it could not be simple to substitute him.
- 3) Where a member requests resignation before completing mandatory service or fail to deliver necessary service after taking special training he shall have an obligation to refund any expenses the Commission incurred for his training.

**61. Termination of Service Due to Sickness or Occupational Injury**

- 1) Where any member cannot engage on his work in accordance with the provision of article 27 sub articles 6 of this regulation owing to his illness, it is deemed to be incompetent to engage on his work and his service shall be terminated.

- 2) Where a member could not continue to carry out his duty and such fact is ascertained by a medical board of the hospital in which the member is treated owing to his occupational injury or other illness he shall be dismissed from his work;
- 3) Where a member died because of occupational injury his service shall be terminated starting from date of death; the rights of his hires shall be implemented in accordance with the pension law.
- 4) A member who is dismissed from his duty in accordance with the provision of this article sub article 1 and 2 his right is implemented in accordance with pension law.

#### **62. Dismissal Due to Incompetency**

- 1) Even though he made an effort in his ability and profession, in case where his job performance is below satisfactory for two consecutive periods, any member may be dismissed from his duty by respecting his right in accordance with the pension law.
- 2) Notwithstanding the provision of this article sub article 1 where a member who has got high job performance for the past five years, he shall no dismissed from his duty unless he scored below satisfactory for three consecutive periods in his performance.
- 3) Dismissal from duty in accordance with the provision of this article sub article 1 shall be implemented after giving one year period beginning from the date when his last performance evaluation was undertaken or in accordance with sub article 2 of this article it shall be implemented by making him to work at least for 1 year and six months and if he cannot improve his work performance by giving one month prior notification.

#### **63. Termination of Service Age**

- 1) The ceiling age for retirement of any member shall be 55 years.
- 2) Any member shall be informed in writing three months prior to his retirement age.
- 3) Unless his retirement age is decided to be extended, the service of any member shall be terminated on the last day of his retirement age set out by the law without any condition.

#### **64. Termination of Service Due to Death**

- 1) The service of any member shall be terminated up on the date of his death.
- 2) Funeral expense of any member shall be covered by the Commission.

#### **65. Dismissal Due to Disciplinary Fault**

A member who is decided to be dismissed from his job due to disciplinary measure he shall be dismissed starting from the date the decision is passed against him.

## **66. Returning property**

- 1) Where any member terminates his job for any reason he shall return weapons, equipments, emblem, whistle, identity cards, documents, money and other properties of the commission in his hand.
- 2) The Commission shall have a right to claim the refund of government property in his hand and training cost paid to train him if any in accordance with this regulation and other laws.

## **67. Certificate**

- 1) Any member while he is on job or in case where he terminates his job for any reason a certificate that indicate his job title, service year, salary he acquires and reason for his termination shall be given upon his request.
- 2) In case where he request the declaration of evidences in his personal file for third party a letter that show such evidence shall be written to concerned organ. Its implementation shall be determined by the directive to be issued.

## **68. Payment Due to termination of Service**

- 1) In case where his service is terminated any member shall be paid his salary for which he works.
- 2) A member whose service is terminated without taking his annual leave shall be paid for the period of annual leave that he has not take.

## **69. Extension of service**

- 1) In case where any member is required for job after attaining a retirement age it may possible to extend his service twice; the time allowed to extend shall not exceed five years.
- 2) An extension of service in accordance with the provision of this article sub article 1 may be allowed if:
  - a) The special knowledge or profession of the member is found to be decisive for activities of the Commission;
  - b) It is ascertained that it is impossible to get easily a member that replace him ;
  - c) The member agrees to extend his service; and
  - d) The Commission's management committee allows to extend the service;

## **70. Charge with Job Related Crime**

Where crime for which criminal charge is brought against a member is committed while he is discharging his regular duty and to play a part of his responsibility as the case may be such act is committed in force measure without prejudice the liability regarding disciplinary fault:

- 1) Beginning from the date a charge is brought against the member the Commission's legal service department shall be involved in the litigation on behalf of the member;
- 2) where the court release on bail the member he shall be allowed to discharge his duty and paid full salary;
- 3) where the court rejects bail right and the member is made in jail and litigation continues:
  - a) The commission shall pay him full salary until the final verdict;
  - b) In case where by final verdict the member is convicted beginning from the date of conviction he shall be dismissed from his job.
- 4) Notwithstanding the provision of this article sub article 3 (b) if the decision convicting the member is put aside by suspension the member shall retain his job.
- 5) Where the decision that convicts the member shall not exceed the punishment of three years imprisonment and after serving his punishment the member requests to return to his job and it is believed by the Commission he may return back to his job.
- 6) Where the punishment exceeds three years imprisonment he shall not have a right to return back to his job.

#### **71. Charge with Non job Related Crime**

Where a member is charged with crime not related with his job notwithstanding to disciplinary liability against him:

- 1) Where the court releases him on bail he can defend himself discharging his duty and shall be paid his full salary.
- 2) Where the court rejects bail right and decide to defend himself staying in jail his salary shall be suspended.
- 3) Where the court rejects bail and a member is acquitted or public prosecutor withdraws the case while the case is on proceeding and the member requests to return back to his job within the period of one month and the Commission believes so he may return back to his job; however, he shall not be paid for the periods he was not on duty.
- 4) Where the member is charged and punished with imprisonment he shall be dismissed from his job.
- 5) Notwithstanding the provisions of this article sub article 4, where the punishment of imprisonment decided is suspended and the member requests to return back to his job within one month from the date of judgment and the Commission believes it shall be made to return back to his job.

- 6) Where the imprisonment is not more than two years and the member serves such punishment, and the crime for which he is convicted did not affect a good will of the Commission and the commission believes so he may return back to his job; however, he shall not be paid for the periods he was not on duty.
- 7) Where the punishment is more than two years imprisonment and the decision is not suspended by the court the member shall not have a right to return to his job in any case;

## **Part Nine**

### **Disciplinary Faults and Categories of Disciplinary Measures**

#### **72. Objective of Disciplinary Measures**

The objective of disciplinary measure is to make a member to renounce his pursuit of disciplinary fault and to discharge his duty properly, as well as to cause other members to learn from him.

#### **73. Types of Disciplinary Measures**

- 1) Based on the severity of disciplinary fault committed any of the following measures may be taken against a member:
  - a) Oral warning;
  - b) Written warning;
  - c) With holding of salary up to %10;
  - d) Suspension of increment of salary scale for one term;
  - e) Fine punishment up to one month salary;
  - f) Demotion of position or rank or salary;
  - g) Removal of rank;
  - h) Dismissal from job.
- 2) Disciplinary measures stated under this article sub article 1 (a-c) shall be simple and (d-h) shall be severe disciplinary measures.

#### **74. Disciplinary Faults Entailing Simple Disciplinary Measures**

Disciplinary faults entailing simple disciplinary measures shall be the following:

- 1) Failure to wear complete legal uniforms;
- 2) Being late with out good cause and absence from work without permission;
- 3) Undermining or disrespecting prisoner or other person;
- 4) Shouting among each other during working time;
- 5) Failure to report breach of disciplinary rules to concerned body;

- 6) Failure to keep clean uniforms, weapons, vehicles and other similar objects obtained to discharge his duty;
- 7) Lack of personal hygiene;
- 8) Delaying to respond to complaints or grievances of the public or prisoners against the Commission or members, failing to report such to concerned body;
- 9) Failure to register the property of prisoners to be kept safely;
- 10) Failure to follow or misleading adjournment of prisoners;
- 11) Collecting any type of aid and contribution without permission of authorized body;
- 12) Failure to accept and implement lawful order given to him from his superior;
- 13) Accusation against a member or another person with false evidence or giving false tipoffs or defaming;
- 14) Gambling or cause to gamble;

#### **75. Disciplinary Faults Entailing Severe Disciplinary Measures**

Disciplinary faults entailing severe disciplinary measures shall be the following:

- 1) Disobeying Constitutional system by act or having such outlook;
- 2) Unwillingness to control organs that violate peace and security of the public;
- 3) Violating or undermining equality of nation ,nationality and people, and religious right of individuals;
- 4) Violating constitutionally and legally guaranteed human and democratic rights;
- 5) Causing harm against the mandate of the commission being failing to accept superior order or negligently or by violating work procedure of the Commission;
- 6) Disclosing or disseminating confidential information obtained owing to his job to third party;
- 7) Abuse of power, breach of trust, receiving or requesting bribe, deceiving or forgery;
- 8) Absence from work place or escaping from duty or disappearance from warden duty;
- 9) Committing acts against public moral or defaming the good will of the Commission at any place;
- 10) Engaging on duty being drinking or sleeping or slumbering while on duty of warden;
- 11) Failure to report or take an action against committed crime up on witnessing the commission of a crime or being aware of commission of crime;
- 12) Using or holding or supporting others to use or trafficking narcotic drug;
- 13) Presenting or using false documents, erasing or concealing or destroying or adding or deducting words to change it to false or disqualifying official documents and records to gain unlawful advantage to himself or for other person;

- 14) Committing adultery with prisoners or any other person in prison premises, cause prisoners or other persons to commit adultery;
- 15) Losing or facilitating the escape of prisoners or causing or supporting the escape of prisoner after being receiving through signature;
- 16) Causing harm to the security of premises of the prison, the prisoners and the public as a result of failure to preserve;
- 17) Holding or facilitating conditions to support the entrance of prohibited materials in the premises of prison;
- 18) Using the property of prisoners for personal interest or concealing or destroying the property of prisoners handed over upon breach of trust;
- 19) Borrowing money or taking other property from prisoners;
- 20) Failure to move prisoners to places he is ordered to move or moving prisoners other than ordered places or letting prisoners to leave or allowing prisoners to spend unlawfully day or night outside the premises of prison;
- 21) Using prisoner's powers illegally or allowing others to use;
- 22) Pledging, selling, intentionally cause it to damage, lose, using for personal gain or causing damage, causing others to damage weapons, vehicles or properties given to perform his duty;
- 23) Giving uniform, identification card and badge of the Commission to be used by other person;
- 24) Damaging or causing a damage on a person or property intentionally or negligently by weapons;
- 25) Committing or causing a commission of inhuman treatment against prisoners or allowing or supporting others to commit;
- 26) Beating, insulting, undermining, denying customer of the prison service to be delivered;
- 27) Allowing or supporting or attempting prisoners to be out of the premises of Prison through false evidence;

## **Part Ten**

### **Discipline Committee and Procedures for Disciplinary Measure**

#### **76. Establishment of Discipline Committee**

A disciplinary committee that gives decision or presents recommendations that serves as a base for a decision in accordance with this regulation by investigating disciplinary faults committed by the members of the Commission hereafter called "Disciplinary Committee"

shall be established by this regulation at the level of the Commission, zonal, wereda and Technical and Vocational Education and Training center.

**77. Members of the Disciplinary Committee at Commission's Level**

- 1) Discipline Committee established at Commission's level shall have the following members:
  - a) Two persons assigned by the Commissioner from human resource department: Chairperson and Secretary;
  - b) Three persons elected by the members from the members found at the Commission's level: members
- 2) Among the members of the committee at least one shall be a female.
- 3) The accountability of the committee at Commission's level shall be to the Commissioner.

**78. Members of the Discipline Committee at Zonal and Woreda Level**

- 1) Discipline Committee established at Zonal and Woreda level shall have the following members:
  - a) Two persons assigned by the head of the Zonal or Woreda Prison Administration from human resource department: Chairperson and Secretary;
  - b) Three persons elected by the members from members found at the Zonal or Woreda level: members
- 2) Among the members of the committee at least one shall be a female.
- 3) The accountability of the committee at Zonal and Woreda level shall be to the head of the Zonal and Woreda Prison Administration respectively.

**79. Members of the Discipline Committee at Training Center**

- 1) Discipline Committee established at technical and vocational Education and Training center shall have the following members:
  - a) Two persons assigned by the director of the training center from human resource department: Chairperson and Secretary;
  - b) Three persons elected by the members from members found at the training center : members
- 2) Among the members of the committee at least one shall be a female.
- 3) The accountability of the committee at the training center shall be to the Director of the center.

**80. Criteria to Elect Members of the Disciplinary Committee**

- 1) Members of disciplinary committee established at all level shall fulfill the following criteria:

- a) A member who serve in the Commission or the structure of the Commission for two years and above;
  - b) A member who can be exemplary by his performance and conduct;
  - c) One who have general knowledge or skill on law;
  - d) One who is trustful and honest;
- 2) The terms of service of every member of disciplinary committee shall be 2 years and incase where there is breach of discipline any member may be dismissed from the committee regardless of the lapse of terms of service.

### **81. Powers and Duties of Discipline Committee at Commission's Level**

- 1) Discipline committee established at Commission level shall have the following powers and duties:
- a) Examine and decide disciplinary cases of member who commit simple disciplinary fault;
  - b) Examine disciplinary cases of members who committed severe disciplinary fault at Commission's level, as well as severe disciplinary faults committed at Zonal and training center and shall submit recommendation the Commission's management committee, the Committee after looking into the recommendation shall decide the case;
- 2) Without prejudice to the provision of this article sub article 1(a and b), where the decision relates with the reduction or removal of rank the management committee of the Commission shall submit the case to the organ that award such rank with its recommendation, the organ that awards such rank after looking the matter shall decide the case;

### **82. Power and Duties of Discipline Committee at Zonal and Training Center**

The Committee shall have the following power and duties:

- 1) Examine simple and severe disciplinary faults committed at its level and submit it to the Zonal or training center management committee with recommendation;
- 2) Where the disciplinary fault committed entails oral warning, written warning or reduction of salary up to 10% punishment it shall decide at its level;
- 3) Where the disciplinary fault committed entails punishments not mentioned under this article sub article 2 the Committee shall refer the case to the Commission with recommendation;
- 4) Submit recommendations to the Zonal management submitted to it from the woreda management committee; decide cases of disciplinary faults falling under its

jurisdiction, submit cases out of its jurisdiction to the Commission with recommendation;

### **83. Powers and Duties of the Discipline Committee at Woreda Level**

- 1) Examine simple and severe disciplinary faults committed at its level and submit its recommendation to the Woreda management committee;
- 2) Where the disciplinary fault committed entails a punishment of oral or written warning it shall decide the case at its level;
- 3) Where the disciplinary fault committed entails punishments not mentioned under this article sub article 2 the Committee shall refer the case to Zonal Prison Administration with recommendation;

### **84. Procedures to Take Disciplinary Measure**

- 1) Every member shall have a right to know and be informed disciplinary charges brought against him in writing and to defend him self;
- 2) The disciplinary committee in investigating disciplinary charges may call any member, order any organ to produce evidence necessary to investigate the case and to examine personal files of the member;
- 3) The committee shall decide the case submitted to it based on evidence;
- 4) Where the committee is ordered by an authorized organ to revise the case it shall respect the order and revise the case in accordance with this regulation or other concerned laws;
- 5) Every disciplinary decision shall be delivered in accordance with this regulation without requiring or following court procedure;
- 6) A member whom a disciplinary charge is brought against him shall be informed in writing or the case shall be addressed to him.

### **85. Meeting and Work Procedures of Discipline Committee**

Meeting and work procedures of disciplinary Committee shall be the following:

- 1) The presence of 2/3 of the members shall constitute a quorum.
- 2) The decision of the Committee shall be passed through by majority vote; in case of tie chair person shall have a casting vote;
- 3) Whenever decision is passed by majority vote, the opinion of the minority shall be registered in the minute of the committee with its reasons;

### **86. Suspending a Member from Work**

- 1) The Commission may suspend any member where he is charged for disciplinary fault until the case is decided through examination.

- 2) The member shall be suspended from his work in accordance with this article sub article 1 where:
  - a) He destroy or hide the evidences and obstructs investigation of the case;
  - b) He damages office and property;
  - c) The act he has committed affects the morale of other members or undermine the trust of the Commission among the public;
  - d) The act committed is assumed to entails a dismissal from work;
- 3) Where the disciplinary fault committed entails dismissal from work, suspension of salary and other benefits the Zonal, woreda or training center management committee shall notify the case to the Commission forthwith.
- 4) Where a member is charged with disciplinary faults in accordance with the provision of this article sub article 2 (a-d) he shall not be suspended from his work, salary and other benefits for more than one month; he shall be informed in writing the reason for such suspension.
- 5) Where it is impossible to get the member or his address is not known the letter for suspension shall be posted on the notice board of the Commission or office of the Prison Administration he is working for five consecutive working days.
- 6) The details of manner of suspension of members from work shall be decided by the directive to be issued.

### **87. Right to Appeal**

- 1) Where a member is charged with the breach of simple or severe disciplinary fault and the case is decided at the level of the Commission, and where the member is not satisfied by such decision he may lodge his appeal to the Commissioner; the decision given by the Commissioner shall be final;
- 2) Without prejudice to the provision of this article sub article 1, where the decision entails dismissal from a work, reduction or removal of rank and such rank is awarded by the Commissioner, appeal may be lodged to the Bureau head, where the rank is awarded by Bureau head appeal may be lodged to the president of the region; the decision given shall be final;
- 3) Where a member is charged for breach of simple disciplinary fault and the case is decided at zonal level and Training center and the member is not satisfied by such decision, he may lodge his appeal to the Commission; the decision given by the Commission shall be final;

- 4) Where a member is charged for breach of simple disciplinary fault and the case is decided at Woreda level and if the member is not satisfied by such decision he may lodge his appeal to the Zonal Management Committee, the decision given by the Committee shall be final;
- 5) Without prejudice to the provision of this article sub article 1-4, in case where there is a fundamental error of law appeal may be lodged to the region's Supreme Court;

#### **88. Application as to Period of limitation for Appeal and Decision**

- 1) A member who is dissatisfied on the decision given at any level for breach of simple disciplinary fault shall lodge his appeal within five working days from the date the decision is informed to him; appeal not lodged within this specified period shall not be admissible;
- 2) A member who is dissatisfied on the decision given at any level for breach of severe disciplinary fault shall lodge his appeal to the authorized organ within one month from the date the decision is informed to him as stated in this regulation; appeal not lodged within this specified period shall not be admissible;
- 3) Where the appeal is related with simple disciplinary measure an organ authorized to entertain the case shall decide the case within 5 working days and within 15 working days for severe disciplinary measures; such decision shall be informed in writing for the organ that lodges the appeal;

#### **89. Application as to Period of Limitation to Frame Charge**

- 1) Charges relating to simple disciplinary fault shall not be brought unless such charge is instituted within one year, charges relating to severe disciplinary fault shall not be brought unless such charge is instituted within two years starting from the date the member commits such disciplinary fault;
- 2) Any organ that obstructs a charge against a member for disciplinary fault in accordance with the time specified in this regulation or fails to execute disciplinary decisions against a member without sufficient ground shall be liable in accordance with a law.

#### **90. Application as to Record**

A severe disciplinary fault shall not be registered as a record after two year; for simple disciplinary fault after six month against the member of the Commission starting from the date of the decision.

## **Part Eleven**

### **Uniform, Equipments and Identification Card**

#### **91. Distribution of Uniform and Equipment**

- 1) Every member shall have a right to obtain uniforms for day, night time, and work and for ceremonial purposes.
- 2) Any member who resigns from his job shall not have a right to request uniforms he has failed to take while he was on his job.
- 3) Types of uniform, manners of its distribution and utilization shall be decided by the directive to be issued.
- 4) Every member shall have a right to obtain equipment that enables him to carry out the mandate of the Commission.
- 5) Every member shall deposit weapons he has taken to carry out his duty in the Commission's warehouse unless it is allowed to him in special cases.

#### **92. Conditions as to the Use of force and Weapon**

- 1) Every member may use proportional force with a weapon:
  - a) to avert dangers against prisoner;
  - b) to prevent danger against himself or other persons;
  - c) to avert prisoners attempt to escape or to be escaped individually or in group in or outside of the premises of the prison;
  - d) to avert targeted imminent danger inside or outside of the premises of prison;
  - e) to control prisoners that create a mob while they are brought to court or to control attempt of prisoners to escape from the premises of the prison by breaking fence or prisoners attempt to escape by breaking dormitory and where such situation could not be prevented by other means or it is beyond his capacity;
- 2) Notwithstanding to the provision of sub article 1 of this article, a member who use weapons unnecessarily or unproportionally shall be liable in accordance with a law.

#### **93. Holding Identification Card**

- 1) Every member shall have a duty to have an identification card with a specific identification number showing his identity and membership.
- 2) The identification card shall contain the emblem of the Commission, full name of the member, the rank, his responsibility, specific identification number and the power and duty of the member to enforce law.
- 3) The identification card shall have signature of the authorized body and the seal of the Commission.

- 4) While carrying out his duty he has to hold and show his identification card when requested to do so.
- 5) The identification card shall be unworn, clean and clear.

## **Part Twelve**

### **Miscellaneous Provisions**

#### **94. Power and Duties of the Management Committee of the Commission**

Without prejudice to the power and duties entrusted to Commission under other laws, the management committee of the Commission shall have the following power and duties to implement matters covered under this regulation.

- 1) Cause short and long term training to be given to enhance the capacity of the members of the Commission, follow up its implementation;
- 2) Examine and approve the assignment of process owners at Commission level, head and process owners at zonal and woreda submitted by the Commissioner;
- 3) Examine and approve recommendations from discipline committee relating to severe disciplinary measures such as removal of rank, reduction of salary and demotion from position, dismissal and bringing before a law that concerns the Commission, examine recommendations of zonal or woreda or training center management committee submitted to it relating to severe disciplinary cases and decided the after looking in to recommendations;
- 4) Award rank promotion from Assistant sergeant to vice sergeant;
- 5) Examine rank promotions regarding Assistant Inspector to Assistant Commissioner and submit recommendation to the head of the Beareu;
- 6) Issue directives necessary to implement this regulation, implement same, cause its implementation;
- 7) Give decisions on other administrative matters relating the members of the Commission.

#### **95. Transitional Provisions**

- 1) Disciplinary faults which are at the stage of investigation or charge prior to the issuance of this regulation shall get final decision in accordance with Oromia National Regional State Prison Administration Commission Police Members Code of Conduct No.47/2005.
- 2) Administrative decisions delivered prior to the issuance of this regulation regarding members of the Commission shall be effective.

- 3) Record regarding the members of the Commission that were punished in accordance with the Oromia National Regional State Prison Administration Commission Police Members Code of Conduct No.47/2005 shall be implemented in accordance with article 90 of this regulation.

**96. Power to Issue Directive**

The Commission may issue directive to implement this regulation.

**97. Inapplicable laws**

- 1) Regulation to provide for the Code of Conduct of the Oromia National Regional State Prison Administration Commission Police Members Regulation No 47/2005 shall be repealed by this regulation.
- 2) Regulations, directives or customary practices inconsistent with this regulation shall not be applicable on matters covered by this regulation.

**98. Effective Date**

This regulation shall come to into force as of the 18<sup>th</sup> day of July, 2014.

Done at Finfine, 18<sup>th</sup> day of July, 2014

**Muktar Kedir**

**President of Oromia National Regional State**