WESTERN AUSTRALIA POLICE

Code of Conduct

August 2010

INTRODUCTION

This Code applies to persons employed under the Police Act 1892 and persons employed by the Commissioner of Police under the Public Sector Management Act 1994.

The Code also complements the 'Our Values' document and the Western Australian Public Sector Code of Ethics which requires the development of, and compliance with, an agency specific code of conduct. It also applies, but is not limited to volunteers, contractors and sub contractors.

The Western Australian community is entitled to the highest standards of **ethics, integrity, impartiality and professional conduct.** We need to be open and honest in all that we do.

OUR VALUES

HONESTY	to ourselves, our jobs, our colleagues and the community
EMPATHY	for victims and vulnerable groups within our community
RESPECT	based on human dignity, cultural awareness, respect for individual needs and differences, respect in our communications to individuals and groups in the community, and to each other
OPENNESS	we will be open with the community and each other; the only exception being where there is organisational or operational risk
FAIRNESS	consistency and equity in our decisions and processes, in dealing with the community and each other
ACCOUNTABILITY	for ourselves, our team and our agency

LEGISLATION, POLICY, PROCEDURES, PROTOCOLS AND REGULATIONS GOVERNING WA POLICE

An employee of the WA Police must comply with the law at all times, whether on or off duty.

Police members must adhere to all policy, protocols and procedures including those contained in the Police Act 1892, Police Force Regulations 1979, the Police Manual and any other lawful directive.

Other obligations for conduct outlined in Policy and Legislation include:

- Public Sector Management Act 1994, together with the Approved Procedures, which are available on the Public Sector Management website - http://www.dpc.wa.gov.au/psmd/
- Western Australian Public Sector Code of Ethics
- Public Sector Standards in Human Resource Management, made under the Public Sector Management Act 1994
- The "Police Manual", which can be accessed through the WA Police Intranet home page.

REPORTING

Criminal action, corruption, unlawful conduct, dishonest and unethical conduct, breaches of discipline and conflicts of interest, and failure to report the same, relating to yourself or others, are examples of unprofessional conduct.

It is your duty to report the above conduct to one of the following:

- Your immediate supervisor, a Commissioned Officer, Manager, Assistant Commissioner or Director
- **BLUE LINE - 1800 99 44 88**
- Internal Affairs Unit
- Assistant Commissioner (Professional Standards)
- Corruption & Crime Commission
- Risk Assessment Unit - PID Officer (Appointed under the Public Interest Disclosure Act)

Remember, you are not alone... a **Supported Internal Witness Program** is available to employees who report such conduct. The program is professionally managed by the Risk Assessment Unit.

CONFLICTS OF INTEREST

Your private interests cannot conflict, or be perceived to conflict with, your public duty. You must ensure that you behave or act in a manner that is objective and without bias of:

- personal beliefs or attitudes;
- personal or business interests or rights; or
- the interests or rights of your family, friends, or colleagues.

You are expected to conduct yourself, whether on or off duty, in a manner which preserves public confidence and trust in the integrity, objectivity and impartiality of the WA Police. You should be particularly mindful of your friendships and the type of people you associate with especially off duty and unofficially.

In matters involving a family member **you must remove yourself from any inquiry,** other than to provide moral support.

An actual or objectively perceived conflict of interest, particularly in conducting investigations, must be reported immediately to your supervisor.

Where you become aware of an inquiry or matter requiring police attention, involving a friend, associate or person with whom you have had a relationship, you are not to become involved with the inquiry or matter. There may be exceptional circumstances, such as working in a small community, where some flexibility and discretion may be exercised.

Remember that an attempt to contact inquiry staff may be construed as an attempt to influence outcomes.

See Police Manual AD-16.10

GIFTS OR BENEFITS

You must not solicit, give or accept gifts or benefits for yourself, any other person or on behalf of the WA Police, **unless authorised to do so in accordance with policy.**

Accepting a gift or benefit in the course of your duty can be appropriate when the acceptance of those gifts or benefits will be beneficial to the employee's work and reputation and will build positive social relations between the WA Police and the community, such as the gaining of gifts and gratuities (including fundraising) for registered charitable organisations.

In most circumstances, gifts should be declined. The reason for this is that accepting gifts may affect, or may be perceived as affecting, the performance of the official duties of employees. **If any doubt exists, seek advice from your supervisor or Officer in Charge.**

DISCRIMINATION, HARASSMENT AND VICTIMISATION

It is unethical and unlawful to discriminate in the workplace and in service delivery on the following grounds:

- Sex
- Sexual Harassment
- Sexual orientation
- Gender history
- Marital status
- Pregnancy
- Family responsibilities

- Family status
- Race
- Racial Harassment
- Religious conviction
- Political conviction
- Impairment
- Age

Victimisation is also treated as discrimination.

Harassment is any unwelcome comment or action of a sexual or racial nature which results in a person feeling intimidated, offended, humiliated or embarrassed. Discrimination, harassment and victimisation, both direct and indirect, will not be tolerated.

OCCUPATIONAL SAFETY AND HEALTH

The Occupational Safety and Health Act 1984 and OSH Regulations 1996 require employers and employees to ensure a safe and healthy workplace.

As an employee you are required to:

- Take reasonable care for your own safety and health at work;
- Avoid adversely affecting the safety or health of any other person at work;
- Report any potential hazards, incidents or injuries to your manager/supervisor;

- Follow safe work practices;
- Wear personal protective clothing and use personal protective equipment as instructed; and
- Comply with safety and health instructions given by your manager/supervisor or safety and health representative.

WORKPLACE BULLYING

The WorkSafe Code of Practice on violence, aggression and bullying at work outlines behaviour and expectations of employees. Violence, aggression and bullying are not acceptable and Supervisors are obliged to ensure that all employees have a safe working environment and are treated fairly and equitably.

SUBSTANCE USE (DRUGS AND ALCOHOL)

Substance use in the workplace is a significant issue of concern for the community as a whole. It is of greater concern for policing organisations because of the nature of the job, public perception, legality of some substances and the potential for corruption.

'Substance' includes alcohol, tobacco, pharmaceuticals, petrol, illicit drugs and anabolic steroids.

The possession, use and taking of illicit drugs is a criminal offence and therefore not acceptable at any time, whether on or off duty. The term 'social drug' is not endorsed by WA

Police and such conduct involving illicit drugs immediately compromises an employee's position with the WA Police.

You must also ensure that you do not over-use or abuse pharmaceuticals which are obtained 'over the counter' by taking in excess of prescribed amounts or manufacturers' or medical standards.

Personnel reporting for duty (rostered or recalled) or who are on call, on close call or standby, must ensure they are fit for work and not impaired by any substance. Personnel taking medication should seek a doctor's opinion should there be any doubt as to their fitness for duty.

Supervisors should endeavour to ensure that their personnel are not impaired in any way by any substance.

(Refer Police Manual HR-8.13)

DEALING WITH PEOPLE WITH DISABILITIES

Whether in their capacity as customers, witnesses or offenders, people with disabilities can expect:

- The right to be treated with dignity and respect and to have all reasonable attempts made to accommodate the specific needs of their disability
- In the case of people with psychiatric or intellectual disability, the right to understanding of their disability and their legal rights protected accordingly
- In the case of people with a psychiatric or intellectual disability, a right to an advocate when dealing with police.

Members need to be mindful of their obligations when interviewing people with special needs, which include people with physical, intellectual or psychiatric disabilities.

CLIENT RIGHTS

Victims of crime and complainants need to be treated with courtesy and respect.

- Human dignity is paramount
- You must always be civil in dealing with clients and keep them informed regarding their contact with the WA Police
- Members of the community have a right to lodge complaints
- You must be prepared to accept accountability
- You must make every effort to rectify any behaviour or performance which is the subject of a legitimate complaint

(Refer Police Manual VC-1 and AD-16)

DUTY OF CARE

You must try to ensure that persons in custody or care are prevented from suffering illness, injury or death and be alert to your duty of care as a result of your actions. Any use of force must be lawful and proportionate to any threat.

You are also required to take reasonable care of your own

health and safety while on duty, and avoid endangering the health and safety of others through any act or omission.

(Refer Police Manual DC-1.1)

MISUSE OF OFFICE

You must not use your powers or office for personal gain or abuse your powers to cause a detriment to any other person.

Always ensure that you do not exceed your legal powers. In exercising discretion within the law, take heed of relevant facts, be honest, impartial and consistent, and never act arbitrarily or with malice. Treat all individuals fairly and without bias. Be objective and impartial in your investigations and presentation of evidence.

Noble cause corruption or strengthening a case against a suspect through coercion, selective or biased investigations or non-disclosure of critical evidence is totally unacceptable.

ACCESS TO WA POLICE INFORMATION HOLDINGS

The management, access and use of information stored on police computer systems are areas of growing concern. It represents a considerable and very real risk to both the employee and the organisation if the appropriate rules and protocols are not observed.

Being a police officer or police staff member does not give you "licence" to search or surf through police records which

are not strictly related to your work duties, authorisation, role or function. Your access to WA Police information holdings is limited to specific information that has a direct relationship to your work area or associated work functions.

Access to information that relates solely to a user's personal, private, business or social interests is prohibited. This also includes for reasons solely related to protecting a user's reputation as a member of the WA Police. **Where any doubt exists, authority should be obtained from a direct supervisor. Do not risk the consequences of acting inappropriately.**

Employees are not to leave computers open and unattended once access has been obtained. Individuals will be held personally accountable if they offer such conduct as an explanation when information access is in question.

Section 440A of the Criminal Code (Unlawful Use of Computers) does not require 'the gaining of a benefit' or the 'causing of a detriment' for an employee to be guilty of a criminal offence under this section.

To simply 'use' the computer when 'not properly authorised' or 'otherwise than in accordance with his or her authorisation' means the person may be committing a serious offence under the Criminal Code.

(Refer Police Manual LO-1.6 and AD-16.10)

INAPPROPRIATE COMMUNICATION

Inappropriate, offensive, crude or obscene language or images are unacceptable at all times.

The unauthorised use of WA Police e-mail/Internet

facilities, including accessing, forwarding, communicating or downloading inappropriate non-work related material will result in managerial action and may include disciplinary action, dismissal or removal.

Managers and OIC's are responsible to prevent misuse and abuse of Email facilities.

Users are responsible for all computer usage and Internet access under their user ID. You therefore must not disclose your password to others or use other people's passwords to access systems.

Some examples of inappropriate access include but are not limited to accessing of pornographic sites, personal business use such as share trading, interactive games, downloading MP3 or similar files, games and unauthorised copying of written material.

(Refer Police Manual AD- 52.21 and AD- 71.2)

MANAGERIAL INTERVENTION MODEL COMPLAINTS AGAINST POLICE

The MIM is a remedial/developmental approach which recognises that officers will make honest mistakes and which provides a "fair go" to change behaviour, conduct and/or performance leading to improvement in both organisational and individual performance.

The Code of Conduct is the 'touchstone' of the MIM and is the primary reference point when considering an officer's conduct/behaviour as a result of a complaint. The Code and its six key values set the standard for the behaviour, conduct

and performance expected of all employees. Employees must make every effort to correct any shortcomings in their behaviour or performance which have been identified as a result of a complaint.

All employees must act honestly, truthfully, impartially and with integrity when dealing with other employees and members of the community. This obligation also includes when you are involved in any way with any inquiry conducted as a result of a complaint. Your full cooperation is essential.

An employee who is dishonest and who is found to have told lies when reporting or being interviewed as a result of a complaint against any employee will be subject to action which may include managerial or disciplinary action, dismissal or removal.

COMPETENCE

The WA Police has a responsibility to provide all personnel with timely training and development, which encompasses a combination of knowledge, skills and behaviour used to improve performance. As an individual you have a responsibility to take advantage of this to continually maintain your professional competence and uphold the agency's standards.

To ensure competence and professionalism, it is essential that you acquaint yourself with relevant legislation and policies.

Honest mistakes can occur. When in doubt about your delegated powers or discharging your duties, consult your supervisor or manager.

YOUR PRIVATE LIFE

Your legitimate behaviour while off-duty is not of concern to the WA Police, provided it does not bring discredit to the WA Police.

You need to ensure that your personal life does not compromise you in your public role, nor conflict or appear to conflict with the impartiality that is expected of you as an employee of the WA Police.

SECONDARY EMPLOYMENT

You must obtain WA Police approval **prior to engaging in any form of employment** outside your official duties, and comply with the requirements of Police Manual **HR-12.**

THE MEDIA

The media plays an important role in our parliamentary democracy. You should be mindful of your legal obligations when releasing information to the media, and should consider:

- Protection of individual rights to privacy
- Rights of victims of crime and their families
- The rights of an accused person to a fair trial
- Confidentiality, security and operational effectiveness of policing activities
- The appropriateness of commenting on policy issues.

When authorised as a media spokesperson you should

familiarise yourself with the requirements of Police Manual AD-40 and ensure that your public image reflects your personal professionalism and that of the WA Police.

PUBLIC COMMENT

Public officers have equal rights of private citizens to hold private opinions, make public comment or enter into debate on political and community issues.

However, always ensure separation between your private views and the official position of the WA Police.

- Avoid official comment that may undermine community confidence in the WA Police, the Public Sector, or the Government.
- Avoid public criticism of WA Police or WA Government decisions relative to your official capacity.
- Do not speculate on future policy direction.
- Avoid careless talk or disclosure that may impact on the safety of police personnel, or operational effectiveness.
- In your official capacity refrain from public criticism of legitimate political parties.
- Assume personal responsibility for the security of WA Police information.

These requirements are not to inhibit your reporting obligations in relation to activities that are improper, illegal, corrupt or contrary to public interest.

CONFIDENTIALITY

You must not access, use, give or disclose any information relating to the WA Police or information obtained in the course of your duties or disclose the contents of any official documents obtained in the course of your duties without proper authorisation or lawful reason.

COMMISSIONER FOR PUBLIC SECTOR STANDARDS, OMBUDSMAN AND CORRUPTION & CRIME COMMISSION

The Commissioner for Public Sector Standards, the State Ombudsman Office, the Auditor General and the Corruption and Crime Commission have specific statutory responsibilities for maintaining integrity, accountability and ethical behaviour in public office.

It is both inherent in this Code of Conduct and in the public interest for you to cooperate with external oversight agencies, such as those agencies listed above.

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