

Police Code of Conduct and Ethics

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Commissioner's Foreword

I consider this Code of Conduct and Ethics a cornerstone for positive change and growth in the Police Force. Yet, on its own, it will achieve very little unless each of us takes full responsibility for our behaviour as it affects our work and other people.

If we are to create a Police Culture free of the mistakes and wrongs of the past, each of us must contribute from day to day, leading by example and speaking out against unethical practices wherever they occur. You are responsible for your actions and their consequences.

Honesty and integrity are very important and those who operate ethically and in accordance with the Service's objectives will be

recognised.

For my part, I am committed to creating and maintaining a style of management which listens and responds to the work related concerns of all staff so each of you feels valued, respected and supported by the Force.

This respect and support is fundamental to your ability to trust that the Force will protect you against false allegations of corruption, and will not punish honest mistakes.



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Introduction

The people of New South Wales have the expect Police Force Officers, both sworn and unsworn, to work with efficiency, fairness, impartiality and integrity.

Just as important, you have the right to a workplace free of any form of harassment, unfair discrimination or fear. This requires standards of behaviour of you and your colleagues which promote and maintain confidence and trust among ourselves and the public in our services.

The purpose of this organisational code is to make explicit, certain behaviours which are unacceptable for all sworn and unsworn officers regardless of rank or grade, and to provide an ethical framework for your decisions and actions. Such a framework recognises that it is not possible to address all ethical questions you might encounter. For that reason, you need to be aware of and comply with relevant legislation, this Code, Police Force policy, guidelines and instructions as they relate to your work, and you should seek additional advice from a person in authority whenever you are in doubt about any matter.



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Statement of Values

Each member of the Police Force to Act in a manner which:

- Places integrity above all
- Upholds the rule of law
- Preserves the rights and freedoms of individuals
- Seeks to improve quality of life by community involvement in policing
- Strives for citizen and police personal satisfaction
- Capitalises on the wealth of human resources
- Makes efficient and economical use of public resources, and
- Ensures authority is exercised responsibly.



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Failure to Comply

If you fail to comply with this Code or any other lawful directive, you will be asked to

explain your actions. Should your conduct be contrary to the Code's requirements, and does not involve an honest mistake, you will be subject to a range of management options or remedies up to removal from the Force. Where this Code conflicts with another Police Force Instruction, policy or guideline, you are to comply with the requirements of this Code.



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Fair Treatment

If you believe you have not been treated according to this Code, you can request the circumstances of the case to be reviewed at the next level of command.



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Guide to Ethical Decision Making

When you are faced with a decision which poses an ethical dilemma, you should consider, either alone or in consultation with your supervisor or specialist adviser (eg Employee Assistance Program, Chaplain, Peer Support Officer), the following questions:

- Is the decision or conduct legal and consistent with government policy?
- Is the decision or conduct in line with the Police Force's policy objectives and Code of Conduct and Ethics?
- What will be the outcomes for yourself, your colleagues, the Police Force, other parties?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?



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Reporting Corrupt Conduct

Corruption is deliberate unlawful conduct. Some examples are the giving or taking of bribes, giving false evidence, falsifying documents, mistreatment of prisoners in custody and gross abuse of authority. Corrupt conduct is not about making honest mistakes which can be dealt with through good management practices at the local level.

You must report suspected corrupt conduct, misconduct, serious mismanagement or substantial waste of public resources. The law prescribes that you can be guilty of corrupt conduct yourself if you fail to report suspected corruption.

Depending upon the circumstances, you should report possible corrupt conduct or unethical conduct to:

- An officer senior in rank to you
- A Professional Standards' Council in your command
- The Commissioner
- The Police Integrity Commission

- Ombudsman
- The Independent Commission Against Corruption.

Under the Police Force Act and the Protected Disclosures Act 1994, you have certain protection from reprisals. There is also an Internal Witness Support Policy and Program operating within the Force. This program can ensure you are provided with assistance and support.

All managers and commanders must ensure you have the information you need about internal reporting procedures, and will notify you about any action taken or proposed in relation to the disclosure



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Criminal Convictions

If a criminal offence is proven against you in a court of law, there is a presumption of removal from the Force. Examples include offences such as dishonesty, assault, unlawful access to or use of confidential information, supply of illegal substances and driving under the influence of alcohol.

From 1 February 1997, all Police Force Officers will be required to sign an acknowledgement they have received and read this Code, and a conditional amnesty will exist for all prior convictions. These convictions, however, will be referred to when considering discipline for future breaches of the Code.



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Conflicts of Interest

You must avoid any financial interests which could compromise the impartial performance of your duties, and are to disclose any potential or actual conflicts of interest to your manager or other senior officer.

Conflicts of interest might also occur where you have personal beliefs or attitudes which could influence your impartiality in performing your job.

Outside activities including studies and volunteer work can pose a conflict if they adversely affect your ability to perform your job.

If you have developed a relationship with people with whom the Police Force is dealing, you must ensure this relationship does not form an improper association.

If you are uncertain whether a conflict exists, you should discuss the matter with your manager. In this way, there is a joint responsibility to avoid or resolve the conflict.

All managers and commanders must actively resolve any conflicts of interest involving their staff.



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Acceptance of Gifts Benefits

You must never solicit a gift or benefit for yourself or anyone else, and are not to accept any such gift or benefit in the course of your duties regardless of value, other than in the circumstances specified below. This includes times off-duty when the gift or benefit is or appears to be associated with your employment with the Police Force. In this way, there will be no circumstances where you might be, or might appear to be, compromised.

If someone offers you a gift or benefit for any reason, you should politely decline by explaining Force policy. This does not mean you cannot accept an offer of light refreshment such as a cup of tea or coffee.

You may, however, accept gifts of nominal value from another organisation on behalf of the Force (or in situations where you believe you would cause severe embarrassment to an individual by refusing) provided it becomes the property of the Force or permission is given in writing by your manager to retain the gift. In some cases, you might be asked to return the gift. A register of gifts must be maintained by managers for this purpose.

Donations to the Police Force in connection with recognised charity events such as golf days are allowed provided appropriate records are maintained for audit.

Other than meals and refreshment provided by other individuals or organisations in the course of your official duties, you are expected to seek reimbursement from the Force when you incur appropriate work-related expenses.

Benefits such as free travel on trains for sworn officers in uniform are permitted provided they follow a written standing agreement between the Police Force and the organisation providing the discount. In other words, a formal arrangement must exist and you must comply with that arrangement.

Where goods, services, or cash are given to the Force by any individual or organisation, in return for any benefit such as publicity or recognition of the sponsor, you must comply with the Service's Sponsorship & Endorsement Policy, 1996. Any other endorsement of commercial products or services is prohibited.



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Discrimination and Harassment

You must not discriminate against your colleagues or members of the public for any reason including:

- Gender
- Physical appearance
- Marital status
- Pregnancy
- Age
- Race
- Ethnic or national origin
- Physical or intellectual impairment
- Sexual Preference
- Religious or political conviction

If you witness harassment or discrimination, you should do something to stop it if possible and report it to your manager or other senior officer.

Examples of harassment include:

- Verbal abuse or threats
- Unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, marital status, sex, pregnancy, ethnic or national origin, sexual lifestyle or disability
- Displaying sexually suggestive, racist or other offensive or derogatory material such as posters or cartoons
- Physical intimidation
- Practical jokes which may cause awkwardness or embarrassment
- Persistent and unwelcome invitations, requests or intimidation
- Leering and/or other offensive gestures
- Persistent and unwelcome physical contact such as patting, pinching, punching or touching.

Essentially, harassment is any behaviour which results in a person feeling threatened, uncomfortable or unable to cope in their work environment.



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Offensive Language

The use of obscenities or offensive s unacceptable when dealing with members of the public or with other Police Force Officers.

Failure in this regard will result in remedial counselling and if warranted, appropriate disciplinary action.



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Management

All managers and commanders are accountable work-related needs of their staff and are expected to:

- Keep staff informed of legislation which applies to them and of the consequences if they fail to comply
- Develop and instil corporate values as the cornerstone of service and proper conduct
- Treat all staff with honesty and courtesy.
- In particular, managers and commanders must:
 - Inform staff of this Code of Conduct and Ethics
 - Provide an environment supportive of flexible work practices and adaptable to staff needs both in and outside the workplace
 - Ensure equal access to training and development for all staff
 - Acknowledge and reward individual and team achievements
 - Develop and implement effective local corruption prevention measures
 - Ensure staff create and maintain full and accurate records documenting activities, incidents, decisions and reasons

for them

- Develop an understanding of the police service, its purpose and corporate plan among all staff
- Develop agreed, realistic goals for staff
- Monitor their progress, ensuring any performance problems are discussed and dealt with
- Foster a learning ethic by offering development opportunities and actively planning for these
- Comply with all legislative, industrial and administrative requirements of the police service
- Take appropriate action against staff who fail to comply with this Code and related standards of conduct.



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Drugs and Alcohol

You must not perform your job, work or undertake any Police Force related activity if you are impaired by alcohol or other drugs including those prescribed by your doctor. This includes training functions and seminars. If you are off duty and impaired, you are not allowed to visit the workplace.



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Customer Rights

We guarantee to provide a satisfactory level of service to any person or organisation with whom or which we have contact: our customers.

if unsatisfactory service results from your failure to be consistent with our standards of professionalism, courtesy, equity, or any other factor under your control, you will be held accountable.

Customers have a basic right to have their questions answered, be kept informed about matters involving contact with police, and to lodge complaints.

You need to be aware of your responsibilities in relation to the requirements of the NSW Government's Charter of Victims' Rights which focuses on their entitlement to information and help.



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Limitations of Authority

Whatever your position, or Act beyond the powers the law and the Police Force gives

If you have the authority to use discretion in determining any action, you must ensure the principle of reasonableness is applied and you consider all circumstances.



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Professional Competency and Development

The Police Force is responsible for the training and development needs of its officers. You are responsible for maintaining your professional competency and development.

Although the Force recognises honest mistakes do happen, you should not act outside your level of competency and authority. If practicable, you have a duty to consult your colleagues or supervisor if in any doubt about how you should exercise delegated powers or fulfil duties.



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Private Conduct

Lawful behaviour while off duty is not of unless it brings, or has the potential to bring, discredit to the Police Force.

All Police Force Officers have an obligation to Act and to be seen to Act by the public in accordance with the spirit and the letter of the law including the terms of this Code of Conduct and Ethics whether on or off duty.

Any private activity which adversely affects your job performance will be regarded as a work-related issue.



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Media Relations

Specific legal obligations must be observed when releasing information to the media. These include the protection of an individual's right to privacy; the rights of victims and their families to a minimum of stress; the rights of an accused to a fair trial.

If you have authorisation to speak to the media, you must follow our published Media Policy (Instruction 52). This document indicates the nature of information which may be released; the circumstances which need to be considered; the level of authority necessary for releasing information.



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Public Comment

Although you have the right as a private to make public comment and enter into public debate on political and social issues, you may not make or appear to make statements on behalf of the Police Force.

You may accept speaking engagements with professional, educational and community groups relating to Police Force activities if you have obtained approval. If you receive a fee for the engagement (other than from approved secondary employment), it must be paid into an appropriate Police Force account. You cannot retain the fee.



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Protecting Confidential Information

You must not access, use or disclose any official information, e.g. information kept on the Computerised Operational Policing System (COPS), without proper authorisation or lawful reason. You will be liable for a criminal charge and might be dismissed.

You must make sure confidential information cannot be accessed by unauthorised people and sensitive information is released only to people inside and outside the Force who have a lawful access need.



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Use of Facilities and Equipment

Official facilities and equipment can be used only for private purposes when official permission has been given. This might include short private local telephone calls and limited use of facsimile equipment which does not disrupt official work.

Permission for private use of Force vehicles needs to be documented.



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Secondary Employment

You must have approval before you engage in any form of employment outside official duties. Police Force duties take precedence and secondary employment will not be approved where there is actual or potential conflict of interest.



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Relevant Legislation

The main legislation which applies to Police Force Officers and their standards of behaviour are the Police Force Act, 1990, the Police Force Regulation and the Public Sector Management Act, 1988. The following legislation might also be relevant:

- Police Integrity Commission Act, 1996
- Anti-Discrimination Act, 1977
- Independent Commission Against Corruption Act, 1988
- Ombudsman Act, 1974
- Protected Disclosures Act, 1994
- Public Finance and Audit Act, 1983