

NORTHERN TERRITORY POLICE

GENERAL ORDER



CODE OF CONDUCT AND ETHICS

GENERAL ORDER OWNER: Commander Ethical and Professional Standards Command

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This document is issued in accordance with the provisions of:

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INTRODUCTION

Title

1. This document shall be known as the Northern Territory Police Force *Code of Conduct and Ethics* (the Code).

Purpose

2. The purpose of this General Order is to provide instruction, guidance, and advice and make explicit certain behaviours that are unacceptable for all regardless of rank, and to provide an ethical framework for member's decisions and actions.
3. **If a member is in any doubt about the application or meaning of any section of this General Order the member must consult a supervisor or manager for guidance.**

Coverage

4. This General Order and the Code of Conduct and Ethics applies to all members of the Northern Territory Police Force. It includes members in training and dependant upon the circumstances those that are seconded to other agencies or otherwise inoperative.
5. Throughout this General Order some paragraphs are ***bold and italicised***, those paragraphs are intended to be prescriptive in nature and if a member breaches any one of them they may be subject to the disciplinary provisions of the *Police Administration Act*.
6. Other sections of this General Order are intended to provide examples or explanations for the matters that are prescriptive in nature. They are intended to assist understanding of their purpose and are not intended to limit, in any way, the interpretation of the prescriptive components of the Code.

Introduction

7. The community and your colleagues have the right to expect member's of the Northern Territory Police Force to conduct themselves with efficiency, fairness, impartiality and integrity. Just as important, members have the right to a workplace free of any form of harassment, unfair discrimination or fear.
8. Member's need to be aware of and comply with relevant legislation, this General Order and other instructions as they relate to their behaviour and actions, both on and off duty. The Code of Conduct and Ethics recognises that it is not possible to address all ethical questions a member might encounter. For that reason, members should seek additional advice from a senior member when confronted with an ethical dilemma that they are unable or uncertain how to resolve.
9. This General Order is not intended to derogate from or limit the scope of improper conduct prohibited by section 76(a) of the *Police Administration Act*.

Australasian Police Statement of Ethics

10. The Northern Territory Police has adopted the Australasian Police Statement of Ethics. The Statement details principles for the proper conduct expected of our members and includes community rights and expectations.

Duty *In exercising our duty to provide community safety, maintain the peace and uphold the law we will be guided at all times by the principles of justice and fairness.*

Integrity *We act with integrity. We are honest in our dealings with people, and with ourselves.*

Respect *We respect the worth and dignity of all. We treat all people with empathy and equality.*

Responsibility *We can be trusted. We are self-disciplined. We do not abuse our powers and we are responsible in exercising them.*

Accountability *We act openly and are accountable for our actions.*

Compliance and Management

11. All members will comply with the **Code of Conduct and Ethics**.

12. Along with their own personal compliance with the **Code of Conduct of Ethics**, managers and supervisors have an obligation to:

12.1 ensure that members under their control understand, are aware of and comply with the **Code of Conduct and Ethics**; and;

12.2 advise others on compliance with the **Code of Conduct and Ethics**.

13. The Northern Territory Police will not allow, tolerate or support any conduct by a member that is dishonest, corrupt or unethical. If a member makes an honest mistake or a genuine error of judgment, that at the time the member believed was based on sound reason, the member will be supported or provided with appropriate guidance, training or assistance. However, the member must acknowledge their mistake, be accountable and co-operative.

Professional Competency and Development

14. The Police Force is responsible for providing for the training and development needs of its members. Members are responsible for maintaining their professional competency and development.

15. It is recognised that honest mistakes do happen. However, a member should not act outside their level of competency and authority. If practicable, members have a duty to consult their supervisor if they are in any doubt about how they should exercise their powers or fulfil their duties, or if they believe they require further training or guidance.

16. It is the responsibility of all members to ensure that they advise their supervisors of significant matters that come to notice in the course of their duties. It is the responsibility of all supervisors to ensure that at all times they are aware of the capacities of their subordinates, are able to provide guidance and advice where appropriate, and can take command of situations where circumstances require that greater experience is appropriate in resolving that situation.

Personal Conduct

17. Police are a unique group in society, they are authorised by legislation to carry out a range of actions that without that authority would be unlawful, these actions include depriving people of their liberty and using reasonable force up to and including lethal force. Whatever their position, a member may not act beyond the powers the law gives them.
18. Members' behaviour on and off duty may often be the subject of public scrutiny and comment.
19. **Members must act with honesty and integrity at all times.**
20. **Members must always conduct themselves, both on and off duty, in a proper manner that does not bring, or has the potential to bring discredit to, or adversely affect, the police force.**
21. To maintain the respect of the community it is critical that members' conduct on and off duty is beyond reproach, members should endeavour to be role models for the community.
22. **In the exercise of their powers members must be honest, impartial and consistent, and never act arbitrarily or with malice.**
23. If a member has the authority to use discretion in determining any action, they must consider all circumstances when applying that discretion.
24. The use of discretion is an exercise of judgement for which the member may be required to account. It must therefore be seen to be even-handed, equitable and fair. It must be defensible when, and if, the member is called to account. If a member has any doubts about their exercise of discretion they should consult a supervisor.
25. Senior Members are to ensure judicious use of discretion when dealing with minor offences. Where necessary they should intervene and examine reports and charges of harsh, unreasonable, or unjustifiable arrest or prosecution.
26. **Members should always conduct themselves in a professional manner that is lawful and within the spirit and intent of the Code of Conduct and Ethics.**
27. **Members must be receptive and responsive to lawful orders and instructions given by the Commissioner of Police or any person lawfully entitled to give such order or instruction. Members will carry out any lawful orders or instructions promptly and to the best of their ability.**
28. **Members may only use force that is lawful and reasonable in the circumstances.**

29. **Members must always perform their duties promptly, with due diligence and to a satisfactory standard.**
30. Members must aim to provide a satisfactory level of service to any person or organisation with which they have contact in a professional, courteous and equitable manner.
31. **The Northern Territory community must have confidence, trust and faith in our members. To maintain the community's trust we must be accountable, truthful and act at all times with honesty and integrity. People have a basic right to have their questions answered, be kept informed about matters involving contact with police, and to lodge complaints.**
32. Dealings with victims should comply with the Northern Territory Police *Victims of Crime Charter*.

Conflicts of Interest

33. The importance of family and private commitments is accepted. However, **members shall arrange their private affairs in a manner that will:**
- 33.1 prevent any conflict of interest from arising; and**
 - 33.2 ensure there is no incompatibility, or perceived incompatibility between their personal interests, activities or beliefs, that interfere with the impartial fulfilment of their official duties and responsibilities.**
 - 33.3 cease or minimise any contact or interaction with persons who have or continue to have adverse dealings with the NT Police, (adverse dealings for example can include; extensive criminal history, adverse intelligence holdings, known police targets)**
34. **If a conflict of interest does arise, the member shall resolve the conflict in favour of the public interest and the Northern Territory Police Force.**
35. Members shall take reasonable steps to prevent any conflict of interest from arising. Where they have any doubt, members shall discuss with their supervisor.
36. **Members are to disclose any conflicts of interest to their supervisor.**
37. **Members who believe that another member has been placed, or is in, a situation of conflict of interest shall report the matter to a supervisor.**
38. **Members must cooperate in the management of any conflict of interest.**
39. Supervisors must take action to ensure that any conflict of interest involving their subordinates is resolved. Supervisors, or Managers, must record conflicts of interest disclosed to them and action taken to resolve or manage the conflict. Such outcomes are to be forwarded to the Commander EPSC for recording.

40. **Members at bush stations are specifically reminded to exercise caution when engaging in activities that may impinge on responsibilities members may have under their statutory authorities as police officers.**
- 40.1 As an example in some isolated circumstances involving family or friends, such activities could include dealing in motor vehicles, inspecting motor vehicles, issuing of drivers licences, dealing in firearms, selling goods or using police facilities to engage in commercial business activity by the member or their family.
- 40.2 A member shall not sell goods for personal gain at, or from, a police station
- 40.3 Members need to be mindful of the perception of a conflict of interest in relation to business, community involvement or other enterprise being carried out or undertaken by the member or by a family member.
41. Where members have a responsibility as the Receiver of Territory Monies (RTM) they should, where possible, conduct personal financial transactions involving RTM monies away from their stations or at the very least, have another member process the transaction.
42. Members on occasions may also be required to sit on committees, tribunals, boards, recruitment panels and other workplace and community forums. Members should be mindful of any potential conflict of interest. Such conflicts could include personal relationships with the third party, or where there is personal advantage in the outcomes etc.
43. **Members should, whenever practicable, avoid becoming involved in police matters involving themselves, their friends, their relatives or in which they have a direct personal interest. Unless immediate action is required and the member concerned is on duty, such cases should be referred to other members for appropriate action.**
44. In relation to undertaking any outside employment, members should refer to General Order - *Outside Employment*. Where a member assists or is involved in a business enterprise involving a family member or some other persons, they are also to refer to this General Order.
45. **Example of conflicts of interest are:**
- 45.1 any financial or other interests that could compromise the impartial performance of a member's duties;
- 45.2 **any personal beliefs or attitudes a member holds that may influence the impartial performance of their duties;**
- 45.3 outside activities including studies and volunteer work which adversely affect a member's ability to perform their duties; and/or
- 45.4 improper associations or relationships with people with whom a Police Force or Law Enforcement Agency has had or is having adverse dealings. This is not to be limited to mean only persons convicted of an offence and may include persons charged with offences or persons subject to adverse intelligence holdings.

Certificates of Character and References

46. Certificates of character and references shall only be provided with the prior approval of the members Divisional Officer who is to ensure no conflict of interest exists.
 - 46.1 They are not to be provided for production at court; and
 - 46.2 Are not to state that the person to whom it refers has no criminal record.
47. Members who issue certificates or references are responsible for any inaccuracy in these documents. A copy of the certificate is to be filed with the Divisional correspondence.
48. Members leaving the Police Force should refer to *General Order - Retirement and Resignation*.

Protecting Official Information

49. **Members must not access, use or disclose any official information, without proper authorisation or in circumstances that amount to a misuse of the information.**
50. **Members must ensure that unauthorised people cannot access confidential or official information. Information is to be released only to those who are lawfully entitled to it.**
51. Members must refer to related Policy which explains in detail expectations and obligations when accessing information, this includes the;
 - *Access to NTPFES Information Holdings, and*
 - *NTPFES Computing and Communications Policy and Standards*
52. **Any access to official information must be related to your specific duties. Such access must be appropriate, ethical and authorised. If a member accesses, or otherwise becomes privy to information, that could be, or could be perceived to be, a conflict or interest, you must refer to the relevant provisions of this General Order, in addition to the above policies.**

Media Relations

53. **Members may only release information to the media in compliance with NTPFES Media Policy.**
54. Information published in the media that appears to be from a police communication or source that is not in accordance with the NTPFES Media Policy will not be tolerated. Such information can include, but is not limited to, police operational or administrative issues. All such unauthorised releases of information will be subject to investigation and oversight by the Ethical and Professional Standards Command. If provisions of the Information Act or Criminal Code relating to the access or communication of information have been breached the matter may be referred for criminal investigation.

55. Members have the right as private individuals to make public comment and enter into public debate on political and social issues.
56. **Members shall not make or appear to make statements on behalf of the Police Force, or in circumstances that may be perceived to be on behalf of the Police Force, on political or social issues.**
57. Members may accept speaking engagements with professional, educational and community groups relating to Police Force activities if they have obtained approval from their Divisional Officer. Members shall not obtain a fee for the engagement.

Acceptance of Gifts or Benefits

58. **Members must not solicit for or improperly obtain any gift, benefit or advantage for themselves, the police force or any other person.**
59. **Members must not use their powers or office for personal gain.**
60. **A member must not accept a gift or benefit for themselves or anyone else in circumstances where the gift or benefit is, or may be perceived to be, a payment for an act or omission which if done or not done would compromise, or may be perceived as compromising, their duty as a member of the Police Force.**
61. What is important is how the public perceives Police behaviour and the reason why a gift or benefit might be offered. However innocent the acceptance of a gift or benefit might be, if the public or a member could perceive such acceptance as compromising a member's duty, the gift or benefit must not be accepted. A member should politely decline by explaining Police policy. This does not mean you cannot participate in normal social events that involve shared meals and the like.
62. **A gift or benefit that is received by a member that could breach this General Order must be declared to the member's Divisional Officer.**
63. **A member that is offered a gift or benefit from a person or business that has tendered or supplies goods and services to the NT Police will not under any circumstances accept such gift or benefit.**
64. Any donations provided to the Organisation by sponsors are to be dealt with in accordance with the General Order - *Sponsorship*.

Discrimination and Harassment

65. **A member must treat everyone with courtesy, fairness and respect**
66. **A member must not harass or discriminate against any person.**
 - 66.1 Members should refer to the Equity and Diversity Plan and the General Order Equal Opportunity/Equity and Diversity and relevant Northern Territory and Commonwealth legislation for advice regarding discrimination and sexual harassment.
67. For the purpose of this Code, harassment is not limited to sexual harassment and is used in a broader sense. Some examples of the broader use of the term harassment and discrimination include:

- 67.1 verbal abuse or threats;
 - 67.2 unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, marital status, sex, pregnancy, ethnic or national origin, sexual lifestyle or disability;
 - 67.3 displaying sexually suggestive, racist or other offensive or derogatory material such as posters or cartoons;
 - 67.4 physical intimidation;
 - 67.5 practical jokes which may cause awkwardness or embarrassment;
 - 67.6 persistent and unwelcome invitations, requests or intimidation;
 - 67.7 leering and/or other offensive gestures; and
 - 67.8 persistent and/or unwelcome physical contact such as patting, pinching, punching or touching.
68. Harassment includes any conduct that results in a person feeling threatened, uncomfortable or unable to cope in his/her work environment.
69. Discrimination and Harassment is not limited to direct acts or communication and may occur by any means, for example, through email, SMS and the like.

Offensive Language

- 70. A member must not use language that under the circumstances another person may find crude, inappropriate, obscene or offensive.**

Drugs and Alcohol

- 71. Members must not use any illegal drugs at any time.**
- 72. Members will not drink alcohol on duty unless it is authorised in compliance with paragraph 75.**
- 73. Members must not report to work, remain at work, undertake any work-related duties or attend any police workplace, either on or off duty, if they are affected by alcohol or drugs (including prescription drugs).**
74. A Divisional Officer may authorise the holding of after-hours functions on police premises at which alcohol is available for consumption. The Officer authorising the function will:
- 74.1 approve who attends the function;
 - 74.2 nominate an appropriate member to ensure proper behaviour is maintained by those attending.
 - 74.3 only approve a location for the function which prevents unauthorised persons from having access to police operational areas, records or documents; and
 - 74.4 ensure the function is not held in view of other members of the public or prisoners;

Drinking on duty

75. A member shall not drink alcohol on duty unless –
- 75.1 It is in the course of, and for the purposes of, such duty, and with the prior approval of the member's Divisional Officer; or
 - 75.2 The member is travelling on duty, is in plain clothes, and is not at that time responsible for carrying out any other duty;
 - 75.3 Notwithstanding sub-paragraphs 75.1 and 75.2, a member whilst on duty, shall not be affected by alcohol.

Smoking in the Workplace

76. **All Northern Territory government workplaces are 'smoke-free' zones. As such, all members of the NTPFES are prohibited from smoking in buildings owned or occupied by the Northern Territory government.**
77. Smoking is prohibited in government vehicles.
78. Members are permitted to smoke in an approved designated area.
79. **Notwithstanding paragraph 78 members are not permitted to smoke in public places while wearing uniform.**

Tendering for Seized Vehicles

80. **Pursuant to section 95 of the *Liquor Act* and section 32 of the *Kava Management Act*, members have occasion to seize vehicles, vessels or aircraft and can be involved in the custody and inspection of such vehicles, vessels or aircraft. To prevent any potential conflict of interest or perceived potential conflict of interest arising, all members are prohibited from directly or indirectly tendering for vehicles, vessels or aircraft which have been seized under these Acts, or seized by the Licensing Commission whereby police have responsibility for the storage or inspection of these conveyances.**

Use of NTPFES Property and Resources

81. **Members are responsible for the proper use, handling and treatment of any property, equipment or assets in their care or custody.**
82. NTPFES facilities and equipment must not be used for private purposes except as specified in paragraph 83 or if a member has obtained approval from their Divisional Officer.
83. Limited private use of telephone, facsimile equipment and other equipment (i.e. computers) that does not disrupt official work is permitted.
84. Members that have outside employment must refer to the *General Order – Outside Employment* that states that Outside Employment is to be conducted solely within the members own time and not using any Police resources.

85. All members must report any suspected or actual breach of the Code of Conduct and Ethics or any suspected or actual improper conduct.
86. This should be done through the normal chain of command. Where possible such breach should be resolved at a local level. However in serious cases the matter is to be referred to the Commander of the Ethical and Professional Standards Command for assessment and determination of investigation.
87. Managers and Command Heads should give consideration as to how a matter is dealt with and in accordance with the categorisation of breaches of discipline contained in the *General Order – Performance Management and Internal Investigations*.
88. If members are not sure if a matter should be reported, they should seek advice from their supervisor.
 - 88.1 If the supervisor is the person against whom the member is alleging improper conduct, the member should advise the person next in the chain of command or seek advice directly from the Ethical and Professional Standards Command.
89. You can expect to be notified as to whether any action has been or is to be taken in relation to your report.
90. This organisation will use every available avenue to ensure that you are protected from reprisals as a consequence of reporting improper conduct.

A Guide to Ethical Decision Making

91. When making a decision that poses an **ethical dilemma**, you should apply the SAFE¹ test to determine the appropriateness of your actions. If after applying the SAFE test you are still in any doubt about the validity of a course of action you should seek advice from your supervisor.

S_{CRUTINY}

Can the decision you have made withstand the **scrutiny** of affected persons, the courts, the community, the Ombudsman, the Northern Territory Police or the media?

A_{UTHORISED}

Is your decision lawfully allowed or **authorised** by legislation or organisational policy?

F_{AIR}

Is the decision **fair** on the affected persons, the community, the Northern Territory Police, your colleagues, your family and yourself?

E_{THICAL}

Is your decision **ethical** and in compliance with General Orders? Is it in keeping with the philosophies of the Statement of Ethics, the Code of Conduct and Ethics, the Purpose and Direction Strategy and the Leadership Charter?

¹ Adapted from the "SELF test" originally produced by the Ethical Standards Command, Queensland Police Service and the Ethical and Professional Standards Service, South Australia Police