

CODE OF ETHICS FOR THE POLICE SERVICE OF NORTHERN IRELAND

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FOREWORD BY THE CHAIRMAN OF THE NORTHERN IRELAND POLICING BOARD

As Chairman of the Northern Ireland Policing Board I am very pleased to have the opportunity to write this foreword to the new Code of Ethics for the Police Service of Northern Ireland.

As police officers you know that respect for human rights is a fundamental aspect of your duty. The people of Northern Ireland have the right to expect you to work with effectiveness, efficiency, fairness, impartiality, and integrity; just as you have the right to a workplace free of any form of harassment or unfair discrimination. This requires standards of behaviour of you and your colleagues that promote and maintain confidence in our Police Service.

Effective policing means protecting human rights, and therefore there should be no conflict between the two. But we recognise that the judgments you make on a day-to-day basis as you carry out your duties are difficult, and we know that, to be truly effective, you need the support and willing co-operation of everyone in the community.

The Code of Ethics makes it clear what behaviours are acceptable for officers of the Police Service of Northern Ireland, and it provides an ethical framework for your decisions and actions. Therefore, when you carry out your duties in accordance with this Code, you have the right to expect to receive the full support of the community.

In turn, we in the Policing Board recognise our responsibilities with regard to human rights and, indeed, our statutory responsibilities to review this Code of Ethics and the arrangements that the Chief Constable will make to ensure that all officers have read and understood the Code.

As professional police officers you will work within this Code of Ethics. However, I hope that you will also develop a real sense of ownership of it. By demonstrating practical application of human rights in all that you do, you will help to improve the accessibility and accountability of the Police Service to the community. In short, this Code of Ethics is a foundation stone on which the Police Service of Northern Ireland can build and develop with integrity and protection of human rights firmly at its core.

In adhering to this Code of Ethics you will have the full support of the Board.

Professor Desmond Rea

INTRODUCTION BY THE CHIEF CONSTABLE OF THE POLICE SERVICE OF NORTHERN IRELAND

Police officers are uniquely placed to protect the human rights of individuals and groups within society. We have been given important powers and responsibilities due to the complex and difficult situations we have to face. At the same time the public have the right to expect that such powers are used professionally and with integrity.

The Code has been drafted to reflect the European Convention on Human Rights, relevant United Nations standards and what is seen as best practice in ethical policing in this and other countries. In addition to setting out the standards of conduct expected of police officers, the Code will provide an ethical context within which we will devise our policies and plan operations.

The Police (NI) Act 2000 required the Police Service of Northern Ireland to provide the initial draft of the Code to the Policing Board. May I take this opportunity to thank the many individuals and organisations who made important contributions to the wording of the document.

There are many ways I could try to motivate my officers to follow this Code when carrying out their duties. I believe the best approach is to appeal to one of the oldest moral principles in existence, often called "The Golden Rule". When applied to policing, it requires police officers to treat the public in the way they would wish an officer to treat them or their family. This simple rule, if carefully followed, will help us retain the co-operation of the public that is essential for effective policing. I commend this Code of Ethics.

Hugh Orde

PREAMBLE TO THE CODE OF ETHICS FOR THE POLICE SERVICE OF NORTHERN IRELAND

(a) Policing is an honourable profession that plays an important part in the maintenance of a just and fair society. The people of Northern Ireland have the right to expect the Police Service to protect and vindicate their human rights by safeguarding the rule of law and providing a professional Police Service.

(b) Police officers, as citizens, have the right to the same expectations and to a working environment free of any form of harassment or discrimination.

(c) The ability of police officers to carry out their functions and duties depends on approval from the public for their existence, actions and behaviour. In simple terms, effective policing requires the support and willing co-operation of the public. Public confidence in the police is closely related to officers' attitudes and behaviour towards the public, in particular their respect for individuals' fundamental rights and freedom as enshrined in the European Convention on Human Rights.

(d) This Code of Ethics is intended:

- (1) to lay down standards of conduct and practice for police officers and;
- (2) to make police officers aware of the rights and obligations arising out of the European Convention on Human Rights.

(Within the meaning of the Human Rights Act 1998)

(Sourced from: Section 52(1) Police (NI) Act 2000.)

(e) The standards in this Code are to be applied to: -

- (1) relationships between police officers and the general public, sections of the public, and particular individuals;
- (2) relationships between police officers and other professionals in the criminal justice system;
- (3) relationships between individual police officers and the organisation; and
- (4) relationships between individual police officers and all their colleagues.

(f) The statutory authority for the Code can be found in Section 52 of the Police (NI) Act 2000. The contents of the Code are drawn from a number of sources, including:-

- (1) the attestation found in Section 38(1) of the Police (NI) Act 2000;
- (2) the European Convention on Human Rights;
- (3) other relevant Human Rights standards. These include:-
 - (a) The United Nations Code of Conduct for Law Enforcement Officials.

(b) The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

(c) European Police Code of Ethics.

(g) Police officers are required, at all times, to carry out their duties in accordance with the provisions of this Code. They should remember that a breach of its standards could lead to a loss of public support and, in appropriate circumstances, a criminal or disciplinary investigation, either by the Police Ombudsman or police staff.

(h) It is recognised that the ability of police officers to perform their duties to the highest professional standards depends, in part, on the provision of appropriate training and equipment. However, police officers are required at all times to observe the ethical standards set out in this Code.

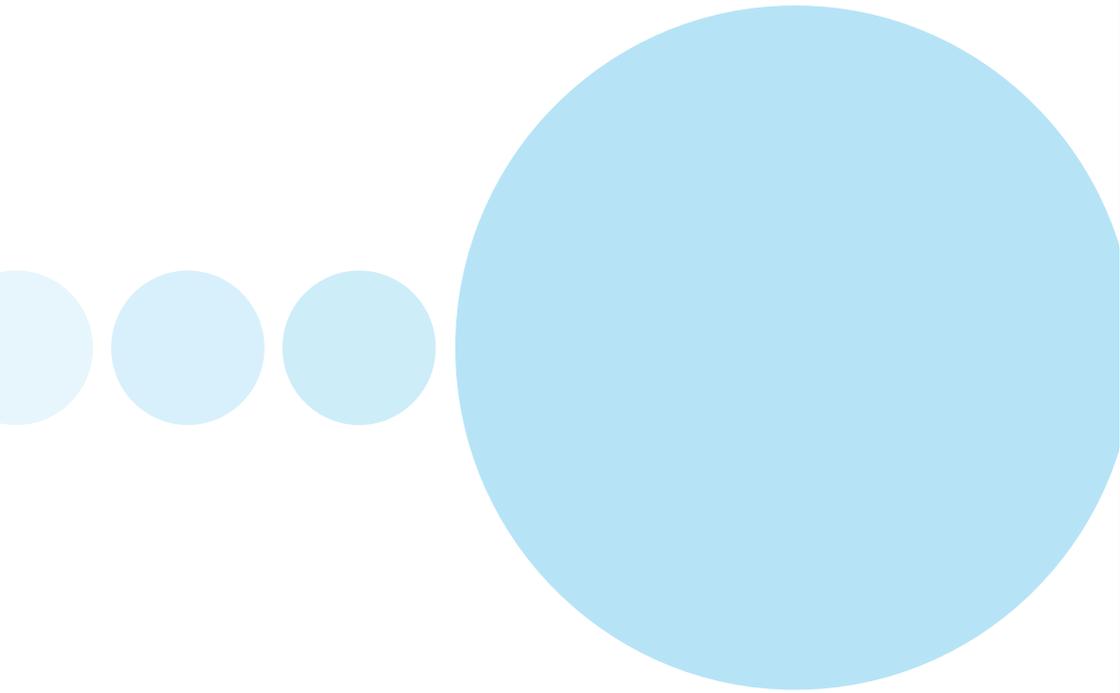
(i) Where police officers are investigated for a breach of this Code, they have the right to expect that those conducting the investigation, whether staff of the Police Ombudsman or the Chief Constable, are subject to comparable standards.

(j) Police officers, when carrying out their duties in accordance with the provisions of this Code, have the right to expect the full moral support of the general public and their elected representatives.

(Sourced from: Article 16 of the Council of Europe Declaration on the Police.)

(k) Where the Code conflicts with an instruction, policy or guideline of the Police Service of Northern Ireland, officers must comply with the provisions of this Code.

(l) Where this Code is being applied in any decision or hearing relating to misconduct, it shall be applied in a reasonable and objective manner. Due regard shall be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct. Police officers' behaviour, whether on or off duty, affects public confidence in the Police Service. Any conduct which brings or is likely to bring discredit to the Police Service should be the subject of sanction. Accordingly, any allegation of conduct that could, if proved, bring discredit or be likely to bring discredit to the Police Service should be investigated in order to establish whether or not a breach of the Code has occurred.



ETHICAL STANDARDS REQUIRED OF POLICE OFFICERS

Article 1 ● ● ● ●

Professional Duty

(1.1) Police officers have a duty according to section 32 of the Police (NI) Act 2000:-

- (a) to protect life and property;
- (b) to preserve order;
- (c) to prevent the commission of offences; and
- (d) where an offence has been committed, to take measures to bring the offender to justice;

When carrying out these duties police officers shall protect human dignity and uphold the human rights of all persons as enshrined in the European Convention on Human Rights and other relevant international instruments.

*(Sourced from: Section 32(1) Police (NI) Act 2000;
Article 2 United Nations Code of Conduct for Law Enforcement Officials;
Article 1 European Code of Ethics.)*

(1.2) Police officers shall, so far as practicable, carry out their functions in co-operation with, and with the aim of securing the support of, the local community.

(1.3) Police officers shall carry out their duties in accordance with the declaration in Section 38(1) of the Police (NI) Act 2000. This states:-

"I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all individuals and their traditions and beliefs; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof according to law."

(1.4) Police officers shall not subject any person to torture or to cruel, inhuman or degrading treatment or punishment. No circumstances whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

*(Sourced from: Article 5 United Nations Universal Declaration of Human Rights;
Article 3 European Convention of Human Rights;
Principle 6 United Nations Body of Principles of the Protection of all persons under any form of Detention or Imprisonment.)*

(1.5) The Police Service is a disciplined body. Unless there is good and sufficient cause to do otherwise, police officers must obey all lawful orders and abide by the provisions of Police Regulations. They shall refrain from carrying out any orders they know, or ought to know, are unlawful. No disciplinary action shall be taken against a police officer who refuses to carry out an unlawful order.

(Sourced from: Council of Europe Declaration on the Police Paragraph A(4) and A(7).)

(1.6) Police officers shall not take any active part in politics.

(1.7) Police officers shall notify the Chief Constable of their membership of any organisation in accordance with the published guidance on notifiable membership.

(1.8) Police officers shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur unless such a report is shown to be malicious or ill-founded.

(Sourced from: United Nations Code of Conduct for Law Enforcement Officials, Article 8 - commentary (b).)

(1.9) Police officers shall ensure that accurate records are kept of their duties as required by relevant Codes of Practice or the instructions of the Chief Constable. Police officers shall not knowingly or through neglect make any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for police purposes. They shall not, without proper authority or through lack of care, destroy, alter or mutilate any record or document, kept or made in connection with any police activity.

(1.10) Whether on or off duty, police officers shall not behave in a way that is likely to bring discredit upon the Police Service.

Article 2 ● ● ● ●

Police Investigations

(2.1) Police officers shall treat all victims of crime and disorder with sensitivity and respect their dignity. Police officers shall consider any special needs, vulnerabilities and concerns victims may have. Subject to the rules governing confidentiality, a victim shall be updated on the progress of any relevant investigation in accordance with the instructions of the Chief Constable.

(Note: The term victims includes the relatives of a deceased person where the circumstances of the death are being investigated by the police.)

(2.2) Police investigations shall, as a minimum, be based upon reasonable suspicion of an actual or possible offence or crime. They shall be conducted in an objective, fair and thorough manner in accordance with the law. Police officers shall follow the principle that everyone who is the subject of a criminal investigation shall be presumed innocent until found guilty by a court.

(2.3) Police officers shall take account of the special needs of witnesses and shall be guided by the Chief Constable's instructions for their protection and support, in particular, where the intimidation of witnesses is a risk.

(Sourced from: Article 4 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; Article 1 United Nations Code of Conduct for Law Enforcement Officials; Paragraphs 47, 48 and 51 of The European Code of Police Ethics.)

Article 3 ● ● ● ●

Privacy and Confidentiality

(3.1) Police officers shall gather, retain and use information only in accordance with Article 8 of the European Convention on Human Rights. All other laws and instructions of the Chief Constable must be applied in a manner that is consistent with Article 8.

(Note: Other legal provisions include Data Protection Act, Regulation of Investigatory Powers Act and the Freedom of Information Act.)

(3.2) Police officers shall exercise powers of search and surveillance only when it is lawful, necessary and proportionate to do so.

(3.3) Matters of a confidential nature, in the possession or control of police officers, shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

(Sourced from: Article 4 United Nations Code of Conduct for Law Enforcement Officials.)

(3.4) Police officers shall not use matters of a confidential nature for personal benefit. They shall comply with guidelines covering contacts with the media.

Article 4 ● ● ● ●

Use of Force

(4.1) Police officers, in carrying out their duties, shall, as far as possible, apply non-violent methods before resorting to the use of force or firearms. They may use force or firearms only if other means remain ineffective or without any realistic promise of achieving the intended result.

(Sourced from: Article 4 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)

(4.2) Police officers responsible for the planning and control of operations where the use of force is a possibility, shall so plan and control them to minimise, to the greatest extent possible, recourse to force and, in particular, potentially lethal force.

(Sourced from: European Court of Human Rights, McCann -v- UK (1995) 21 EHRR paragraph 194.)

(4.3) Whenever police officers resort to the lawful use of force or firearms they shall:-

- (a) exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved;
- (b) minimise damage and injury, and respect and preserve human life;
- (c) ensure that assistance and medical aid, where possible, are secured to any injured person at the earliest possible opportunity;
- (d) ensure that relatives or close friends of the injured or affected person are notified at the earliest possible opportunity;
- (e) where force or firearms are used, report the incident promptly to their supervisors;
- (f) comply with any instructions issued by the Chief Constable.

(Sourced from: United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Article 5(A)-(C), Article 6.)

(4.4) A police officer shall discharge a firearm only where the officer honestly believes it is absolutely necessary to do so in order to save life or prevent serious injury, unless the discharge is for training purposes or the destruction of animals.

(Sourced from: European Court of Human Rights, Andronicou and Constantinou -v- Cyprus (1997) 25 EHRR page 554; Article 9 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)

(4.5) Whenever police officers resort to the use of firearms, they shall identify themselves as such and shall give a clear warning of their intent to use firearms, with sufficient time for the warnings to be observed, unless to do so:

- (a) would unduly place any person at a risk of death or serious injury; or
- (b) would be clearly inappropriate or pointless in the circumstances of the incident.

(Sourced from: Article 10 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)

(4.6) Police supervisors shall ensure that stress counselling is offered to police officers who have been involved in violent situations or who have discharged a firearm.

(Sourced from: Article 21 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)

Article 5 ● ● ● ●

Detained Persons

(5.1) Police officers shall ensure that all detained persons for whom they have responsibility are treated in a humane manner and with respect for the inherent dignity of the human person. Arrest and detention shall only be carried out in accordance with the provisions of Article 3, 5 and 6 of the European Convention on Human Rights, relevant legislation and associated Codes of Practice.

(Sourced from: United Nations Body of Principles for the Protection of all Persons under any form of Detention or Imprisonment, Principles 1 and 2; Reference to Codes of Practice refer to: Police and Criminal Evidence (NI) Order 1989 Codes of Practice C-E; Terrorism Act 2000 Section 99 and Schedule 8.)

(5.2) In their dealings with persons in custody or detention, police officers shall only use force that is proportionate and necessary for the maintenance of security and order, where personal safety is threatened, for the preservation of evidence, or where the person in custody or detention resists the taking of items or samples for criminal justice purposes as authorised by law.

(5.3) Police officers shall take every reasonable step to protect the health and safety of individuals who have been arrested or are in detention and shall take immediate action to secure medical aid for any such person.

(Sourced from: Article 6 United Nations Code of Conduct for Law Enforcement Officials.)

Article 6 ● ● ● ●

Equality

(6.1) Police officers shall act with fairness, self-control, tolerance and impartiality when carrying out their duties. They shall use appropriate language and behaviour in their dealings with members of the public, groups from within the public and their colleagues. They shall give equal respect to all individuals and their traditions, beliefs and lifestyles provided that such are compatible with the rule of law.

(Sourced from: Section 38 Police (NI) Act 2000.)

(6.2) In carrying out their duties police officers shall not discriminate on any of the following grounds, i.e. sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, property, birth or other status.

(Sourced from: Article 14 European Convention on Human Rights, Section 75 Northern Ireland Act 1998.)

Article 7 ● ● ● ●

Integrity

(7.1) Police officers must act with integrity towards the public and their colleagues, so that confidence in the Police Service is secured and maintained. They shall avoid all forms of behaviour that may reasonably be perceived to be abuse, bullying, harassment or victimisation.

(7.2) Police officers shall, at all times, respect and obey the law and maintain the standards stated in this Code. They shall, to the best of their ability, support their colleagues in the execution of their lawful duties.

(7.3) Police officers, shall at all times, prevent and oppose any violation of this Code and they shall report that a violation of the Code has occurred or is about to occur if they become aware of this fact.

(Sourced from: Article 8 United Nations Code of Conduct for Law Enforcement Officials.)

(7.4) Police officers must report to the Chief Constable any proceedings for a criminal offence initiated against them.

(7.5) Police officers shall not commit any act of corruption or dishonesty. Indeed, they shall oppose and report all such acts coming to their attention, and shall be supported by their colleagues and their superiors on any occasions on which they do so.

(Sourced from: Article 7 United Nations Code of Conduct for Law Enforcement Officials.)

Article 8 ● ● ● ●

Property

(8.1) Police officers shall ensure that property, monies or equipment entrusted to them in their role as police officers are handled and maintained as required by law and the instructions of the Chief Constable.

(8.2) Police officers shall pay particular attention to ensure that any gift or gratuity they personally accept has been authorised by the Chief Constable's instructions.

Article 9 ● ● ● ●

Fitness for Duty

(9.1) Police officers shall be fit to carry out their responsibilities when on call, commencing duty or on duty. They shall not be unfit or impaired when on duty as a result of drinking alcohol, using a substance for non-medical purposes or intentionally misusing a prescription drug.

(9.2) Police officers on duty shall not consume alcohol without proper authority.

(9.3) Police officers shall attend work promptly when rostered for duty. Unless on duties that dictate otherwise, officers shall be clean and tidy when on duty whether in uniform or in plain clothes.

Article 10 ● ● ● ●

Duty of Supervisors

(10.1) Supervisors shall be the primary promoters and positive agents of good conduct in relation to accepting and working within the spirit of the Code of Ethics. They shall be role models for delivering a truly professional impartial and effective policing service. They shall ensure that the individuals for whom they are responsible are supported, given guidance on the professional performance of their duties and encouraged to further their professional development.

(10.2) Supervisors shall ensure that their staff correctly carry out their professional duties. They shall challenge and address any behaviour that is in violation of this Code, reporting such where appropriate.

(10.3) Supervisors have a particular responsibility to secure, promote and maintain professional standards and integrity by advice, remedial or other relevant and appropriate action.