

**2008 No. 56**

**POLICE**

**Police Service of Northern Ireland (Conduct) (Amendment)  
Regulations 2008**

*Made* - - - - - *1st February 2008*

*Coming into operation* *10th March 2008*

*To be laid before Parliament*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 25 and 26 of the Police (Northern Ireland) Act 1998(a). In accordance with sections 25(8) and 26(6) of that Act he has consulted the Northern Ireland Policing Board and the Police Association.

**Citation and commencement**

1. These regulations may be cited as the Police Service of Northern Ireland (Conduct) (Amendment) Regulations 2008 and shall come into operation on 10th March 2008.

**Amendment of the Royal Ulster Constabulary (Conduct) Regulations 2000**

2.—(1) The Royal Ulster Constabulary (Conduct) Regulations 2000(b) shall be amended in accordance with this regulation.

(2) For Schedule 4 substitute the Schedule set out in the Schedule.

(3) In regulation 4, in the definition of “appropriate standard”, for “Code of Ethics (see the Schedule to the Police Service of Northern Ireland (Conduct) Regulations 2003)” substitute “Code of Ethics 2008”.

(4) In regulation 4 for the definition of “Code of Ethics” insert ““Code of Ethics 2008” means the Code contained in the Schedule 4;”.

(5) Regulations 9(c), 9(d), 13(2) and 17(1)(a) for “Code of Ethics” (in each place where it occurs) substitute “Code of Ethics 2008”.

(6) In Paragraphs 2 and 3 of Schedule 2 for “Code of Ethics” (in each place where it occurs) Substitute “Code of Ethics 2008”.

(7) In the modification made to regulation 13(2) by paragraph 2 of Part II of Schedule 3 for “Code of Ethics” substitute “Code of Ethics 2008”.

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(a) 1998 c. 32. Relevant amendments are made by section 78(1) of and Schedule 6 to the Police (Northern Ireland) Act 2000 (2000 c. 32)

(b) S.R. 2000 No. 315. Relevant amendments are made by the Police Service of Northern Ireland (Conduct) Regulations 2003 (S.R. 2003 No. 68)

### **Amendment of the Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000**

3.—(1) The Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000(a) shall be amended in accordance with this regulation.

(2) In regulation 4, in the definition of “appropriate standard”, for “Code of Ethics” substitute, “Code of Ethics 2008”.

(3) In regulation 4 in the definition of “Code of Ethics” insert, ““Code of Ethics 2008” means the Code contained in Schedule 4 to the Royal Ulster Constabulary (Conduct) Regulations 2000”.

(4) In regulations 8(d), 8(e), 9(3)(b) and (c) and 11(2)(b) for “Code of Ethics” (in each place where it occurs) substitute “Code of Ethics 2008”.

(5) In paragraphs 2 and 3 of Schedule 1 for “Code of Ethics” (in each place where it occurs) substitute “Code of Ethics 2008”.

(6) In paragraph 2(2)(b)(ii) of Part II of Schedule 2 for “Code of Ethics” (in each place where it occurs) substitute “Code of Ethics 2008”.

*Shaun Woodward*

Northern Ireland Office  
1st February 2008

One of Her Majesty’s Principal Secretaries of State

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(a) S.R 2000 No. 320. Relevant amendments are made by the Police Service of Northern Ireland (Conduct) Regulations 2003 (S.R. 2003 No. 68)

## SCHEDULE

CODE OF ETHICS 2008

Regulation 2

“SCHEDULE 4

Regulation 4

### CODE OF ETHICS 2008 FOR THE POLICE SERVICE OF NORTHERN IRELAND

#### PREAMBLE

- (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 their human rights by safeguarding the rule of law and providing a professional Police Service.
- (b) Police officers are required to respect and obey the law at all times and will be held personally responsible and accountable for their own acts or omissions.
- (c) Effective policing requires the co-operation of the public. Police officers, when carrying out their duties in accordance with the provisions of this Code, have the right to expect the respect and support of the public and elected representatives.
- (d) Public confidence in the Police Service is closely related to the attitude and behaviour of officers towards members of the public, in particular their respect for the human rights and fundamental freedoms of individuals as enshrined in the European Convention on Human Rights.
- (e) Police officers have the same right to respect for their human rights and fundamental freedoms and to work in an environment free of harassment or discrimination in any form.
- (f) This Code of Ethics is intended:
  - (i) to lay down standards of conduct and practice for police officers, and
  - (ii) to make police officers aware of their rights and obligations under the Human Rights Act 1998 and the European Convention on Human Rights.
- (g) The standards in this Code are to be applied to:
  - (i) relationships between police officers and the general public, sections of the public and particular individuals;
  - (ii) relationships between police officers and other professionals in the criminal justice system;
  - (iii) relationships between individual police officers and their colleagues; and
  - (iv) relationships between individual police officers and the Police Service.
- (h) The statutory authority for the Code of Ethics can be found in section 52 of the Police (Northern Ireland) Act 2000<sup>(a)</sup>. The contents of the Code are drawn from a number of sources, including:
  - (i) the Police Service attestation set out in section 38(1) of the Police (Northern Ireland) Act 2000;
  - (ii) the European Convention on Human Rights;
  - (iii) other relevant human rights instruments, including:
    - (aa) the United Nations Code of Conduct for Law Enforcement Officials;
    - (bb) the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and
    - (cc) the European Police Code of Ethics.
- (i) Police officers are required, at all times, to carry out their duties in accordance with the provisions of the Code of Ethics. In the event that a Police Service instruction, policy or procedure conflicts with the provisions of the Code of Ethics, officers are required to comply with provisions of this Code.
- (j) Any conduct, whether on or off duty, which brings or is likely to bring discredit on the Police Service may be investigated in order to establish whether or not a breach of the

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<sup>(a)</sup> 2000 c. 32

Code has occurred. A breach of the Code may result, in appropriate circumstances, in a criminal or disciplinary investigation, either by the Office of the Police Ombudsman or the Police Service.

- (k) Where police officers are investigated for a breach of this Code, whether by the Office of the Police Ombudsman or the Police Service, they have the right to expect that the investigation will be conducted in a prompt, thorough, impartial and careful manner.
- (l) This Code shall be applied in any investigation, hearing or decision relating to misconduct in a reasonable and objective manner. Due regard shall be given to the degree of negligence or deliberate fault of an officer and to the nature and circumstances of the officer's misconduct.

## **POLICE SERVICE OF NORTHERN IRELAND CODE OF ETHICS 2008**

### **ETHICAL STANDARDS REQUIRED OF POLICE OFFICERS**

#### **Article 1 Professional Duty**

(1.1) Police officers have a duty under section 32 of the Police (Northern Ireland) 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 obey and uphold the law, protect human dignity and uphold the human rights and fundamental freedoms of all persons as enshrined in the Human Rights Act 1998, the European Convention on Human Rights and other relevant international human rights instruments.

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

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

*(Sourced from: Section 32(5) Police (Northern Ireland) Act 2000.)*

(1.3) Police officers shall carry out their duties in accordance with the Police Service attestation set out in Section 38(1) of the Police (Northern Ireland) Act 2000, which 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 whatsoever 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 for 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 shall obey all lawful orders and abide by the provisions of Police Service policy and procedure. They shall refrain from carrying out any orders they know, or ought to know, are unlawful. No disciplinary action shall be taken against any police officer who refuses to carry out an unlawful order.

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

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

*(Sourced from: Schedule 1, regulation 6 Police Service of Northern Ireland Regulations 2005.)*

(1.7) Police officers shall notify the Chief Constable of their membership of any organisation which might reasonably be regarded as affecting their ability to discharge their duties effectively and impartially in accordance with Police Service policy on registration of notifiable memberships.

*(Sourced from: Section 51 of the Police (Northern Ireland) Act 2000.)*

(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 manifestly ill founded.

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

(1.9) Police officers shall ensure that accurate records are kept of their duties as required by relevant Codes of Practice and Police Service policy and procedure. Police officers shall not 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. Nor shall they omit to make any oral or written statement or entry in any such record or document. They shall not, through lack of care, alter, deface, erase, conceal or destroy 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 investigations shall, as a minimum, be based upon reasonable suspicion of an actual or possible offence or crime. They shall be conducted in a prompt, thorough, impartial and careful manner so as to ensure accountability and responsibility in accordance with the law.

(2.2) 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 treat all victims of crime and disorder with sensitivity and respect their dignity. Police officers shall consider any special needs, vulnerabilities and concerns which victims may have. Subject to the rules governing confidentiality, victims shall be updated on the progress of any relevant investigations in accordance with Police Service policy and procedure.

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

(2.4) Police officers shall take account of the particular needs of witnesses and shall be guided by Police Service policy and procedure 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, use and disclose information or data in accordance with the right to respect for private and family life contained in Article 8 of the European Convention on Human Rights and shall comply with all relevant legislation and Police Service policy and procedure governing the gathering, retention, use and disclosure of information or data.

*(Note: Relevant legislation includes the Data Protection Act 1998, the Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000 and associated regulations.)*

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

(3.3) Information or data of a personal or confidential nature in the possession or control of police officers shall be kept confidential, unless the performance of duty, compliance with legislation or the needs of justice require otherwise.

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

(3.4) Police officers shall not gather, retain, use or disclose information or data of a personal or confidential nature for personal benefit. They shall comply with Police Service policy governing contact 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 any use of force. Any use of force shall be the minimum appropriate in the circumstances and shall reflect a graduated and flexible response to the threat. Police officers may use force only if other means remain ineffective or have no realistic chance 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 far as possible plan and control them to minimise recourse to the use of force, in particular, potentially lethal force. Consideration shall be given during the planning of an operation to the need for medical assistance to be available.

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

(4.3) Wherever it is necessary for police officers to 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 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) report the incident promptly to their supervisors;
- (f) comply with Police Service policy, procedure and guidance.

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

(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; Article 9 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)*

(4.5) Before police officers resort to the use of firearms, they shall identify themselves and 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 and dignified manner. Arrest and detention shall only be carried out in accordance with the provisions of the European Convention on Human Rights, relevant legislation and associated Codes of Practice.

*(Sourced from: Principles 1 and 2 United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; Articles 5, 6 and 8 European Convention on Human Rights; Police and Criminal Evidence (Northern Ireland) Order 1989 and its Codes of Practice C-E; Section 99 and Schedule 8 Terrorism Act 2000.)*

(5.2) In their dealings with detained persons, police officers shall, as far as possible, apply non-violent methods before resorting to any use of force. Where force is required, such use of force shall be the minimum required in the circumstances and shall be lawful, proportionate and necessary for the maintenance of security and order, to prevent escape, injury, damage to property or the destruction of evidence, or where the detained person resists the taking of items or samples for criminal justice purposes as authorised by law.

*(Sourced from: Articles 5 and 8 European Convention on Human Rights; Police and Criminal Evidence (Northern Ireland) Order 1989 and its Codes and Practice C-E.)*

(5.3) Police officers shall take every reasonable step to protect the health and safety of detained persons and shall take immediate action to secure medical assistance for such persons where required.

*(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 (Northern Ireland) Act 2000.)*

(6.2) In carrying out their duties police officers shall treat all persons or classes of persons equally regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, marital or family status, property, birth or any other status. Any difference in treatment shall be required to be justified and proportionate.

*(Sourced from: Article 14 European Convention on Human Rights, Sections 75 and 76 Northern Ireland Act 1998.)*

## **Article 7 Integrity**

(7.1) Police officers shall act with integrity towards members of 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, harassment, bullying 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 respect and 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. They shall report all violations or potential violations of the Code, as well as any violations which they reasonably believe are about to occur.

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

(7.4) Police officers shall report to the Chief Constable any legal proceedings initiated against them, whether in relation to a criminal or motoring offence or a civil action.

(7.5) Police officers shall not commit any act of corruption or dishonesty. They shall oppose and report any such acts coming to their attention and shall be supported by their colleagues and senior officers in doing 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 Police Service policy.

(8.2) Police officers shall ensure that any gift or gratuity that they personally accept complies with, and has been authorised according to, Police Service policy.

### **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. Police officers shall not be unfit or impaired when reporting for or while on duty as a result of drinking alcohol, using a drug for non-medical purposes, intentionally misusing a prescription drug or solvent or substance abuse.

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

(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 Police Service. They shall ensure that the individuals for whom they are responsible are supported, guided on professional performance of their duties and encouraged to further their professional development.

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

(10.3) Supervisors have a particular responsibility to secure, promote and maintain professional standards and integrity through the provision of advice and guidance, or other remedial or appropriate action.”

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These regulations amend the Royal Ulster Constabulary (Conduct) Regulations 2000 and the Royal Ulster Constabulary (Conduct) (Senior officer) Regulations 2000 to introduce the Code of Ethics 2008.