

# Police Service of Northern Ireland

**ABSTRACT** – This Policy applies to all police officers and seeks to set standard practice for dealing with allegations of misconduct

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PD 11/07

## POLICY DIRECTIVE

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### INTEGRITY AND PROFESSIONAL STANDARDS

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#### 1. POLICY IDENTIFICATION

**POLICY TITLE:** Integrity and Professional Standards

**POLICY OWNERSHIP:**

**DEPARTMENT** Professional Standards Department

**BRANCH** Policy Unit

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**POLICY APPROVED BY:**

**CCF REF/OTHER  
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## **2. POLICY STATEMENT**

- (1) The Deputy Chief Constable has responsibility for promoting the integrity of the Police Service of Northern Ireland (PSNI) through the prevention and detection of corrupt, dishonest or unethical behaviour. It is the responsibility of the Professional Standards Department (PSD), to ensure that this duty is discharged in this respect.
- (2) It is the aim of the PSNI through the agency of PSD, to generate pride and trust in the PSNI. It is intended to achieve this through the enforcement of the Code of Ethics 2008, Service Policies, Procedures, and Regulations, as well as by the prevention of wrongdoing through education and increasing awareness of the issues involved.
- (3) PSD is committed to the values of fairness, proportionality and timeliness.

## **3. INTRODUCTION**

### **(1) Summary**

- (a) The Code of Ethics 2008 for the PSNI, published by the Northern Ireland Policing Board (NIPB) in pursuance of their obligation under the Police (NI) Act 2000 sets out the ethical standards required and expected of police officers. This Policy sets out how the PSNI will deal with breaches of this Code.
- (b) This Policy is applicable to all officers of the PSNI up to and including the rank of Chief Superintendent and provides guidance on disciplinary procedures for any officer who finds themselves the subject of an investigation. Human Resources Department is responsible for dealing with misconduct matters relating to police staff, although PSD may conduct investigations into alleged criminal behaviour by police staff.
- (c) The Disciplinary Authority for Officers of Assistant Chief Constable and above is the NIPB, and as such, arrangements for these officers are not detailed in this Policy.

### **(2) Functions of PSD**

Under the control of the Deputy Chief Constable, PSD provides the focus for maintaining high standards of conduct throughout the Police Service. To that end, PSD has responsibility for the following functions:

- (a) Anti-corruption investigations - to undertake proactive investigations to detect criminal offences and breaches of the Code of Ethics 2008;
- (b) To investigate misconduct issues and provide advice to local management when appropriate;
- (c) To conduct all misconduct hearings, resulting from its own investigations and also on behalf of the Police Ombudsman;
- (d) To gather, collate and develop intelligence on police staff suspected of wrongdoing, and to disprove malicious allegations;
- (e) To carry out Intelligence led integrity testing and Lawful Business Monitoring;
- (f) To deal with allegations referred from 'Safecall,' the independent confidential reporting telephone line;

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- (g) To liaise with the Police Ombudsman for Northern Ireland (PONI), including administering the Direction and Control Policy, Trending and Tracking of Complaints Against Police and Informal Resolutions.
- (h) To develop policies and provide education to the Service in an effort to prevent and discourage wrongdoing and misconduct.

PONI has the responsibility for the investigation of complaints against Police made by members of the Public for on-duty matters, which have occurred within the previous 12 months, and relevant off-duty matters (ie where the person's status as a police officer is relevant, for example if an officer identifies themselves as such, makes an arrest or uses police powers whilst off duty). Policy Directive 04/2009 Policies and Procedures relating to PONI refers.

**(3) Legal Basis**

- (a) The Police (NI) Act 2000 is the source of the Code of Ethics 2008, which has been produced by the NIPB.
- (b) The main pieces of legislation relevant to professional standards are:
  - (i) Royal Ulster Constabulary (Conduct) Regulations 2000;
  - (ii) Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000;
  - (iii) Royal Ulster Constabulary (Complaints etc) Regulations 2000;
  - (iv) Royal Ulster Constabulary (Appeals) Regulations 2000;
  - (v) Police Service of Northern Ireland (Regulations) 2005;
  - (vi) Police (Testing for Substance Misuse) Regulations 2007;
  - (vii) Police Service of Northern Ireland (Conduct)(Amendment) Regulations 2008.
- (c) The RUC Conduct Regulations 2000 provide for discipline panels to impose sanctions following a Misconduct Hearing. The guidance contained in this Policy Directive regarding Discipline Sanction for Police Officers Convicted of Drink Driving Offences (Section 7.12) was judicially reviewed in October 2008 (*Arkins v Chief Constable*). In the judgement, Mr Justice Weatherup endorsed the position that it was correct and lawful for the Chief Constable to provide guidance to Misconduct Panels in relation to sanctions.

Any wrongdoing or breach of regulations occurring prior to 6 November 2000 will be dealt with under the legislation/regulations that were current at the time.

**4. IMPLICATIONS OF THE POLICY**

**(1) Financial Implications/Best Value/Continuous Improvement/Efficiency**

Recommendations contained in Her Majesty's Inspector of Constabulary (HMIC) report 'Raising the Standard' (2006) and the Home Office report 'A Review of Police Disciplinary Arrangements' (2005) have been considered in the drafting of this Policy. A review of PSD, using Best Value principles, was conducted in 2006 and this Policy implements the recommendations contained in this review.

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**(2) Human Resources/Training**

- (a) There is no change in demand on resources as a result of this Policy. There is a need to develop the skills of supervisors in identifying and dealing with wrongdoing and misconduct. PSD, in conjunction with Training, Education and Development Branch, will develop appropriate training for identified police staff.
- (b) Each District, has a Superintendent who is the 'Discipline Champion' for that district. Each Department also has an identified Single Point of Contact. PSD holds forums for the discipline champions to ensure that there is consistency between Districts. Throughout this Policy, where there are references to District Commanders, these functions may be delegated to the Discipline Champion.

**(3) Partnerships**

Whilst PSD remains the gatekeeper of integrity within the PSNI, the upholding of professional standards is the responsibility of all members of the organisation. PSD cannot perform this function in isolation, and close liaison and co-operation with Districts, other PSNI departments, Public Prosecution Service (PPS), and PONI is essential.

**(4) Risks**

- (a) The Policy seeks to set standard practice for dealing with allegations of misconduct. If this Policy is not applied rigorously and consistently throughout the Service there are risks of unfair treatment of those under investigation.
- (b) There may also be a risk of criticism from members of the public or from monitoring bodies if police officers accused of crime or misconduct are not dealt with in accordance with the procedures and guidance laid out in this Policy. Failure to comply with this Policy could affect public perception and result in a loss of public confidence.

**(5) Policy Links**

The following Service Procedures and Policy Directives are also of relevance to the subject of Professional Standards:

- (a) Service Procedure No 5/2010 – Service Confidence Procedure;
- (b) Service Procedure No 42/2008 – Procedure For Identification and Disclosure of Disciplinary Findings of Guilt, Adverse Judicial Findings and Criminal Convictions of Police Officers;
- (c) Service Procedure No 2/2009 – Managing Unsatisfactory Performance of Police Officers;
- (d) Service Procedure No 6/2009 – Registration of Notifiable Memberships;
- (e) Policy Directive No 4/2005 - The Acceptance of Gifts, Gratuities and Hospitality;
- (f) Policy Directive No 11/2006 - Anti-Fraud Policy;
- (g) Policy Directive No 8/2008 – PSNI Performance Management and development System Annual Performance Review (APR) (Police Officers and Police Staff) Guidance on dealing with Probationer Constables alleged not to be 'Well Conducted' but such behaviour is not suitable to be considered in either criminal and/or disciplinary terms;

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- (h) Policy Directive No 9/09 – Probationer Management Policy;
- (i) Policy Directive No 10/2008 - Alcohol Misuse Policy;
- (j) Policy Directive No 11/2008 - Substance Misuse Policy;
- (k) Policy Directive No 4/2009 - Policies and Procedures relating to the Police Ombudsman for Northern Ireland;
- (l) Acceptable User Policy - see Manual of Protective Security.

**(6) Estates**

This Policy creates no additional burden on Estates Services.

**(7) Consultation**

Consultation on the formulation of this Policy has taken place with the following:

- (a) District Commanders/Heads of Departments;
- (b) Police Federation;
- (c) Superintendents Association;
- (d) NIPSA;
- (e) HRLA and Employment Lawyer;
- (f) PONI.

**5. HUMAN RIGHTS/UNCRC/EQUALITY/INTEGRITY/CODE OF ETHICS/FREEDOM OF INFORMATION**

- (1) Officers acting in accordance with the guidance contained in this Policy may engage the following Articles of the European Convention on Human Rights during their investigations: Article 5 (right to liberty), Article 6 (The right to a fair and prompt trial), and Article 8 (The right to respect for private and family life). With strict adherence to these guidelines, however, and by applying the tests of legality, proportionality and necessity in any decision making process, it is envisaged that any engagement of Human Rights will be necessary and in accordance with the law.
- (2) 'This Policy is deemed to be Human Rights compliant and has no UNCRC issues, it has been screened for Section 75 considerations and meets PSNI integrity standards. The Code of Ethics is integral to this Policy and has been considered throughout. The Policy is suitable for disclosure in accordance with the Freedom of Information Act 2000.'

**6. REVIEW**

- (1) This Policy was first approved by Chief Constable's Forum on 23 March 2007.
- (2) PSD will review this Policy annually or sooner if necessary. Feedback should be directed to Head of PSD.

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## SECTION 7

### PROCEDURES AND GUIDANCE

#### 1. LOCAL MANAGEMENT OF DISCIPLINE

This section should be read in conjunction with Service Procedure 01/2010 – Local Misconduct Action and Superintendents' Written Warnings

##### (1) **Supervisory duties:**

- (a) The purpose of this section of the procedure is to provide guidance to supervisors when dealing with allegations of wrongdoing or misconduct.
- (b) Supervisors are required to deal with any allegations of wrongdoing that may arise. The action required of the supervisor is dependent upon the nature and the source of the allegation. All complaints arising from members of the public must be referred to the Police Ombudsman's Office – Policy Directive No 4/2009 refers.
- (c) Articles 10.2 and 10.3 of the Code of Ethics 2008 state:

'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'

'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'

##### (2) **Advice and Guidance**

- (a) When information is received other than by way of a public complaint, it will normally be for the officer's line manager to consider initially how best to deal with the matter, having regard to its potential seriousness.
- (b) On receiving the information which gives rise to concern about a possible failure to meet the standards in the Code of Ethics 2008, the line manager may decide that the matter is one which can, and should be, enquired into locally. Depending on the outcome of those enquiries, the line manager may decide that it should be dealt with using normal managerial methods by means of words of advice, backed up, if applicable, by further guidance/training. This would normally be because it was clear to the line manager that the matter in question was not sufficiently serious so as to justify formal action under misconduct procedures.
- (c) The member concerned will be informed of the details of the allegation or information which gives cause for concern and be given a full opportunity to respond and to offer an explanation. The member concerned may consult a 'friend' before deciding to respond. The manager will make a note of the occurrence in their notebook/journal and if appropriate record the matter on the officer's performance appraisal – Policy Directive No 8/2008 refers.
- (d) If the misconduct is of a minor but persistent nature it may be necessary to instigate the Managing Unsatisfactory Performance Procedure (Service Procedure No 02/2009 refers) or Probationer Management Policy (Policy Directive No 06/07 refers).

**(3) Written Warnings**

- (a) The officer's line manager, having considered the matter, either before or after making preliminary enquiries, may decide that a more senior manager should be involved. Service Procedure 01/2010 Local Misconduct Action and Superintendents' Written Warnings sets out this process in detail and should be referred to.
- (b) A written warning, which is recorded on an officer's record for 12 months, is normally administered by a Superintendent (or exceptionally by a Chief Inspector). A written warning may be imposed regardless of whether the member concerned has admitted the failure to meet standards. All cases dealt with by local misconduct action must also consider any appropriate learning or development in order to prevent a recurrence.
- (c) Where an officer has failed to meet standards that would normally be dealt with by way of a written warning, but already has two valid written warnings recorded, the matter must be referred for formal investigation. This applies whether or not the previous warnings related to similar conduct.
- (d) Local HR Managers are responsible for updating written warnings on SAP and also for expunging the warning from an officer's personal record after twelve months. They must also copy details of all written warnings to PSD.
- (e) A written warning is not a matter that needs to be disclosed on Form 17/23. (Police officer's Disciplinary Record – Service Procedure No 42/08 refers.)

**(4) Referral to PSD**

- (a) The Home Office Review of Police Disciplinary Arrangements 2005, (known as the Taylor Report) suggests that conduct matters should be dealt with at the lowest possible line management level. It envisages that misconduct should not rise above District (or equivalent) level and gross misconduct should be reserved for the most serious behavioural issues, which would be handled by PSD.
- (b) Whilst further work needs to be done to implement the recommendations of Taylor, the following definitions may be of use to senior managers in deciding which matters to refer to PSD.
  - (i) 'Misconduct is a breach of the Standards of Professional behaviour'.
  - (ii) 'Gross misconduct is the term used for a serious breach of the Code of Ethics which may lead to summary dismissal (dismissal without notice) for the first offence. The breach is so serious as to make any further relationship and trust between the Police Service and the police officer concerned impossible. Examples of offences which are normally regarded as gross misconduct include: theft, fraud, assault, deliberate damage to police property, racial or sexual harassment, serious negligence which causes unacceptable loss, damage or injury, and serious acts of insubordination.'
- (c) PSD has developed forums for discipline champions to ensure consistency of approach. In any cases of doubt, advice may be sought from PSD.
- (d) In some cases it will be clear that the matter is potentially so serious that no local enquiries would be possible or appropriate, or that a formal misconduct hearing is likely. In such cases the matter should be referred to PSD, via the District Commander/Head of Branch, unless the matter is of an urgent nature. BRC maintains a list of emergency call-out officers from PSD for serious out of hour's matters.

- (e) On receipt of such reports, the Superintendent in PSD known as the Supervising Member will consider the facts of the case, and may decide to conduct further enquiries, or may refer matters back to local management for action. PSD will provide advice to managers and supervisors if required. In some cases, it may be appropriate to refer the matter to an officer's HR Manager to be dealt with under unsatisfactory performance procedures.
- (f) There are occasions where PSD will direct that a criminal matter be investigated locally, but PSD will 'shadow' the investigation, and commence misconduct procedures once the criminal aspect is completed. The local Investigating Officer (IO) must inform PSD of all significant developments in the case, including court dates and outcomes. PSD may send an officer to court appearances so that they may report on judicial comments made during the proceedings.

(5) **Management of Police Officers and Staff who are unfit for duty (as a result of drink or drugs)**

Articles 9.1 and 9.2 of the Code of Ethics 2008 state:

'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'

'Police officers on duty shall not, without proper authority, consume alcohol.'

Supervisors should refer to Policy Directive's – Substance Misuse – Policy Directive No 11/2008 and Alcohol Misuse – Policy Directive No 10/2008 regarding Service Policy and the correct procedure to be followed and action to be taken.

**2. CIVIL OR CRIMINAL PROCEEDINGS INVOLVING MEMBERS OF THE PSNI**

Article 7.4 of the Code of Ethics 2008 states that:

'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'

As such there is a duty to inform the Chief Constable of all court proceedings brought against an officer, subject to the paragraphs below:

(1) **Criminal Proceedings**

- (a) If a police officer has been arrested or informed they are being investigated for a criminal offence, there is a duty on that officer to disclose to the IO that they are a member of the PSNI.
- (b) The officer under investigation must immediately submit a report to PSD, via their senior management, notifying that they are under investigation, and providing the contact details of the IO.
- (c) The IO must also notify PSD of the circumstances.
- (d) There is no requirement to notify PSD of the receipt of fixed penalty notices for motoring offences (either endorsable or non-endorsable), provided that the cumulative points will not result in a period of disqualification. The exception being the requirement to notify PSD of the receipt of an endorsable fixed penalty notice for the offence of **No Insurance**. However, any motoring offence, which is dealt with by way of court proceedings, must be notified.

**(2) Civil Proceedings**

- (a) Any civil proceedings initiated against a police officer must be notified to the officer's District Commander/Head of Branch immediately. The District Commander/Head of Branch should consider the circumstances, (including any welfare issues) and decide upon appropriate action. The issue may be dealt with informally, for example through advice and guidance, or written warning, however, if there is evidence of serious misconduct, the matter should be referred to PSD.
- (b) It is not anticipated that divorce proceedings, where there are no aggravating factors such as alleged violence or child protection issues, would need to formally be notified to the District Commander/Head of Branch. However, there is still a requirement to notify any change of circumstances to the relevant HR Manager.

**3. FAILURE TO DISCHARGE DEBTS**

- (1) Any police officer who wilfully refuses or neglects to discharge any lawful debt may be found to have breached Article 1.10 of the Code of Ethics 2008.
- (2) Whilst complaints against police are normally reported to PONI, complaints of off duty behaviour, not relevant to an officer's employment, are not required to be reported to the Police Ombudsman. Therefore, it is not necessary to forward any allegation that an officer has failed to discharge a debt to the Police Ombudsman.
- (3) When information is received that an officer has neglected or refused to discharge a debt it will be referred to that officer's District Commander/Head of Branch. The District Commander/Head of Branch will discuss the issue with the officer concerned. If, after giving the officer the opportunity to explain the situation, the District Commander/Head of Branch honestly and reasonably believes that the debt is a lawful one and that the officer is acting unlawfully in failing to discharge it, the officer should be clearly informed that if they do not make satisfactory arrangements, or fail to honour such arrangements, it could amount to a breach of the Code of Ethics 2008 and that they may face formal disciplinary action. The officer should be reminded of the provisions of Section 7.2. (1)-(2) of this Policy – 'Civil or Criminal Proceedings involving members of the PSNI'.
- (4) The District Commander/Head of Branch will also take any steps which are deemed necessary to assist the officer in the matter, and to monitor the situation. This could include referral to Occupational Health and Welfare Branch (OHW), who have specialist debt counsellors, if appropriate.
- (5) The District Commander/Head of Branch will then communicate with the creditor who made the complaint and inform the creditor that:
  - (a) the Chief Constable has no power, under police regulations, to attach earnings or otherwise compel payment; and
  - (b) the matter has been dealt with in accordance with the PSNI's Policy governing this matter.
- (6) Where an officer has failed to honour any arrangements made to settle the debt and/or the problem cannot be resolved at local level, for example, if the matter appears to allege the commission of a criminal offence (including the issue of a cheque which is not subsequently honoured), the papers with statements of evidence covering action already taken in the matter, should be forwarded to PSD for consideration.
- (7) If an officer has substantial debts, it can have an adverse impact on work performance, and also leave them vulnerable to corruption. Communication from creditors may identify officers of concern and could augment the information to be considered under Trending and Tracking procedures. If it appears to a senior officer that there are indications that an officer's financial situation could leave them vulnerable to corruption, they should forward details, in confidence, to the Head of PSD for information.

#### **4. FORMAL INVESTIGATION**

- (1) It is within the remit of PSD to conduct, in appropriate cases, discipline investigations where it is alleged police officers have breached the Code of Ethics 2008. Human Resources Department is responsible for discipline matters involving police staff. However, PSD also investigates criminal matters involving either police officers or police staff. Any complaint against police, which has been reported by members of the public, **must** be reported to PONI.
- (2) When a formal investigation is commenced, an IO is appointed (usually from within PSD). The IO should be of at least Inspector rank, and no lower than the officer concerned. In the event that a member of PSD is to be investigated, the Deputy Chief Constable will arrange for the appointment of an appropriate IO.
- (3) Regulation 9 of the PSNI (Conduct) Regulations 2000 states that the IO shall, as soon as practicable, (provided it does not prejudice the investigation), serve the member concerned with a written notice, which outlines:
  - (a) That there is to be an investigation into the case;
  - (b) Of the nature of the report or allegation;
  - (c) Inform the officer that they are under caution;
  - (d) Informing the officer that they have the right to seek advice from their Staff Association;
  - (e) That they may be accompanied by a 'friend' to any meeting, interview or hearing;
  - (f) They are given the opportunity to respond to the allegation(s) if they wish.
- (4) Where the member concerned has been served with a Regulation 9 notice, they will not be required to make a duty statement.
- (5) NIO guidance states that misconduct interviews should be taped. The dispensation not to tape record interviews under PACE Codes of Practice E 4.10 does not extend to misconduct cases, but if the officer being interviewed objects to the tape recording of the misconduct interview, recording will stop in the spirit of PACE Code of Practice E 4.10.
- (6) At the conclusion of the investigation, the IO submits a report to the Superintendent in PSD, who will then make recommendations to the PPS in criminal matters, and decide what action to take in discipline cases.
- (7) In the majority of cases, all criminal matters must be concluded before misconduct proceedings can take place. However, in exceptional cases, the Chief Constable may consider it is appropriate to deal with misconduct matters before the criminal proceedings are finalised<sup>1</sup>. The fact that the PPS has directed 'no prosecution', or that an officer has been acquitted at court, will not prevent misconduct proceedings being brought.
- (8) 'When a criminal or misconduct matter is being investigated by PSD or alternatively a District or Department investigates a matter on behalf of PSD, the investigation will be supervised and managed in accordance with the Code of Ethics and Policy Directive No 05/06 'Dealing with Victims and Witnesses'. Complainants will be given regular and timely updates regarding the progress of the investigation. Where PSD are conducting a criminal and/or misconduct investigation it will be for the PSD IO to update complainants. Where the Department is shadowing a criminal investigation it will be for the Criminal Investigation Officer (District or Department) to update the complainant.' Officers under investigation will also be given regular and timely updates regarding the progress of the investigation when appropriate.

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<sup>1</sup> Regulation 39, Royal Ulster Constabulary Conduct Regulations 2000

**5. SEARCH PROCEDURES AND LAWFUL BUSINESS MONITORING**

- (1) There may be occasions when, in the course of either a misconduct or criminal investigation, reasons of organisational efficiency or health and safety, it is necessary to search PSNI lockers, drawers, desks or offices. This procedure applies to all members of PSNI staff, whether police officers or police staff (including agency staff and contractors).
- (2) Lockers, filing cabinets, desks and drawers remain the property of the PSNI, and therefore there should be no expectations of privacy in relation to these items.
- (3) In the event of a search being needed, the IO must first, if practical, attempt to contact the officer concerned (unless this would prejudice the investigation) explaining the circumstances and requesting permission to proceed. The District Commander/Head of Branch should also, where practical, be notified. The officer/police staff member will be given a reasonable opportunity to attend in person or to nominate another member of PSNI staff to be present. If the member of police staff cannot be contacted or refuses to give permission, the search will proceed.
- (4) Two supervising officers must be present during the search. If items are removed, the police staff member concerned must be informed as soon as practical. Once the search is completed the supervisors must ensure that the locker/drawers are properly secured. Any damage to police property will be repaired at police expense.
- (5) These procedures may be set aside if the search is being conducted covertly under RIPA authority.
- (6) The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 provide that an employer can monitor phone and computer transactions on systems provided for the purposes of their business. All police staff must therefore be aware that their transactions and communications using PSNI systems may not be regarded as private.
  - (a) The employer or 'system controller' as described in paragraph 3(1) of the legislation is deemed, in relation to the PSNI, to be the Chief Constable.
  - (b) For the purposes of authorisations, reviews, and cancellations in respect of the monitoring of communications the Chief Constable has delegated responsibility to Head of Dept, PSD. Head of Intelligence Branch, Crime Operations, will have delegated responsibility for matters of National Security.
  - (c) The completion, maintenance, and updating of appropriate forms for authorisations, reviews and cancellations will be the responsibility of the respective Head of Branch.
  - (d) The employer, which for these purposes includes PSNI as a 'public authority', has been granted these rights to enable them to:
    - (i) record evidence of business transactions;
    - (ii) ensure compliance with regulatory or self-regulatory guidelines, which includes the PSNI Code of Ethics 2008;
    - (iii) maintain the effective operation of the systems (eg preventing viruses);
    - (iv) monitor standards of training and service;
    - (v) prevent or detect criminal activity;
    - (vi) prevent the unauthorised use of the computer/telephone system - ie ensuring the employee does not breach the company's email or telephone policies. Further information regarding Provision of Telephones can be found in Service Procedure No 55/2007.

- (e) Monitoring may be undertaken by PSD, Crime Operations department, Information and Communications Services and local systems administrators.
- (f) The nature of computer systems is such that all transactions are recorded. Phone calls (apart from '999' calls) are not regularly monitored or recorded - but can be for the purposes listed at sub-para (d)(i-vi) above. (This does not effect the existing non-recording arrangements for Crimestoppers or Safecall).
- (g) The Regulations require the employer to take reasonable steps to inform 'every person who may use the telecommunication system', para 5 (6) (a-e) above, that their communications might be monitored.
- (h) PSNI Common Terminal computer screens currently display a message to this effect prior to login and during workstation locked mode. District Commanders/Heads of Department should also ensure that all police staff are fully aware of their responsibility under the organisation's Acceptable Use Policy. In addition, PSD will undertake to periodically inform all police staff by way of email/Callsign article that communications may be monitored or recorded.

## **6. METHODS OF REPORTING WRONGDOING INCLUDING SAFECALL INDEPENDENT CONFIDENTIAL REPORTING LINE**

### **(1) Introduction**

- (a) This Procedure gives guidance to police officers and police staff on the various methods available for making a 'professional standards report'.
- (b) All PSNI staff should feel able to report corruption, dishonesty and malpractice openly and with the support of their colleagues and managers. This procedure encourages open reporting, but makes provision for other methods of reporting in order to encourage police staff to make professional standards reports.
- (c) It is important to emphasise that the overwhelming majority of our police staff are honest, professional, dedicated and brave. However, in a large organisation it is inevitable that there will be a few who are guilty of 'wrongdoing'. The resultant harm they do is well beyond their numbers.

### **(2) Definitions and Application**

All staff in the PSNI, whether police officers or police staff, are encouraged to report suspected acts of wrongdoing. (Wrongdoing is the collective term which encompasses matters such as corruption, dishonesty and unethical behaviour). The report from the Commission for Racial Equality (2005) states that incidents of hate crime should also be reported. These terms are further defined as follows:

- (a) **Corruption** is the abuse of the role or position held in the PSNI for personal gain or gain for others. (This applies to police officers, police staff and those employed under contract by the PSNI.)
- (b) **Dishonesty** is behaviour lacking in personal honesty, which includes 'character' offences such as theft, lying, cheating and intentional neglect of duty or responsibilities.
- (c) **Unethical behaviour** is behaviour which does not conform to the Code of Ethics 2008.
- (d) **Hate crime** is defined as any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.

**(3) Background**

The use of various reporting methods, including confidential reporting lines, is reflective of best practice identified by HMIC, ACPO and the Commission for Racial Equality.

**(4) Duties and Obligation to report wrongdoing**

- (a) Police officers are reminded they have an obligation under the Code of Ethics 2008 Articles 7 and 10 to report and deal with suspected acts of wrongdoing.
- (b) All police staff have a similar responsibility under Section 5 of the Criminal Law Act 1967 which places an obligation on all citizens to report arrestable offences.
- (c) In serious cases of misconduct, an anonymous report may not satisfy the obligations placed on police staff by the Code of Ethics 2008.
- (d) Police officers have a duty to report criminal matters. An anonymous report of a criminal matter **may not** have discharged the duty under the Code of Ethics 2008.

**(5) Mechanisms for Reporting Wrongdoing**

- (a) There are a number of ways in which police staff can make Professional Standards Reports. These are set out and discussed below. It is expected that the normal method of reporting will be via a supervisor, and that other methods would only be used in exceptional circumstances.
- (b) Methods include:
  - (i) In writing/verbally to a direct line supervisor;
  - (ii) In writing/verbally to another supervisor who is not your direct line supervisor;
  - (iii) In writing/verbally to PSD;
  - (iv) In writing/verbally to any of the staff associations;
  - (v) By telephoning Safecall, the independent confidential reporting line.

**(6) Reporting Direct to Line Management**

- (a) This method has always been available to members of police staff, and concerns may be expressed verbally or in written form. It has the advantage of enabling an immediate response, where appropriate, and direct feedback to the individual. It is important that line management have a clear understanding of their role and responsibilities when presented with this type of information. PSD has developed a training package for supervisors in this area and also provide advice and support. In addition, a line manager may wish to discuss the issue with their District Commander/Head of Branch, bearing in mind confidentiality issues discussed in Section 7(6)(11).
- (b) Where the breach of professional standards is believed to involve the person's line manager, or where for any reason it is felt more appropriate to report it to another manager, this may be done. If there is any doubt as to who is an appropriate manager, then advice may be sought from PSD or alternative methods of reporting may be chosen.

**(7) Report Direct to PSD**

- (a) Contact may be made with PSD either verbally or in writing. When direct reporting is chosen, an agreement on the status of the report and the degree of confidentiality necessary will be made between PSD and the person reporting. This agreement will be recorded in writing.

- (b) A distinction must be made between a professional standards report, which can be reported or forwarded to PSD, and the reporting of instances of bullying/harassment or grievances, which should be reported through the channels identified in the relevant Policy Directives.

**(8) Staff Associations and Unions**

The Police Federation, Superintendents' Association, staff trade unions and other staff associations can, and do, play a key role for members of police staff to discuss their concerns in a non-threatening environment. These organisations are bound by their own internal rules regarding confidentiality and the need for member's consent prior to the forwarding of information.

**(9) Confidential Reporting Line 'Safecall'**

- (a) Safecall is an independent company, based in England. They act as a conduit for information between the person making a report and the PSNI.
- (i) Any member of the PSNI, whether police officers or police staff, may use Safecall. It is not intended for use by members of the public and the number must not be made available to members of the public.
  - (ii) The telephone number for Safecall. The line is operated 24 hours a day, 365 days a year. Calls cost between 2p and 8p per minute.
  - (iii) Police staff members are encouraged to provide their details to Safecall, who, with permission, will pass the details to PSD. Alternatively the caller can request Safecall **not** to pass their details on to the PSNI. Finally, a caller, if they wish, may remain anonymous when contacting Safecall. However, an officer who reports a crime anonymously may not have discharged their duty under the Code of Ethics 2008, and action which can be taken in response to anonymous information may be limited.
  - (iv) By dialling you will be connected to the Safecall operator. The operator will ask you to identify the organisation you work for. The nature of the service will then be explained and you will be advised of the relevant procedures and provided with a unique personal identification number (PIN) for use if additional calls are needed. The operator will remind you of your responsibilities and will ask you to detail your concerns.
  - (v) No calls will be tape-recorded by Safecall. Calls to Safecall using the PSNI telephone network will be regarded as private and the PSNI will not routinely monitor by listening to or tape-recording such calls.
- (b) Safecall is not designed to provide an alternative avenue to raising a grievance, and does not mean that the matter will receive higher priority. The PSNI has robust policies on bullying and harassment and grievances. These must be reported as per Policy Directive No 01/2005 - Bullying and Harassment Policy or Policy Directive No 02/2005 - Grievance Policy.
- (c) Information disclosed to Safecall is relayed to PSD. (Appendix 'A' outlines the protocols for the passage of information received by Safecall). On receipt of information, PSD will decide on appropriate action, which may include preliminary enquiries, formal investigation or forwarding to local management for action.

**(10) Call-back (Confidential Reporting Line)**

- (a) This is an addition to the current Safecall service. It will provide police staff with a means to report misconduct (criminal or otherwise) that they themselves may have committed or who may find themselves exposed and in a vulnerable position due an act or omission on their part. For example a police staff member may find themselves the subject of a corrupt approach by a third party to provide or obtain information for that person. This service will provide a support mechanism for police staff in that they can establish a single point of contact within PSD to report any such approach or concerns that they may have. The existing protocols regarding Safecall, as outlined at Sec 7.9 (a)-(c) above will also apply to this part of the service.
- (b) It must be stressed however that police staff cannot use Call-back as a means of pre-empting an ongoing or anticipated investigation. Police staff must be aware that all investigations, be they into misconduct or indeed criminal activity will be seen through to their conclusion. However cognizance will be taken regarding any report made by police staff in respect of any misconduct or criminality in which they have become involved.

**PRINCIPLES GOVERNING ALL PROFESSIONAL STANDARDS REPORTS:**

**(11) Confidentiality**

- (a) Whilst the PSNI encourages open reporting, professional standards reports may be made confidentially by any member of police staff. Confidentiality, when requested, will be given the highest priority. Every effort will be made to maintain such confidentiality, although the rules of disclosure and the need, in certain cases, to obtain evidence could limit this. All police staff should be aware that the legal rules governing 'disclosure' and 'discovery' would apply to cases under this procedure as they apply to all others. Where confidential information has been received, this will be handled for disclosure purposes in a similar way to criminal intelligence.
- (b) When an open professional standards report is made, all documentation referring to it will be marked 'confidential'. Details of any professional standards report will be held securely within PSD. In confidential cases, knowledge of the identity of the person who has made the report will be kept to a minimum based upon strict need to know criteria.

**(12) Feedback That a Member of Police Staff is 'Doing the Right Thing'**

- (a) It is vital that immediate and positive feedback is given to an individual who makes a professional standards report. Any person receiving such a report will reassure the police staff member and reiterate they are 'Doing the Right Thing'.
- (b) When a police staff member has made an open report, ie the identity of the individual and the fact of the report is known to their colleagues, appropriate support must be given to the individual from the outset of the case and must continue until the issue is fully resolved. This includes pro-active management support and action, and may include staff association and/or OHW involvement. Visible, active and supportive leadership must be demonstrated by line managers when dealing with an individual who has made an open professional standards report. It is evident that the term 'whistleblower' can be deeply upsetting to those who report wrongdoing, and can have negative connotations. For this reason, the term 'Professional Standards Reporting' will be used.

**(13) Protection for Officers and Police Staff Making 'Professional Standards Reports'**

- (a) Article 7.5 of the Code of Ethics 2008 places an obligation on colleagues, supervisors and the organisation to support colleagues who have reported wrongdoing. Additionally, Article 1.8 of the Code of Ethics 2008 states that police officers shall not suffer administrative or other penalties because they have reported that a violation of the Code has occurred or is about to occur unless such a report is shown to be malicious or ill founded.

- (b) Support provided to those making a professional standards report will be assessed on a case by case basis, and will take into account the needs of the individual as well as those of the organisation. Reasoned and proportionate actions will be taken as a result of risk assessment.
- (c) In some cases, whether they are open or confidential cases, the person making the report of wrongdoing may require some additional reassurance on protection. The protection offered to our police staff will be similar to that provided to vulnerable victims and witnesses in crime cases. Amnesty from prosecution/discipline proceedings cannot be given to persons making a professional standards report. However the fact that a person made a report may be taken into consideration as mitigating circumstances.
- (d) The PSNI has a robust bullying and harassment policy, which should be used if necessary.
- (e) It is anticipated that issues of witness protection will arise in only the most serious cases. C1 Branch (Witness Protection Unit) is responsible for the assessment and implementation of witness protection procedures.

(14) **False and Malicious Allegations**

Every effort will be made to ensure that the integrity and accuracy of information is fully investigated. In all cases, but especially where the information is anonymous, independent evidence or other intelligence will be sought at the earliest opportunity to corroborate the information received. Whilst police staff are encouraged to make reports of wrongdoing, it must be made clear that where it is established that a report has been made maliciously, consideration will be given to misconduct action.

**7. INTELLIGENCE LED INTEGRITY TESTING**

- (1) Patten Recommendation 81 stated that:

“Police managers should use random checks as a way to monitor the behaviour of their officers in dealings with the public and their integrity.”

As a result, PSD conduct Intelligence Led Integrity Tests.

- (2) There may be some confusion over what is meant by an integrity test and the related area of ‘quality of service checks’, which are conducted in this and many other organisations. Quality of service tests are random, and are conducted to check that the organisation is providing the high quality of service which we strive to deliver, and the public have a right to expect.
- (3) District Commanders may from time to time conduct quality checks as do the Police Ombudsman’s office. These have also been called “mystery shopper” exercises. It is increasingly common for Police Services to test their processes by way of such exercises. PSD **do not** conduct quality of service checks.
- (4) In contrast, integrity tests are not random. They are intelligence-led and will only be conducted when reliable information suggests that there is a potential problem with a particular individual or group’s behaviour. In many cases tests will be conducted on the basis of a Regulation of Investigatory Powers Act (RIPA) application. There are many criteria that must be satisfied before authority under RIPA will be sought, let alone granted. This means that integrity tests cannot be random, but must be based on properly provided intelligence. Intelligence-led integrity tests will consist of a normal policing or social scenario, where those subject to the test will have every opportunity to act ethically and with integrity. Agent provocateur and entrapment will not form part of this methodology. The Office of the Oversight Commissioner has agreed that this interpretation of Patten Recommendation 81 is the correct way forward.
- (5) Individuals will not be informed that they have been the subject of an integrity test unless their behaviour falls below the required standard. In the few cases where this may happen, they will be afforded all rights that would attach to any suspect in a misconduct/criminal investigation.

- (6) This approach to intelligence-led integrity tests has been endorsed by the Professional Standards Committee, the Superintendents' Association, the Police Federation for Northern Ireland (PFNI) and Policing Board.

## **8. SUBSTANCE MISUSE**

Whilst it is not intended to replicate the content of Policy Directive No 11/2008 - Substance Misuse, it is important that supervisors and all officers are aware of its content and the potential implications of failing to comply with it. Given the highest standards of integrity which are expected of all our police staff, there is no place for the use of illegal drugs or misuse of legal drugs, either on or off duty, by any of our police staff.

- (1) The PSNI has determined that there are two categories for 'with cause testing'. These are:
  - (a) 'With Cause - intelligence led';
  - (b) 'With Cause – suspected or observed impairment';
- (2) 'With Cause – intelligence led' tests will be undertaken without prior notice and may be undertaken by either trained PSNI staff or an approved qualified external contractor using either urine and/or hair sampling methodologies. In all cases samples will be collected using appropriate sample collection kits observing industry and evidential standard chain of custody procedures.
- (3) 'With Cause – intelligence led' tests must be approved in advance by the Head of PSD. Refusal by the individual to undergo a 'With Cause – intelligence led' test will attract the same sanction as if it were a positive result.
- (4) When an individual is required to undergo a 'with cause – intelligence led' test they may request that they are accompanied by a 'friend or work colleague'. The unavailability of a suitable Friend will not prevent the with cause test from proceeding.
- (5) Where PSD have deemed that a 'With Cause – intelligence led' test is appropriate they may also authorise, depending on the circumstances, the simultaneous use of other investigative techniques such as searches, or ethical interview etc.
- (6) 'With Cause – suspected or observed impairment' tests may be authorised by the District Commander/Department Head or delegated officer who must be of at least Chief Inspector or equivalent rank.
- (7) As with other types of testing all positive results following analysis will be examined by a Medical Review Officer (MRO) who will assess if the result indicated the misuse of legal or use of illegal substances. The MRO will report positive findings to the Nominated PSNI Liaison Officer who will then report the matter to Head of PSD/Head of HR who will instigate disciplinary action as appropriate.
- (8) Refusal or failure to provide a sample in accordance with this policy will be treated in the same way as a confirmed positive result and will be referred to the Head of PSD to initiate disciplinary action which may ultimately result in dismissal.
- (9) Referrals will also be made to the Head of PSD for initiation of discipline and potentially criminal proceedings where there is evidence to suggest that individuals have attempted to frustrate the testing process by tampering with samples or providing false information.

## **9. SUSPENSION OF POLICE OFFICERS**

### **(1) Introduction**

- (a) This section outlines the Policy on the suspension of police officers of the PSNI who are subject of criminal/disciplinary investigations.

**NOT PROTECTIVELY MARKED**

- (b) The decision to suspend an officer from duty is a serious one, having potentially detrimental effects on the individual concerned, their family, and the organisation. For this reason no individual will be suspended from duty unless it is necessary, proportionate and justified.
- (c) The suspension of an officer should not be viewed as either indicative of guilt, nor as a punishment, but rather as an appropriate measure in certain cases, to protect the integrity of the organisation.

**(2) Authority**

- (a) Regulation 5(1) of The RUC (Conduct) Regulations 2000 gives the Chief Constable the authority to suspend an officer where there has been a report, allegation or complaint which indicates that the conduct of a member did not meet the appropriate standard.
- (b) Regulation 5 (5) of the same regulations allows the Chief Constable to delegate this function to another senior officer. In practice this has been delegated to the Deputy Chief Constable, who will make this decision in conjunction with the Head of PSD. Head of PSD will seek the views of the officer's District Commander, and IO and will also request relevant, available information from OHW before making any recommendations to the Deputy Chief Constable. PONI will make their recommendations, via Head of PSD to the Deputy Chief Constable in relation to cases investigated by them.

**(3) Considerations**

- (a) The decision to suspend an officer is only taken in exceptional circumstances after all other options, including 'alternative duties', have been considered.
- (b) Those officers involved in the decision making process must ensure that it is formally and explicitly documented including details of options considered and rejected, and the reasons for that rejection.
- (c) Considerations should include:
  - (i) The nature and seriousness of the alleged action of the individual(s), including any apparent aggravating or mitigating factors;
  - (ii) The strength of evidence or nature of the investigation;
  - (iii) The public interest and that of the Police Service;
  - (iv) The reputation of the PSNI and the effect on public confidence;
  - (v) Whether effective investigation of the allegation may be compromised if the officer remains in post;
  - (vi) The nature of the current post held, and alternative posts, and the potential risk to the individual, public, colleagues or operations if the officer is not suspended;
  - (vii) The likely outcome of a conviction in court or of a finding against the officer at a disciplinary hearing;
  - (viii) The impact on organisational efficiency.

**(4) Use of Alternative duties**

- (a) Alternative Duties in this instance would involve a temporary change in role/location pending the outcome of investigation and misconduct proceedings:
  - (i) Where contact with the public is reduced or prevented; and/or

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

- (ii) Where involvement in a particular activity is reduced or prevented, eg handling of money or firearms; and/or
  - (iii) Where access to evidence, information or intelligence is restricted.
- (b) Conditions may be placed on an officer who has been placed on alternative duties, for example, not contacting witnesses or visiting certain police premises.
- (c) Any case where an officer is placed on alternative duties which involves notification in Weekly Orders (ie transfer to a different District/Branch) will be under the heading 'Temporary Transfer'.
- (5) **Review**
- (a) To ensure that the continued suspension (or alternative duties) of an officer is necessary, each case will be reviewed by the Head of PSD on a monthly basis or sooner in the event of significant change(s) in circumstances.
  - (b) During review, views of the IO and other relevant stakeholders will be sought to ensure that the grounds for suspension remain the same.
  - (c) All PSD investigations or disciplinary proceedings in connection with suspected offences committed by officers who have been suspended from duty will be dealt with as expeditiously as possible.
- (6) **Welfare**
- (a) District Commanders/Heads of Branch will assume responsibility for ensuring that the welfare needs of a suspended officer and their family receive appropriate attention through the relevant HR Manager. This function may be delegated to another nominated member of police staff if appropriate. As a minimum, there should be monthly contact with the suspended officer, by the nominated police staff member.
  - (b) Evidence would suggest that suspension can be a difficult and isolating experience. The suspended officer may benefit from assistance with arranging police contact, welfare issues or other business matters (including relevant threat and personal security matters) during their time of suspension which the nominated police staff member should co-ordinate.
  - (c) OHW, Seapark can provide a confidential facility of support and advice to members and their dependents. Officers can contact OHW Monday to Friday for an appointment. Carecall is available outside normal office hours. In addition, the member's HR Manager is available to offer support and advice.
  - (d) The Discipline (Defence) Co-ordinator can be contacted at the PFNI Office, Garnerville. If urgent assistance is required outside office hours the Co-ordinator can be contacted via Belfast Regional Control (BRC). Further information on the Discipline (Defence) Co-ordinator's role can be found at Section 7.13(1) in this Policy.
  - (e) In addition Regulation 9 notices specify the contact details of the IO who can be contacted with any queries.
- (7) **Notification**
- (a) In every case where an officer is suspended from duty, they will be told in person of the suspension and informed of the reason for that decision. The person making this notification will at that time collect the officer's identity card, and hand them a copy of this section of the Policy for their information.

**NOT PROTECTIVELY MARKED**

- (b) The person taking possession of the identity card will forward this without delay to the member's District Commander/Head of Branch; who will arrange, as soon as is practicable, for all items of the member's uniform, equipment, and official police notebooks/journals to be handed in to the person in charge of the station.
- (c) The officer's District Commander/Head of Branch should consider the suitability of the officer's access to firearms. Access to Firearms and Ammunition Policy – Policy Directive No 03/2008 refers.
- (d) In addition, the officer's District Commander/Head of Branch may consider it necessary to conduct a risk assessment and make contact with OHW if required.

**(8) Circumstances**

- (a) Once suspended, an officer cannot exercise police powers.
- (b) Access to police computers will be suspended. PSD will email Head of ICS to ensure that the officer's computer account is suspended.
- (c) A suspended officer remains subject to the provisions of the Code of Ethics 2008 and Conduct Regulations for the duration of the period of suspension.

**(9) Absence from approved address**

The PSNI Regulations 2005 and the PSNI Reserve (Full-Time) (Appointments and Conditions of Service) Regulations 2002 require members to reside at premises approved by the Chief Constable. If a suspended member intends to absent themselves from their approved address for a holiday or other purposes, they must submit a report seeking approval through normal channels to the Head of PSD setting out the reasons for the request. The Head of PSD will normally grant such requests. These requirements do not apply to Part-Time officers.

**(10) Pay and allowances**

- (a) A suspended member will, with certain exceptions, receive full pay and where applicable, other allowances.
- (b) Suspension will be without pay where the officer is detained in pursuance of a court sentence or is in custody between conviction by a court and sentence, or has absented themselves and their whereabouts are unknown to the Chief Constable.<sup>2</sup> Notices in this respect will be issued to the officer's District Commander/Head of Branch by PSD for service. PSD will also notify the officer's HR Manager, who will initiate the necessary paperwork to pay section for purposes of pay, allowances etc.
- (c) Annual leave is an allowance, albeit not a monetary one. A suspended officer will not be entitled to any Annual Leave allowance while on suspension. The officer may still take holidays, but is not required to use annual leave for this – see paragraph (9). If the officer is reinstated following a decision not to charge with a disciplinary offence, where charges are dismissed, or where punishment for a disciplinary offence has been a reduction in pay, a fine, a reprimand or caution, the officer will be entitled to an annual leave allowance that will include the period of suspension. Carry over of leave will be as per Determination M associated with Regulation 32 of the PSNI Regulations 2005, ie 5 days.
- (d) If an officer receives a sanction of dismissal, requirement to resign, or reduction in rank, they will not receive annual leave for the period they were suspended.

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<sup>2</sup> Schedule 3 Police Service of Northern Ireland Regulations 2005

**(11) Sickness**

- (a) The decision to suspend an officer takes priority over sickness leave. If an officer is on sick leave, this will not impact on the decision on whether or not to suspend the officer. However, any relevant matters of a medical nature must be made available to PSD for inclusion on the file recommending suspension. The advice of OHW may be sought prior to making the decision on whether to suspend.

Note: Whilst it is the responsibility of PSD to request relevant, available information from OHW for inclusion in the file, if there are other existing relevant medical matters that OHW are not aware of, it is the individual responsibility of every officer to provide those details to PSD in a timely manner.

- (b) The suspension will take effect immediately the officer is notified of suspension, and not when the officer returns to duty off sick leave. Practical consideration must be given to ensuring appropriate support is available if an officer on sick leave is suspended.
- (c) Any illness or injury whilst on suspension should be reported to the person in charge of the officer's station/branch in the normal way. Medical certificates should be forwarded promptly in accordance with current instructions.
- (d) Sickness which occurs while an officer is suspended will count in respect of Regulation 27 of the PSNI Regulations 2005 (reduction in pay after six months/one year).

**(12) Resignation/Retirement/Medical Retirement**

- (a) Annex C of the Determinations associated with Regulation 14 of the PSNI Regulations 2005 specifies that the consent of the Chief constable is required before a suspended officer may leave the service.
- (b) If an officer's health is such that they would normally be retired on medical grounds, misconduct proceedings should not normally prevent or delay retirement. However there may be some cases, especially those where the conduct in question is very serious, where it may not be in the public or the Service's interest to proceed with medical retirement in advance of a Misconduct Hearing, which could be held in the officer's absence.
- (c) Paragraph 6(3) of the Severance Scheme Handbook states that: 'Officers who are suspended or are under serious criminal or disciplinary investigation under the Discipline Regulations, may not, without the consent of the Chief Constable, be accepted for Voluntary Severance.'
- (d) In deciding whether to grant a request for resignation, retirement, medical retirement or severance, relevant stakeholders will be consulted.

**(13) Other Employment**

A suspended officer is not permitted to take other employment during the period of suspension without the consent of the Chief Constable.

**(14) Visiting Police Premises**

- (a) A suspended officer is not permitted unescorted on police premises; and if required to visit such premises they must report on arrival to the officer in charge. Visits will not be permitted for social/leisure purposes (which includes the use of gym facilities).
- (b) Suspended officers may still avail of OHW (Seapark) and PFNI or SANI (Garnerville) services, without the need to contact a senior officer on arrival.

**(15) Disclosure of disciplinary matters in criminal proceedings**

- (a) A suspended officer is still compellable in respect of court attendance, and may be required to attend court to give evidence in connection with cases in which they are involved. Attendance in these circumstances will be in appropriate dress.
- (b) Current instructions (Service Procedure No 42/08 refers) state that where a police officer is suspended from duty, the officers District Commander/Head of Dept will inform the prosecutor and provide them with a list of cases in which the officer is liable to give evidence.

**(16) Sporting teams/PSNI sports and social clubs**

Suspended members may not participate in the activities of representative teams/PSNI sports and social clubs (including charitable events) without the express permission of the Chief Constable.

**(17) Resumption of duty**

- (a) Prior to the reinstatement of an officer following suspension, relevant stakeholders will be consulted.
- (b) The needs of an officer on the reinstatement to duty will require careful management. These will include practical matters such as the reissue of an identification card, return of a firearm, access to premises and to computer systems. There may also be re-training needs in relation to firearms, new legislation and policies. The HR Manager should undertake the supervision of these and other welfare needs.

**10. HEARINGS**

**(1) Introduction**

- (a) This section contains instructions in relation to Disciplinary Hearings in respect of police officers held within the PSNI.
- (b) The main sources of reference and further reading on Hearings are:
  - (i) Royal Ulster Constabulary (Conduct) Regulations 2000;
  - (ii) Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000;
  - (iii) Royal Ulster Constabulary (Complaints etc.) Regulations 2000;
  - (iv) Royal Ulster Constabulary (Appeals) Regulations 2000;
  - (v) PSNI (Conduct) Regulations 2003;
  - (vi) NIO Guidance on Police Unsatisfactory Performance, Complaints and Misconduct Procedures [NIO Guidance on Misconduct](#);
  - (vii) PSNI Regulations 2005;
  - (viii) PSNI (Conduct)(Amendment) Regulations 2008.

Further information and links to the NIO Guidance are available on the PSD intranet site.

- (c) Any conduct which took place prior to the commencement of the Royal Ulster Constabulary (Conduct) Regulations 2000 is dealt with under the Royal Ulster Constabulary (Discipline and Discipline appeals) Regulations 1988.

- (d) Within this section, the term 'member concerned' refers to the member of the police service whose conduct has allegedly fallen below the required standard.

**(2) Notification of Hearing**

- (a) PSD will notify the officer concerned in writing (not less than 28 days before the hearing) that a decision has been taken to hold a hearing. This notice will specify the conduct, which allegedly failed to meet the appropriate standard, and the relevant article in the Code of Ethics 2008.
- (b) The officer concerned will be supplied with copies of:
  - (i) any statement they may have made;
  - (ii) any relevant statement, document or other material obtained by the IO.
- (c) These papers will be forwarded to the officer's District Commander/Head of Branch for service on the officer concerned. It is normally delegated to an Inspector to serve the papers. It is essential that the papers are served on the officer forthwith, and that the person serving them complies with all instructions contained in the papers. It is important that the officer concerned is informed they must indicate to PSD within 14 days of how they intend to plea. The person serving the papers must then complete the details of service on the form provided and return this to PSD.
- (d) The member concerned having been instructed to, is required to state in writing, within 14 days of the receipt of these documents:
  - (i) whether or not they accept that their conduct did not meet the appropriate standard;
  - (ii) (where the option is available) whether they wish to be legally represented at the hearing;
  - (iii) whether they propose to call any witnesses, and the names and addresses of any such witnesses whose attendance they wish PSD to secure.
- (e) Where the member concerned accepts that their conduct did not meet the appropriate standard, a summary of the facts will be prepared, and supplied to them at least 14 days before the hearing. If they do not agree with the summary, they may submit a response within 7 days of receipt of the summary. This summary, along with any response from the member, will be supplied to the officers conducting the hearing. Where the member concerned does not accept that their conduct failed to meet the appropriate standard, no summary will be prepared or supplied to the officers conducting the hearing.

**(3) Attendance at Disciplinary Hearings**

- (a) The member concerned will be ordered to attend the hearing. For the purpose of reckoning overtime and rest day entitlements etc, the member concerned will be regarded as on duty when they are appearing at a hearing, unless in a particular case this would be inappropriate, eg because they are on sick leave or suspended from duty. Travelling and subsistence allowances etc will be payable in accordance with current Regulations.
- (b) It is not necessary for the officer concerned to be present at the hearing for it to be valid. If the officer concerned fails to appear at a hearing without prior warning or without reason being given sufficient to excuse their absence, the hearing may proceed and the panel may make decisions in the officer's absence. In such a case, the presiding officer will decide whether to proceed or adjourn the hearing.
- (c) Hearings will be conducted in private. However, the presiding officer may, with the consent of all parties concerned, permit other persons to be present if there is good reason to believe that their presence would be beneficial.

- (d) The Police Ombudsman may ask to send a representative to act as observer at any hearing which follows a recommendation or direction by them as to charges, and this request should normally be granted; subject to the consent of all parties to the hearing.

**(4) Ill health of member concerned**

- (a) Attendance at a hearing is not subject to the same considerations as reporting for duty and the provisions of sick leave regulations do not apply. An illness or disability may render a member unfit for duty without affecting their ability to attend a hearing. A hearing will not be deferred indefinitely because a sick member is unable to attend, although every effort should be made to enable the member to attend if they wish. For example:
  - (i) if the member suffers from a physical injury - a broken leg for instance - it may be possible to hold the hearing at a location convenient to them;
  - (ii) the acute phase of a serious illness is usually fairly short lived, and the hearing may be deferred until the member is well enough to attend.
- (b) Being unfit for operational duty is not to be taken as meaning unable to give evidence to a hearing. Unless the officer's sick line specifically states that the nature of the illness prohibits the officer from giving evidence to a hearing then the requirement to attend the hearing remains.
- (c) The presiding officer must judge, in all the circumstances of the case, whether to defer the hearing or proceed in the absence of the member concerned.

**(2) Wearing of Uniform**

All members ordered to appear at a hearing or related sitting will do so in uniform except:

- (a) A Police Association representative or a member appearing as a friend of the accused;
- (b) Those members on sick leave or suspended from duty;
- (c) Those members permanently employed on plain clothes duty;
- (d) Where the Chief Constable makes a specific exception for any reason.

**(3) Witnesses/Complainants**

- (a) Any member, who is to appear as a witness, will be ordered to attend the hearing. Any other person will be invited to indicate whether or not they are prepared to attend as a witness. Where such an individual indicates an unwillingness to attend, the Chief Constable may apply to the Crown Court Office for a subpoena compelling attendance.
- (b) Where a hearing stems from a complaint by a member of the public, the complainant may be present if they wish throughout the hearing and until a finding is reached; provided that, if they are to be called as a witness, they will not be allowed to attend before that point. If the presiding officer considers it appropriate, they may allow the complainant to be accompanied by a friend or relative to whose presence the same rules and restrictions will apply.
- (c) Where the member concerned gives evidence, the complainant may ask them questions either through the presiding officer, or at the presiding officer's discretion, directly. The presiding officer may disallow questions which they consider to be irrelevant, or formulated in an undesirable manner. The complainant and any person accompanying them shall neither intervene in nor interrupt the hearing. If they behave in a disorderly or abusive manner, or otherwise misconduct themselves, the presiding officer may exclude them from the remainder of the hearing.

(4) **Antecedent history and character evidence**

Regulation 32 of the PSNI (Conduct) Regulations 2000 provides that where the question of the sanction to be imposed is being considered, the officers conducting the hearing shall have regard to the record of police service of the member concerned, as shown on their personal record, and may receive evidence from any witness whose evidence would assist in determining the question. They must also give the member concerned or their representative, the opportunity to make oral or written representations on the question or to mention relevant evidence or proof. Any officer providing evidence of character is reminded of their own integrity, and such evidence must be fair and accurate.

**11. SANCTIONS**

(1) The full range of sanctions available to a hearing are:

- (a) **dismissal** from the Service - effective immediately;
- (b) **requirement to resign** from the Service as an alternative to dismissal, taking effect one month from the date of the decision;  
(note – if suspended, the officer will remain suspended for this period. If not suspended, the officer will be repositioned to a non-evidence gathering post.)
- (c) **reduction in rank** - effective immediately;
- (d) **reduction in pay** for such a period, not exceeding 12 months, as shall be specified in the decision;
- (e) **fine** of a sum representing not more than 13 days pay recoverable over a minimum of 13 weeks;
- (f) **reprimand** – this is recorded in the member's personal record;
- (g) **caution** – this is not recorded in the member's personal record or on SAP.

(2) **Personal Record**

- (a) Sanctions imposed by a misconduct hearing will be expunged after three years free of further sanctions. If a misconduct panel imposes a further sanction within three years, both sanctions will remain until there are a further three years free of sanctions. (Written warnings do not affect this). It is the responsibility of PSD to record and expunge sanctions from SAP and to notify the local HR Manager of the requirement to place or remove the sanction from the officer's personal record.
- (b) In the case of a sanction imposed as a result of the RUC (Discipline and Disciplinary Appeals) Regulations 1988, the sanction will be expunged after 5 years (3 years for a fine or reprimand).
- (c) Records of a written warning will remain on an officer's personal record for 12 months from the date it was administered. The HR Manager must also advise PSD of all written warnings and forward a copy. It is the responsibility of the local HR Manager to record and expunge written warnings from the officer's personal record and SAP.

(3) **Disclosure of sanctions**

- (a) Service Procedure No 42/08 – 'Procedure for the Identification and Disclosure of Disciplinary Findings of Guilt and Criminal Convictions of Police Officers' outlines the responsibility of officers to notify the PPS of relevant misconduct and criminal convictions

- (b) The onus is placed on individual police officers, who provide witness statements for potential use in criminal proceedings, to ensure that the information is made available to the reporting IO, so that it can be revealed to the prosecutor.

## 12. DISCIPLINE SANCTIONS FOR POLICE OFFICERS CONVICTED OF DRINK DRIVING OFFENCES

- (1) (a) The following is to inform police officers of the likely sanctions which will be imposed at any misconduct hearing following a conviction for a drink driving offence, and to provide guidance to members of discipline panels.
- (b) The damage done to the reputation of the Service by police officers convicted of these offences cannot be overstated and detracts from the credibility of the Service in this crucial area of law enforcement.
- (c) Given the seriousness of such offences there is a strong likelihood that any police officer detected for a drink driving offence will face suspension. Professional Standards Department (PSD) will continue to highlight this issue to all police officers and police staff to raise awareness.

### (2) Guidance to police officers and panels regarding sanctions

- (a) It should be noted that the following provisions of this paragraph constitute guidance to police officers and panel members, rather than 'direction'. The decision-maker will enjoy a level of discretion and a margin of appreciation in responding to all factors in every case, and every case will be dealt with strictly on its own merits.
  - (i) A police officer convicted by a court of a drink driving offence can expect to face a formal disciplinary hearing. **It is expected that the usual sanction to be applied is either dismissal or a requirement to resign to reflect the serious view which is taken, both inside the Service and by society generally.**
  - (ii) It is important that a discipline panel is responsive to the circumstances of any particular case, and police officers presiding at such hearings must apply their judgement to the facts of the case to consider whether an alternative sanction could be justified. Aggravating factors in considering the seriousness of an offence include where:
    - (aa) the offence was committed on duty;
    - (bb) there is an attempt to avoid arrest;
    - (cc) there is an attempt to interfere with due process, particularly by leaving the scene or improperly using their position as a police officer;
    - (dd) the alcohol reading is particularly high;
    - (ee) the offence derives from a traffic collision or another incident involving a member of the public;
    - (ff) given the nature of policing within Northern Ireland, cognisance will also be given to whether the police officer is in possession of a firearm.

This list is not exhaustive.

- (b) It is anticipated that a lesser sanction would only be imposed when truly exceptional circumstances exist. The presence of any factor considered by the decision-maker to amount to an 'aggravating factor' within the context of paragraph 8 (a)(ii) above will be a relevant consideration when deciding whether truly exceptional circumstances do exist in a particular case. The justification for such a decision should be clearly set out and recorded.

### 13. SUPPORT

Being subject of an investigation can be a significant and distressing event. It is important therefore that proper support is provided to those officers informed by either PSD or the Police Ombudsman that they are under investigation.

Sources of support are outlined below:

#### (1) Federation - Discipline (Defence) Co-ordination

- (a) There is a PSNI Discipline (Defence) Co-ordinator available whose main role is to ensure that members facing misconduct proceedings are properly supported. Duties include:
  - (i) Providing a point of reference for officers of all ranks facing misconduct proceedings;
  - (ii) Acting as a 'Friend' in misconduct cases;
  - (iii) Liaising with legal representatives and Treasurer PFNI as necessary;
  - (iv) Providing guidance and advice to other officers acting as 'Friends';
  - (v) Assisting with training of 'Friends';
  - (vi) Liaison with staff association representatives as appropriate, on welfare matters, particularly for suspended officers;
  - (vii) Keeping abreast of changes in legislation affecting Discipline and advising the PFNI as required.
- (b) The Discipline (Defence) Co-ordinator can be contacted at the PFNI Office, Garnerville. If urgent assistance is required outside office hours the Co-ordinator can be contacted via BRC.
- (c) The Discipline (Defence) Co-ordinator **does not give legal advice**, however can assist with the provision of legal assistance, to eligible members, under the terms of the PFNI Voluntary Fund. Legal assistance may also be available from the Chief Constable under the terms of Northern Ireland Office, Police Division Circular 3/2002 – Guidance on Financial Assistance to Police Officers in Legal Proceedings.
- (d) While the Federation has a role to play in the provision of welfare support, the primary responsibility lies with District Commanders/Heads of Branch, who shall refer officers to OHW, where necessary.

#### (2) The Superintendents' Association of Northern Ireland (SANI)

The Superintendents' Association performs a similar function to that of the Federation, for its members, who are superintending ranks (including those temporarily promoted). If a member of SANI should receive an OMB3 (PONI investigation) or Regulation 9 notification (misconduct investigation) it is the member's **personal responsibility** to contact the present scheme administrator. The member concerned also needs to inform their Regional Representative in person and/or the Honorary Secretary.

**(3) List of 'Friends'**

During any interview, meeting or hearing related to complaints, disciplinary or unsatisfactory performance matters, an officer is entitled to be accompanied by a 'friend'. A list of officers who have indicated they are willing to act as a friend is available on the PSD intranet site, from the Discipline Defence Co-ordinator or from the Hon. Secretary of SANI. However, it is not necessary to choose someone from this list, a friend can be any serving police officer from any UK police force.

Role of Friends

**(4) Other Staff Associations**

Other staff associations, such as the Gay Police Association, or the Ethnic Minority Police Association can also provide advice and support to officers and police staff.

**(5) OHW**

(a) The Employee Support Service provides a confidential counselling, advice, support and information service on request for serving officers and police staff who are experiencing personal and/or work related problems. In addition, the widows, dependants and next of kin of serving officers may be able to avail of this service where appropriate.

(b) An Employee Support Officer is on call for police staff Monday to Friday between 2pm and 4pm to deal with support related enquiries. They can be contacted by getting in touch with OHW at Seapark. Carecall provides confidential telephone support and counselling for police officers and police staff outside office hours (weekdays 5 pm – 9 am, weekends Friday 5 pm – Monday 9 am).

**(6) Trade Unions**

Police staff can contact their trade unions for advice and support regarding discipline matters.

**14. DISCLOSURE OF INFORMATION FROM PROFESSIONAL STANDARDS FILES**

- (1) PSD will treat as confidential the conduct of investigations into alleged misconduct or criminality, and will not enter into any discussion or correspondence which steps outside that spirit of confidentiality.
- (2) Requests under the Freedom of Information Act or Data Protection Act for information relating to PSD investigations will be processed in accordance with the relevant Act.
- (3) Statements taken and reports prepared during PSD investigations are also routinely discoverable if they are relevant to an associated civil action. (House of Lords – R v Chief Constable of the West Midlands Police (Appellant) Ex parte Wiley and Others). However, to bind the Chief Constable to this judgement, formal legal proceedings must have been initiated. This distinguishes such requests from those made under the Freedom of Information Act where the requester is not obliged to give a reason for seeking the information.
- (4) In such cases, if any statements and reports contain sensitive security information, the Service legal adviser and Crown Solicitor's Office will arrange for a Public Interest Immunity claim to be made for their deletion.

**15. PROVISION OF TESTIMONIAL OR OTHER REFERENCE**

**General Prohibition**

- (1) No serving police officer or police staff member, in their capacity as such, may write, sign or give any testimonial of character, reference or other recommendation with the object of obtaining employment for any person or of supporting the grant of a licence of any kind, without the consent of the Chief Constable. Requests, which should outline the nature of the testimonial that the officer intends to provide, should be routed through normal channels to Command Secretariat, Headquarters. Considerations that will be brought to bear by Command Secretariat when reaching a determination will include such matters as:
  - (a) Interests of national security;
  - (b) Territorial integrity;
  - (c) Public safety;
  - (d) The prevention of disorder or crime;
  - (e) The protection of health or morals;
  - (f) The protection of the reputation or rights of others;
  - (g) The prevention of disclosure of information received in confidence; or
  - (h) The maintenance of the authority and impartiality of the judiciary.
- (2) By way of illustration, if a member proposes to supply the testimonial, reference or other recommendation on PSNI headed notepaper, or they allude to their profession or rank when providing the testimonial etc, they will be considered to be acting in their capacity as a serving member.
- (3) In addition, if a member proposes to supply the testimonial, reference or other recommendation in a personal capacity, they must not allude to their profession or rank nor draw on confidential information or knowledge gleaned during their Service in the PSNI. For example such information or knowledge may include intelligence and details of incidents attended by police.

Article 3.3 of the Code of Ethics 2008 states:

‘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’

**Officers acting in their Professional Capacity in Criminal or Civil Cases**

- (4) No member, acting in their capacity as a police officer, may provide testimonial evidence in criminal or civil cases, without the prior consent of the Chief Constable, obtained in compliance with the following procedure

- (5) The procedure to obtain the Chief Constable's prior consent is laid out below:
- (a) Where any request for the provision of such evidence is received, consent should be sought via the member's District Commander/Head of Branch. The report should outline the nature of the evidence that the officer intends, or is being requested, to provide. Upon receipt of such a request the District Commander/Head of Department should, in criminal matters, seek the views of the Senior Investigating Officer (SIO) in charge of the case. In civil matters that fall to the Legal Adviser to represent the interest of PSNI, the views of the Legal Adviser will be obtained. In formulating their recommendation, the officer considering the matter will have full regard to the particular circumstances of each case, carefully examining each case on its merits. If the case relates to another district, the request will be forwarded to the appropriate District Commander for attention.
  - (b) In circumstances where the request to provide testimonial evidence in a criminal or civil case relates to the provision of such evidence by a member of or above the rank of Chief Inspector, the request should be routed via the appropriate Assistant Chief Constable. Documentation supporting the request should include details of the SIO in charge of the criminal case. In such instances the appropriate ACC will be responsible for seeking the views of the SIO of the criminal case (or the Legal Adviser in civil cases, as appropriate).
  - (c) Having considered the matter and recorded their recommendation, the appropriate District Commander/Head of Branch/ACC, will forward their report to PSNI Headquarters (Criminal Justice Department, Knocknagoney) who will administer this procedure on behalf of the Chief Constable. Where necessary and appropriate, Criminal Justice Department will seek the views of the PPS prior to reaching a determination.
  - (d) Where a serving member is in receipt of a subpoena to provide testimonial evidence they will report the matter expeditiously in compliance with the above procedure and existing instructions. The serving member must also comply with Article 3.3 of the Code of Ethics 2008.

**Officers acting in their Personal Capacity in Criminal or Civil Cases**

- (6) Officers are free to express their honestly held views, in a personal capacity. However, when doing so, they must ensure that they do not use official PSNI headed paper and must emphasise that they are expressing a purely personal view. If the officer, when expressing such personal view, discloses the fact that they are a police officer or the rank that they hold in the Police Service, they must again emphasise that they are expressing a purely personal view and are not expressing, in any way, the views of the PSNI.
- (7) If a member proposes to express their views, in a personal capacity, they must not draw on confidential information or knowledge gleaned during their service in the PSNI. For example such information or knowledge may include intelligence and details of incidents attended by police. Should the fact that they are a serving police officer become known, for example during questioning by counsel, then they must at the earliest opportunity make known the fact that they have not drawn on confidential information or knowledge gleaned during their Service in the PSNI.
- (8) In addition if a member proposes to express their views, in a personal capacity, they must ensure that notification via the District Commander/Head of Branch is given. Upon receipt of such notification the District Commander/Head of Branch should, in criminal matters, inform and seek the views of the SIO in charge of the case. In civil matters that fall to the Legal Adviser to represent the interests of PSNI, the District Commander/Head of Branch should inform and seek the views of the Legal Adviser.

**16. GUIDANCE RELATING TO PURCHASE OF ALCOHOL OR PLACING BETS IN UNIFORM AND ON DUTY**

The Code of Ethics 2008, Articles 1.10 and 9.2 state:

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

'Police officers on duty shall not, without proper authority, consume alcohol'

- (1) As a Police Service, 'Policing with the Community' is central to how we conduct business, building partnerships and integrating officers into local communities where they are identifiable, accountable and effective.
- (2) In integrating officers further into the communities they serve, it would be deemed acceptable for officers to partake of refreshments in public places, eg a local café or community association premises. This would be seen as a positive way to build up local community acceptance and recognition.
- (3) The following list of activities deal specifically with 'Licensed Premises' and in the context of Article 1.10 of the Code of Ethics 2008, would be deemed unacceptable and likely to bring discredit upon the Police Service.
  - (a) An officer in uniform and on duty shall not purchase alcohol in an off-licence. This includes the licensed portion of a supermarket.
  - (b) An officer in uniform and on duty shall not enter a licensed betting shop to place a bet.
- (4) It is worth highlighting that there is nothing to prevent an officer entering any licensed premises whilst in the course of their duties. In fact there is a requirement for officers to ensure that licensed premises are conducting themselves within appropriate regulations.
- (5) The restrictions outlined above are deemed to be proportionate, reasonable and an effective means of ensuring that officers will not be compromised in the eyes of the public.

**'SAFECALL/CALL-BACK' REPORTING PROTOCOLS**

'Safecall' and 'Call-back' reports shall be communicated to the Police Service of Northern Ireland as follows:

**1. DURING OFFICE HOURS**

- (1) **Matters which do not relate to PSD staff or senior officers or critical health and safety issues**
  - (a) Secure email to Head of PSD, or D/Head of PSD.
  - (b) Matters which fall within the terms of Section 52 of the Police (NI) Act 1998, and satisfy the criteria for a complaint, shall be forwarded immediately by telephone to Head or D/Head of PSD and then to the PONI on-call SIO. Confirmed by secure email to Head or D/Head of PSD as soon as practicable.
  - (c) Where matters which relate to police misconduct or alleged misconduct involving members of the public are reported via Safecall, the Head or D/Head of PSD will consider whether to bring the matter to the attention of the Ombudsman, or refer it for investigation under Section 55 of the Police (NI) Act 1998.
  - (d) Urgent matters shall be forwarded immediately to Head of PSD or their nominee and confirmed by secure email as soon as possible thereafter.
  - (e) Head or D/Head of PSD to take appropriate action.
- (2) **Matters relating to PSD members of staff**
  - (a) Secure email to Deputy Chief Constable at PSNI Headquarters.
  - (b) Urgent matters will be passed by phone to the Deputy Chief Constable and then confirmed by email as soon as possible thereafter.
  - (c) In the absence of the Deputy Chief Constable, the matter will be passed by phone to the staff officer to the Deputy Chief Constable or the staff officer to the Chief Constable and then confirmed by email as soon as possible thereafter to the Deputy Chief Constable.
- (3) **Matters relating to a senior officer (ACC, DCC or Chief Constable)**
  - (a) By telephone from Safecall to Head of Business Affairs of the NIPB.
  - (b) Reports confirmed in writing to Chief Executive, NIPB.
- (4) **Critical health and safety issues**
  - (a) Secure email to Head of PSD from Safecall.
  - (b) Head or D/Head of PSD to determine if there exists a misconduct/discipline issue requiring investigation by PSD.
  - (c) Where the matter involves, or is confined to, health and safety issues, the Head or D/Head of PSD will liaise with the relevant District Commander or, in the event of an ongoing deployment/operation, the relevant Gold/Silver Commander as appropriate.

- (d) Details of matters will also be passed to Health and Safety Adviser by Head of PSD.

## **2. OUT OF HOURS**

- (1) **All routine and non-urgent matters which do not relate to PSD staff or senior officers or critical health and safety issues**

Secure email to Head of PSD from Safecall. (To be dealt with the next working day.)

- (2) **Urgent matters which do not relate to PSD staff or senior officers or critical health and safety issues**

(a) Duty officer at BRC telephoned by Safecall, and requested to have the on-call PSD IO contact Safecall directly.

(b) On-call PSD IO contacts Safecall and takes appropriate action.

(c) Where matters which relate to police misconduct or alleged misconduct involving members of the public are reported via Safecall, the on-call PSD officer will consider whether to bring the matter to the attention of the Ombudsman, or refer it for investigation under Section 55 of the Police (NI) Act 1998.

- (3) **Urgent matters relating to PSD members of staff**

(a) BRC Duty Officer to be telephoned by Safecall, and requested to have the Deputy Chief Constable contact Safecall directly.

(b) BRC are then to pass the message to the Deputy Chief Constable or if unavailable the Chief Constable, to contact Safecall.

- (4) **Non urgent matters relating to PSD members of staff**

(a) Secure email to Deputy Chief Constable at PSNI Headquarters for attention the next working day.

(b) In the absence of the Deputy Chief Constable the staff officer is to be emailed by Safecall.

- (5) **Matters relating to a senior officer (ACC, DCC or Chief Constable)**

Safecall will report in the following manner:

(a) By telephone to Head of Business Affairs of the NIPB the next working day.

(b) Reports confirmed in writing to Chief Executive, NIPB.

- (6) **Matters which fall within the terms of Section 52 of the Police (NI) Act 1998 and satisfy the criteria for an emergency complaint**

(a) Duty officer at BRC telephoned by Safecall. The details of the report will be given to the duty officer at BRC.

(b) Duty officer BRC to inform the on-call PONI SIO via existing on-call arrangements.

(c) Confirmation that a report has been passed to BRC will be forwarded to the Head of PSD the next working day by secure email.

- (7) **Matters which fall within the terms of Section 52 of the Police (NI) Act 1998 and do not satisfy the criteria for an emergency complaint**
- (a) Duty officer at BRC telephoned by Safecall. The details of the report are to be given to the duty officer at BRC.
  - (b) Duty officer BRC to forward details to PONI via the normal means, ie OMB2, fax and mail.
  - (c) Confirmation that a report has been passed to BRC will be forwarded to the Head of PSD the next working day by secure email.
- (8) **Critical Health and Safety Issues**
- (a) Duty officer at BRC telephoned by Safecall.
  - (b) Duty officer to inform the on-call PSD IO to contact Safecall. PSD IO to determine if there exists a misconduct/discipline issue requiring investigation by PSD.
  - (c) Where the matter involves, or is confined to health and safety issues, on-call PSD IO will liaise with the relevant District Commander/senior officer on duty or, in the event of an ongoing deployment/operation, the relevant Gold/Silver Commander as appropriate.
  - (d) Details of matters which have been communicated as in sub paragraph 2(8)(c) above and also those matters that do not require further PSD involvement will be passed to Health and Safety Adviser by on-call PSD IO.