



CODE OF ETHICS

FOR THE
OFFICE OF THE POLICE
OMBUDSMAN FOR NORTHERN
IRELAND

THE POLICE
OMBUDSMAN FOR
NORTHERN IRELAND

CODE OF ETHICS

FOREWORD BY THE POLICE OMBUDSMAN

As staff employed in the Office of the Police Ombudsman for Northern Ireland you work in an organisation which is charged with investigating allegations against police, both criminal and disciplinary. In providing this service to the people and police of Northern Ireland it is essential that the conduct and behaviour of each one of us is of the highest standard. Our integrity, and the integrity of the work we do, depend on how we conduct ourselves, both inside and outside the office. The Office of the Police Ombudsman is committed to the maintenance and development of a culture where integrity and ethical standards are given the highest priority.

The Code of Ethics has been produced following extensive consultation both inside and outside the Office. It reflects our publicly stated values. It articulates clearly the standards of conduct expected of us, and I hope it will assist us all in carrying out our duties in accordance with the highest standards and in compliance with our legal obligations. I hope that it will enable us to achieve our vision, which is to strive for excellence in providing an independent impartial police complaints service in which the public and the police have confidence. The contribution which we are making to really accountable policing is of great significance, and the conduct of each one of us is of the utmost importance in achieving that contribution. I commend it to you.

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INTRODUCTION

The Office of the Police Ombudsman for Northern Ireland provides an independent and impartial complaints service for members of the public about the conduct of members of the Police Service of Northern Ireland and the policies and practices of police. The Police Ombudsman's remit to investigate complaints extends to those made about the conduct of Ministry of Defence Police, Belfast International Airport Police, Larne Harbour Police and Belfast Harbour Police.

Under the Police (NI) ACT 1998

The Office of the Police Ombudsman has a responsibility to:

- Secure an efficient, effective and independent police complaints system.
- Secure the confidence of the public and police officers.
- Observe all requirements as to confidentiality.
- Receive and where appropriate, investigate complaints relating to the conduct of police officers from members of the public and other matters referred by the Secretary of State, Chief Constable and Policing Board.
- Where appropriate investigate issues relating to police conduct about which no complaint has been made.
- Consider whether a complaint is suitable for informal resolution.
- Make recommendations in respect of criminal charges against police officers to the Director of Public Prosecutions (Public Prosecution Service).
- Make recommendations in relation to misconduct to the Chief Constable (or Policing Board in the case of senior officers).
- Report annually to the Secretary of State.
- Review every five years the primary legislation and report accordingly to the Secretary of State.

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Under the Police (NI) Act 2000 the Police Ombudsman has a responsibility to:

- Consider mediation at the conclusion of an investigation.
- Carry out enquiries as directed by the Secretary of State or at the request of the Policing Board.
- Provide the Policing Board with statistical and general information.
- Report on policies and practices which, in the opinion of the Police Ombudsman should be drawn to the attention of the Chief Constable and the Policing Board.

Under the Police (NI) Act 2003 the Police Ombudsman has a responsibility to:

- Investigate, at the discretion of the Police Ombudsman, current police practices and policies should the Police Ombudsman believe such action is in the public interest.

Under the NI Human Rights Act 1998 the Police Ombudsman has a responsibility to:

- Act in compliance with Convention rights.

Under Section 75 of the NI Act 1998 the Police Ombudsman has a responsibility to:

- Have due regard to the need to promote equality of opportunity
 - a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation,
 - b) between men and women generally,
 - c) between persons with a disability and persons without,
 - d) between persons with dependants and persons without.
- Whilst carrying out its functions relating to Northern Ireland, have due regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

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The Office of the Police Ombudsman for Northern Ireland must also comply with a range of other statutes such as the Regulation of Investigatory Powers Act 2000, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Public Interest Disclosure (NI) Order 1998. The provisions of the European Convention on Human Rights, as incorporated in the Human Rights Act, and other relevant international human rights standards are fundamental to the ethos of the office of the Police Ombudsman and will be complied with in all its functions.

PREAMBLE TO CODE OF ETHICS

This Code of Ethics is intended to:

1. a) Lay down standards of conduct for Police Ombudsman staff so that they can, amongst other things, more easily comply with all the various obligations mentioned in the Introduction especially those imposed by the Human Rights Act 1998.
b) Reinforce to Police Ombudsman staff the rights and obligations arising out of the European Convention on Human Rights.
c) Apply to relationships between, on the one hand, Police Ombudsman staff and the Police Ombudsman and on the other relationships between Police Ombudsman staff and members of the public, police officers and other relevant stakeholders.
2. Police Ombudsman staff are required to carry out their duties in accordance with this Code of Ethics and be aware that, in appropriate circumstances, a breach could lead to a criminal investigation by police or a discipline investigation by the Office of the Police Ombudsman.
3. Where the Code of Ethics conflicts with Police Ombudsman instructions, policy, guidelines or procedures, staff must comply with the provisions of the Code.

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4. Where this Code is being applied in any decision or hearing relating to discipline, it shall be applied in a reasonable and objective manner. Due regard shall be paid to the degree of negligence or deliberate fault and the nature and circumstances of the staff member's conduct. The conduct of Police Ombudsman staff, whether or not on duty, may reflect on public and/or police confidence in the office. In consequence, any conduct that brings or is likely to bring the Office of the Police Ombudsman into disrepute should be investigated to establish whether or not a breach of the Code has occurred. Should disciplinary proceedings arise, account will be taken by the Police Ombudsman of any particular requirements of the staff member(s) concerned.

ETHICAL STANDARDS REQUIRED OF POLICE OMBUDSMAN OFFICERS

PROFESSIONAL DUTY

1. Police Ombudsman staff shall carry out their duties with the aim of securing the confidence of police and public in the system for handling complaints against police.
2. Police Ombudsman staff shall at all times maintain the independence of the Office from the Police Service of Northern Ireland, Ministry of Defence Police, Belfast International Airport Police, Larne Harbour Police and Belfast Harbour Police.
3. Police Ombudsman staff shall communicate accessible information where practicable, in a full, regular, accurate and clear manner and in compliance with the requirements of confidentiality imposed by the office.
4. Police Ombudsman staff shall perform their duties with honesty, impartiality, and objectivity; operating to the highest standards of propriety and probity in the stewardship of public funds.
5. Police Ombudsman staff shall disclose to the Police Ombudsman any private interest relating to their public duties and should seek assistance from the Police Ombudsman to resolve any conflict arising in a way that protects the public interest.

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6. Police Ombudsman staff shall support their colleagues in the performance of their duties and actively oppose malpractice on the part of any person.
7. Police Ombudsman staff shall at no time, whether on or off duty, behave in a manner which would bring, or be likely to bring, discredit upon the Office of the Police Ombudsman.
8. Police Ombudsman staff shall be as open and transparent as possible within the requirements of the law but shall not disclose information received except as provided for by legislation, or as agreed by Police Ombudsman internal policies or practices.
9. Police Ombudsman staff shall ensure that any property, money or equipment seized or entrusted to them is properly retained and retrievable when appropriate.
10. Police Ombudsman supervisors shall ensure that their staff correctly carry out their professional duties. They shall challenge and address any behaviour that is a violation to this Code, reporting such where appropriate. Supervisors have a particular responsibility to secure, promote and maintain professional standards and integrity by advice, remedial or other relevant and appropriate action
11. Police Ombudsman staff shall conduct themselves at all times with fairness, proportionality, tolerance and impartiality when performing their duties.
12. Police Ombudsman staff shall avoid any form of behaviour that may reasonably be perceived to be abuse, bullying, harassment or victimisation.

POLICE OMBUDSMAN INVESTIGATIONS

13. Police Ombudsman staff shall not knowingly or through neglect make any false, misleading or inaccurate statement, or alter, destroy or mutilate any record or document kept or made in connection with their duties.
14. Police Ombudsman staff shall maintain high standards and independence, investigating complaints objectively, thoroughly,

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expeditiously and in an even handed manner, free from bias and influence.

15. Police Ombudsman staff shall treat all those with whom they have contact during investigations with sensitivity and respect the dignity of all.
16. Police Ombudsman staff shall follow the principle that police officers subject of either a criminal or a misconduct investigation will be presumed innocent.
17. Police Ombudsman staff shall take account of any particular requirements or concerns of vulnerable or potentially vulnerable witnesses and take appropriate measures to protect and support witnesses where there is a risk of intimidation.
18. Police Ombudsman staff shall give complainants and police officers every opportunity to present their evidence in a full and comprehensive manner.
19. Police Ombudsman staff shall complete evidentially based investigations and update police officers and complainants on the progress of complaint investigations as required by internal policy.

PRIVACY AND CONFIDENTIALITY

20. Police Ombudsman staff shall exercise powers of search and surveillance only when it is lawful, necessary and proportionate.
21. Police Ombudsman staff shall gather, retain and use information only in accordance with the law.
22. Police Ombudsman staff shall treat information in their possession or control in a confidential manner and shall not disclose information other than in circumstances in which the performance of duty or the needs of justice require.
23. Police Ombudsman staff shall not use matters of a confidential nature for personal gain and shall comply with the office practice in relation to contact with the media.

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DETAINED PERSONS

24. Police Ombudsman staff shall ensure that all detained persons for whom they have responsibility are treated with dignity and in a humane manner. Arrest and detention shall only be carried out in accordance with the provisions of Article 3, 5, 6 and 14 of the European Convention on Human Rights, relevant legislation and associated Codes of Practice.
25. Police Ombudsman staff shall take every reasonable step to protect the health and safety of persons arrested or in detention.

EQUALITY

26. Police Ombudsman staff shall be committed to and uphold the philosophy of human rights, and justice, treating every individual with dignity and respect and shall operate in accordance with equality legislation.
27. Police Ombudsman staff shall give equal respect to the traditions, beliefs and lifestyles of all individuals provided these are compatible with the rule of law.
28. Police Ombudsman staff shall not discriminate, and indeed should actively seek to promote equality, on the grounds of sex, race, colour, religion, politics, disability, sexual orientation, age, place of birth, or other status.
29. Police Ombudsman staff shall display self control, tolerance, understanding and courtesy in their dealings with individuals both within the Office of the Police Ombudsman and outside.

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INTEGRITY

30. Police Ombudsman staff shall take decisions in the public interest and not in order to gain either financially or otherwise.
31. Police Ombudsman staff shall report to the Police Ombudsman any proceedings for a criminal offence initiated against them or a police investigation of criminal allegations against them.
32. Police Ombudsman staff shall not place themselves under any obligation to individuals or organisations which might influence, or be perceived to influence, them in the performance of their duties.
33. Police Ombudsman staff shall not accept personal gifts unless authorised by management and must declare acceptance of any gratuities and at all times act within the law.
34. Police Ombudsman staff shall act with integrity towards the public, police and their colleagues, so that confidence in the office of the Police Ombudsman is secured and maintained.
35. Police Ombudsman staff shall not commit any act of corruption or dishonesty. Staff shall oppose and report all such acts coming to their attention and shall be supported by their colleagues and their superiors on any occasions on which they do so.
36. Police Ombudsman staff shall, at all times maintain the standards stated in this Code.
37. Police Ombudsman staff shall, at all times, prevent and oppose any violation of this Code and report to the Police Ombudsman when a violation of this Code has occurred or is about to occur.

FITNESS FOR WORK

38. Police Ombudsman staff shall not be unfit to carry out their duties and responsibilities when at work or on call as a result of drinking alcohol or arising from substance abuse.
39. Police Ombudsman staff, when on duty, shall not consume alcohol without proper authority.

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40. Police Ombudsman staff shall maintain a professional image when reporting to work or representing the Office of the Police Ombudsman.

ACCOUNTABILITY

41. Police Ombudsman staff shall be accountable for their actions and decisions and, as required, shall be subject to appropriate and proportionate internal and external scrutiny. Police Ombudsman staff will have their human rights upheld in the course of any accountability process.

The Police Ombudsman Code of Ethics sets out the minimum standards of behaviour that must be complied with and that the police and the public have a right to expect. Failure to comply with the Code of Ethics may constitute a breach of Disciplinary Policy and Procedures of the Office of the Police Ombudsman and may result in the initiation of disciplinary action through the relevant Disciplinary Policy and Procedures.