

# ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

## CODES OF ETHICS FOR THE POLICE

### QUERY

Could you please provide examples of good practices for developing a code of ethics for the police?

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### SUMMARY

Codes of ethics for the police can play an important role in promoting an organisational culture of integrity, making all law enforcement officials aware of the ethical responsibilities of their position, and using peer pressure to promote ethical standards and strengthen integrity across police forces. They can outline broad fundamental values underlying professional standards of conduct through general statement of principles or be more prescriptive and detailed in their approach, providing concrete guidance on behaviours to avoid, as well as on how to behave in sensitive or problematic situations.

While law enforcement officials must adhere to the same standards of conduct as other public officials, there are additional issues to be regulated in their codes of ethics, due to the specificities of their duties and considerable powers entrusted to them. This includes obedience to the law, the use of force, the use of data and information, performance of duties and non-discriminatory policing, as well as guidance on key areas of corruption risk (bribery, gifts and hospitality, conflicts of interest, and post-separation requirements).

As codes of ethics are not self-implementing, there needs to be a dynamic process of communicating, interpreting, training, enforcing and assessing the code. There is a broad consensus that such implementation mechanisms need to be tied to the code.

## 1 KEY FEATURES OF CODES OF ETHICS FOR THE POLICE

Transparency International's *Global Corruption Barometer* data shows year after year that the police are perceived as one of the most corrupt institutions in a wide variety of countries around the world. Law enforcement officials can easily manipulate the considerable powers entrusted to them for private gain or political purposes, undermining public order, the rule of law and citizens' trust in public institutions. Yet, restoring public trust in law enforcement institutions is crucial to effective policing.

Against this background, strengthening the integrity and accountability of law enforcement institutions is essential to effectively combat corruption and break the circle of impunity. As police officers need the trust of the public to perform their duties effectively, there is a general understanding that they must be held to higher standards of moral and ethical values (DeShon 2000).

As part of this process, it is important to promote an organisational culture of integrity, making all law enforcement officials aware of the ethical responsibilities of their position and using peer pressure to promote ethical standards and strengthen integrity across police forces (Chêne 2010). The development and implementation of codes of ethics or codes of conduct for police staff can be an important step of this process.

### Objectives of developing codes of conduct

Codes of ethics are usually used by law enforcement institutions to set principles, values and standards of ethical and professional behaviours, and to outline requirements, limitations or prohibition on officer conduct and activities within the agency (International Association of Chiefs of Police). In this sense, in addition to guiding behaviours, these codes function as a professional statement, expressing commitment to a set of values and standards. More specifically, they typically aim at:

- setting out the values and principles the organisation or the profession stands for (for example, equity, impartiality, loyalty, non-discrimination, human rights and compliance with the law)
- promoting ethical behaviour and preventing unethical behaviour
- raising awareness on sensitive and often problematic matters associated with police operations
- specifying when possible actions and behaviours conflict with the responsibilities of law enforcement officers
- providing guidance to officers when they are confronted with such decisions or situations

### Contents of the codes

#### *General overview*

Law enforcement officials must adhere to the same standards of conduct as other public officials, as per article 8 of the United Nations Convention against Corruption (UNCAC). In terms of content, as for other public sector institutions, codes of ethics should summarise all relevant information with regard to the institution's operations, including: the objective of the code; a statement of the institution's main goal; a statement of ethical values and principles; a set of fundamental prohibitions, including specific guidance in areas of corruption risks (conflicts of interest, abuse of office, gifts, disclosure of assets, use of state property and assets, among others); supplementary restrictions (outside income and post-employment); procedures and bodies for reporting, investigating and sanctioning violations; responsibility and sanctions; and whistleblower protection provisions.

For more information on codes of conduct for public officials and members of government, please see previous Helpdesk answers that provide guidance on the content and development process of such codes which also apply to law enforcement institutions:

- *Code of Conduct for Public Officials and Members of Government* can be accessed through the Anti-corruption Helpdesk: [tihelpdesk@transparency.org](mailto:tihelpdesk@transparency.org)
- *The Effectiveness of Codes of Conduct* can be found [here](#).

### *Specific principles for law enforcement institutions*

While law enforcement officials must adhere to the same standards of conduct as other public officials, there are additional issues to be regulated in their codes of ethics, due to the specificities of their duties and considerable powers entrusted to them. This translates both in the aspirational values guiding police work and the standards of behaviours expected from law enforcement officials.

Values guiding professional conduct of the police vary greatly across countries and institutions but commonly include values such as honesty, integrity, transparency and openness, impartiality or neutrality, non-discrimination fairness, and respect for human rights.

In terms of expected standards of conduct, police integrity and ethics cut across an array of issues, including but not limited to criminal investigations, use of force, recruitment, hiring and retention, and procedural justice.

The United Nations Office on Drugs and Crime (UNODC) broadly identifies a set of core issues that need to be regulated, either as part of a code or through another statutory process (UNODC 2011). This includes standards relating to police management, the use of police powers (most notably the use of force and the power to arrest and detain), and the use of information. This also includes regulating conduct of police officers in specific situations, such as when carrying out police tasks not requiring the use of police powers, when off-duty (reporting of side jobs, for example), or when among colleagues. Codes also typically provide guidance on dealing with misconduct (reporting, investigating misconduct, and procedural rules for disciplinary and criminal proceedings), engaging the public, or on receiving, recording and investigating complaints by members of the public.

More specifically, codes of conduct and ethics for law enforcement officials usually provide specific guidance in terms of principles and expected behaviours, such as:

- They typically state that police officers have the duty to service the community, protect lives and property, preserve public peace, and prevent

and detect criminal offences.

- They require police officers to uphold the law both in their personal and professional lives, as well as to act with integrity in the performance of their professional duties. This typically includes provisions on bribery, corruption, gifts and hospitality.
- They must treat suspects and offenders with respect regardless of their race and social status.
- In addition to these requirements, they also prohibit police officers from accepting bribes, revealing confidential information or harassing people.
- Police officers are also expected to refrain from using excessive force or to abuse their powers to give preferential treatment to certain persons or for private gain.
- They need to use the discretion of their position responsibly, as well as have a duty of confidentiality for information of confidential nature obtained in the exercise of their function, unless the performance of their duty or a legal provision requires otherwise.
- Some codes also provide guidance on how officers are expected to conduct themselves in their personal lives, including obeying laws and holding to high standards of behaviour in all facets of their lives.

### **Format of the code**

The type, format, length and content of codes of ethics vary greatly across countries and law enforcement agencies.

Some authors establish a distinction between codes of ethics and codes of conduct, but these terms are often used interchangeably in the literature. Codes of ethics exemplify the fundamental values and principles of an institution through general statements of principles. They are usually shorter and less detailed than codes of conduct. Codes of conduct are designed to anticipate and prevent certain types of behaviour, such as conflicts of interest, bribery and other unethical behaviours, and to provide more detailed statements of performance standards (Gilman 2005).

Codes for law enforcement institutions can, therefore, vary greatly in terms of structure, format and level of detail. Some countries emphasise a few broad ethical

principles guiding police work and the manner in which officers need to perform their duties, while others focus more on the core aspects of police work and powers, such as the use of force, the power to arrest and detain, and non-discrimination principles (UNODC 2011), and list detailed standards of conduct and prohibitions. However, in practice, it is not always clear to differentiate codes of conduct from codes of ethics, and countries often adopt a mix of both approaches, outlining both positive ethical actions and principles as well as clearly identifying prohibitions.

For example, a Transparency International UK study on codes of conduct in defence ministries and armed forces recommends that any defence and security sector ethics system include (2011):

- a statement of values including such values as integrity, honesty, and diligence
- a code of conduct providing officers and officials with guidance on acceptable behaviour and ways to avoid and prevent corruption through good personal conduct
- a legal framework, which outlines the statutes, civil service acts, and disciplinary codes that underpin ethics systems

With regards to corruption related issues, TI UK's Defence and Security Programme recommends that codes of conduct include guidance on four key areas of corruption risk: bribery, gifts and hospitality, conflicts of interest, and post-separation requirements.

Irrespective of the format and level of detail, the report further identifies good practice that can be applied to codes of ethics for the police:

- Material should be given in a single accessible reference document.
- A simple layout should be used for better readability.
- The use of graphics, colour or illustrations to make it more enjoyable to read and to illustrate the organisation's key message.
- Text boxes of key points or case studies can be used to break down heavy legalistic provisions.
- Guidance should be provided in a clear, simple and easily understandable style.

## 2 GOOD PRACTICE FOR DEVELOPING CODES OF ETHICS FOR THE POLICE

### The process of developing a code of ethics

Codes of conduct can be developed in various ways (UNODC 2011):

- A group of experts typically composed of academics and high ranking public officials can draft the code and submit it to the police.
- It can also be developed in a participatory manner to promote discussions on desirable police conduct and standards, with the development process used as a strategy to create an organisational structure of high integrity.
- A combination of both approaches, which is probably desirable to get buy-in and ownership for the exercise throughout the organisation.

While the process of writing the code is often seen as a legal exercise, experience suggests that such top-bottom approach to developing codes can only be successful if it is an integral part of a broader public service reform exercise (Gilman 2005). Codes developed in a participatory manner with broad consultation and participation of key stakeholders are more likely to be successfully implemented throughout the institution. As a preliminary step, this can involve getting information from the organisation and sometimes the public as well, using tools such as employee and stakeholder surveys, focus group discussions, or other mechanisms to get a sense of the values inherent to the institution.

In line with this approach, the Ethics Resource Centre has published a guidebook on how to write a code which can also be used for law enforcement institutions. Developing a code includes a number of overarching steps:

- planning the work effort
- collecting data
- writing the draft code
- specifying reporting and enforcement mechanisms
- having the code reviewed
- obtaining board approval
- choosing communication and education

strategies

- scheduling code updates and revisions

For more information, please see Ethics Resource Centre's 2003 guide *Creating a Workable Company Codes of Ethics* [here](#).

It is also important to consider that codes of ethics should ideally be developed as living documents, associated with an on-going, constant exercise to train people in the standards expected, to monitor adherence and to lead by example from the top.

## Implementation

Developing and publishing a code of ethics is not an end in itself. Codes of ethics are not self-implementing and it is important to integrate implementation mechanisms to ensure that they will be adequately enforced. There needs to be a dynamic process of communicating, interpreting, training, enforcing and assessing the code for effective implementation. There is a broad consensus that these activities should be tied to the code (Gilman 2005).

The effectiveness of such codes largely depends on the extent to which they are backed up by high-level political support across the institution, with an appropriate system of rewards and sanctions to support implementation. The code needs to be championed by high ranking senior officials to demonstrate commitment to change, and sufficient resources need to be allocated to education, training and communication activities (TI UK 2011). Political will can also translate in the appointment of an official for ethical behaviour who is responsible for promoting the code, providing guidance on ethical dilemmas and monitoring the implementation of the code.

Raising awareness about the code is an important dimension of implementation. For example, in 1997, a code of conduct was developed and circulated throughout the South African police force. All police officers were given a small plastic card with the code written on one side and the rights of the arrestee on the other side (Newham 2002).

Monitoring and auditing the implementation of the code is also an important dimension of ensuring effective implementation. For example, the African Police Civilian Oversight Forum audits the

implementation of the code of conduct of the Southern African Regional Police Chiefs Cooperation Organisation and provides valuable information on the need to adapt or review the code (UNODC 2011).

## Example of good practice codes of conduct

### *International and regional standards*

#### **INTERPOL code of ethics for law enforcement officers**

A declaration of intent for law enforcement, encompassing a code of ethics and a code of conduct, was adopted in 1999 by the INTERPOL General Assembly in Seoul. The INTERPOL Code of Ethics for Law Enforcement Officers is formulated as an oath of ethics.

This code of ethics is complemented by a code of conduct which sets value-based aspirations for police conduct, covering issues of honesty and integrity; fairness and tolerance; use of force and abuse of authority; performance of duties; lawful orders; confidentiality; impairment; appearance; general conduct; and cooperation and partnership.

This INTERPOL code of ethics can be accessed [here](#).

A set of [Global Standards to Combat Corruption in Police Forces/Services](#) has also been developed to ensure that police in each INTERPOL member country demonstrate high standards of honesty, integrity and ethical behaviour in the performance of their police functions, as well as to promote measures to bring to justice any officers who are corrupt.

The INTERPOL global standards can be accessed [here](#).

#### **United Nations code of conduct for law enforcement officials**

The United Nations Code of Conduct for Law Enforcement Officers was adopted in 1979. It consists of eight articles that outline broad principles underlying police work, including obedience to the

law, serving the community, respecting and protecting human dignity, maintaining and upholding the human rights of all persons, using force only when strictly necessary, and respecting confidentiality, among others. Article 7 specifically deals with corruption by stating, “Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts”.

The UN code of conduct can be accessed [here](#).

### Council of Europe European code of police ethics

Adopted in 2001, the code is structured in seven sections dealing with:

1. Objectives of the police
2. Legal basis of the police under the rule of law
3. The police and the criminal justice system
4. Organisational structure of the police
5. Guidelines for police actions and interventions
6. Accountability and control of the police
7. Research and international cooperation

The Council of Europe code of ethics can be accessed [here](#).

### Southern African Regional Police Chiefs Cooperation Organisation’s (SARPCO) code of conduct

The South African Regional Police Chiefs Cooperation Organisation (SARPCO) adopted its code of conduct in 2001. The countries who are signatories include Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The 13 articles address issues of respect for human rights; non-discrimination; use of force, torture, cruel, inhuman or degrading treatment; protection of persons in custody; victims of crime; respect for the rule of law and code of conduct; trustworthiness; corruption and abuse of power; performance of duties; professional conduct; confidentiality; and property rights.

The full SARPCO code of conduct can be accessed

[here](#).

### Examples of national codes

#### US International Association of Chiefs of Police law enforcement code of ethics

In spite of its name, the International Association of Chiefs of Police (IACP) primarily targets police chiefs from the US. In 1989, the IACP adopted the Code of Ethics for Law Enforcement which provides broad guidance on key police-related issues. After outlining the primary responsibilities of police officers and expected performance of their duties, the code addresses issues of discretion, use of force, confidentiality, integrity (including corruption, bribery, gifts and hospitalities, and cooperation with other officers and agencies, as well as personal and professional capabilities). It also emphasises that police officers need to behave beyond reproach in their private lives.

The IACP code of ethics can be accessed [here](#).

Additionally, the IACP website has useful resources on ethics-related issues and police leadership, including a commented model policy on standards of conduct that provides detailed guidance and additional specificity to the broad standards of conduct outlined in the code. It covers issues such as obedience to laws; regulations and orders; accountability; responsibility and discipline; conduct with colleagues and towards the public; use of tobacco, alcohol and drugs; abuse of law enforcement powers and position; prohibited associations and establishments; public statements; appearances and endorsement; and political activity.

The IACP model policy on standards, related concepts and issue papers can be accessed [here](#).

#### US principles for promoting police integrity: Examples of promising police practices and policies

Although not a code of conduct per se, the US Department of Justice developed a booklet which presents principles for police practices that build community trust, enhance police accountability and reduce police misconduct, which are based on

recommendations of a 1999 national conference that brought together police executives, union representatives, academic experts, and civil rights and community leaders. The booklet outlines principles for police behaviour and instruction under varying circumstances that can guide the development of a code for six topics, including:

- use of force covering principles addressing both deadly and non-deadly force, as well as the continuum of force. Principles for the use of force also focus on the use of canines to apprehend suspects, administrative review of shootings and the use of deadly force, use of force reporting, and the administrative review of the use of non-deadly force
- complaints and misconduct investigations principles covering issues such as accepting misconduct complaints, reports of misconduct, misconduct investigations and the resolution of misconduct investigations
- promoting accountability and effective management – encompassing information management systems ("early warning" systems), supervision, searches and seizures, public information and feedback, and meaningful civilian input
- training
- non-discriminatory policing and data collection covering principles relating to traffic stops, the conduct of law enforcement stops, data collection, and persons with limited English proficiency
- recruitment, hiring and retention presenting principles for assignment and promotion as well as the prevention of harassment

For more information on the US Department of Justice booklet, please see [here](#).

### Northern Ireland's codes of ethics for police service

Adopted in 2008, the Northern Ireland Code of Ethics for Police Service was developed in a joint process that involved the Policing Board, the police and civil society groups (UNODC 2011). It is a disciplinary code, laying down expected standards of behaviours by police officers and providing guidance. The code

explicitly refers to human rights principles. It consists of ten articles covering professional duties; police investigations; privacy and confidentiality; use of force; detained persons; equality; integrity; property; fitness for duty; and duty of supervisors.

The Northern Ireland code of ethics can be accessed [here](#).

### New South Wales code of conduct and ethics

The New South Wales (NSW) Code of Conduct and Ethics consists of ten broad principles. It is complemented by a more detailed standard of professional conduct booklet and a statement of values.

These NSW documents can be accessed at [here](#).

### 3 REFERENCES

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