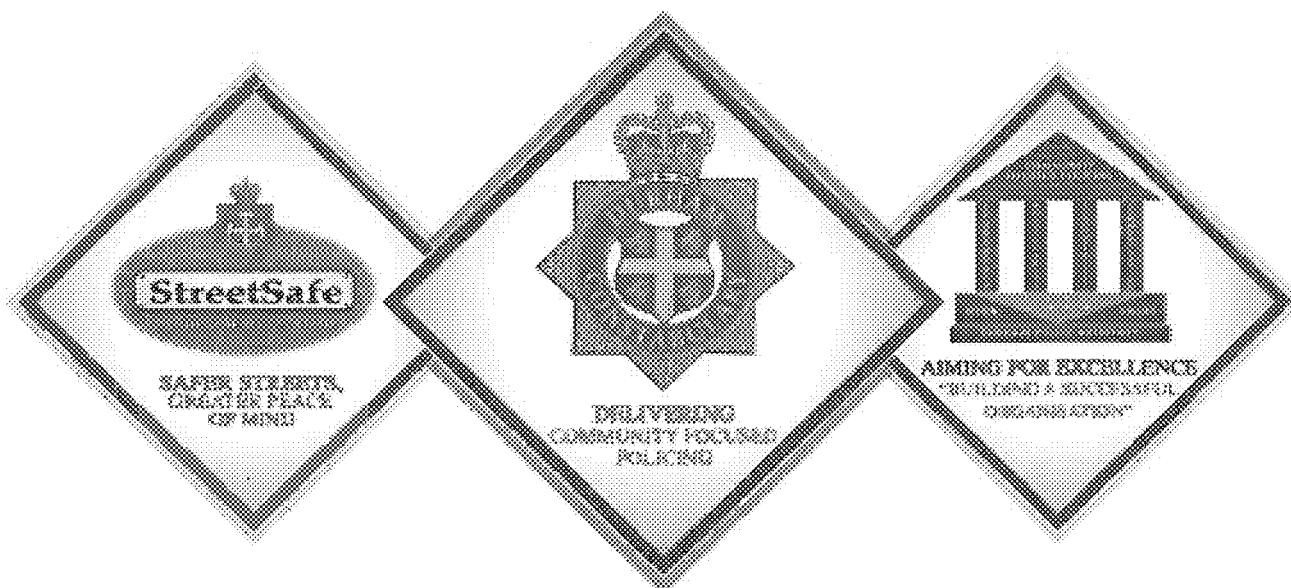


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DURHAM CONSTABULARY

Procedures, Tactics and Guidance

Durham Constabulary Freedom of Information Act Publication Scheme	
Name of Policy	Notifiable Association Policy
Registry Reference No.	DCP 141a
Policy Owner	Head of PSLS
Date approved at FMG	09/02/2010
Life Span	3 years
Version	1
Protective Marking	Restricted - Policy
Publication Scheme Y/N	No

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1 Code of Conduct - Police Officers and Members of Special Constabulary

- 1.1 Schedule 1 of Police (Conduct) Regulations, 2008 sets out the Code of Conduct for police officers. The first Standard of Professional Behaviour deals with honesty and integrity and sets out the expectation that, "Police officers are honest, act with integrity and do not compromise or abuse their position".
- 1.2 The standards extend officers' responsibility outlining the parameters to be considered for discreditable conduct: "Police officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty".
- 1.3 Further they detail the expectations of colleagues to police the standards: "Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour".

2 Code of Conduct – Police Staff

- 2.1 A very similar code of conduct is in place for police staff. The Force acknowledges the constitutional difference between a sworn officer of the Crown and an employee; however Durham Constabulary endeavours to create a common culture across the organisation for all its members and expects the application of the same standards and values.
- 2.2 Police staff working in sensitive areas or with access to highly confidential information will be subject to a higher level of vetting and more intrusive management. If there are concerns about the vulnerability of a person or to the role, it may be necessary to invoke compulsory redeployment where doubt over their impartiality can be justified, or where it is considered that the risk to the organisation is too great to be left to doubt.
- 2.3 Section 98 (1) of Employment Rights Act 1996 makes provisions for an employer to dismiss an employee for 'some other substantial reason'. In addition to the provisions in paragraph 2.2, dismissal may result should members of police staff compromise their duty to their private interest or put themselves in a position where duty and private interests conflict.
- 2.4 It should be remembered that following the introduction of the Independent Police Complaints Commission, police staff are as liable as police officers to investigation should any complaint be brought against them.

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3 Membership of Groups and Organisations – Police Officers

- 3.1 Paragraph 1 of Schedule 6 of Police Regulations 2003 as amended by Statutory Instrument 2004 No 3216, the Police (Amendment) Regulations, 2004, remains current and states that,
"a member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere"

A member of a police force shall in particular:

- a) not take any active part in politics
- b) not belong to any organisation specified or described in a determination of the Secretary of State¹.

- 3.2 There is no definitive list of groups or organisations deemed inappropriate but examples are the British National Party, Combat 18 and the National Front.

- 3.3 In addition, this could include:

- Membership by a police officer of any political party where membership involves the officer playing an active part in politics in contravention of Police Regulations;
- Association with groups or organisations involved in law breaking or criminal activity such as certain animal rights groups, football hooligans, etc;
- Association with groups or organisations which would bring the Force into disrepute. This could include, but is not limited to, racist groups and political parties or activist groups with aims which contravene the statement of common purpose and values of the police service;
- Association with individuals or groups who hold and/or state views which are contrary to diversity/discrimination legislation and our organisational values of tolerance.
- Association with groups or organisations which advocate either active or passive non-compliance with the law;
- Association with a group or activity, whether in person, by any means of correspondence or on a particular Internet website, which would have the potential to compromise the individual, operations, activity or reputation of the Force.

4 Membership of Groups and Organisations – Police Staff

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- 4.1 The Police Staff Council Joint Circular No.39 (dated 9 February 2006) states that is unacceptable for any member of police staff to be an active member of an organisation that promotes, as part of its constitution, discrimination against any person by virtue of their race, creed, colour or religion. Unacceptable organisations include British National Party, Combat 18 and the National Front.
- 4.2 The Durham Constabulary Main Terms of Employment also state that it is unacceptable for a member of police staff to be an active member of these groups and such active membership will lead to a disciplinary investigation.

5 Personal Relationships

- 5.1 Officers and staff should exercise a degree of care and caution when associating or forming personal relationships with people who fall into any of the below categories;
- a) have criminal convictions,
 - b) are known or strongly suspected to be engaged in criminal activity,
 - c) has been dismissed or required to resign from a police service or other law enforcement role for reasons of misconduct, which may have a bearing on the work of Durham Constabulary.
 - d) work in any kind of investigative or legal capacity with a potential conflict with Durham Constabulary operations (e.g. private investigators and legal firm).
 - e) because of that association or relationship, are likely to compromise themselves or another or place themselves or others in a position of difficulty or danger, or risk of failure, or to cast doubt on one's integrity or that of the police service

6 Association

- 6.1 "Association" will have its normal everyday meaning including:
Meeting or uniting for a common purpose;
Keeping regular company;
Being a partner or colleague;
Having friendship, intimacy or connection;
Co-habiting
Being a member of a group, organisation or society which is formed for the promotion of a common object or objects.
- 6.2 For an association to be deemed such there must be one of the above elements. The term 'association' is not intended to include a person whom a staff member knows casually or with whom the staff member may be on 'nodding' terms. It is not a chance meeting with a passing acquaintance which may be repeated from time to time.

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7 Notifiable

- 7.1 An association will be considered Notifiable where it has the potential to, or is likely to compromise one or more of the following:
- a) The individual officers or staff member.
 - b) Policing operations or activity.
 - c) The reputation of Durham Constabulary.
 - d) The reputation of the police service in general.
- 7.2 Where, because it carries any of the risks outlined, an association is judged by a senior manager (Area Commander or Departmental Head) to be Notifiable, the individual and management will agree the steps to be taken for the association to cease or be subject to limitations.
- 7.3 It is accepted that individuals sometimes have little or limited control over some relationships or associations, for example through the marriage of a close relative, or where a relative becomes involved in criminal activity.
- 7.4 Where it is not practicable for an association to cease altogether a determination may be made to set limits, parameters or conditions to which the individual will be required to adhere.
- 7.5 This policy provides the framework in which individuals, their supervisors and the organisation can make sensible and contextual determinations based on the individual circumstances of each case.

8 Inappropriate

- 8.1 There is no definitive list of associations that are deemed Notifiable; this is a matter for the individuals following the procedure to determine. A number of factors should be taken into account, including:
- The nature of the relationship and the extent and closeness of the association;
 - The antecedents and history of the person, group or organisation with whom the staff member has the association;
 - Any criminal convictions of the person, or persons within the group, or organisation with whom the staff member has the association, in particular; the number, seriousness and frequency of convictions and the time since the last conviction;
 - The suspected involvement in crime or inappropriate activity of the person or persons within the group or organisation with whom the staff member has the association, in particular:
 - How serious, based upon intelligence, that suspicion is;
 - How recent that intelligence is;
 - How much weight attaches to the intelligence based upon the 5x5x5 matrix.

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The criminal associations of the person, or persons within the group, or organisation with whom the staff member has the association and whether those associations are serious and/or current;
The nature and object of the group or organisation to which the staff member is associated.

- 8.2 It should be generally presumed that associations with persons with criminal convictions which are not spent (as set out in Section 4 of the Rehabilitation of Offenders Act 1974), and/or in respect of whom intelligence exists relating to current or recent criminal activities, will be considered as inappropriate and as having the potential to compromise the individual staff member, operations, activity or reputation of Durham Constabulary and the police service in general.
- 8.3 In particular, where an association exists with any person known to fall into one or more of the following categories, it should always be declared.
Persons with unspent criminal convictions (as set out in Section 4 of the Rehabilitation of Offenders Act 1974);
Persons charged with a criminal offence where matters remain unresolved;
Persons known to be under investigation for, but not yet charged with, a criminal offence;
Persons subject of current criminal intelligence of active involvement in crime.
Persons dismissed or required to resign from a police service or other law enforcement role for reasons of misconduct, which may have a bearing on the current and future work of Durham Constabulary;
Persons who work in any kind of investigative or legal capacity with a potential conflict with Durham Constabulary operations (e.g. private investigators and legal firm).
- 8.4 This list is not exhaustive and applies irrespective of whether these associations have been declared as part of any security clearance or vetting procedures.
- 8.5 It is not intended to prohibit all the associations listed above, but for reasons of clarity, these are listed as categories of association which must be declared, so that a determination can be made.

9 Compromise

- 9.1 'Compromise' in the context of this practice direction includes the likelihood or potential of either actual or perceived risk to the individual, operations or reputation of the force.
- 9.2 There is no definitive list but some activities with this potential include:
- 9.3 Passing information or intelligence in contravention of the Data Protection Act;
Misuse of force IT systems including unauthorised additions/deletions to Sleuth;

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Entering into an association involving the acceptance or granting of favours, benefits in cash or kind, or bribes which would place an individual (and by implication the police service) at risk of compromise as outlined in the policy;
Turning a 'blind eye' to criminal or inappropriate behaviour by a person, group or organisation with whom the staff member has an association;
Giving evidence of character in criminal proceedings on behalf of a person with whom an association is determined to be inappropriate;
Discussing tactics, people, operations, assets or technical equipment in such a way, which, whether intentionally or not, could impact upon the operations, activity, or reputation of the force by revealing details or techniques which should remain confidential;
Being seen by members of the public in the social company of person/persons known within a local area to have convictions or to be suspected of unlawful activities.
Giving reference for job applicants etc.

10 Procedure for Staff and Supervisors

- 10.1 Where an individual considers that a personal association they have with a person, group or organisation may be considered to be inappropriate under this policy, in that it has the potential, or is likely to compromise:
the individual, or
policing operations or activity, or
the reputation of Durham Constabulary and/or the police service in general.
- 10.2 Then they must immediately report that association to a supervisor. The supervisor will submit a report via their Area Commander or Departmental Head to the Head of Professional Standards Department who will ensure it is recorded within Professional Standards and Legal Services Department.
- 10.3 The supervisor's report will state:
Full name, force number of the staff member and current role;
Details – name, age, date of birth, address (where available) of the person or group to which the staff member was associated;
When the Notifiable association was notified and when it ceased;
A summary of the circumstances and why it was believed to be Notifiable.
- 10.4 Where an individual has concerns that such an association he or she has may be Notifiable in that it carries these risks, or is unsure of the antecedents of an individual, group, or organisation, they have a duty to discuss this with a supervisor who should then refer the matter to the relevant Area Commander or Departmental Head.
- 10.5 Under no circumstances must an officer or staff member use the police databases to check if an association they have is inappropriate. If an

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individual has doubt or suspicion in respect of an association they have they must refer it to a supervisor.

- 10.6 For staff holding a current vetting clearance, the above requirements apply in addition to the requirement to notify such changes to the Force Vetting team in accordance with the Force Vetting Policy.
- 10.7 The Area Commander or Head of Department will cause appropriate inquiries to be made and a report prepared recording the inquiries, the reasons for them and the results. These inquiries will in all cases be conducted by an appropriate officer with access to all relevant criminal records, etc. These inquiries could include, but are not limited to, Sleuth checks, PNC checks, checks with FIB, etc. The inquiries may also involve interviews with relevant individuals in area or by PSLs officers.
- 10.8 Following these inquiries, a report should be prepared by the officer who conducted them, in conjunction with Area Commander or Head of Department. The report will state:
Full name of the staff member;
Details – name, age, date of birth, address (where available) of the person or group to which the staff member is associated;
When the Notifiable association was notified;
What inquiries have been carried out, and what the results were;
A summary of the extent of the association, any risks it carried, and a recommendation as to whether the association is Notifiable and should cease or be subject to limits.
- 10.9 Area Commander or Departmental Head will consult the Head of Professional Standards Department (and Senior Personnel Manager, where appropriate) and will make the determination on the basis of these and any other relevant facts and will:
Inform the individual and advise that the association must cease if that is possible. If it is not possible for the association to cease, e.g. because the association is through marriage, civil partnership or a family relationship, then the action to be taken or restrictions placed on the relationship, must be set out.
Record the fact that the individual has been informed and the time and date it was done.
Signature of the officer agreeing to the Determination.
- 10.10 A copy of the report any subsequent actions will be retained by the Professional Standards Department.
- 10.11 Where an officer or member of staff becomes aware of an association between another staff member and an individual, group or organisation, which may be inappropriate, they should report this to their Area Commander or Departmental

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Head, either directly or via a staff association/trade union, the Professional Standards Department, third party or anonymously.

- 10.11 The Area Commander or Departmental Head will then cause appropriate inquiries to be conducted which could include, but are not limited to:
Speaking with the staff member who is believed to have the Notifiable association, and with others;
Force Systems, PNC checks, etc;
Checks with FIB, Professional Standards, etc.
These inquiries and the reasons for them together with their outcome will be recorded.
- 10.12 Following inquiries at point 10.11 above, the Area Commander or Departmental Head will consider speaking with the staff member concerned and determine whether or not the association is inappropriate.
- 10.13 The outcome of that meeting will be recorded, and a report submitted by the Area Commander or Departmental Head to the Head of Professional Standards Branch as outlined at point 10.8 above.
- 10.14 The outcome of that meeting will be recorded, and a report submitted by the Area Commander or Departmental Head to the Head of Professional Standards Branch as outlined at point 10.8 above.
- 10.15 Where any individual persists in an Notifiable association or fails to comply with the restrictions/limitations imposed, the matter should be referred to the Head of Professional Standards Department, who will, where appropriate, consult with the Senior Personnel Manager.
- 10.16 The Head of Professional Standards Department (and, where appropriate, the Senior Personnel Manager) will consider the matter and decide on the most appropriate course of action. This may include:
Review action/decisions taken prior to this stage;
Formally advise the individual of the decision and give reasons, and inform relevant Area Commander/Head of Department of the outcome;
Set limits to an association (when it is impractical to be curtailed completely), providing reasons for the decisions taken;
Commence a misconduct inquiry.
- 10.17 The Head of Professional Standards Department (and Senior Personnel Manager) will, in considering all reports ensure fairness, a corporate standard, adherence to policy and procedure and that no police business is compromised. In the event that individual involved in the association is an Area Commander or Departmental Head the procedure will be referred to a chief officer.

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11 Appeals

- 11.1 An individual member of staff subject of a determination will have the right to appeal that determination.
- 11.2 If an individual staff member subject of a determination disagrees with that determination they may appeal by way of written report to the Assistant Chief Constable.
- 11.3 The report must:
Be submitted within 14 days of the original determination with that date counting as the first day;
State the date of the determination;
State the terms of the determination;
State the parties involved in the determination;
Set out, in clear and concise terms, why the individual disagrees with any aspect or aspects of the determination;
Be signed and dated by the staff member appealing the determination.
- 11.4 The Assistant Chief Constable will then consider the matter as at points 10.15, 10.16 above, liaising with the Head of Professional Standards Department and Senior Personnel Manager and speaking with the staff member concerned where appropriate. Following consideration of the appeal the Assistant Chief Constable will inform all parties to the original determination of the result as soon as practicable.

12 Staff Associations and 'Friends'

- 12.1 Throughout the procedures in this paragraph all officers and staff members involved in such procedures are entitled to have the support of a 'friend' from a staff association or from a workplace colleague or another staff member unconnected with the Notifiable association.

13 Management of Policy

- 13.1 The authority to determine that an association by an individual with another individual, group, organisation should cease or be subject to limitations is the responsibility of Area Commanders and Departmental Heads.
- 13.2 Appeals against any decision by an Area Commander/ Departmental Head will be made to the Head of Professional Standards and Legal Services.
- 13.3 Advice and guidance is available from the Professional Standards and Legal Services Department.

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14 Human Rights

14.1 Durham Constabulary acknowledges:-

- The rights of its staff to respect for private and family life afforded by the Human Rights Act 1998, Article 8
- The rights of its staff to Freedom of Expression afforded by the Human Rights Act 1998, Article 10
- The rights of its staff to freedom of peaceful assembly and to freedom of association afforded by Article 11 of that Act
- The rights of its staff to marry afforded by Article 12 of that Act.

See also Durham Constabulary Policy on: Security Vetting

14.2 The existence of these articles does not prevent the imposition of lawful formalities, conditions, restrictions or penalties on the exercise of these rights by citizens, including officers and staff of Durham Constabulary which may be necessary for a number of reasons to prevent the work of the Force being undermined, and in particular:-

For the prevention of crime or disorder

For the prevention of the disclosure of information received in confidence

For the protection of the reputation or rights of others.

14.3 Durham Constabulary has a duty to ensure so far as is possible, that staff members comply with the provisions of the Data Protection Act 1998, in particular in terms of their access to handling and dissemination of a wide variety of personal information and intelligence held by the force.

14.4 Any action taken under the provisions of this Policy and procedure will be proportionate, necessary and justifiable.

14.5 Actions taken under the provisions of this document could be subject to scrutiny in Civil Courts. In addition any person aggrieved by any action taken can make use of the appeal procedure

14.6 This policy is suitable for publication to the general public and will be made available internally on Guidance and Information and the Force Intranet.

14.7 This policy will be subject to review every three years or sooner in the case of a change in policy or legislation.

15 RACE EQUALITY

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- 15.1 Durham Constabulary also has a duty as a specified public authority, under Section 71 of the Race Relations Act 1976, to promote racial equality. This means striving to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.
- 15.2 The content of this policy has been considered under the provisions of the Race Equality Scheme, as dictated by the Race Relations Act 1976 (as amended) and deemed to be non-relevant.

16 EXPLANATORY NOTE

- 16.1 Within this document except where categories are specifically excluded, the terms 'Staff Member' and 'individual' includes all staff of Durham Constabulary, namely Police Officers, Special Constables and all categories of police staff.

17 Appendices

Flow chart depicting decision making process and procedure

