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NSW Police Force

CODE OF CONDUCT AND ETHICS

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Document Control Sheet

Document Properties

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Contents

Document Control Sheet	2
Statement of Values	4
Ethical Framework for the Government Sector	4
Introduction	5
Why the NSW Police Force has a Code of Conduct and Ethics	5
Unacceptable conduct.....	5
Acting in the public interest.....	6
Who must follow the Code.....	6
Guide to compliance.....	6
Roles and responsibilities.....	7
Behavioural expectations.....	8
Minimum expected standards of behaviour and conduct.....	9
1. A member of the NSW Police Force must act with integrity and uphold the values and good reputation of the NSW Police Force whether on or off duty.	9
2. A member of the NSW Police Force must perform their duties with care and diligence.....	9
3. A member of the NSW Police Force must act impartially and treat everyone with respect, courtesy and fairness.	10
4. A member of the NSW Police Force must only use their authority, position, powers and NSW Police Force resources in the performance of their duties and in accordance with the law.	10
5. A member of the NSW Police Force must comply with any lawful direction given by someone in the NSW Police Force who has authority to give the direction.	11
6. A member of the NSW Police Force must comply with the law and NSW Police Force policies on or off duty.	12
7. A member of the NSW Police Force must maintain their professional knowledge and competence in respect to policies, procedures and guidelines as they relate to their duties and the core business of the NSW Police Force.....	12
8. A member of the NSW Police Force must treat all information that comes to them in an official capacity as strictly confidential, and only access, use and disclose NSW Police Force information when permitted by law and relevant policies.....	12
9. A member of the NSW Police Force must take reasonable steps to identify and avoid conflicts of interest, report those that cannot be avoided and cooperate in their management.....	13
10. A member of the NSW Police Force must play an active role in preventing misconduct within the NSW Police Force and report any misconduct that they reasonably suspect has occurred.....	14
Behaviour contrary to the Code.....	14

Statement of Values

The Statement of Values remains the central piece of legislation that underpins the conduct of all NSW Police Force members and how we are judged by the community.

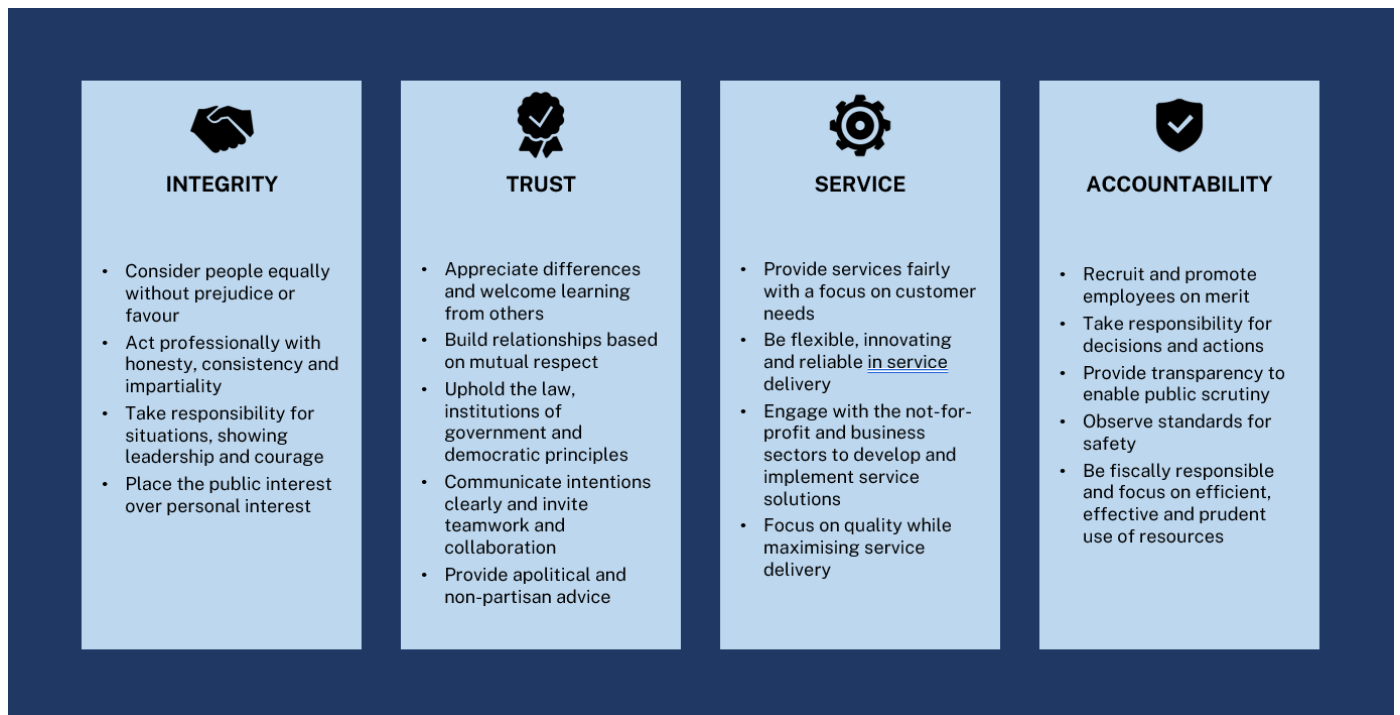
Section 7 of the Police Act 1990

Each member of the NSW Police Force is to act in a manner which –

- a) places integrity above all,
- b) upholds the rule of law,
- c) preserves the rights and freedoms of individuals,
- d) seeks to improve the quality of life by community involvement in policing,
- e) strives for citizen and police personal satisfaction,
- f) capitalises on the wealth of human resources,
- g) makes efficient and economical use of public resources, and
- h) ensures that authority is exercised responsibly.

Ethical Framework for the Government Sector

All Government sector employees are required and expected to act ethically, lawfully and in the public interest. This can be achieved by adhering to the government sector core values of Integrity, Trust, Service and Accountability.



These core values are underpinned by 18 principles, which help put these values into practice.

These core values and principles are all of equal importance and are collectively prescribed by the **Government Sector Employment Act 2013** as the Ethical Framework for the government sector.

Introduction

The **Code of Ethics and Conduct for NSW Government Sector Employees** applies to all NSW government sector employees, which includes all members of the NSW Police Force.

The NSW Police Force has developed this supplementary Code of Conduct and Ethics (the Code). All members must read and comply with this Code in conjunction with the Code of Ethics and Conduct for NSW Government Sector.

Why the NSW Police Force has a Code of Conduct and Ethics

The purpose of the NSW Police Force Code of Conduct and Ethics is to establish the standards of behaviour and conduct expected of all NSW Police Force members. Compliance with the Code helps ensure you meet the minimum expected standards of behaviour.

The NSW Police Force Statement of Values¹ describes the legislated behavioural standards that apply to all members of the NSW Police Force.

Sworn Officers also take an Oath or Affirmation of Office, that represents a promise made to the community by all police officers that to the best of their skills and knowledge, they will discharge their duties faithfully according to law.

As a member of the NSW Police Force, you have an important role to play in maintaining our systems of government the trust and confidence of the community we serve. The Code is a guide to dealing with ethical issues and provides the framework for appropriate conduct in a variety of contexts, including the exercise of powers and the handling of sensitive information.

The communities we serve both expect and need us to act ethically, fairly and comply with the law. We must spend public money wisely

and maintain trust in our systems and institutions now and into the future.

The behavioural standards outlined by the Code are not an exhaustive list of what to do in every aspect of your work. Rather, they are general principles and requirements to apply when carrying out your work and should be applied to guide decisions and behaviour, no matter our seniority or our role.

You are responsible for your own professional conduct. To ensure that you can deliver the highest standard of conduct possible, you must understand the Code as outlined in this document.

You are expected to know and act in accordance with the Code. In any circumstance where you are unsure of the appropriate course of action, you should seek advice from a person in authority.

Unacceptable conduct

Maintaining community confidence is essential to the delivery of policing services. It is critical that, as a NSW Police Force member, your conduct is beyond reproach.

The integrity and reputation of the NSW Police Force could be seriously compromised if members engage in conduct that is contrary to the Code.

The failure by members of the NSW Police Force to meet the professional conduct standards established by the Code may result in management action.

¹ Section 7 **Police Act 1990**

Acting in the public interest

Acting in the public interest means making decisions and taking actions that benefit the welfare and wellbeing of the general public, rather than serving personal gain.

This involves prioritising the public good over private interests, upholding the law and being impartial, honest and transparent. For public officials, such as NSW Police Force members, this means delivering government policies effectively, without compromising core values for the sake of convenience or expediency.

You should treat all people you interact with in the course of your work:

- Equally without prejudice or favour.
- With honesty, consistency, impartiality and respect.

You should always:

- Place the public interest over personal interest;
- Uphold the law, institutions of government and democratic principles;
- Provide apolitical and non-partisan advice
- Provide transparency to enable public scrutiny;
- Be fiscally responsible and use resources efficiently, effectively and prudently.

Who must follow the Code

The NSW Police Force Code of Conduct and Ethics applies to **all members** of the NSW Police Force.

For the purposes of the Code, **members of the NSW Police Force** include:

- Police officers and administrative employees employed or appointed:
 - in an ongoing capacity;
 - on a fixed term contract;
 - on a temporary, casual or other basis.
- Contractors, subcontractors, labour hire workers, volunteers, interns, secondees, consultants, service providers, students; and
- Any other persons performing work for, or on behalf of, the NSW Police Force or that the NSW Police Force has a business

relationship with whose engagement requires adherence to the Code.

The Code applies at all times when performing work duties and in your working relationships with colleagues, community members, stakeholders and the government of the day. The Code also extends to conduct outside of work hours where that conduct may affect your employment or the performance of your duties.

This includes conduct that is undertaken in a private capacity but is inconsistent with your ability (or could reasonably be perceived to be inconsistent with your ability) to fulfil your duties in your government sector role.

Police officers who are off duty are subject to the provisions of the Code and are held responsible for any misconduct while off duty.

Contractors and consultants must be aware of the Code and act in accordance with the behavioural expectations outlined in it. Any behaviour assessed as being in breach of the Code may result in their placement/contract being terminated or suspended.

Supervisors, Managers and Commanders (including senior executives) have a duty to take reasonable steps to provide a safe work environment, free from unacceptable workplace behaviour. They play a critical role in preventing and responding to hostile workplace behaviour and should familiarise themselves with their obligations under the Code and the NSW Police Force Respectful Workplace Behaviour Policy and Guidelines.

Guide to compliance

When you are faced with a difficult situation, or an ethical dilemma and you are unsure what to do, ask yourself the following questions:

- Is it lawful?
- Is it consistent with the NSW Police Force values, principles and policies?
- Do I think it is the right thing to do?
- Can I justify my actions?
- What will be the consequences if I do, or do not do, what is proposed?

Where you are unsure of the appropriate course of action, you should seek advice from a person in authority.

Roles and responsibilities

All NSW Police Force members are expected to know and act in accordance with the NSW Police Force Statement of Values, the Ethical Framework for the government sector and the general principles and requirements of the Code.

Each of us has a responsibility to conduct ourselves in a manner that reflects our core values in action. This includes the responsibility to speak up when we see any behaviour that does not live up to the Statement of Values, the Ethical Framework for the government sector, and the general principles and requirements of the Code.

Managerial behaviour sets the tone for the conduct of all members of the NSW Police Force. Managers, Commanders and Directors (including those in senior and supervisory roles) and others holding executive positions play a critical role in promoting a culture that values high ethical standards and ethical behaviour.

In addition to their responsibilities as members of the NSW Police Force, all Managers, Commanders and Directors are required to model and promote the Code and ensure that workplace culture, practices and systems operate consistently with the NSW Police Force Statement of Values and the Ethical Framework for the government sector.

Behavioural expectations

As a member of the NSW Police Force, you are expected to act ethically, lawfully and in the public interest. You are responsible for your own professional conduct and you are expected to know and comply with the behavioural expectations outlined by the Code.

To ensure you comply with these behavioural expectations you must:

- 1. Act with integrity and uphold the values and good reputation of the NSW Police Force whether on or off duty;**
- 2. Perform your duties with care and diligence;**
- 3. Act impartially and treat everyone with respect, courtesy and fairness;**
- 4. Only use your authority, position, powers and NSW Police Force resources in the performance of your duties and in accordance with the law;**
- 5. Comply with any lawful direction given by someone in the NSW Police Force who has authority to give the direction;**
- 6. Comply with the law and NSW Police Force policies on and off duty;**
- 7. Maintain your professional knowledge and competence in respect to policies, procedures and guidelines, as they relate to your duties and the core business of the NSW Police Force;**
- 8. Treat all information that comes to you in an official capacity as strictly confidential, and only access, use and disclose NSW Police Force information when permitted by law and relevant policies;**
- 9. Take reasonable steps to identify and avoid conflicts of interest, report those you cannot avoid and co-operate in their management; and**
- 10. Play an active role in preventing misconduct within the NSW Police Force and report any misconduct that you reasonably suspect has occurred.**

Failure to meet the expected behavioural standard may result in management action.

Minimum expected standards of behaviour and conduct

1. **A member of the NSW Police Force must act with integrity and uphold the values and good reputation of the NSW Police Force whether on or off duty.**

The communities we serve both expect and need us to act ethically, fairly and comply with the law.

You should always place the public interest over your personal interests.

Whether on or off duty your conduct will reflect on the NSW Police Force. You are expected to uphold the values and protect the reputation of the NSW Police Force through appropriate behaviour. A failure to do so undermines public confidence and effects the organisation's ability to work with the community to reduce violence, crime and fear.

How every member behaves in public or under media and social media scrutiny directly contributes to the way the NSW Police Force is presented to the community, and therefore how the community sees us.

You must not make any public comment on behalf of the NSW Police Force unless you are authorised to do so.

Public comment is any comment made where it is expected that it will be seen or heard by members of the public. This includes:

- Profiles or activities on social media;
- Comments on internet sites or broadcast by electronic means;
- Public speaking engagements;
- Comments to radio, television or print reporters (including letters to the Editor);
- Comments in books, journals or notices;
- Appearances before Parliamentary Committees.

All members are expected to comply with the NSW Police Force **Official Use of Social Media Policy and Procedures** and the **Personal Use of**

Social Media Policy. These policies outline expectations and provide guidance on making public comment, from both a business and personal context.

When making authorised public comments you must comply with the NSW Police Force **Media Policy** and should:

- Only state the facts;
- Avoid expressing opinions on government policies or government decisions, unless you are authorised to do so;
- Only disclose information that is publicly available, has been published or is information that you are authorised to disclose.

2. **A member of the NSW Police Force must perform their duties with care and diligence.**

As a member of the NSW Police Force you must carry out your work professionally. This means paying all due care, attention and diligence to your duties, fulfilling them to the best of your ability and supporting other members to do the same.

You should not act outside your level of competency or authority. If you have any questions about how to carry out your duties, you should seek advice from other members or someone senior to you.

When you are carrying out your work or contributing to decision making, you have a duty to objectively identify any risks and report them to your Supervisor, Manager or Commander, so they can be assessed and managed in a lawful way in keeping with NSW Police Force risk management requirements and applicable mandatory NSW Treasury policies.

It is your responsibility to ensure that you present yourself for work fit to carry out your duties. If you are aware of any health concerns or other impairments that may impede your fitness for duty, you must report your concerns to your Supervisor.

Similarly, if you believe another member is unfit for duty you must report your concerns to your Supervisor.

You must take reasonable care for your own

health and safety and not do anything that adversely affects the health and safety of others.

You should familiarise yourself with the NSW Police Force Health Safety and Wellbeing policies and appropriately report risks to health and safety in accordance with your duties under the **Work Health and Safety Act 2011 (NSW)**. Managers may have more substantial obligations involving the safety of those under their supervision or attending work locations and should familiarise themselves with these obligations.

3. A member of the NSW Police Force must act impartially and treat everyone with respect, courtesy and fairness.

All NSW Police Force members must act with fairness and impartiality to other members and community members.

You should treat all people you interact with in the course of your work equally without prejudice or favour. You should also act with honesty, consistency, impartiality and respect.

If you are involved in any recruitment, you must comply with the NSW Police Force Statement of Values and NSW Government's Ethical Framework requirement to recruit and promote members on merit and comply with applicable legislative requirements concerning the recruitment process. You must also promptly declare any conflicts of interest as required by the Code and relevant NSW Police Force policies.

You must not engage in bullying, harassing or other discriminatory behaviour against other NSW Police Force members or members of the community.

This includes behaviour that harasses, vilifies, victimises or discriminates against any person based on:

- Age;
- Sex;
- Pregnancy;
- Disability (includes past, present or possible future disability);
- Race, colour, ethnic or ethno-

religious origin;

- Background, descent or nationality
- Marital status;
- Carer's responsibilities;
- Sexuality, homosexuality;
- Gender identity, including transgender status.

Bullying, unlawful discrimination and all forms of harassment (including sexual harassment) are not acceptable under any circumstances and not tolerated in our workplaces.

You should familiarise yourself with the NSW Police Force **Respectful Workplace Behaviour Policy Statement** and **Guidelines**. You have a responsibility to contribute to and maintain a respectful and positive workplace culture and must comply with the NSW Police Force **RWB Policy and Guidelines**.

Supervisors, Managers and Commanders, have a duty to take reasonable steps to provide a safe work environment, free from unacceptable workplace behaviour. They play a critical role in preventing and responding to hostile workplace behaviour and should familiarise themselves with their obligations under the NSW Police Force **Respectful Workplace Behaviour Policy and Guidelines**.

4. A member of the NSW Police Force must only use their authority, position, powers and NSW Police Force resources in the performance of their duties and in accordance with the law.

Members of the NSW Police Force hold positions of authority and have access to a range of resources and confidential information. Use of any of these must only be for lawful purposes and in the course of your duties.

Police officers and Special Constables are given extraordinary powers, which must only be used lawfully, reasonably and appropriately.

Members of the NSW Police Force must not use their position or authority to obtain any personal benefit, and police officers and Special Constables must not declare their office unless acting in an official capacity.

You must not improperly use your position, or access NSW Police Force resources or information, for personal gain or the gain of any other person or organisation.

You must not use public resources – including such things as money, property, equipment or consumables – for unauthorised purposes. You must use public resources in an efficient, effective and prudent way.

You must refuse bribes or inducements and report them to your Supervisor or Manager.

In the course of your work, you – or, occasionally, your family, relations, friends or associates – might be offered gifts, benefits and/or hospitality by customers, clients, applicants, suppliers, or other persons or organisations.

You should always be aware that gifts, benefits and/or hospitality might be offered to influence you when making a decision, or to provide a favour which will advance the interests of the giver, either now or in the future.

You should ensure you understand and adhere to the NSW Police Force ***Receipt of Gifts and Benefits Policy Statement and Guidelines***.

You should never:

- Solicit gifts, benefits and/or hospitality from anyone; or
- Accept any gifts, benefits and/or hospitality offered to you that is intended, or likely, to cause you to act in a certain way;
- Accept any gift, benefit and/or hospitality where there could be a perception that it has been offered as an inducement or incentive to act in a certain way;
- Accept any gift, benefit and/or hospitality for a family member, relation, friend or associate that is intended as, or could reasonably be perceived to be, an inducement or incentive to act in a certain way;
- Accept any gift, benefit and/or hospitality where you currently, or may in the future, exercise discretion in the making of a

decision affecting the giver.

When procuring goods and services for the NSW Police Force, you must ensure you:

- Declare any conflicts of interest and work with the appropriate person to resolve any conflicts in the public interest, rather than your own or another person's personal interest;
- Comply with NSW Government and NSW Police Force procurement policies; and
- Comply with the principles of probity and fairness and obtain value for money.

You should not allow outside influences to impact your decisions or actions. As a member of the NSW Police Force you are required to act impartially in the public interest when carrying out your duties.

NSW Police Force members should be aware that legislation restricts lobbying of government officials by lobbyists and requires lobbyists to comply with the Lobbyists Code of Conduct. It is important for public confidence in the integrity of government that lobbying is carried out with appropriate probity and transparency. All NSW Police Force members are expected to comply with the values, principles and requirements of Premier's Memorandum ***M2019-02 NSW Lobbyists Code of Conduct***.

5. A member of the NSW Police Force must comply with any lawful direction given by someone in the NSW Police Force who has authority to give the direction.

As a member of the NSW Police Force you may be subject to direction from others. Compliance with lawful directions is essential for ensuring the NSW Police Force operates safely and effectively.

In most circumstances a person giving a direction will be in a position that is senior to you. A direction can also be issued by a person who, although junior/equal in rank or grade to you, is performing a role that allows them to give direction to other members. Examples of this would include a fire warden, a member conducting a drug test or a weapons instructor.

You must not follow directions which you know, or ought to know, are unlawful.

6. A member of the NSW Police Force must comply with the law and NSW Police Force policies on or off duty.

The NSW Police Force is responsible for upholding the law. Unlawful and/or criminal conduct by members of the NSW Police Force is incompatible with that role and is also likely to bring the NSW Police Force into disrepute.

All members of the NSW Police Force are expected to comply with the law at all times.

If you are charged with a criminal offence, you are required to report the matter to your Commander.

When travelling outside NSW (including overseas), members must abide by the laws of that jurisdiction while not engaging in conduct that is a criminal offence under NSW or Australian Commonwealth law.

NSW Police Force members must also comply with the Code of Behaviour, outlined in the **Police Regulation 2025**, relating to the consumption of alcohol and the use of prohibited drugs or steroids.

7. A member of the NSW Police Force must maintain their professional knowledge and competence in respect to policies, procedures and guidelines as they relate to their duties and the core business of the NSW Police Force.

The NSW Police Force has a responsibility to ensure all members know and understand the requirements of their job by providing access to training and advice as well as documented policies, procedures and guidelines.

All NSW Police Force members have an obligation to ensure they meet mandatory training requirements.

Members are also responsible for their own professional development and education. This includes maintaining an up-to-date knowledge

of relevant policies, procedures and guidelines and applying them appropriately. All NSW Police Force policies, procedures and guidelines are available through the NSW Police Force Intranet or in your workplace.

8. A member of the NSW Police Force must treat all information that comes to them in an official capacity as strictly confidential, and only access, use and disclose NSW Police Force information when permitted by law and relevant policies.

All NSW Police Force information must be managed securely.

Members must only access NSW Police Force information for purposes that are directly relevant to their duties.

You must not disclose, access or use official information in an unauthorised way, including for your, or anyone else's, personal benefit or advantage.

This information can only be used and/or disclosed for a lawful purpose and in accordance with legislative requirements and NSW Police Force policy.

You may only disclose official confidential information when you are authorised to do so, including when permitted or required by law or legal process. Before disclosing information, you must be satisfied that you are authorised to release that information.

The NSW Police Force has several policies in relation to the confidentiality of official information. If you are unsure about whether you can access, use or disclose police information you should seek advice from an appropriate authority (Supervisor, Manager, Commander or Subject Matter Expert).

Misuse of information acquired in the course of your duties may amount to misconduct, an offence under applicable criminal, privacy, information access, or State Records legislation and/or serious wrongdoing.

You must protect personal information and health information and comply with applicable privacy obligations under the

Privacy and Personal Information Protection Act 1998, the **Health Records Information and Privacy Act 2002** and NSW Police Force privacy and data breach policies.

You must also comply with record-keeping obligations and must not destroy records without proper authority. The NSW Police Force must comply with the **State Records Act 1998** and has developed policy and guidelines regarding the retention of records. If you are unsure about your obligations, you should seek advice from an appropriate authority (Supervisor, Manager, Commander or Subject Matter Expert).

9. A member of the NSW Police Force must take reasonable steps to identify and avoid conflicts of interest, report those that cannot be avoided and cooperate in their management.

The NSW Police Force must effectively manage conflicts of interest. This ensures we provide the community with fair and impartial services, maintain public confidence, prevent corruption and manage allegations of misconduct.

You are responsible for identifying, declaring, and avoiding conflicts of interest that relate to your employment with the NSW Police Force.

To determine if a conflict of interest exists, ask yourself:

- Do I have a personal interest?
- Do I have a public duty?
- Is there a connection between my personal interest and my public duty?
- Could a reasonable person perceive that my personal interest might be favoured?

All conflicts of interest will be managed in favour of the public interest.

A conflict may arise from a range of factors, including:

- Personal relationships;
- Secondary employment;
- Membership of special interest groups;
- Your ownership of, or financial interest, in property, shares or companies.

Undertaking additional paid or unpaid work (secondary employment) may give rise to a conflict of interest, or a perceived conflict, between your primary and secondary employment. You are required to comply with the NSW Police Force **Secondary Employment Policy** and receive appropriate approval prior to engaging in secondary employment.

Conflicts of interest may also arise due to your personal beliefs or attitudes that could influence, or be perceived to influence, your impartiality or decision-making.

It is not necessarily unethical to have a conflict of interest. However, you should avoid placing yourself in conflicting situations wherever possible. Failing to disclose and manage a conflict appropriately may amount to misconduct and/or serious wrongdoing.

Where you have a conflict of interest, you must:

- Always disclose the conflict of interest in accordance with the Code and the **NSW Police Force Conflicts of Interest Policy Statement and Procedures for Managing Conflicts of Interest** as soon as you become aware of the conflict;
- Work with the appropriate person with responsibility for managing the conflict to resolve any conflict in the public interest, rather than your own or another person's personal interest.

Managers, or those responsible for managing a conflict of interest, should:

- Ensure the conflict is appropriately documented;
- Consider whether the circumstances warrant removing the member from the duties that are in conflict with their private interests;
- Approve a management plan to eliminate or manage the conflict in the public interest;
- Monitor the situation to ensure compliance with the agreed management plan.

A Senior Executive (including an acting Senior Executive) must make a written declaration of private financial, business, personal or other

interests or relationships that have the potential to influence, or could reasonably be perceived to influence, the Senior Executive's duties, including decisions made or advice given by the Senior Executive.

More detail on the actions to be taken by a Senior Executive in relation to this annual declaration can be found in the NSW Police Force ***Procedures for Managing Conflict of Interest***.

10. A member of the NSW Police Force must play an active role in preventing misconduct within the NSW Police Force and report any misconduct that they reasonably suspect has occurred.

All NSW Police Force members must report misconduct. This includes criminal offences, corrupt or unethical conduct, serious mismanagement and substantial waste of public resources.

Members are encouraged to challenge inappropriate behaviour and to speak up.

You have a legislated obligation to report police misconduct and serious maladministration.
(Section 211F of the Police Act 1990)

A police officer or administrative employee who has reasonable grounds to suspect that a police officer has engaged in police misconduct or serious maladministration is under a duty to report that police misconduct or maladministration (or alleged misconduct or maladministration), **in writing**, to a police officer who is of the rank of Sergeant or above and is more senior in rank than the reporting officer.

In addition to the mandatory reporting obligations of the **Police Act 1990**, NSW Police Force members are encouraged to report serious wrongdoing in line with the **Public Interest Disclosures Act 2022 (The PID Act)**.

The PID Act provides a framework in which reports of serious wrongdoing in the public sector are made.

Guidance on your reporting obligations and the PID Act can be found on the Professional Standards Command Intranet site.

Behaviour contrary to the Code

The Professional Standards Command is responsible for setting and embedding the professional standards for performance, conduct and integrity across the NSW Police Force.

Any breach of the behavioural standards established by the Code has the potential to be misconduct and could lead to management action. However, any management action will be proportionate with the nature of the breach and the specific circumstances surrounding each individual matter.

Part 8A of the **Police Act 1990** sets out how complaints about the conduct of members of the NSW Police Force are to be dealt with. Part 9 of the Act provides a wide range of options for the management of conduct within the NSW Police Force.

Similarly, the **Government Sector Employment Act 2013** and the **Government Sector Employment (NSW Police Force) Rules 2017** set out how misconduct or unsatisfactory performance involving an administrative employee may be dealt with.

The Professional Standards Command Intranet site provides guidance on how allegations of misconduct or unsatisfactory performance are managed by the NSW Police Force.

The NSW Police Force Misconduct Management Framework provides details of how allegations of misconduct are dealt with under the Police Act 1990 and the Government Sector Employee Act 2013 Government Sector Employment (NSW Police Force) Rules 2017 and related policies.



NSW Police Force

Professional Standards Command

Address Line 1 Suburb NSW XXXX

Post: Locked Bag 5102, Parramatta NSW 2124

Office hours: Monday to Friday 0.00am — 0.00pm

T: (02) 0000 0000 | E: Email goes here | W: URL goes here