



Procedures to Manage Declarable Association – Commanders, Managers and Supervisors Responsibilities

Professional Standards Command

Document Control Sheet

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3	February 2016	Professional Standards Command	<ul style="list-style-type: none"> Document updated in line with Police Regulation 2015 Apply protective marking Replace annexure
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1. Purpose

This document provides commanders / managers and supervisors with direction and guidance on the management of declarable associations.

Declarable associations must be managed according to the: Declarable Associations Policy, Procedures to Manage Declarable Associations - Individual Responsibilities and this document.

This enables:

- the NSW Police Force to provide fair and impartial services to the community
- public confidence in policing
- corruption resistance strategies
- misconduct allegations to be managed effectively.

2. Scope

This document applies to all commanders, managers and supervisors who manage individuals that engage in activity on behalf of the NSW Police Force. The term 'individual' includes: employees (sworn and un-sworn), ministerial employees (e.g. special constables), volunteers in policing (VIPs) and temporary employees.

This document is based on the Declarable Associations Policy and the Conflicts of Interest Policy. This document also applies to individuals who are suspended or on any type of leave.

3. Introduction

A declarable association is a type of conflict of interest. There is a shared responsibility between individuals and commanders / managers and supervisors to manage all reported declarable associations. Declarable associations can be both complex and dynamic in their nature and require open and honest consultation by all parties involved so they can be managed adequately and effectively.



Where a declarable association arises, it must be managed in the public interest and that of the NSW Police Force before the personal interests of an individual.

Acting in the public interest means carrying out official duties and responsibilities for the benefit of the public, in a fair and unbiased way, and making decisions that are not affected by self interest, personal values, private opinions, affiliations or the likelihood of personal gain or loss.

The framework for managing declarable associations within the NSW Police Force is based on *AS/NZS ISO 31000:2009 Risk Management - Principles and Guidelines*.

The risks associated with declarable associations cannot always be eliminated. Management strategies are intended to minimise the risks to an acceptable level. Declarable associations can be unavoidable and their existence may not necessarily be misconduct on the part of the individual involved. Declarable associations can be beyond the immediate control of an individual, such as the conduct of family members or a suspended work colleague.

Management action should only be considered where an individual fails to:

- identify the declarable association(s) (where they are reasonably expected to identify)
- report the declarable association(s)
- cooperate in the management of the declarable association(s)
- relinquish the declarable association(s) (where they are reasonably expected to relinquish).

4. Definitions

4.1 What is an association

An association is an interaction with any person, group or organisation that is unrelated to an individual's duties with the NSW Police Force.

For example, an association exists with:

- family members (including partner's family)
- friends and close personal acquaintances, including sporting team members and colleagues seen outside of work
- people or organisations where individuals may be involved for business purposes
- people in clubs, societies and other organisations
- identified links with people and / or groups via electronic media such as Facebook or Twitter.

4.2 What is a declarable association?

A declarable association exists when an individual is associated (to varying degrees) with a person, group or organisation who are involved in (or perceived to be involved in) activity that is incompatible with the NSW Police Force.

These associations create a conflict of interest between the individual's responsibility to the NSW Police Force and their personal relationships / private interests.

Declarable associations can include (but are not limited to):

- a relationship with a person who has a criminal history (having regard for the recency and seriousness of the history), or their known associates
- a relationship with a person suspected to be engaged in criminal activity, including “social” drug use
- a relationship with members of groups involved in unlawful activity
- membership of, or participation with groups perceived to be involved in unlawful activity
- a relationship with a NSW Police Force employee who is suspended or facing charges (with the exception of people performing a legitimate support person role)
- a relationship with a former NSW Police Force employee who was dismissed or resigned while under investigation.

Contact which is unplanned, unexpected or a one off is unlikely to be considered a declarable association. However, one off contact might be declarable where the contact was avoidable and reasonably identifiable as declarable (e.g... attendance at an event organised by an outlaw motorcycle gang).



If an individual is uncertain whether their circumstances meet the criteria for a declarable association they must seek advice from a manager or supervisor.

4.3 Examples of declarable associations

Example 1

Constable X rents a house with another person who is not a police officer. They share the same group of friends and socialise together. The flatmate is a social drug user. The flatmate never produces drugs in the presence of Constable X, but openly admits to Constable X their ongoing drug use when socialising.

The flatmate is a close personal acquaintance due to their living arrangements and shared friends. It is obvious from the admissions and general inferences that the flatmate is an ongoing social drug user. A declarable association exists that must be reported and managed.

Example 2

General Administrative Support Officer (GASO) Y began a relationship with another person. GASO Y then became aware of the partner's previous links to an outlaw motor cycle gang (OMCG) following a police investigation. The partner admitted to GASO Y that their car was used during an offence a year before, after they lent it to a 'friend' who had OMCG links. In addition, an OMCG member recently attended the home of GASO Y, citing that the partner owed him money from a previous loan. The partner insisted that this was all in the past and wants nothing to do with the OMCG member.

While there is no direct evidence to suggest that the partner of GASO Y is an OMCG member, there is a direct link between the partner and a group perceived to be involved in unlawful activity. The recency of contact with an OMCG member, where they attended the home of GASO Y, describes circumstances where a declarable association exists that must be reported and managed.

Example 3

Senior Constable Z has a sister-in-law who is a recovering heroin addict. The sister-in-law was convicted of break enter and steal and receiving offences. These convictions were two years ago. Senior Constable Z believes that their sister-in-law has recovered from her addiction. Her health has improved significantly and she has held a job as a payroll officer for 12 months.

The sister-in-law has convictions for a number of serious offences and was previously dependant on heroin. While Senior Constable Z honestly believes their sister-in-law has changed her lifestyle and behaviour, a declarable association exists which must be reported and managed.

Example 4

Sergeant X began a social friendship with Mister Y, through a common friend. Mister Y was previously convicted for extortion and currently associates with members of gangs, linked by intelligence, to business extortion. Sergeant X is unaware of the history of Mister Y and is given no indication his association with Mister Y is declarable. Inspector Z saw Sergeant X and Mister Y at the horse races enjoying each other's company. Inspector Z recognises Mister Y from previous investigations, and has worked with Sergeant X previously.

While Sergeant X has no knowledge of the criminal history or current intelligence holdings involving Mister Y, a declarable association has been identified by another person and Sergeant X informed of the situation. The declarable association must be reported and managed.

5. Commander, manager and supervisor responsibilities

To manage declarable associations effectively commanders/managers and supervisors must:

- provide advice and guidance when a declarable association is identified
- on receiving a report of a declarable association, **record** the declarable association and make appropriate enquiries to allow a thorough risk assessment to occur
- **assess** the risks associated with the declarable association
- consult with the individual involved and **identify** strategies appropriate to the risk level
- **manage** the declarable association with the co operation of the individual involved

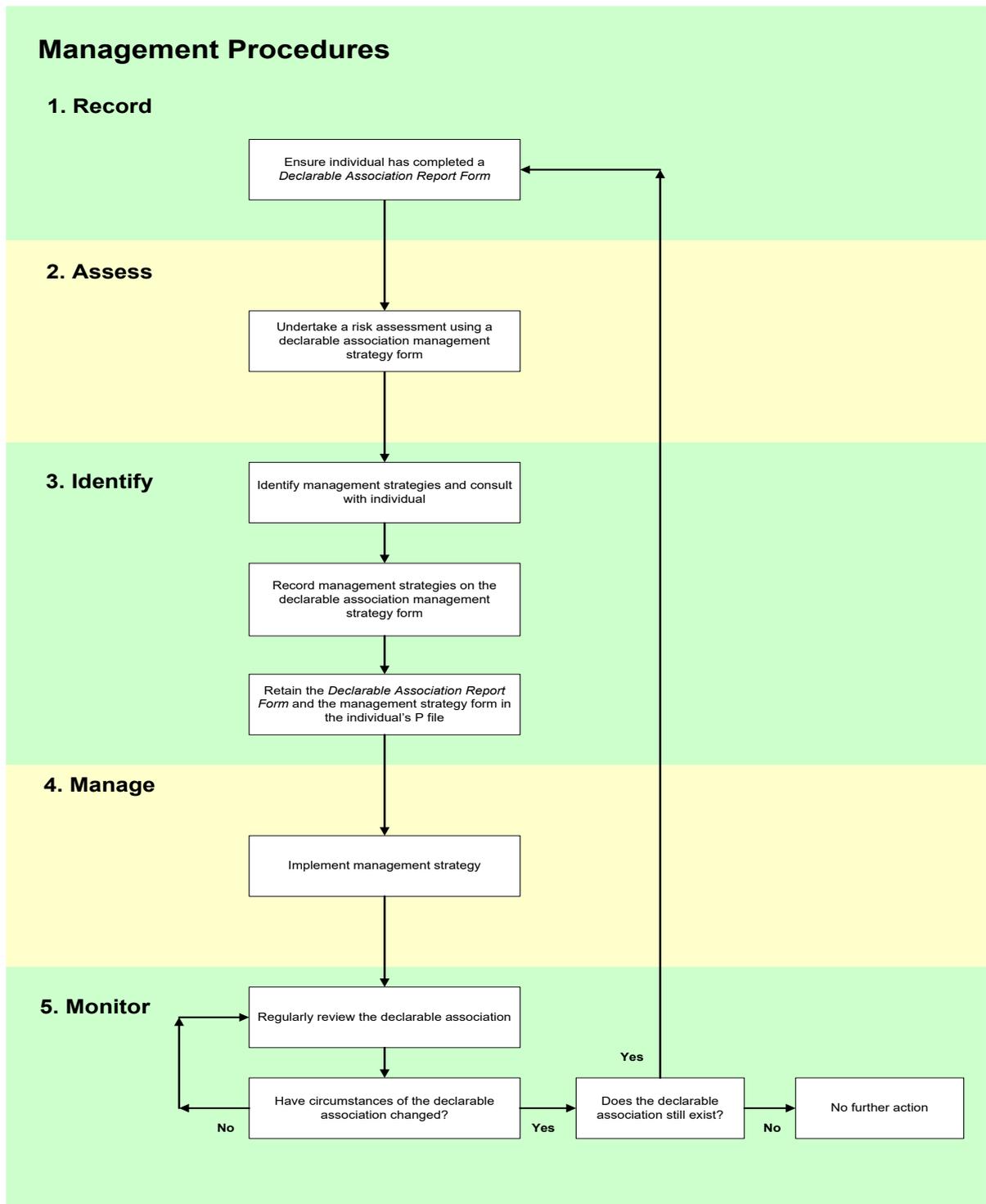
- **monitor** the declarable association while they have management responsibility for the individual, or until it is resolved.

A flowchart illustrating the process for NSW Police Force commanders / managers and supervisors to deal with declarable associations is provided on the following page.



Commanders, managers and supervisors must ensure all necessary steps in the management process are properly recorded, implemented and monitored.

5.1 Management procedures (flowchart)



5.2 Command strategies

Local command strategies should promote proactive awareness of declarable associations. Ongoing educational awareness, induction information and inclusion into CMF and corruption resistance processes are ways to acknowledge the importance of declarable associations. Specific work locations, such as rural locations often require more specific and detailed strategies to manage declarable associations.

5.3 Identifying declarable associations

While it remains the responsibility of the individual to identify declarable associations, other circumstances may lead to the identification of a declarable association including:

- complaint investigations
- information from colleagues
- other intelligence holdings and investigations
- misconduct prevention strategies.

If a declarable association is not self reported by an individual and comes to the attention of the commander / manager or supervisor by other means, consideration should be given as to why they did not self report and whether it is reasonable to expect that they should have.

5.4 Avoiding declarable associations

It is the responsibility of commanders / managers and supervisors to assist individuals to avoid declarable associations if possible.

An individual may have already taken steps to avoid the declarable association at the time of self reporting.

If a commander/manager or supervisor is informed by an individual that they have avoided or taken steps to minimise involvement with a declarable association, they must be satisfied that the actions of the individual are sufficient and appropriate for the circumstances.



Even if an individual avoids a declarable association, they are still required to report that association to their commander / manager or supervisor.

5.5 Record declarable associations

On receiving a report of a declarable association, the commander / manager or supervisor should make appropriate enquires to be fully aware of the circumstances.

Commanders / managers or supervisors must record the details of the declarable association and any additional information they find by completing:

- a *Declarable Association Management Strategy Form P1098* (Annexure A).

The *Declarable Association Management Strategy Form*, along with the *Declarable Association Report Form* and any relevant documents should be retained in the individual's personnel file.

5.6 Maintaining confidentiality

Information relating to declarable associations must be managed so that confidentiality is maintained at all times. All forms must be secured within the relevant individual's personnel file. Consider also managing declared associations on a local database.

Any employee that an individual reports a declarable association to, or seeks advice from, in an official capacity must treat the information as strictly confidential. This is supported by Clause 76 of the *Police Regulation 2015* which requires all officers to treat all information that comes to his or her knowledge in an official capacity as strictly confidential and not divulge it to anyone without proper authority.

5.7 Assess the risks

Commanders / managers or supervisors must complete the risk assessment section on the *Declarable Association Management Strategy Form P1098*.

In doing so, they should consider in terms of likelihood and consequence the:

- reliability of the source and validity of information
- recency of contact or involvement with the declarable association
- personal safety of the individual
- personal safety of people associated with the individual
- personal safety of other police and colleagues
- safety of the community
- location and nature of duties and investigations the individual undertakes
- previous issues regarding integrity and conduct of the individual
- expectations of the community and those of the NSW Police Force
- reputation of the NSW Police Force
- frequency, method and type of contact
- physical distances involved
- willingness of the individual to report and acknowledge the declarable association
- attitude of the individual in regard to undertaking proposed management strategies
- attitude and motives of the declared association
- ability to manage and supervise the individual adequately in the workplace
- effect on morale and motivation in local work environment.

5.8 Identify management strategies

Commanders/managers or supervisors must work with the individual to identify an appropriate management strategy. The individual should provide comment on the proposed strategy.

While the management strategy may be devised by a supervisor or manager, the final approval of management strategy for a declarable association lies with an individual's commander. Once a final decision is made regarding the strategy, the individual must cooperate. Any grievances relating to the process should be handled using the *Workplace Grievance and Conflict Resolution Procedures*.

Written documents must be filed in the relevant individual's Personnel (P) File or for volunteers in policing (VIPs), with their management records. Consider also managing declared associations on a local database.

5.8.1 Recording

Simply recording a declarable association may be sufficient to deal with low risk examples that have already been avoided. If recording and reporting alone are not risk appropriate, other measures to manage or resolve the conflict must be considered. For example:

- continued monitoring
- supervision
- informing affected people of the management strategy
- ensuring the involved individual declares any changes in circumstances.

5.8.2 Restrict involvement

This is appropriate when the individual can be separated from parts of an activity or process.

Options can include restricting the individual's:

- involvement in critical decision making
- involvement in discussion of affected proposals or operational plans
- involvement in operations or activities
- access to information.

All affected parties, such as supervisors or stakeholders should be informed of the restrictions on a need to know basis.

This option is not workable if the restrictions result in the affected individual being unable to do their job and is less suitable for long term management of the declarable associations.

5.8.3 Recruit others to assist

An independent third party may be allocated to oversee, audit and / or review the decision making and / or duties affected by the declarable association.

This strategy works well when the effects (or perceived effects) of the conflict are significant, but it is not appropriate to withdraw the affected individual from the relevant duties or decision making processes. For example, in cases where the workgroup is small and isolated and / or the expertise of the affected individual is not readily replaced.

This option is not suited to a serious ongoing declarable association where the continued recruitment and use of a third party is not viable.

5.8.4 Remove the person from the situation

This management option involves the complete removal of the affected individual from the activity affected by the declarable association. Removal is most suited to ongoing serious declarable associations where other strategies are not practical.

This option might involve:

- removing the individual from any involvement or influence
- rearranging the duties and responsibilities of the individual
- transferring the individual to different duties or location.

5.8.5 Relinquish the personal interest

Advising the individual to relinquish the personal interest(s) that gives rise to the declarable association (where reasonable) is an effective strategy. The decision to adopt this strategy will ultimately rest with the individual.

This option is not appropriate in circumstances where an individual is unable to relinquish the personal interest or where the declarable association and its potential or perceived effects are of low risk or significance.

5.9 Alternate resolution – resignation

Resignation is an extreme option which the NSW Police Force does not consider unless all other methods of managing a declarable association are exhausted. Commanders / managers and supervisors must not suggest resignation to an individual as a method for addressing a declarable association.

To avoid the possibility of “constructive dismissal” a resignation in response to a declarable association should not be accepted without first seeking legal advice from the Office of General Counsel.

5.10 Manage the declarable association

Once an individual has reported a declarable association, their commander / manager or supervisor must work with them to implement the management strategy to minimise the risk while keeping them productively at work.

5.11 Monitor the declarable association

Commanders / managers and supervisors must regularly monitor the circumstances of declared associations that have been reported to them to ensure the management strategy that has been employed remains effective.

Commanders/ managers and supervisors should be mindful of the requirements for individuals to report any change in circumstances regarding the declarable association (e.g. unplanned contact).

If you determine that a situation requires more frequent review, consider a prompt such as a closed agenda item following a complaints management meeting. If the circumstances of the declarable association change significantly, the individual should submit another *Declarable Association Report Form P1097* (Annexure B). Significant changes may require a reassessment of the declarable association and also different management strategies.

If the change in circumstances mean that the declarable association is avoided relinquished or no longer exists, then a record should be made accordingly.



You should remind individuals that have declared associations to report any change to their circumstances regarding the association as soon as possible.

6. Misconduct and complaints

As declarable associations are sometimes unavoidable, the issue is how the individual deals with them rather than their existence. For misconduct in relation to a declarable association to be considered, some action or inaction must also exist.

For example, the individual *failed* to:

- identify a declarable association when they were reasonably expected to
- report a declarable association
- report a pre existing declarable association during recruitment
- cooperate in the management of a declarable association
- comply with the *Declarable Association Policy*.

Complaints will be managed according to corporate requirements for complaints management.



**DECLARABLE ASSOCIATION
MANAGEMENT STRATEGY FORM**

Appendix 1 – Declarable Association – Management Strategy Form P1098

Commander / manager / supervisor to complete

Commander / manager or supervisor’s instructions

The commander/manager or supervisor must conduct a qualitative risk assessment based on AS/NZS ISO 31000: 2009 of the summary provided by the individual.

1. Identify risks having regard to:

- reliability of the source and validity of information
- recency of contact or involvement with the declarable association
- personal safety of the individual
- personal safety of people associated with the individual
- personal safety of other police and colleagues
- safety of the community
- location and nature of duties and investigations the individual undertakes
- previous issues regarding integrity and conduct of the individual
- expectations of the community and those of the NSW Police Force
- reputation of the NSW Police Force
- frequency, method and type of contact
- physical distances involved
- willingness of the individual to report and acknowledge the declarable association
- attitude of the individual in regard to undertaking proposed management strategies
- attitude and motives of the declared association
- ability to manage and supervise the individual adequately in the workplace
- effect on morale and motivation in local work environment

(list risks here)

2. Record analysis of risks considering the risks in terms of likelihood and consequence:

Management response

I have assessed and discussed the declarable association with the employee and advise:

No further action is required

or <input type="checkbox"/> A management strategy is required.			
3. Management strategy (risk treatment)			
(If a management strategy is required, the commander / manager or supervisor is to record the details here, including appropriate timeframes for review of the strategy)			
Commander/ manager / supervisor			
Signed:			
Name			
Rank / position.		Reg'd / employee no:	
Date	dd/mm/yyyy		
Individual acknowledgement			
I have been advised of the outcome of the risk assessment regarding this declarable association and understand and agree to comply with the management strategy. I understand that if I do not comply with the management strategy outlined, I may be subject to management action.			
Individual			
Signed:			
Name			
Rank / position.		Reg'd / employee no:	
Date	dd/mm/yyyy		
Commander's approval*			
Signed			
Name			
Date	dd/mm/yyyy		

* The commander must always approve the strategy. Where a supervisor or manager completes the strategy, then that person must sign the strategy as well as the commander. If the commander completes the strategy, then only their signature is required.

Appendix 2 – Declarable Association – Report Form P1097

NSW POLICE FORCE

P1097

12/2015



DECLARABLE ASSOCIATION REPORT FORM

Individual to complete

Date of report:

Unit / command:

Details of person making the report

Name:

Rank / position

Reg'd / employee no:

Details of declarable associations (Record all known details)

Name (enter names of all individuals, entities and groups)	Relationship (enter your relationship to the person or group – e.g. relative, friend, de facto, organisation)	Address (enter all known addresses linked to the declarable association)	DOB or age (enter if known)

Comprehensive summary of the declarable association

Include:

- nature and duration of the declarable association including the history of POI and the circumstances of your involvement
- frequency of contact with the declarable association (current and proposed future contact)
- can the level of exposure / involvement with the POI be altered or avoided and have any attempts already been or are intended to be made to achieve this

NB: Please submit this form to your commander/ manager or supervisor for an assessment of your circumstances