



**New South Wales
Police Force**

Procedures to Manage Declarable Associations – Individual Responsibilities

Professional Standards Command

Procedures for Managing Declarable Associations – Individual Responsibilities

Essential Summary

This document provides you with direction and guidance to identify, report, manage and resolve declarable associations.

Declarable associations must be managed according to the: *Declarable Associations Policy, Procedures to Manage Declarable Associations - Commanders and Supervisors 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.

Document Control Sheet

Document Properties

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Version #	Version approval date	Author/Position	Summary of changes
1	July 2012		<p>The term declarable associations has been adopted with policy and procedures</p> <p>The definitions have been broadened to include social media and NSWPF employees who are suspended, facing serious charges or resign while under investigation</p> <p>Separate procedure documents were created for individuals and managers</p> <p>The Declarable Association Report Form (P1097)</p> <p>Declarable Association Management Strategy Form (P1098)</p>
2	January 2014		<p>Flowchart replaced to more accurately reflect expectations for employees to report changes in circumstances</p> <p>Further description of change in circumstances in <i>Monitor declarable associations</i></p>
3	October 2015	Professional Standards Command	Document updated in line with <i>Police Regulation 2015</i>
4	February 2016	Professional Standards Command	Changes made relating to method of reporting.
5	March 2017	Professional Standards Command	Reviewed only. Minor layout and grammar amendments.
6	December 2017	Professional Standards Command	Update document classification under GIPA Act 2009

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1. Scope

This document applies to any individual engaged in activity on behalf of the NSW Police Force, whether on or off duty. The term 'individual' includes: employees (sworn and unsworn), ministerial employees (e.g. special constables), volunteers in policing (VIP) 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.

2. Introduction

A declarable association is a type of conflict of interest. Relationships with people, groups and organisations, can in certain circumstances, lead to a conflict of interest which is incompatible with the NSW Police Force.

Declarable associations can create a serious risk to you and the NSW Police Force. These associations have the capacity to compromise your integrity or perceived integrity. These associations must be declared and managed.



Where a declarable association exists, you must put the public interest and the NSW Police Force before your personal interests, whether on or off duty

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

Declarable associations can sometimes be unavoidable. The existence of a declarable association, is not in itself, misconduct by the individual involved.

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) in writing using the *Declarable Association Report Form P1097*
- cooperate in the management of the declarable association(s) or
- relinquish the declarable association(s) (where they are reasonably expected to relinquish).

3. Definitions

3.1 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.

3.2 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 you are uncertain if a declarable association applies to your circumstances you must seek advice from a manager or supervisor

3.3 Examples of a declarable association

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 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.

4. Individual responsibilities

To deal with declarable associations effectively, individuals must:

- **identify**, where reasonably practicable, declarable associations relating to them (actual, potential and perceived)
- **report** all declarable associations in writing to their commander / manager or supervisor using the Declarable Associations Report Form P1097
- actively cooperate in the **management** of their declarable association(s) and
- **monitor** their declarable association(s) until resolved.

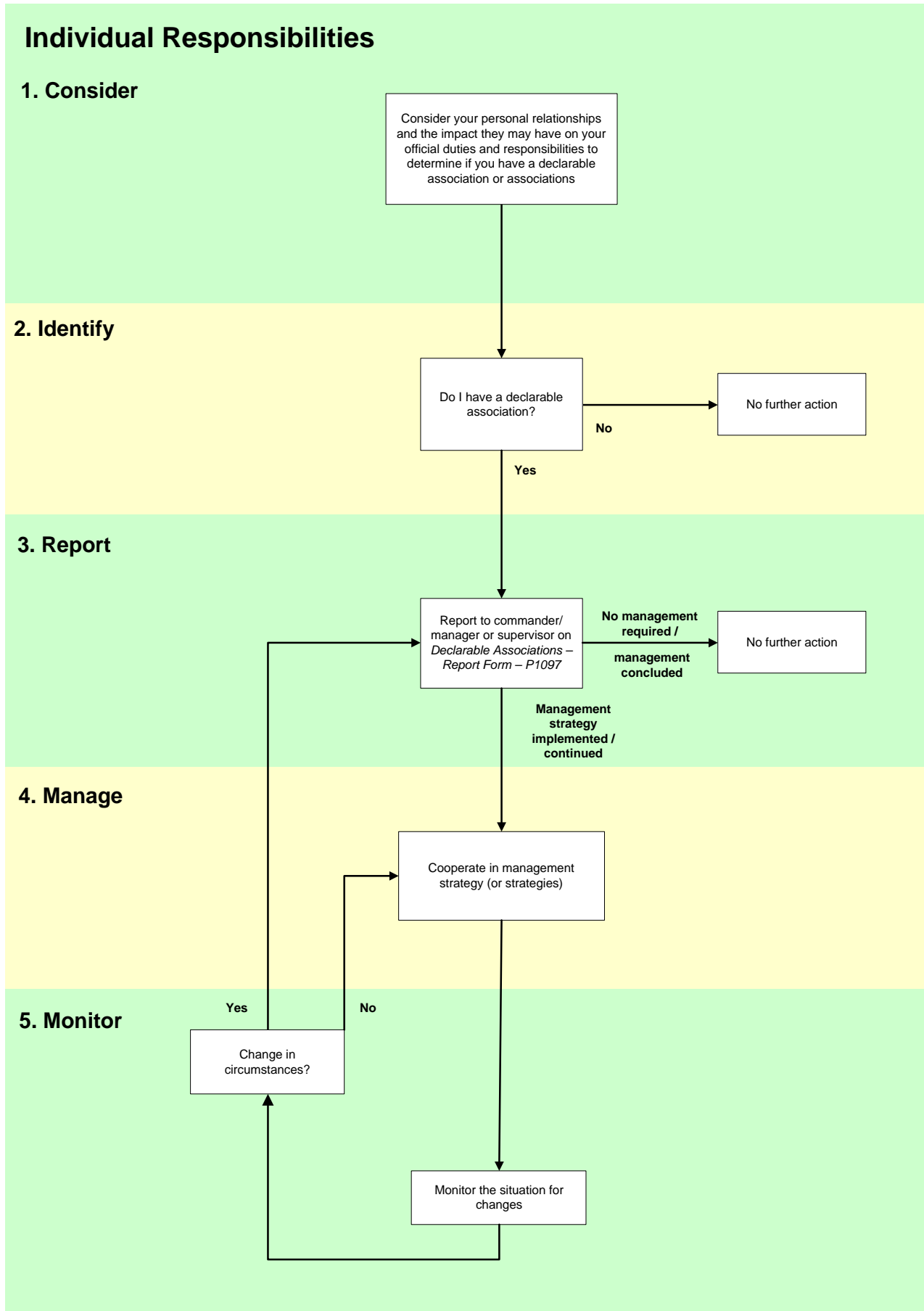
In each of the above stages the individual with the declarable association is responsible for taking appropriate action to deal with the conflict in the public interest, and advise their commander/manager or supervisor when it is resolved or relinquished.

Having a declarable association during an individual's career is not uncommon, and in itself not a breach of policy. The declarable association may have arisen regardless of actions or decisions on the part of the individual, and may have begun well before they were involved with the NSW Police Force.

However, a failure to act in accordance with these procedures will be considered as a breach of the NSW Police Force *Code of Conduct and Ethics* and the *Declarable Associations Policy* and may result in management action.

A flowchart illustrating the process for individuals to deal with a declarable association is provided on the following page.

Flow chart for Individual responsibilities



4.1 Identify declarable associations

An individual is responsible to assess all of their personal associations (including those that may commence in the future) in order to identify associations that need to be declared. Individuals must seek advice from a manager or supervisor if they have any doubt or confusion.



It is your responsibility to identify declarable associations

Individuals are best placed to consider the type, frequency and intensity of their own associations with people, groups and organisations. However, others such as family, friends and work colleagues may recognise relationships and provide a new perspective or supporting information that the individual has not considered.

It is an ongoing responsibility for individuals to consider the people and groups they associate with.

Ask yourself:

- Does this person / group match the criteria of an association as contained in the previous definition?
- If so, do they come under the definition of a declarable association?
- Would a reasonable person perceive there is a conflict of interest in these circumstances?



If you are uncertain whether your circumstances meet the definition of a declarable association seek advice from a manager or supervisor

4.2 Consider the perception of others

It may not be easy to identify a declarable association in cases where an individual has a long established association, where emotional relationships are involved or where knowledge or information is lacking.

Individuals who believe that their circumstances do not meet the criteria for a declarable association should still consider how a reasonable member of the public would view it. If there are any doubts, seek advice from a manager or supervisor.

Failure to identify a declarable association when the individual involved could have reasonably been expected to, can lead to management action.

For example, you frequent social events which are held at known outlaw motorcycle gang premises and you fail to recognise these circumstances as conflicting with your duties as an individual working within the NSW Police Force.

4.3 Avoiding the declarable association

Individuals acting on behalf of the NSW Police Force are required to take all reasonable steps to avoid declarable associations. They may already have strategies in place in relation to the declarable association, such as having limited or no personal contact.

Ask yourself:

- What is my level of exposure and involvement with the person, group or organisation I have identified as a declarable association?
- Can I change this level of exposure and involvement?

To avoid a declarable association it may require action on the part of the individual, such as ceasing relationships, acquaintances, club membership, affiliations or social contact. If this is not possible they may need to modify the level or type of contact and conscious involvement and / or increase physical distances.

Any change in existing circumstances must be considered, and may require the individual involved to reassess whether or not they can still avoid a declarable association.

For example, your brother is released from gaol after serving a sentence for robbery and moves into your street. This change in circumstances may make avoidance difficult.



Even if you avoid a declarable association, you are still required to report it to your commander / manager or supervisor

Your commander / manager or supervisor should be satisfied how you avoided, or minimised involvement, with the declarable association.

4.4 Report declarable associations

Individuals must report all declarable associations that apply to them:

- promptly (as soon as practicable)
- in writing (using the *Declarable Association Report Form P1097*)
- to their commander/manager or supervisor

The *Declarable Association Report Form P1097* can be downloaded from the Professional Standards Command (PSC) website. The *Declarable Association Report Form P1097* requires sufficient information in relation to the declared association to allow an appropriate risk assessment to be undertaken and appropriate management strategies to be devised.

4.5 Maintain confidentiality

Information relating to declarable associations must be managed so that confidentiality is maintained at all times. All forms must be secured within the individual's personnel file.

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.

4.6 Failure to report

Failure to report a declarable association in writing will be considered a breach of the NSW Police Force *Code of Conduct and Ethics* and the *Declarable Associations Policy* and will be assessed according to corporate requirements for complaint management.

4.7 Manage declarable associations

Once an individual has reported a declarable association, there is a shared responsibility between the individual and the NSW Police Force to manage it. The individual's commander / manager or supervisor will work with them to implement an appropriate management strategy.

The commander / manager or supervisor will undertake a risk assessment to consider each individual's circumstances. A *Declarable Association Management Strategy Form P1098* will be used to record the risk assessment and proposed management strategies. They may need to consult the individual throughout this process to gather clarifying information. They may also make enquiries using relevant databases such as COPS and intelligence systems to assist with the risk assessment of the declarable association.

They will need to consider:

- the individual's personal safety
- the safety of other police and the general public
- how it affects the individual's duties and general police operations
- the impact or perceived impact on the individual's integrity
- the expectations of the community and the reputation of the NSW Police Force

The ultimate aim is to reduce any risk to an acceptable level in favour of the public interest and to uphold the reputation of the NSW Police Force.

Individuals can provide feedback and suggestions on how they can minimise the risk. They may also discuss their ability to fulfil any proposed strategies and these must be considered by the commander / manager or supervisor. However, once a final decision is made, individuals are required to cooperate in the strategy. Any grievances relating to the process or management strategies should be resolved using the *Internal Grievance Procedures*.

4.8 Management strategies

a. Recording the declared association

Declarable associations are recorded and managed using the *Declarable Association Report Form P1097* and *Declarable Association Management Strategy Form P1098*. These are kept in personnel files, or for Volunteers in Policing (VIPs), on management records. These records will outline the circumstances of the declarable association as well as the management strategies employed.

b. Restricting involvement

It may be necessary to restrict an individual's involvement in activities or decisions (for example, by changing their duty type or the investigations they are undertaking).

c. Recruit others to assist

An independent third party may oversee or review an individual's activity or decision making (this may include regular meetings with a senior officer to monitor the individual's progress and assess any changes to their circumstances).

d. Removal from the situation

It may be necessary to remove an individual completely from certain policing activities, locations, or decisions.

e. Relinquish the personal interest

Where possible an individual may elect to relinquish the personal interest altogether.

f. Alternative resolution - resignation

Resignation is an extreme option that an individual might request and seek to use to resolve a high-risk declarable association. This may occur where the individual makes a conscious decision to continue a declarable association that would severely damage the reputation of the NSW Police Force.

The NSW Police Force does not encourage this method of managing a declarable association. Resignation is an extreme option which the NSW Police Force will not consider unless all other methods of managing a declarable association are exhausted.



You must actively cooperate in the management of all declarable associations.

Commanders / managers and supervisors will work with individuals to identify and implement appropriate management options to minimise risk while keeping them productive at work.

4.9 Monitor declarable associations

Monitoring declarable associations should be undertaken by the individual involved and their commander / manager or supervisor to ensure any changes are addressed.

The circumstances of the declarable association may change. Circumstances to be considered include those of the individual (e.g.: change in work location / duty type), of the association (e.g.: change from de facto to spouse) and those of the associated person, group or organisation (e.g.: has been charged with a new offence). When this occurs the individual must report the change in circumstance in writing as soon as possible using the *Declarable Association Report Form P1097*. This may require a change in management strategy.



You must report any change to your circumstances regarding a declarable association as soon as possible.

5. Misconduct and Complaints

As declarable associations are sometimes unavoidable, the issue is how they are dealt with, rather than their existence. Misconduct in relation to a declarable association should only be considered if an individual has taken deliberate action or inaction.

For example, the individual *failed* to:

- comply with the *Declarable Association Policy* and / or these procedures
- identify a declarable association when they could reasonably have been expected to
- report a declarable association in writing
- report a pre existing declarable association during recruitment
- co operate in the management of a declarable association.

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

Appendix 1 – 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