



NSW Police Force

**New South Wales
Police Force**

NSW Police Force Endorsement Policy and Procedures

Public Affairs Branch

22 September 2015

Unclassified

Endorsement Policy

The Endorsement Policy seeks to ensure community trust and confidence in the NSW Police Force is maintained in relation to the activities we endorse.

Essential Summary

Endorsement

Endorsement occurs when the NSW Police Force gives approval or support to an organisation, individual, product, service or activity.

Commercial Endorsement

Commercial endorsement occurs when an organisation receives a commercial benefit or profit through association with the NSW Police Force. Commercial endorsement is prohibited.

Non-commercial Endorsement

Non-commercial endorsement occurs when an *event or activity* organised by a *government agency, not for profit community organisation or charity* is publicly supported by the NSW Police Force, and the benefit it receives does not involve a commercial benefit or profit.

The NSW Police Force can provide non-commercial endorsement if an activity:

- supports the NSW Police Force mission to work with the community to reduce violence, crime and fear
- does not create an actual, potential or perceived conflict of interest between the organisation and the NSW Police Force
- provides a positive image for the NSW Police Force, and
- does not provide a commercial benefit or profit.

Organisations seeking non-commercial police endorsement must submit an application for assessment. If endorsement is approved by a delegated approving officer, a letter of agreement setting out the terms and conditions of the endorsement must be provided to the successful applicant. A flow chart of the application process is located at section 1.4.

Police Coordinator

A staff member must act as the Police Coordinator – the contact point between the organisation and the NSW Police Force. The Coordinator must ensure the endorsed activity receives the agreed benefits from the NSW Police Force and that the activity complies with the letter of agreement.

Review

Should circumstances surrounding the activity vary so that the letter of agreement is not adhered to, or risks are identified, the suitability of continuing the endorsement arrangement must be reconsidered.

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1. INTRODUCTION

1.1 Purpose and Scope

1.1.1 Purpose

The NSW Police Force's mission is to work with the community to reduce violence, crime and fear. Close links with the community, including working relationships with other organisations, are fundamental for effective community based policing.

To maintain community trust and confidence, it is essential that the NSW Police Force project a consistently positive image in its dealings with the community. It is important that our integrity is not compromised by perceptions that police endorsements can be 'bought' or obtained in any way other than through objective evaluation to ensure support for activities that further the police mission.

This policy aims to ensure community trust and confidence in the NSW Police Force is maintained in relation to endorsements. To achieve this aim, the policy provides guidance on the management of endorsements, including:

- defining commercial and non-commercial endorsement
- identifying the types of organisations and activities excluded from receiving endorsement
- the assessment and approval process for selecting activities for endorsement, and
- ongoing management of endorsed events or activities.

1.1.2 Scope

This policy applies to all employees¹, Volunteers in Policing, and persons engaged to assist the NSW Police Force to undertake its responsibilities in accordance with the *Police Act 1990*.

This policy should be read in conjunction with the *Code of Conduct and Ethics* and the *Corporate Branding Policy and Standards*. Breaches of this policy may result in managerial action.

1.1.3 Endorsement and Licences to use the word 'Police' in a business name

A Licence Agreement granting consent to use the word "Police" in an operating name in accordance with Section 204B of the *Police Act 1990*, or granting affiliation to the NSW Police Force, must include the condition that the persons or bodies must abide by the relevant requirements of the NSW Police Force *Endorsement and Sponsorship, Donation and Fundraising* policies, as specified in section 5.2.2 of the *Corporate Branding Policy and Standards*.

¹ Employee: Police Officer, Administrative Officer, Ministerial Employee or Temporary Employee.

1.2 Related Policies

Other policies relevant to endorsement are set out below.

1.2.1 NSW Police Force Policies

- *Code of Conduct and Ethics (Standards of Professional Conduct Booklet)* Professional Standards, 2013
- *Corporate Branding Policy and Standards*, Public Affairs Branch, 2014
- *Cost Recovery And User Fees and Charges Policy*, Financial Services, 2010
- *Procedures for Managing Conflicts of Interest*, Professional Standards, 2014
- *Sponsorship, Donation and Fundraising Policy*, Public Affairs Branch, 2014
- *Receipts of Gifts and Benefits Guidelines*, Professional Standards, 2015

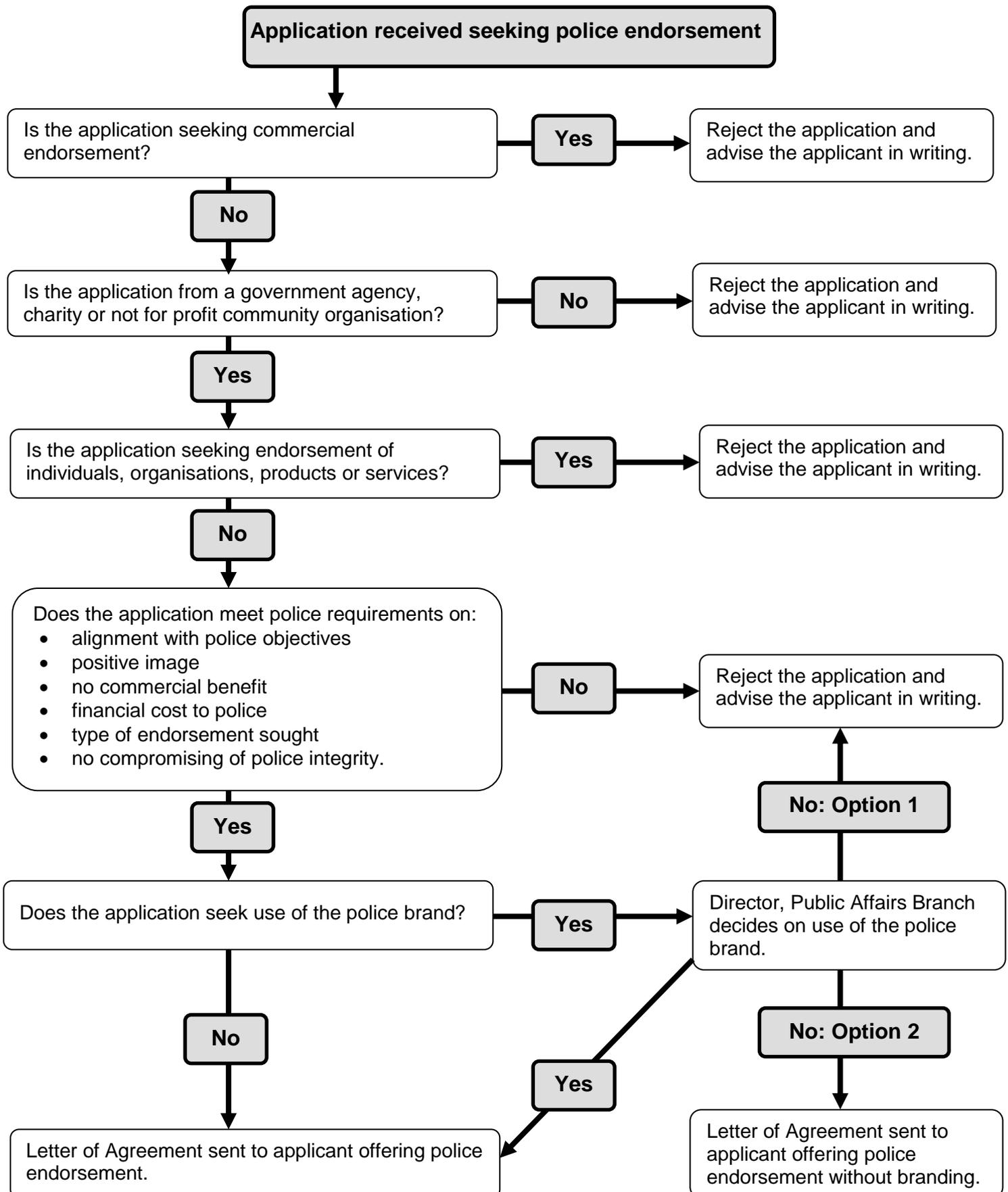
1.2.2 Other Documents

- *Sponsorship in the Public Sector*, ICAC, May 2006
- *Sponsorship Management: achieving mutually beneficial outcomes*, Queensland Crime and Misconduct Commission, September 2006

1.3 Modification History

| Version # | Version approval date | Author/Position | Summary of changes |
|-----------|-----------------------|--|---|
| 1 | February 1992 | unknown | Sponsorship and Endorsement Policy |
| 2 | July 1996 | unknown | Sponsorship and Endorsement Policy revised and updated |
| 3 | October 1998 | unknown | Sponsorship and Endorsement Policy revised and updated |
| 4 | November 2001 | Mary Pugh Marketing Project Officer | Sponsorship and Endorsement Policy revised and updated |
| 5 | February 2009 | Alan Tongs Executive Officer | Endorsement issues removed, revised and placed in a separate Endorsement Policy |
| 6 | 4 November 2015 | Alan Tongs Executive Officer | Endorsement Policy revised and updated, especially sections 1.1, 2.2, 2.4, 6.3 and 6.4. |

1.4 Decisions Summary Flow Chart



2. COMMERCIAL ENDORSMENT

2.1 What is Commercial Endorsement?

Endorsement occurs when the NSW Police Force gives approval or support to an organisation, individual, product, service or activity. Endorsement can be divided into commercial and non-commercial (or community-based).

Commercial endorsement occurs when:

- an organisation trades on the name, image or association with the NSW Police Force, or
- an organisation receives a commercial benefit through association with the NSW Police Force, and
- a monetary value (such as through increased sales) could be placed on the benefit resulting from association with the NSW Police Force.

Commercial endorsement is prohibited. *The NSW Police Force does not endorse organisations, individuals, products, services or activities where the endorsement will result in a commercial benefit.*

A commercial endorsement is high risk, as it can provide little control over product or service quality, or the manner in which a commercial organisation or individual may use the association with the NSW Police Force. Commercial endorsements can create a potential legal liability, as well as risk the credibility or perceived independence of the NSW Police Force.

Advertising depicting police officers in conjunction with commercial products, services or activities is not acceptable under any circumstances.

If employees become aware of examples of companies implying NSW Police Force endorsement of their commercial products or services, contact the Manager, Corporate Communications Unit.

2.2 Examples of Commercial Endorsement

Example: Liking a business on Facebook using a NSW Police Force social media site or profile.

A police employee at a Local Area Command uses their official police profile or the local Eyewatch site to 'like' a cafe on Facebook. The employee, as a NSW Police Force representative, is providing official NSW Police Force endorsement of the cafe. This gives the cafe a commercial advantage through association with the NSW Police Force. This is a commercial endorsement, which is prohibited.

A police employee may like a cafe or other organisation if using a private profile on a personal or non-police social media site, as long as the post avoids reference to

employment with the NSW Police Force, does not create a conflict of interest or declarable association, and does not bring the Police Force into disrepute or compromise the employee's ability to serve the Government of the day in a politically neutral manner.²

Example: Events with a charitable element

A business may host an activity where it donates a portion of sales to charity. Although this type of activity does have a charity element, the activity's prime objective is to generate sales for the business. It is therefore not appropriate for the NSW Police Force to endorse or be involved in the activity.

Example: Can police attend a store opening or other retail promotion?

The NSW Police Force often receives requests for involvement in local business activities such as store openings or hardware store promotions. A police presence at these events is acceptable *only* when it is unrelated to any commercial activity and is in line with legitimate police activity. For example, this restriction does not mean that police officers cannot attend business locations e.g. shopping centres, to distribute information and to interact with the community as part of their community based policing activities.

Example: What if the commercial activity aligns with policing policy?

A Government road safety objective is to ensure that all vehicles are roadworthy. However, an activity where a tyre retailer advertises that the public can have their tyres checked at the retailer's premises for free is clearly a sales promotion for the retailer. Police are not permitted to participate in or endorse the activity.

Example: What if a police employee attends in his/her own time?

Generally, police employees may attend commercial events in a private capacity. However, if staff attend as private citizens, they must avoid creating the impression that they are there in an official capacity. NSW Police Force uniforms must not be worn. Also, any comments made at the event must avoid reference to the person's position within the NSW Police Force, and must not be seen to represent an official police view.

If a police employee thinks that attending in a private capacity may create an actual, potential or perceived conflict of interest, they must notify their supervisor prior to attending and cooperate in managing the conflict. See section 6.3 for details.

2.3 Police Use of Products and Services

Suppliers may advertise the fact that they are a supplier of products or services to the NSW Police Force. However, suppliers must not claim endorsement from the NSW Police Force or use the police corporate brand, images of staff, or police equipment (including motor vehicles and boats) in advertising or promotions. Refer

² For details see the *Personal Use of Social Media Policy*, Public Affairs Branch, 2011, section 2.1.

any requests for such promotional opportunities to the Manager, Corporate Communications Unit, Public Affairs Branch.

Employees must not provide commercial endorsements. However, this does not prevent employees from speaking or providing quotes about experiences with a particular product in all circumstances.

Example: When can a police officer comment?

An employee may speak at a conference, or provide comment for an industry magazine article, on experiences using a particular product. Comment must be limited to factual experience regarding how the NSW Police Force uses that product and the policing environment. The comments must not be a statement of support for a product or refer to the qualities or otherwise of the company or staff providing the product.

If considering commenting on a product, employees must be careful not to disclose information about police investigations or police methodology. The comments must be approved by the staff member's business unit commander/manager.

Example: Police are asked to provide a reference for a vendor

A vendor that supplies the NSW Police Force with alcohol breath analysers is bidding on a business opportunity with a different policing jurisdiction and has asked the NSW Police Force to provide a reference.

The NSW Police Force is permitted to acknowledge that our organisation has a commercial relationship with the vendor, but must not provide other commentary.

2.4 Police Force related Film and Television

The NSW Police Force participates in documentaries, films, television series and reality TV shows etc., developed by commercial and public television channels and other production companies. Participation is coordinated by the Public Affairs Branch and is dependent on the production company's ability to assist the NSW Police Force to promote corporate objectives to the community such as to:

- reduce the fear of crime by reassuring the public of the ability of police to prevent and solve crime and apprehend criminals
- increase community confidence in police and thus the reporting of crime
- provide a deterrent to crime by informing potential criminals of the consequences of crime.

Police participation in approved film and television productions does not constitute a commercial endorsement. Police involvement is not to endorse the production company or their product, but to promote policing objectives. The production companies provide the medium through which the NSW Police Force endorses itself.

If employees receive a direct request from a production company to participate in a film or television production, contact the Manager, Corporate Communications Unit.

3. NON-COMMERCIAL ENDORSEMENT

3.1 What is Non-commercial Endorsement

The NSW Police Force can provide non-commercial endorsement if:

- (a) the endorsement is for an *activity or event*, and
- (b) the activity or event is organised by a government agency, not for profit community organisation or charity, and
- (c) the activity or event:
 - supports the NSW Police Force mission to work with the community to reduce violence, crime and fear
 - does not create an actual, potential or perceived conflict of interest between the organisation and the NSW Police Force
 - provides a positive image for the NSW Police Force, and
 - does not provide a commercial benefit or profit.

3.1.1 No Commercial Benefit

No 'commercial benefit or profit' means that any money raised by the event or activity must directly benefit the objective of the event, agency, charity or community organisation. While some of the funds raised may be used to pay reasonable costs and expenses for the event or activity, none of the money may be transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit or return of capital to any person or organisation.

3.2 Examples of Non-commercial Endorsement

Police regularly support community activities and charities, e.g. school fetes, council parades, etc. These activities enhance our positive image, foster communication with the public, and encourage public support for policing programs. This type of involvement is not for commercial gain and is entirely consistent with community-based policing principles.

Example: Endorsement through branding with the NSW Police Force corporate brand

At times the NSW Police Force supports local council initiatives to benefit the local community by putting the NSW Police Force corporate brand on posters and flyers.

Example: Promoting in police stations

The NSW Police Force may display promotional material in police stations for a community based fun run, or allow staff to be photographed in uniform as part of the event promotions.

Example: Sale of merchandise

A community organisation may conduct an activity to raise money for the homeless via the sale of merchandise. If all the profits go toward the organisation's community objective – assisting the homeless - then there is no commercial benefit. However, if a portion of the sales go to the manufacturer of the merchandise *as profit*, then there is a commercial benefit and police cannot endorse the activity.

Example: Attending a charity event

A charity may organise a fund raising event involving celebrities and members of high profile organisations like the NSW Police Force to raise money for cancer research. The police endorsement sought could involve providing police officers for the event in uniform, during working time, as representatives of the NSW Police Force.

If the charity's constitution states that the money raised must be spent on the charity's objective of cancer research, then the event could be considered for non-commercial endorsement. This event can be considered even if some of the funds raised are used to pay wages and expenses incurred as part of the charity's operations, as long as money is not paid out to any person or organisation as a profit, dividend, bonus or in any other return on capital.

4. APPROVAL PROCESS FOR NON-COMMERCIAL ENDORSEMENT

4.1 The Application for Endorsement

A written request for NSW Police Force non-commercial endorsement must be submitted by a senior official of the body organising the activity. The application must include the following information to allow an informed decision to be made on the proposal:

- details on the event or activity to be endorsed
- details of the type of police endorsement sought by the organisation for the activity
- the government agency, not for profit community body, or charity organising the event or activity (including proof of status as a charity etc)
- details of the central contact person for police liaison with the organisation
- details of the organising committee
- details of any other (supporting) organisations involved in the event
- a statement that the organising body or supporting organisations are not subject to regulation or inspection by the NSW Police Force, such as:
 - licensed premises including clubs and hotels
 - the liquor industry
 - security industry

- commercial and private inquiry agents
 - the adult entertainment industry
 - tobacco companies
 - tattoo parlours
 - pawnbrokers and secondhand dealers
 - gaming and racing industries
 - the firearms and weapons industry.
- details of the charitable or other community objective which is to gain the benefit of the event or activity
 - a statement that the event is a not for profit event and that no individual or organisation will profit from the event. All monies or other benefits raised will go towards the charitable or other community objective.
 - a statement that the applicant is not aware of any actual, potential or perceived conflict of interest relating to the NSW Police Force, or with any police employees. Any conflict of interest must be identified and detailed.
 - acknowledgement that if NSW Police Force endorsement is granted, the conduct of the organisation or event reflects on the NSW Police Force. Also, that the organisation will ensure that any activities which could reasonably be viewed as bringing the NSW Police Force into disrepute do not occur or are quickly identified and terminated.

A hand out advising applicants of the details that must be included in the application is available at Appendix A.

4.2 Type of Endorsement

The application must contain details of the type of police endorsement sought by the organisation.

The NSW Police Force must be clear about what the police endorsement will involve for a proper assessment to be made. For example, will the NSW Police Force endorsement involve:

- putting the NSW Police Force crest on posters and flyers
- displaying promotional material to the public and/or staff in police stations
- allowing staff to be photographed in uniform as part of the event promotions
- participation of uniformed police in the event.

4.2.1 Use of the NSW Police Force insignia or logo

The use of the police *corporate brand* i.e., the insignia (or crest), logotype ('NSW Police Force'), chequered band and the word 'police', is restricted under sections 203-5 of the *Police Act 1990*.

Any request to use the corporate brand as part of a police endorsement proposal requires the authorisation of the Director, Public Affairs Branch, in accordance with the NSW Police Force *Corporate Branding Policy and Standards*. The Director, Public Affairs Branch, has the discretion to grant a licence to use the insignia on specified documents or materials for a particular event or purpose.

If a proposal that includes use of the corporate brand is approved by the delegated approving officer (as defined at section 5.1) it must then be forwarded for the approval of the Director, Public Affairs Branch.

The *Corporate Branding Policy and Standards* describes the process for using the insignia. As a general rule though, the insignia should not be overshadowed or compromised by other logos and trademarks.

Before any items using the corporate brand are printed or publicised, they must be sent to the Corporate Design Team, Corporate Communications Unit, for final review to ensure the corporate brand has been used correctly in accordance to the *Corporate Branding Policy and Standards*.

Contact the Corporate Design Team, Corporate Communications Unit, Public Affairs Branch, for questions regarding the *Corporate Branding Policy and Standards*.

Example: Use of word “police”

As part of an event to raise money for charity, the NSW Police Force may be asked to endorse the use of the word “police” and other police livery on an older model ex-police vehicle, for use as part of the charity event. If the delegated approving officer supports the proposed event, then the proposal must next be forwarded to the Corporate Communication Unit, Public Affairs Branch, for the Branch Director to approve the use of the police livery on the older model vehicle.

4.3 Assessment Criteria

Applications received for non-commercial endorsement of a particular activity must be assessed and a written recommendation presented to the delegated approving officer, after obtaining the support of the relevant endorsing officers (see details at section 5.1 below).

When considering an application and the police assessment, the delegated officer must weigh the benefit to the NSW Police Force against the opportunity costs (resources, staff time etc) and risks (potential negative impact on the police image). Do the endorsement benefits outweigh the risks and costs?

In assessing the application, the officer drafting the recommendation, and the delegated officer, must take into account the application and the following criteria.

4.3.1 Non Complying Applications

- The NSW Police Force does not provide commercial endorsements. All applications seeking commercial endorsement must be rejected.
- The NSW Police Force does not endorse organisations, individuals, products or services. All applications seeking commercial or non-commercial endorsement of organisations, individuals, products or services are to be rejected.

- The NSW Police Force only endorses events or activities organised by government agencies, not for profit community organisations or charities. All applications with other types of bodies organising the event are to be rejected. (Other organisations may support the event but cannot be the organiser, or subject to regulation or inspection by the NSW Police Force.)

4.3.2 Alignment with Police Objectives

- The activity must support the NSW Police Force mission to work with the community to reduce violence, crime and fear.
- The activity or the organisation seeking non-commercial endorsement must not create an actual conflict of interest with the NSW Police Force. Potential or perceived conflicts of interest may be acceptable if they can be properly documented and resolved or managed (see section 6.3).
- The organising agency or supporting organisations involved in the activity must not be subject to regulation or inspection by the NSW Police Force.
- The activity must not conflict with broader NSW Government or Government agency objectives.

4.3.3 Positive Image (Due Diligence)

- The activity must provide a positive image for the NSW Police Force
- It must be appropriate for the NSW Police Force to be associated with the body organising the activity and the organisations supporting it. Do not endorse an event or activity that is likely to lead to public or media criticism of the NSW Police Force. Consider community expectations and standards, and public perceptions of the event or activity and those organising it.
- Can the association that results from the proposed endorsement withstand internal or external scrutiny? Would the association bring the NSW Police Force into disrepute?
- Do the objectives, products or services of the organising and supporting bodies conflict with the objectives, products and services of the NSW Police Force?

4.3.4 No commercial benefit

- There must be no commercial benefit or profit. Money or other benefits raised by the event or activity must directly benefit the objective of the event or agency, charity or community organisation. (While some funds raised can go towards paying reasonable costs and expenses for the event or activity, none of the money can be paid out as any form of profit to any person or organisation.)
- Police endorsement of the *event or activity* must not involve explicit endorsement of any individuals, organisations, products or services involved in the activity.
- NSW Police Force employees must not seek or accept any personal benefit from the endorsement³
- The NSW Police Force must not seek or receive money or any other commercial benefit for providing an endorsement.

³ See the *Receipt of Gifts and Benefits Guidelines*, Professional Standards Command, 2015.

4.3.5 Financial cost to Police

- Identify and estimate the direct cost to NSW Police Force – the diversion of police resources, the cost of staff time etc – that will be caused by redirecting resources to endorse the activity.
- The cost of police time should not be included if police officers used for the endorsement could easily be provided using personnel that would ordinarily be on duty at or about the location of the event; as long as regular policing services are not compromised. The Local Area Commander(s) must approve any endorsement participation by their staff during rostered shifts.

4.3.6 Type of Endorsement

- Is the type of endorsement proposed cost effective and acceptable to the Police Force?
- If not, an alternative range or type of endorsement can be offered.

4.3.7 No Compromising

- Endorsement of the activity must not compromise or impose or imply conditions that will limit, or appear to limit, the NSW Police Force's ability to carry out its functions fully and impartially.
- Endorsement of the event must not compromise or contravene existing endorsement agreements entered into with the NSW Police Force.
- Will the endorsement affect other Local Area Commands, other police commands, or corporate sponsors? If so, consult with the affected command, unit or spokesperson.
- Any person involved in the endorsement assessment or negotiation must declare any actual, potential or perceived conflict of interest so that it can be assessed and managed⁴

A summary of the decisions to be made in assessing and deciding on an application is located at section 1.4.

4.3.8 Repeat Events

Just because an event or activity has been endorsed the previous year, or for a number of years, this does not mean further endorsement is guaranteed. Circumstances may change or a more detailed analysis may identify unacceptable risks or costs etc. A new application must be made each time and be judged on its individual merits, as if for the first time.

⁴ See the *Procedures for Managing Conflicts of Interest*, Professional Standards Command, 2012

5. AUTHORISATION

5.1 Authority to Approve

Following assessment of an application in accordance with section 4 above, the delegated authority to approve or reject non-commercial endorsement of an event or activity is outlined in the tables below. Contact the Corporate Communications Unit if you require further clarification on the approval requirements.

5.1.1 Local Area and Region Commands

| Coverage of Event or Activity | Endorsed by | Approved by |
|---|--|--|
| Locally based – limited to one Local Area Command (eg., A local Fete) | <ul style="list-style-type: none"> ▪ Local Area Manager | <ul style="list-style-type: none"> ▪ Commander at Superintendent level or above |
| Regional coverage – two or more Local Area Commands (eg., A fun run crossing LAC boundaries) | <ul style="list-style-type: none"> ▪ Affected Local Area Commanders (unless impractical); and ▪ Region Manager | <ul style="list-style-type: none"> ▪ Region Commander or above |
| State wide coverage – two or more Regions (eg., Movember) | <ul style="list-style-type: none"> ▪ Director, Public Affairs Branch; and ▪ General Counsel, Office of the General Counsel; and ▪ Director, Financial and Business Services | <ul style="list-style-type: none"> ▪ Deputy Commissioner, Field Operations, or ▪ Commissioner |
| Event or Activity also seeks use of Corporate Brand (eg., Bluey Day) | <ul style="list-style-type: none"> ▪ Endorsement as required by the coverage of the event or activity, <i>plus</i> ▪ Manager, Corporate Communications Unit, Public Affairs Branch | <ul style="list-style-type: none"> ▪ Approval as required by the coverage of the event or activity <i>plus</i> ▪ Director, Public Affairs Branch |

A **command**, such as a Local Area Command, may consider endorsing an event and request the presence of non-LAC personnel, for example local Scene of Crime Officers, as part of the police endorsement to highlight forensic work. Before approving the endorsement of the event, sign off from the appropriate **command**, in this case the Forensic Services Group, is required for deployment of that **command's** staff as part of the police endorsement of the event.

5.1.2 All other Commands (Non Local Area or Region Commands)

| Coverage of Event or Activity | Endorsed by | Approved by |
|--|--|--|
| Locally based – limited to the area of one Local Area Command | <ul style="list-style-type: none"> ▪ Business Manager, Business Unit, or ▪ Command Business Manager | <ul style="list-style-type: none"> ▪ Commander/Manager at Superintendent or Clerk Grade 11/12 level or above or ▪ Director/Commander at Assistant Commissioner level or above, if the endorsement involves several business units within one command, or involves two or more commands (such as FSG and SSG) |
| Regional coverage – limited to the area of two or more Local Area Commands | <ul style="list-style-type: none"> ▪ Command Business Manager | <ul style="list-style-type: none"> ▪ Director/Commander at Assistant Commissioner level or above |
| State wide coverage – two or more Region areas | <ul style="list-style-type: none"> ▪ Director, Public Affairs Branch; and ▪ General Counsel, Office of the General Counsel; and ▪ Director, Financial and Business Services | <ul style="list-style-type: none"> ▪ Deputy Commissioner, or equivalent, as appropriate, or ▪ Commissioner |
| Event or Activity also seeks use of Corporate Brand | <ul style="list-style-type: none"> ▪ Endorsement as required by the coverage of the event or activity, <i>plus</i> ▪ Manager, Corporate Communications Unit, Public Affairs Branch | <ul style="list-style-type: none"> ▪ Approval as required by the coverage of the event or activity <i>plus</i> ▪ Director, Public Affairs Branch |

5.2 Rejection of Applications

If the delegated officer decides to reject the application, a response must be made in writing to the applicant as soon as possible to advise on the outcome.

Form letters are attached for advising of the rejection of applications because:

- the application sought a commercial endorsement (appendix B)

- the application sought endorsement of an organisation, individual, product or service (appendix C)
- the application was for an event *not* organised by a government agency, not for profit community organisation or charity (appendix D); or
- the application failed to meet the required assessment criteria (appendix E).

5.3 The Letter of Agreement

Once endorsement has been approved by the delegated officer, the endorsement arrangement must be set out in a written agreement.

The agreement must clearly spell out the intentions of both the NSW Police Force and the organisation. This step seeks to avoid any misunderstanding or false expectations, and is in keeping with our commitment to corruption resistance.

This agreement will usually be in letter format. The letter should contain some or all of the points below, as relevant:

- the organisation's full corporate name
- a description of the event or activity to be endorsed, the time period of the event or activity, and the objective
- the nature of the endorsement the NSW Police Force will provide
- contact details of the NSW Police Force Coordinator and the organising body's central contact person
- any obligations, rights and responsibilities of either party, for example:
 - if approval is given to use the *Corporate Brand*, its application on banners, clothing, event signage or promotional items must first be approved by the Corporate Communications Unit, Public Affairs Branch
 - the Public Affairs Branch, on behalf of the NSW Police Force, has a right to veto the content of any articles or advertising material developed by the organisation in relation to, or referring to, the activity. The veto is to be used, for example, to ensure this material does not imply endorsement of the organisation's products or services
- a statement that the endorsement has no impact on the impartial execution by police of their duties
- a statement that the endorsement of the event or activity does not imply endorsement of an organisation, individual, service or product, and the organisation will not claim or imply such endorsement in any public communications or advertising
- a statement that the NSW Police Force may at any time and without prior notice withdraw any staff provided to the event for the purposes of dealing with an emergency
- termination conditions, including a period of notice. For example, see section 6.2.

Appendix F contains a pro forma endorsement letter of agreement which business units may reproduce and amend to suit the circumstances of individual events or activities.

If you have any doubts or difficulties with the content or details of the letter of agreement for specific events, seek the advice of the Corporate Communications Unit, Public Affairs Branch.

5.4 Record of Transaction

A copy of the application, correspondence with the applicant, the assessment and recommendation to the delegated approving officer, the agreement, and any other related documents must be retained by the command on a registered Trim file. The file must be available for audit purposes and for performance reviews.

6. MANAGING THE ENDORSEMENT

6.1 Coordination and Control

An employee must be nominated by the delegated approving officer to have overall responsibility for coordinating police involvement in, and endorsement of, the event or activity. The employee will be the contact point between the organisation and the NSW Police Force.

The coordinator must:

- monitor the endorsement arrangement throughout its lifespan to ensure compliance with the agreement
- ensure the endorsed activity receives the agreed benefits from the NSW Police Force
- monitor public and media reaction to police involvement in the event/activity
- ensure any risks are identified and managed appropriately.

Should circumstances vary so that the agreement is not adhered to, or risks are identified, then the suitability of the endorsement arrangement must be reviewed (see section 6.2 below).

On completion of the endorsed event or activity, the coordinator is encouraged to complete an evaluation report which includes lessons learned and recommendations for officers who may need to coordinate similar endorsement requests in the future.

6.2 Modification or Cancellation of Endorsement

Should the NSW Police Force become aware that the agreement is not being adhered to, or identify new risks, then the suitability of the endorsement arrangement must be reviewed and a decision made by the delegated officer on whether to continue, vary or terminate the agreement.

Circumstances which may lead to the modification or termination of an endorsement agreement can include the following situations:

- a significant change in the activity's or the organising body's mission or objectives
- when there is a breach of the endorsement agreement and the breach is unlikely to be rectified
- it becomes evident that a person or organisation will receive a commercial benefit from the event
- criminal investigations involving the organising body are taking place
- a merger or other event causes a conflict of interest that cannot be reasonably managed
- the organising body becomes subject to regulation or inspection by the NSW Police Force
- serious adverse publicity has been attracted by the organising body
- NSW Police Force integrity could become an issue
- the organising body's action results in public criticism that reflects poorly on the NSW Police Force or brings our integrity into question.

Consult the Office of the General Counsel on options for modifying or terminating an endorsement agreement. If following consultation a decision is made to modify or terminate the agreement, then written advice should be obtained from the Office of the General Counsel setting out the reasons for modification or termination, and as relevant, the effective termination date.

6.3 Conflicts of Interest

The *Procedures for Managing Conflicts of Interest* states that to deal with conflicts of interest effectively you must be able to:

- identify the conflict
- avoid the conflict (where practical)
- report the conflict
- cooperate in the management of the conflict
- monitor the conflict until it is resolved with your supervisor⁵.

NSW Police Force employees associated with the endorsement process, particularly those approving or coordinating the endorsement, must take great care to ensure that actual, potential or perceived conflicts of interest do not arise; and identify and declare any such conflicts if they do.

Where a conflict of interest arises, the employees concerned must immediately notify their commander or supervisor in writing. The commander/supervisor and the employees must manage the conflict of interest to protect the integrity of the employee, the NSW Police Force and the endorsement process.

Failure to act appropriately on a conflict of interest is a breach of the NSW Police Force *Code of Conduct and Ethics* and may result in management action. For details

⁵ *Procedures for Managing Conflicts of Interest*, Professional Standards Command, 2014, p.12.

on managing conflicts of interest see the *Procedures for Managing Conflicts of Interest*.

Example: Conflict of interest in assessing applications

Applications for endorsement at Mockdale Local Area Command are assessed by the Local Area Manager (LAM). A charity whose manager is a close relative of the LAM applies to the LAC for endorsement of a local event. On receipt of the application the LAM reports her conflict of interest in writing to the Superintendent.

The Superintendent resolves the conflict by ensuring that the LAM has no involvement in processing the application. The Superintendent appoints the Crime Manager to assess the application. The Crime Manager seeks advice on any issues from the person in a neighbouring LAC who processes endorsements, or from the Corporate Communications Unit, Public Affairs. The Superintendent makes a decision based on the Crime Manager's assessment. The conflict of interest and the management strategy to resolve it are fully noted and kept confidential in a local file.

6.4 Corrupt or Unethical Conduct

NSW Police Force employees must not seek or receive money or any other personal benefit from an endorsement, or provide personal benefits to others.

The *Standards of Professional Conduct* define misconduct to include criminal offences, corrupt or unethical conduct, serious mismanagement and the substantial waste of public resources.

Point one and nine of the *Code of Conduct and Ethics* state that an employee of the NSW Police must behave honestly and in a way that upholds the values and good reputation of the NSW Police Force whether on or off duty, and must not make improper use of resources or NSW Police Force information or resources.

Point 10 of the *Code of Conduct and Ethics* states that all employees must report the misconduct of other NSW Police Force employees.

Police officers also have legislative obligations to report corrupt or unethical conduct under clause 49 of the *Police Regulation 2008* and the *Code of Conduct and Ethics*. Certain protections from reprisal are available under the *Police Act 1990* and the *Public Interest Disclosures Act 1994*.

If staff identify any misconduct in an endorsement process, it can be reported to any employee senior in rank or grade, or via the Corruption Hotline on 1800 060 205.

Appendix A: Police Endorsement: Information for Applicants

NSW POLICE FORCE



POLICE ENDORSEMENT: INFORMATION FOR APPLICANTS

POLICE FORCE ENDORSEMENT

The NSW Police Force may endorse an *activity or event* organised by a *government agency, not for profit community organisation or charity*, if it:

- supports the NSW Police Force mission to work with the community to reduce violence, crime and fear
- does not create a conflict of interest between the applying organisation and the NSW Police Force
- provides a positive image for the NSW Police Force, and
- does not provide a commercial benefit or profit.

The NSW Police Force does not endorse organisations, individuals, products or services.

APPLICATION PROCESS

To seek NSW Police Force endorsement of an event or activity, a written request must be submitted by the body organising the activity.

The application must be signed by a senior official of the organisation and must include the following information:

- details of the event or activity for which endorsement is sought
- details of the type of police endorsement sought by the organisation for the event
- the government agency, not for profit community body, or charity organising the event or activity (including proof of status as a charity etc)
- details of the central contact person for police liaison with the organisation
- details of the organising committee
- details of any other (supporting) organisations involved in the event
- A statement that the organising body or supporting organisations are not subject to regulation or inspection by the NSW Police Force, such as:
 - licensed premises including clubs and hotels
 - the liquor industry
 - security industry
 - commercial and private inquiry agents

- the adult entertainment industry
 - tobacco companies
 - tattoo parlours
 - pawnbrokers and secondhand dealers
 - gaming and racing industries
 - the firearms and weapons industry.
- details of the charitable or other community objective which is to benefit from the event or activity
 - a statement that the activity is a not for profit event and that no individual or organisation will profit from the event. All monies or other benefits raised will go towards the charitable or other community objective. While some of the funds raised can go towards paying reasonable costs and expenses for the event or activity, none of the money may be transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit or return of capital to any individual or organisation.
 - a statement that the applicant is not aware of any actual, potential or perceived conflict of interest relating to the NSW Police Force, or with any NSW Police Force employees. Any conflict of interest identified must be detailed.
 - acknowledgement that if NSW Police Force endorsement is granted, the conduct of the organisation or activity reflects on the NSW Police Force. Also, that the organisation will ensure that any activities which could reasonably be viewed as bringing the NSW Police Force into disrepute do not occur or are quickly identified and terminated.

If further information or clarification or negotiation on your application is needed, the NSW Police Force will contact the central contact person nominated in the application.

The NSW Police Force will assess your application and provide a written response.

LETTER OF AGREEMENT

If your application is successful the letter in reply will set out:

- the nature of the endorsement the NSW Police Force will offer
- the terms and conditions under which it is offered, and
- details of the police officer who will be the central point of contact between your organisation and the NSW Police Force.

The application process is completed if you reply advising in writing that you accept the endorsement and terms and conditions described in the letter.

Appendix B: Standard letter of Rejection for Commercial Endorsement

[Applicant address]

Dear [applicant],

I refer to your application on behalf of [organisation's full corporate name] seeking endorsement for the [name of the organisation, individual, service, product or event].

I am sorry to advise that I am unable to assist you in this matter.

The NSW Police Force does not provide commercial endorsements of any kind. This policy applies irrespective of the circumstances of the application or the quality of the organisation, individual, service, product or event.

Thank you for taking the trouble to bring this matter to my attention and I wish you every success with your venture.

Yours sincerely,

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX [Details of delegated Officer]

Appendix C: Standard letter of Rejection for Endorsement of Individuals, Organisations, Services or Products

[Applicant address]

Dear [applicant],

I refer to your application on behalf of [organisation's full corporate name] seeking endorsement for the [name of the organisation, individual, service, or product].

I am sorry to advise that I am unable to assist you in this matter.

The NSW Police Force does not provide endorsements of individuals, organisations, services or projects, irrespective of quality or the circumstances of the application.

Thank you for taking the trouble to bring this matter to my attention and I wish you every success with your venture.

Yours sincerely,

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX [Details of delegated Officer]

Appendix D: Standard letter for Rejection for Inappropriate Organisations

[Applicant address]

Dear [applicant],

I refer to your application on behalf of [*Organisation's full corporate name*] seeking endorsement for the [[name of the event] event.

I am sorry to advise that I am unable to assist you in this matter.

The NSW Police Force Endorsement Policy states that endorsement can only be granted to an event or activity organised by a government agency, not for profit community organisation or charity. As your organisation does not meet this criterion endorsement cannot be provided.

This policy applies irrespective of the circumstances of the application or the quality of the organisation or activity.

Thank you for taking the trouble to bring this matter to my attention and I wish you every success with your venture.

Yours sincerely,

XXXXXXXXXX

XXXXXXXXXX

XXXXXXXXXX [Details of delegated Officer]

Appendix E: Standard letter for Rejection of Application following Assessment

[Applicant address]

Dear [applicant],

I refer to your application on behalf of [*Organisation's full corporate name*] seeking endorsement for the [*name of the event*] event.

Thank you for submitting the application for endorsement. Your proposal has been given careful consideration.

I am sorry to advise that on this occasion your application for NSW Police Force endorsement has not been successful.

If relevant – The NSW Police Force was unable to endorse your event/activity primarily because [*Details of the key reason or reasons why the application did not meet the criteria for endorsement.*]

I appreciate your taking the trouble to prepare the application and sorry that I am unable to assist you with this event/activity.

Yours sincerely,

XXXXXXXXXX

XXXXXXXXXX

XXXXXXXXXX [Details of delegated Officer]

Appendix F: Standard Letter of Agreement

[Applicant address]

Dear [applicant],

I refer to your application on behalf of [organisation's full corporate name] seeking endorsement for the [name of the event] event.

I am pleased to advise that your application for NSW Police Force endorsement of the event has been successful.

The Event

I understand that the event will start at [time and date] and end at [time and date] and will involve [description of the event].

The objective of the event is to [description of objective eg., to raise money for cancer research].

Police Endorsement

The NSW Police Force agrees to provide the following endorsement of the event:

- [description of Police involvement]
- [description of Police involvement]
- [description of Police involvement].

The NSW Police Force agrees to provide the above endorsement for the duration of the event, on condition that the [name of organisation] advises in writing that it accepts the terms and conditions set out in this letter.

Coordination

The NSW Police Force Coordinator for the event is [name of contact].

The Coordinator is the central police contact point for organising our involvement in the event. [Name of police contact] can be contacted by telephone, facsimile, and email at

I understand that [name of organisation's contact] is the central contact point for NSW Police Force liaison with [name of organisation], and that [he/she] can be contacted by telephone, facsimile, and email at

Special Conditions

[Insert details of any special conditions set by the NSW Police Force or organisation, for example:]

- [name of organisation] will notify the NSW Police Force Coordinator immediately of the cancellation, postponement or change of size, objective or nature of the event
- any application of the NSW Police Force corporate brand on event banners, clothing, signage or promotional items etc., must have the prior approval of the Public Affairs Branch, NSW Police Force
- the Public Affairs Branch, on behalf of the NSW Police Force, retains the right to veto the content of any articles or advertising material developed in relation to, or referring to, the event
- [name of organisation] will have adequate insurances for the event, including public risk insurance, and will produce evidence of such insurance to the NSW Police Force on demand
- NSW Police Force endorsement of the event has no impact on the proper and impartial exercise by the NSW Police Force of its functions and responsibilities.

NSW Police Force endorsement of the [name of the event] does not imply endorsement of [name of organisation] or its personnel, services or products, or endorsement of any of the event's supporting organisations. The [name of organisation] or the event's supporting organisations will not claim or imply such endorsement in any public communications or advertising.

Termination of Agreement

Circumstances which may lead the NSW Police Force to amend or terminate the endorsement offered for the event, include the following situations:

- a significant change in the event's or the [name of organisation's] mission or objectives
- when there is a breach of the endorsement agreement and the breach is unlikely to be rectified
- if it becomes evident that a person or organisation will receive a commercial benefit from the event
- if criminal investigations involving the [name of organisation] or any of its senior members are taking place
- if a merger or other circumstance causes a conflict of interest that cannot be reasonably managed
- [name of organisation] becomes subject to regulation or inspection by the NSW Police Force
- the event or the [name of organisation's] actions result in serious adverse publicity and/or public criticism that brings into question the probity or integrity of the NSW Police Force.

Dispute Procedures

If a dispute arises between the [organisation's full corporate name] and the NSW Police Force regarding this agreement, both organisations will endeavour in good faith to settle all matters in dispute between them.

If the [organisation's full corporate name] or the NSW Police Force is of the view that the other party has breached a term of this agreement, the party alleging the breach may notify the other party in writing of the details of the alleged breach and call upon that party to remedy the breach within fourteen (14) days of the notice.

Where a party has called upon the other party to remedy a breach and the breach is not so remedied within the fourteen (14) day period specified, the party alleging the breach may, at its option, serve upon the other party a notice in writing specifying a date not less than fourteen (14) days from the date of the notice, for termination of this agreement.

Either party may terminate this agreement without assigning any reason for such termination by giving the other 60 days notice in writing of its intention to do so.

Emergency Operations

Police personnel are at all times subject to the control and direction of the NSW Police Commissioner. If police personnel are provided for the event, the NSW Police Force reserves the right to utilise any police staff deployed at the event for emergency operations, and may at any time and without prior notice withdraw such members for the purposes of dealing with an emergency.

The NSW Police Force shall not be held responsible or liable in respect of any damage, injury or loss arising because of withdrawal of any members of the NSW Police Force from the event.

I am pleased to make this offer of endorsement and look forward to the success of the event.

Yours sincerely,

[Name]
[rank/title]
NSW Police Force