

CODE OF POLICE ETHICS

Introduction

- (1) The present Code of Police Ethics is based on the European Code of Police Ethics which was adopted by the Committee of Ministers on the 19th of September 2001 at the 765th Meeting of the Ministers' Deputies of the Council of Europe, which took place in Strasbourg.
- (2) It is worth noting that the European Code of Police Ethics was drawn up based on the decisions and judgments of the European Court of Human Rights as well as the principles adopted by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The European Code was approved by Decisions No. 58, 578, of the Committee of Ministers dated on the 17th of September 2003.

Article 1 - Purpose and Creation of the Code

This Code is an institutional framework of actions, behaviour, and attitudes, which aims to highlight the professional and moral completeness of the Police personnel, as responsible persons, and public officials. It is a framework of principles and rules, which promotes mutual respect and trust between Police and Citizens.

Article 2 - Interpretation of Terms

Human rights are defined as fundamental freedoms and fundamental rights, which are the same and equal for all people, without discrimination. They stem from innate dignity and human value and are universal and unchanging. They may not be removed or transferred except otherwise provided by law.

Civil and Political Rights are the rights which are included in the International Convention on Civil and Political Rights, and they concern, among others, the right to life and freedom, equality before the law, freedom of thought and religion, etc.

Social and Economic Rights are the rights which are included in the International Convention on Economic and Social Rights, and they concern, among others, the right to work, health, education, medical care, etc.

Ethics is defined as the set of rules that regulate the way one should behave and, the permitted guidelines and methodology while on duty.

Personal Data or Data means any information relating to a data subject that is alive (namely, an identified or identifiable natural person). Aggregate statistical

data, from which data subjects can no longer be identified, are not considered as personal data.

Article 3 - General Obligations and Duties of the Police personnel:

The Police Personnel shall serve and perform its duties in accordance with the Government and the Laws. The general obligations and duties of the Police personnel are to:

- (1) Protect and respect fundamental human rights and freedoms as enshrined by the European Convention on Human Rights, the Constitution, and the legislation in force in the Republic.
- (2) Provide assistance and service functions to the public, securing public order and safety of the Cypriot people and citizens or any other person within the territory of the Republic.
- (3) Shall prevent the commission of crimes, offences, and public harassment.
- (4) Shall detect lawbreakers and bring them before justice and proceed to the arrest of persons for whom there is legal authorisation and reasonable grounds for their arrest.
- (5) Shall collect and transmit information which affects the public tranquillity and the safety of the Republic of Cyprus.
- (6) Shall respect, obey and execute all orders and warrants which are legally issued by any responsible authority or by seniors.
- (7) Shall take effective measures to prevent and combat corruption, avoiding behaviours that may lead to conflict with their duties. The Police personnel shall report any act of corruption within the Police to senior officers and/or the Chief of Police.
- (8) Shall perform their duties and respect the public interest guided by the principles of integrity, professionalism, objectivity, impartiality, honesty and dignity. The Police personnel shall promote good relations between the police and citizens and cooperate with other public services and non-governmental organizations. In general, the Police personnel shall deal with the citizens' needs with politeness and humanity, improve their relations with citizens and colleagues and treat them with a positive attitude, sensitivity, honesty, and seriousness.

- (9) Shall conform to and implement the rules in force as regards working hours and shall not engage in any activity which is unrelated to their obligations and duties, while on duty.
- (10) Shall use public resources productively and efficiently only when it is deemed necessary in order to secure the proper functioning of the Service.
- (11) Shall reply to correspondence, telephone calls and emails as soon as possible.
- (12) The Police personnel is subject to the same Legislation as other citizens as well as to the Police Laws and General Police Regulations.

Article 4 - Guidelines for Police Action - Respect for citizens' rights

The Police personnel, while on duty:

- (1) Shall respect and protect every person's right to life and act in a fair and dignified manner, guided by the principles of impartiality and non-discrimination.
- (2) Do not inflict, instigate, or tolerate acts of torture, inhuman or degrading treatment or punishment under any circumstances and duly report cases of violation of human rights.
- (3) Shall use non-violent means while maintaining and enforcing Law. The use of force is permitted only when it is strictly necessary and to the extent envisaged and required for law enforcement. The use of force shall always respect the principles of necessity and proportionality.
- (4) Shall show special care for the protection of children, women, over-aged and disabled people, political refugees, and in general persons of vulnerable social groups.
- (5) Shall respect every person's right to freedom and security. The deprivation of one's freedom is always conducted according to the provisions of Article 11 of the Constitution.
- (6) Do not interfere with an individual's right to privacy and family life, except when strictly necessary and for the attainment of a legitimate objective, in accordance with the provisions of Article 15 of the Constitution.
- (7) Shall comply with the provisions of the Personal Data Processing Law regarding the collection, storage and use of personal data.

- (8) Shall generally conform to and implement the provisions of the legislation in force in the Republic.

Article 5 - Guidelines during investigation/ interrogation

The Police personnel:

- (1) Shall make sure that police investigations/ interrogations are based upon reasonable suspicion of an actual or possible offence or crime and provide the possibility of a fair interrogation. The Police personnel shall possess good knowledge and understanding of police issues and be able to handle them with respect to the principles of adequacy, perfection and quality.
- (2) Shall respect the presumption of innocence of the person accused and is obliged to secure all his/her legal rights.
- (3) Shall bear in mind that all interrogations need to be objective and fair as well as be sensitive and adaptable, showing special care for the protection of the vulnerable groups' special needs and particularly for the protection of children, women, over-aged and disabled people, political refugees and in general, persons of vulnerable social groups.
- (4) Shall carry out all investigations in accordance with the provisions of the Judicial Standards, so that any claims and testimonies arising from the interrogation can be accepted by the Court.
- (5) Shall behave appropriately during interrogations bearing in mind that no promises shall be made in favour to the detainee and shall not use force or pressure of any form in order to obtain a confession.
- (6) Shall protect victims and witnesses, especially when there is danger of them being intimidated and take the importance of the case seriously.
- (7) Shall provide all necessary information, support, and assistance to victims of crime, without any discrimination.
- (8) Shall make sure that during body and home or other premises searches, the personality and private life of the persons involved are respected and that any unnecessary disturbance is avoided.
- (9) Shall make the most of their working time and investigate without delay the cases assigned to them, based on time priority, unless these are matters of an urgent or humanitarian nature.

- (10) Shall inform the citizens about the development of their case, as well as about any new information in relation to it, based on the relevant Police Orders and the instructions of the Police Leadership.
- (11) Shall take all necessary measures for the security of the data and information obtained while on duty, in particular when using new information and communication technologies.

Article 6 - Guidelines during arrest and detention by the Police

The Police personnel:

- (1) Shall proceed to the arrest of persons as provided for by the provisions of the Law. During arrest, the police personnel must behave correctly and omit any action that may insult the honour, pride and dignity of the arrested person.
- (2) Shall immediately inform detainees of the reasons for their arrest and detention, for any charge against them, their rights and for the procedure applicable to their case concerning their defence, either on their own or through legal assistance. Detainees, who do not understand the speaking language, shall be informed in a language that they understand by way of interpretation.
- (3) Shall secure the direct and unhampered communication of the detainee with a lawyer or their relatives.
- (4) Shall secure detention conditions that guarantee safety, hygiene, proper nutrition, and the protection of the detainees' health, providing direct medical care if necessary and the possibility of examination by a doctor of the detainee's choice.
- (5) Shall ensure that detainees live in approved detention facilities/ places of detention, which are provided with basic amenities, adequate lighting and ventilation, and appropriate rest equipment.
- (6) Shall separate, to the extent possible, persons deprived of their liberty if they are detained for different reasons. There shall normally be a separation between men and women as well as between minors and adults.
- (7) Shall prevent and immediately report any act of torture or other form of inhuman, cruel, or degrading treatment or punishment, any form of violence or threat of violence, against the detainee.
- (8) Shall not publicize personal data/ details of the detainee unless this is in accordance with the provisions of the relevant legislation.

(9) Shall register all arrests and/or detentions in the official records of the Service.

Article 7 - Accountability and control over the Police

- (1) The Police is subject to internal and external control and shall be accountable to the citizens, the State, and their representatives.
- (2) The Chief of Police, in compliance with any order or instruction given by the Council of Ministers, oversees the management and direction of the Police and is accountable to the Council of Ministers for the observance of law and order in the territory of the Republic, for adequate management and governance of the Police and for the legal disposal of all public money intended for its service.

Article 8 - Rights of the Police Personnel

The Police personnel, among others:

- (1) Has the right to life and their physical integrity.
- (2) Are treated equally before the law, the administration and the judiciary and are entitled to equal protection and treatment.
- (3) Has the right to a fair hearing and/or a fair trial.
- (4) Has the right to resort to all relevant judicial institutions regarding disciplinary measures and other convictions as well as possible unjust treatment for the restoration of their rights.
- (5) Has the right to effective and impartial procedures in cases where complaints are made against them, in accordance with the provisions of the legislation.
- (6) Having regard to the restrictive provisions thereof as referred to in the legislation, the Police personnel:
 - (a) has the same civil and political rights as all citizens,
 - (b) has the same social and economic rights as all public officials.

Article 9 - Prevention and suppression of police corruption

The Police personnel, without exception, must be guided by the principles as set out in the Code and has the obligation to implement the specific "**Code of Police**

Ethics Against Corruption", which is attached as **ANNEX** and is an integral part of this Code.

CODE OF POLICE ETHICS AGAINST CORRUPTION

1. Introduction

- (1) The present code of police ethics was drawn up by the Internal Audit Service of the Police and is part of the broader and collective effort made to prevent and suppress police corruption.
- (2) Corruption is a complex and timeless phenomenon that occurs in both the public and private sectors, in all countries of the world. It endangers the rule of law, democracy, and human rights, undermines good governance, hinders economic growth, endangers the moral foundations of society, and creates insecurity and a lack of trust in the police and the state mechanisms in general.
- (3) For the preparation of this Code, all the following were taken into consideration:
 - the Law which provides for the Establishment and Operation of Internal Police Control Service (Law n. 3 (I)/2018),
 - the Council of Europe Convention on the Punishment of Corruption (Ratification Law) (Law 23 (III)/2000),
 - the Additional Protocol to the Council of Europe Convention on the Punishment of Corruption (Ratification Law) (Law 22 (III)/2006),
 - the Prevention of Corruption Law (Chapter 161),
 - the Unfair Acquisition of Property Benefit Law (Law 51 (I)/2004),
 - the Criminal Code Chapter 154,
 - the Police Law (Law 73 (I)/2004),
 - the Police (Disciplinary) Regulations (R.A.T 53/89), and
 - the National Anti-Corruption Strategy.

2. The scope of the Code

This Code contains a framework of principles and rules that should be a beacon and be used as a guide to the Police personnel, to perform their duties with objectivity, integrity, impartiality, honesty, unaffected, without expecting or obtaining any benefit or favour.

3. In general

It is expected that every Police member, at whatever level of the hierarchy, will be guided by the rules and principles contained in this code and bear in mind that every act or behaviour, either while on duty, or off duty, conveys the image that citizens have of the Police and the level of quality of the services it provides.

4. Legal Compliance

Police operations are determined and conducted always in accordance with the applicable law, as well as with the Laws and Regulations which govern the personnel's powers, responsibilities, and duties. Therefore, each Police member must comply with the Constitution and implement the applicable Laws and Regulations accepted by the Republic of Cyprus.

5. Behaviour

Every Police officer must abide by the generally accepted rules of conduct and in particular act or behave in a way that does not discredit the prestige of the Police, his/her professional status, and generally does not behave in a way that tends to shake the public's trust in the Police.

6. Discipline

The Police personnel shall be guided by and implement the Police Disciplinary Regulations, shall carry out orders properly issued by their superiors, shall comply and apply every principle of legality and generally shall not act in an offensive and harmful manner against the principle of discipline.

7. Professionalism

The prestige and reliability of the Police depend directly on the quality of service and the professional behaviour of its members. Therefore, the Police personnel must have full knowledge and possess a good understanding of their case and handle each case in an even and effective way.

8. Integrity / Impartiality / Objectivity

The Police personnel must refrain from any action that might call into question their integrity and dedication to duty. The Police personnel shall execute their duties impartially and objectively, unaffected by any personal interests, relationships, beliefs, dependencies or interventions.

9. Equal treatment

All human beings are born free and equal before their rights and personal dignity. Every person should be treated equally and any discrimination should be avoided. In particular, the Police personnel shall refrain from any acts that

may cause discrimination, hatred, or violence against persons or groups of persons, because of their racial or ethnic origin or religion. They shall also avoid acts that constitute discrimination based on ethnicity, community, language, religion, political or other beliefs, national or ethnic origin, colour, disability, age and sexual orientation.

10. Personal Data Protection

The Police Personnel must respect each citizen's personal data and handle them with discretion, secrecy, confidentiality and generally within the provisions of the relevant legislation.

11. Bribery / Corruption

- (1) The Police personnel shall not request or accept, directly or indirectly, any irregular advantage in favour of its interests or for the benefit of third parties, in order to exercise or abstain from the execution of his duties.
- (2) The Police personnel shall not request, accept or receive or agree or attempt to accept or receive any property or benefit of any kind in favour of their interests or for another person, for the performance or omission of their duty/ Service function.
- (3) The Police personnel shall not receive property or benefit of any kind, through explicit or implicit terms, that they will favour the person who offered or gave the property or anyone else.

12. Illegal acquisition of property benefit

The Police personnel shall not acquire a property benefit by using or exploiting their police status or professional position, whether the benefit is provided directly or indirectly to the Police member or relatives or other persons.

13. Abuse of power

The Police personnel shall not act or order the action of any arbitrary act that violates the rights of another by surpassing permitted limits of the discretionary power invested to them.

14. Intervention in court proceedings

The Police personnel shall not take any action that may interfere with legal proceedings or prevent a person from acting in any judicial capacity or in any way as a lawyer, witness or litigant.

15. Intervention in a police investigation

The Police personnel shall not take any action that may affect any police investigation conducted with a view to initiating legal proceedings or an investigation conducted in accordance with the provisions of any Law.

16. Influence of a competent authority

The Police personnel shall not attempt, in any way, to influence any authority, committee, collective body or member thereof or any public officer while on duty in connection with the process of recruitment, appointment, promotion, placement, transfer or exercise of disciplinary authority to a public service, for the benefit of himself/herself or for or against any other person, except in the case of a recommendation by a person having official authority, or a right or obligation deriving from any Law or Regulation.

17. Neglect of official duty

- (1) The Police personnel shall not neglect intentionally the performance of their duties which is legally obliged to perform.
- (2) The Police personnel shall not protect or conceal any illegal activities or actions.

18. Violation of official secrecy

- (1) The Police personnel shall respect confidentiality and secrecy as far as top secret incidents or information are concerned, as well as in case of incidents or information obtained while on duty and due to their police status.
- (2) The disclosure of official information to any unauthorized person or leaking of information concerning upcoming police operations by Police personnel is not permitted by law.
- (3) The Police personnel shall not seek, without authorization or legal purpose, top secret data from the databases of the Police and leak them to unauthorized persons. It is the personnel's obligation to keep them secret.

19. Reporting of corruption offenses

- (1) The Police personnel shall inform or report any information or evidence concerning actions or omissions committed by another

member, which constitute acts of corruption or acts of potential corruption.

- (2) The Police personnel shall not conceal or disguise corruption offences committed by another member, of a higher or lower rankings.
- (3) The Police personnel shall not engage in any act which is intended or is likely to prevent another Police member from informing or reporting information or evidence relating to actions or omissions of another member which constitute acts of corruption or acts of potential corruption.

20. Provision of false or misleading information and obstruction of an investigation process.

The Police personnel shall not provide intentionally false or misleading or inaccurate information when examining corruption-related investigations or shall not obstruct or hamper an investigation concerning acts of corruption.
