ETHICAL PRINCIPLES OF LAW ENFORCEMENT

INTRODUCTION

Law enforcement is an indispensable element for society life, in protection of rights and freedoms in a society and in providing public security. The mission of law enforcement is executed in accordance with the Constitution, international conventions, laws and legislation concerned.

Ethical Principles of Law Enforcement have been prepared with a view to determining the principles necessary that law enforcement personnel should observe in execution of their duty, and establishing public trust by abiding with the principles of justice, impartiality, honesty, merit, transparency and accountability while discharging their duty.

The basic duty of the law enforcement units is to ensure security, public peace and order by protecting the rights and freedoms of individuals in their sphere of responsibility. This honorable and respectable duty is being executed by the law enforcement personnel. Ethical Principles of Law Enforcement, which is the body of the rules of conduct that the law enforcement personnel have to abide with while they are discharging their duty, is a guideline for personnel in all degrees in executing their duty with competency and merit.

These principles, which have been prepared by referring to our Constitution, European Convention on Human Rights and Code of Police Ethics by the Council of Europe, will ensure that the law enforcement units will adopt and practice the rules made by laws and that the rules of conduct, expected from the law enforcement personnel, are known by public.

SCOPE

Ethical Principles of Law Enforcement that have been prepared by the contributions of all law enforcement units embrace Gendarmerie General Command, Turkish National Police, Turkish Coast Guard Command, Customs General Directorate and the law enforcement officers recruited in these organizations.

A- DUTIES OF LAW ENFORCEMENT

1. Basic duties of law enforcement are these:

- To protect the fundamental rights and freedoms of the individuals
- To ensure safety and public peace
- To protect public order
- To take measures preventing crime and to fight against crime
- To detect crimes and to hand in the suspect to judicial authorities
- To help those who want and who are in need of help, and to those who are in danger.

B- Conception of Service

2. Law enforcement units rely on the principles of rule of law, common good, impartiality, participation, transparency, accountability, being focused on the result of the service and permanent improvement.
3. In the sphere of their duty and responsibility, law enforcement units aim at increasing the gladness of public by focusing on demands and needs of the society, thus gaining the respect and the trust of society.

4. Security service should be accessible to everyone at any time.

5. Except for the necessities of the duty, law enforcement functions easily recognizably.

6. Law enforcement personnel, which are the legal executive power of the state, avoid the attitudes and behaviours that will cause this power to have weakness.

C- Qualities of the Law Enforcement Personnel

7. Law enforcement personnel are devoted to the principles and reforms of Atatürk, fundamental values of society and our Republic.

8. The relationship among law enforcement personnel relies on the coordination suitable with the hierarchical structure, mutual aid, trust, love and respect.

9. Entrance to the profession of law enforcement is done in according to the objective criteria that aim to detect the qualities which duty necessitates and that are determined by the legislation.

10. Law enforcement personnel give reasonable decisions, make effective communication, treat fairly and use initiative when necessary.

11. Law enforcement personnel know structure and sensitivity of the society, thus shows the necessary sensibility.

12. Law enforcement personnel show that they deserve the respectability and trust necessitated by their profession and uniform with their behaviour.

13. Law enforcement personnel do not occupy with anything that will bring injury to their professional honor and they avoid behaviours in their private life that will harm the impartiality of their professional service.

14. Law enforcement personnel serve impartiality without any discrimination among people irrespective of language, race, colour, sex, political opinion, philosophical belief, religion, and sect, or any such considerations.

D- Training

15. Training is a permanent process that the law enforcement personnel have to continue for all their lives. Basic training, in-service training and expertise training in this process are given theoretically and practically in a way to respond the needs parallel to the change and the progress in society.

16. Training allows the law enforcement personnel’s social and cultural progress while preparing them for the profession.

17. Training of law enforcement personnel is fulfilled by focusing on the aims of their service, which is based on their duties and responsibilities.

18. Law enforcement personnel are educated on the fundamental values and principles of the democracy, the rule of law, the respect to the Human Rights and the protection of fundamental rights and freedoms of the individuals and the ethical principles of law enforcement.

E- The Rights of the Law Enforcement Personnel

19. Law enforcement personnel cannot be charged with duties except for the ones given by legislation. The law enforcement personnel, whose power and responsibilities are
identified clearly, fulfill their supervisors’ orders compatible with the legislation. An order, which in itself constitutes an offence, shall under no circumstances be executed.

20. Law enforcement personnel shall not be subjected to disciplinary penalties without being granted the right of defence. Disciplinary decisions shall be subject to judicial review, except in cases prescribed by law. A law enforcement officer which is claimed to commit a crime related to his/her duty has the right to be represented, defended by a lawyer and to a fair trial.

F- Accountability and Supervision

21. Law enforcement personnel should always be personally liable and accountable to the society for their actions, negligence and the orders they gave.

22. Law enforcement operations are subjected to supervision of legislative, executive and judicial branches that are within the scope of legislation.

23. All complaints done duly against law enforcement personnel are investigated immediately and impartially. Investigation is concluded in a way that no doubt raises about its efficiency and impartiality. The result of the investigation is notified to the complainant.

24. Denunciations relating to the duty of law enforcement are also inquired carefully.

G- Law Enforcement Implementation and Intervention

25. Law enforcement personnel respect all individuals’ right to life and other fundamental rights and freedoms mentioned in the Constitution, in execution of their duty.

26. Law enforcement personnel can not subject anyone to torture, ill-treatment, inhuman, degrading or humiliating treatment or punishment.

27. Law enforcement personnel can not restrict anybody’s freedom with reasons incompatible with reasons and methods prescribed by law.

28. Law enforcement personnel use proportional power only to achieve a legitimate cause and when necessary.

29. Law enforcement personnel act respectably and honestly as their duty necessitates. In execution of their duty, they act impartially and do not discriminate among people

30. Law enforcement personnel do not intervene into individuals’ private life, except in cases prescribed by law.

31. Law enforcement personnel keep all professional secrets and all types of information they acquire unless its contradiction is cited in the legislation.

32. Law enforcement personnel pay great attention to the protection of information related to the individuals’ personal life or that may harm their personal rights; except for legal obligation, they can not reveal this information or use it in favor of themselves or third parties.

33. Law enforcement personnel consider the conditions and needs of sensitive individuals such as the aged, handicapped and children, in their law enforcement practices.

34. Law enforcement personnel first express their professional identity and show their identity under normal circumstances while they are executing their duty or intervening to a case.

35. Law enforcement personnel that act in accordance with professional honor and respectability take a position against all kinds of degeneration. In the case of confronting corruption and unlawfulness, they intervene those within their sphere of competence; they inform their superiors about situations that are not within their sphere of competence.
36. Law enforcement personnel do not derive benefit by using their duty, title, and authority, in favor of themselves, their next of kin, or third parties; they do not engage with activities of mediation and nepotism.

37. Law enforcement personnel cannot accept presents and derive benefits due to their duty. All kinds of commodities and benefits, accepted directly or indirectly, which affect or have the tendency to affect impartiality, performance, judgment or duty of the law enforcement personnel, are in the scope of a present.

38. Law enforcement personnel cannot use and make someone use public buildings, public vehicles, other public goods and resources except for the public cause and service necessity; they protect these and take necessary measures to keep them ready to serve all the time.

39. Law enforcement personnel, without considering branch, place and time of the service, seize the crimes they encounter; they prevent the progression of the crime; they determine and preserve the suspects and the crime evidences and then hand them in to the competent law enforcement unit.

H- Relations between Law Enforcement and Judiciary

40. Law enforcement officials act respectful to the independence and impartiality of the judiciary; they do not object the decisions of the judicial authorities.

41. Recourse to judicial review shall be available against all actions and acts of law enforcement.

42. Law enforcement personnel make effective cooperation with judicial authorities in each phase of the investigations.

43. Law enforcement personnel respect the role that a defender undertakes; and ensure that people under surveillance can effectively make use of their “right to benefit from the legal help of the defender”.

I- Judicial Inquiries

44. In the case of existence of a reasonable doubt about a crime which has been committed or has the possibility to be committed, a judicial inquiry is executed in compatible with the order or decision of the competent authority according to the method prescribed in legislation.

45. Law enforcement personnel act in accordance with the principle that everybody accused with a crime is innocent until their guilt is settled by a court decision.

46. Law enforcement personnel informs the individuals, arrested without considering discrimination among crimes, that they have the right to know their reason of arrest and to learn the claims about them, to remain silent, to inform someone they want about their arrest, and to object the arrest. They also immediately inform these individuals about the way they can enjoy these rights and help them about the use of these rights.

47. Law enforcement personnel remind victims and witness their rights given by law and provide life safety to those under threat.

48. Law enforcement personnel pursue an inquiry objectively and fairly; they respect the special conditions and needs of women, children, aged and handicapped.

49. Law enforcement personnel explain the process of investigation to the parties in a language they understand when necessary, in the case of need they let them to benefit from a translator.
50. Law enforcement personnel keep the complete records of the individuals kept under surveillance or preserved.

51. Law enforcement personnel supply the security, health, hygiene, proper nutrition needs of the individuals kept under surveillance or preserved.

52. The individuals whose freedom is restricted because of a reason except for the doubt of commitment of a crime are kept separated from the suspects. The women who are under surveillance or deprived of their freedom are kept separated from men and the children from adults as well.