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**A. SUBJECT**

B.1. This chapter deals with discipline and conduct of members of the Namibian Police Force.

**B. REFERENCES**

B.1. Police Act ,1990

B.2. Police Regulations

**C. STANDING ORDERS**

C.1. A member shall not:

- a. entertain or permit anyone to entertain a person(s) of the opposite sex in government quarters provided for unmarried members of the Namibian Police, or
- b. allow any person(s) to enter a building owned or occupied by the Namibian Police if such entry could jeopardise the character of any person concerned or the reputation of the Namibian Police.

C.2. In every instance where a criminal case is registered against a member of the Namibian Police, Complaints and Discipline Unit shall immediately be notified.

C.3. When a member is convicted of a schedule 1 offence of the Police Act,1990, the discharged from the Namibian Police shall be considered after a Board of Inquiry has been held.

C.4. The discharge of a member shall be considered if convicted for an offence of violence against women or children, and if charged departmentally or criminally for having sexual intercourse with a female prisoner, while in custody of the Police.

**C. STANDING ORDERS (Contd.)**

C.5. In case of a conviction of a lesser offence, like common assault, a discharge shall be seriously considered unless mitigating circumstances

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can be proven by the convicted member.

- a. Each case shall be considered on its own merits.
- C.6. During the period of suspension, a member shall personally report once a week to his/her Regional Commander or as determined by him or her.
- C.7. A member shall hand in his or her firearm and appointment certificate during the period of suspension.
- C.8. A non-officer shall not investigate a criminal case against a commissioned officer of the Namibian Police, Namibia Defence Force (NDF) or Prison Service.
  - a. A commissioned officer of equal or higher rank shall be appointed.
- C.9. A non-officer shall not investigate a departmental charge against a commissioned officer of the Namibian Police.
  - a. A commissioned officer of equal or higher rank shall be appointed.
- C.10. When a commissioned officer has been arrested or brought to the charge office as a suspect, the charge office supervisor shall immediately inform the Station Commander, who shall inform the Regional Commander.
- C.11. The Regional Commander shall instruct a commissioned officer from the Complaints and Discipline Unit, to attend to the case of the arrested commissioned officer.
  - a. Should the Complaints and Discipline Unit in a particular region not have a commissioned officer as Unit Commander; the Regional Commander shall instruct the duty officer to attend to the case of the arrested commissioned officer.
- C.12. Members of the Namibian Police shall declare their business interests and remunerative work outside the employment of the Namibian Police.
  - a. See Appendix 11 - 5

#### D. **GENERAL**

- D.1. The Israel Patrick Iyambo Police college will direct the attention of all students to Administration Manual chapter 2., Police Regulation chapter II, Discipline.
- D.2. It is important to remember, that the first contact between the police and the general public normally happens in the charge office.
  - a. This contact determines the image of the Police Force.

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D.3. Member's conduct while on or off duty must always be vigilant and in particular, members must:

- a. be correct in their personal habits and behaviour;
- b. treat members of the public with courtesy, and politeness in every circumstances;
- c. obey lawful orders from superiors promptly;
- d. act with integrity and prudence to promote the interests of the public and the Force;
- e. work persistently to maintain peace and good order;
- f. strive to promote good police-community relations;
- g. treat persons in custody with respect, and never resort to abuse or harsh actions;
- h. respect the rights of a person under investigation;
- i. treat victims without discrimination or favouritism to his or her origin, religion, social condition, age or sex;
- j. be polite and courteous, showing restraint and not making disagreeable or derogatory remarks if confronted by an aggressive person, and
- k. respect citizen's individual rights, including human rights, and freedoms and avoid arbitrary or unlawful action.

## **E. DISCIPLINE**

### **E.1. General**

- a. All members must maintain strict discipline.
- b. Seniors must refrain from associating with members of lower ranks, as this leads to undue familiarity, unprofessional behaviour, and difficulty maintaining discipline.
- c. It is prohibited for a male or female member to have an intimate relationship with another member while on duty.

### **E.2. Absence From Duty**

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a. **General**

1. Members residing in private quarters must give the Station or Unit Commander their addresses and telephone numbers

b. **Member**

1. When on night relief or detailed for night duty, you may not leave your place of residence before 14h00, except when authorised.
2. When on sick leave or struck off duty as unfit, you may not leave your barracks or residence.
  1. **Exception:** The Station Commander or district surgeon may give permission.

c. **Commander**

1. To be sure members can report for duty in case of emergency, if necessary, issue instructions that some or all members must stay in the barracks or other specified places.

**E.2. Absence from Duty (Contd.)**

2. Keep a station register with headings as follows for permanent addresses:  
  
No.....Rank.....Name.....  
  
Telephone no.....Residential Address.....
3. Use the same register for members to record their locations when on leave.

**E.3 Gambling and Smoking**

a. **Commander**

1. Prohibit any gambling in barracks or elsewhere.
2. Do not allow members to smoke in uniform in public.



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#### E.4. Drunkenness and Intemperate Habits

##### a. General

1. It is a serious offence to be under the influence of liquor or drugs while on duty.
2. A member who is absent from duty or who has been struck of duty due to being under the influence of liquor, will take unpaid leave for the days not on duty.

##### b. Member

1. Do not accept liquor or drugs while on duty at public functions or gatherings.

##### c. Commander

1. Do not put or leave on duty, members under the influence of liquor or drugs.
2. Warn all members not to use excessive liquor or drugs. This makes members unfit and may lead to dismissal.

#### E.4. Drunkenness and Intemperate Habits (Contd.)

3. Do not interfere unnecessarily with members who are under the influence of liquor or drugs, as this may cause disobedience.
4. Charge any member who fails to perform a duty as a result of such abuse or impairment.
5. Determine any periods of duty not performed as a result of such action.
  1. On default and conviction, Apply Public Service Regulation C 3.4 (a).
6. Do not call a medical practitioner to give an opinion whether a member was under the influence of liquor.
  1. **Exception:** Call a medical practitioner;
    1. in cases of injury requiring medical aid, or

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2. if a member may have driven a vehicle while under the influence of liquor.
2. Members may call a medical practitioner at their own expense if they wish.
7. Be alert for members who become addicted to alcohol or drugs.
8. All cases must immediately be reported to the Social Workers Unit and Chaplain Unit at National Headquarters.
9. Report cases to National Headquarters where members refuse admission to an approved institution or hospital.

#### **E.5. Repulsive Expressions**

##### **a. Member**

1. Avoid using repulsive expressions, to promote good relationships.

#### **E.5. Repulsive Expressions (Contd.)**

##### **b. Commander**

1. Take immediate action to halt the use of repulsive expressions.
  1. Explain why such expressions are improper.
  2. Order members not to use such expressions.

#### **E.6. Barrack Discipline**

##### **a. General**

1. The term "barrack" includes any building, quarters, tent and site. A place used for members' accommodation.
2. No person other than a member should enter barracks without permission of the Station Commander.
3. Persons of opposite gender must not enter each other's barracks.

##### **b. Member**

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1. Members off duty, who desire to be absent from their barracks for more than five hours after midnight, must get permission from the Station Commander.
2. A member not on duty wishing to be absent for a period less than five hours between 06.00 and 12 midnight may do so without permission.
3. **Barracks Cleanliness and Conduct**
  1. Keep every part of the barracks clean and ready for inspection.
  2. Extinguish all lights at 24:00.
  3. Close all water taps when not in use and report all leakages without delay to the Station Commander.

#### **E.6. Barrack Discipline (Contd.)**

4. Clean the floors and windows. Do not allow cobwebs to collect.
  5. When premises occupied by police have rodents, take all measures to have them destroyed.
  6. If vermin appear in any rooms, report it to the Station Commander.
  7. Make up the beds by 12h00 with blankets and sheets properly spread, with end turned down.
    1. **Exception:** Members on night duty may rest longer.
  8. Members on night relief must have their beds made up before leaving for duty.
  9. Members must on a daily basis, air their bedding, rooms as well as dormitories.
- c. **Station Commander**
1. Be sure that quarters occupied by members are in a good state.
  2. Check and make sure that all members who should be in

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barracks are present.

3. When equipment or other articles on station charge are missing, broken, or unserviceable, report this to the proper authority for repair.

#### **E.7. Kitchen, Mess Facilities and Club**

##### **a. General**

1. Only members living in barracks may eat in the mess.
2. Separate dining rooms or tables will be provided if possible for:

#### **E.7. Kitchen, Mess Facilities and Club (Contd.)**

1. Officers
2. Warrant Officers and NCO's.
3. At stations where there is a wet canteen; members must not take or keep liquor in barracks.

#### **E.8. Debts and Obligations**

##### **a. Member**

1. Do not accept gifts made with the clear or likely intention of influencing you in the execution of your duty.
2. Do not place yourself under an obligation to a licensed dealer in intoxicating liquor or to a bar attendant or other person in the employ of such licensed dealer.

##### **b. Commander**

1. Warn members against contracting excessive debts to such an extent that members cannot perform police duties in a fearless and impartial manner.

#### **E.9. Political Discussions**

##### **a. General**

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1. As members have to serve the public impartially, all ranks must avoid political discussions.
2. Members with the right to vote may do so subject to duty requirements.

**b. Member**

1. Do not act as a Polling Officer at an election without approval from National Headquarters.
  1. Headquarters will approve only in exceptional circumstances.

**E.9. Political Discussions (Contd.)**

**c. Commander**

1. Forward applications to Headquarters, for permission to use police stations as polling-stations for elections, if no suitable place available.
  1. Consider the urgency of this service and convenience of the public.

**E.10. Reproof of Subordinates**

**a. Regional Commander/Station Commander/Commanding Officers**

1. Refrain from reproofing subordinated for irregularities, neglect of duty, awkwardness etc., in the presence or hearing of subordinates, prisoners or members of the public.
2. Reproof a member at a proper time and in private.

**E.11. Formal Warning**

**a. General**

1. The concept of progressive discipline entails that, in instances of non-serious misconduct, provision is made first for a verbal warning followed thereafter in subsequent instances of non-serious misconduct, by a written warning.
2. Only, thereafter, is the matter referred to a hearing in cases of non-serious misconduct.

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3. All instances of serious misconduct must directly be referred to a hearing because the dismissal of the employee concerned should be considered.

### **E.11. Formal Warning (Contd.)**

#### **b. The Purpose of a Warning**

1. The purpose of a warning is to inform the member that he or she needs to take serious note of the contravention and/or needs to improve his or her conduct and that failure to do so may result in further disciplinary proceedings.
2. To make this principle effective, it is imperative that all instances of misconduct must be dealt with as prescribed.

#### **c. Conducting a Formal Warning**

1. When the conduct of a member demands a formal warning, only the Inspector General, Commissioner CID, Regional Commander or Regional Crime Investigation Co-ordinator may issue a formal warning.
2. A fully motivated report must be submitted to the following offices:
  1. Station Commander to the Regional Commander;
  2. Unit Commanders of CIU's to the RCIC;
  3. Commanding Officers of specialised CIU's to the Commissioner : CID, and
  4. Other Commanding Officers of specialised units to the Inspector General.

#### **d. Commissioner CID/Regional Commander/RCIC**

1. On receipt of the report, and if of the opinion that the offence committed by the member demands a formal warning, complete a formal warning in three fold. See Appendix 11 - 4.

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2. Distribute the warning as follows:
  1. Send the original and one copy to the members Commanding Officer.

#### **E.11. Formal Warning (Contd.)**

2. The original and the copy must be signed by the member.
3. The original must be returned to National Headquarters, where it will be filled on the members personnel file.
4. The copy must be filed on the members station/unit personnel file.

#### **E.12. Subscriptions and Testimonials**

- a. No collection for any purpose is to be made amongst members without the prior consent of the Commanding Officer.
- b. No donation or gift from sports, mess or canteen funds is to be made to a member or his wife or a member of his family on retirement, transfer, marriage or similar circumstances, without the specific authority from the Office of the Inspector-General.
- c. No functions are to be held in aid of donations from the public for the benefit of the Force without prior permission obtained from the Office of the Inspector-General.
  1. The Inspector-General is officially responsible for the administration of any functions or donations in respect of which permission was granted and for the final disposal of the proceeds thereof.
- d. Except on retirement or transfer to another Government department, no member may receive directly or indirectly from subordinates in rank any present, complimentary address or other congratulatory expression, nor may a member contribute towards making a present or giving an address to a superior in rank.
- e. No member may accept any address or testimonial, token or reward (pecuniary or otherwise) from the public unless approved by the Office of the Inspector-General.
  1. Application for such approval must state the precise nature of the proposed address, testimonial, token or reward and the names and occupations of the subscribers.

**E.12. Subscriptions and Testimonials (Contd.)**

- f. No member may in whatever capacity, subscribe to any address, token or testimonial organised by the public for presentation to a superior.
- g. No member may, without prior permission from the Office of the Inspector-General, give a testimonial or reference to any other member.
  - 1. See Administration Manual chapter 19.F.1.g. in connection with certificates and other documents on discharge.
- h. An officer requiring testimonials or references to his service in the Force shall apply through the normal channels to Police National Headquarters.

**E.13. Reporting by Non-Commissioned Officer's (NCO's)**

**a. General**

- 1. A non-commissioned officer (NCO), who is off duty or on official leave, may not leave his or her duty station area without due authorization from his or her immediate Commanding Officer.
- 2. A NCO travelling on official duty must follow the Standing Orders as set out in Administration Manual Chapter 10.G.2. - Route Form (POL 556)
- 3. This order does not apply to members on duty of a secret or confidential nature.

**b. NCO**

- 1. When travelling off duty and arriving for a stay at a place where there is a police station, report yourself at the charge office or, if there is more than one station, at the main or central charge office not later than 24 hours after arrival.
- 2. Furnish your address and period of stay.

**c. Charge Office Sergeant**

- 1. Enter the particulars in the Occurrence Book (POL 551) or, at larger stations, in a special register to be used for this purpose.

**F. CONDUCT AND BEHAVIOUR**



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### F.1. General {tc "General " \ 2}

- a. The Force does not fall within the ambit of the present labour dispensation, but well under the principles of administrative justice.
- b. Discipline should not be seen as order maintained or control exercised over employees, but more in the sense of a system of rules for conduct and especially behaviour according to established rules.
- c. The Regulations are therefore based on fundamental principles and can be regarded as reasonable and justifiable.
- d. The principles as set out in the Regulations cover substantive and procedural issues.

### F.2. Substantive Issues {tc "Substantive Issues " \ 2}

- a. The following principles apply to the matters relating to the substantive issues:
  1. A standard or norm of discipline must be laid down by a commanding officer.
  2. Employees must know and understand which standards and norms they must comply with.
  3. Disciplinary measures must be taken to address instances of unacceptable conduct.
  4. Instances of non-serious misconduct must be dealt with by means of advice, counselling, corrective and/or remedial measures and verbal or written warnings.
  5. Repeated occurrences of misconduct, as well as serious forms of misconduct warrant the institution of disciplinary steps by means of a hearing.
  6. Disciplinary measures must ensure that a member returns to an acceptable standard of discipline (where appropriate the member must not be punished).

### F.2. Substantive Issues (Contd.)

7. A commanding officer must ensure that disciplinary measures are taken, if required by the circumstances.
  1. This implies that it is not necessary to institute disciplinary measures to address all forms of

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unsatisfactory conduct.

2. It also entails that the measures taken by a commanding officer must be consistent.
8. If disciplinary measures are taken for a specific form of unacceptable conduct such measures must be applied consistently throughout the Force.
9. Disciplinary measures must not be taken as a punitive measure, but must serve to protect and promote the interests of the Force and its members.
10. Disciplinary measures must be used as an instrument to manage conflict in the Force effectively.

### F.3. Procedural Issues {tc "Procedural Issues " \ 2}

- a. The following principles apply to matters relating to procedural issues:
  1. The broad principles that guide any form of disciplinary action are fairness, equity and the rules of natural justice, and must always be applied.
  2. Natural justice means that an employee must have a reasonable opportunity to state his or her case, before a decision affecting his or her rights is recorded (ie, *audi alteram partem* principle).
  3. All relevant facts must be taken into consideration and an objective decision must be reached.

### F.4. Standards for Discipline and Conduct {tc "Standards for Discipline and Conduct " \ 2}

- a. **General** {tc "General " \ 3}
  1. The Inspector General may set standards for discipline by issuing orders and instructions.
  2. The Inspector General and Regional Commanders are responsible for the maintenance of discipline in the Force.

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3. Regional Commanders also responsible for the development, implementation and management of systems and procedures to attain the highest possible standard of discipline throughout the Force and to encourage a high standard of professional conduct by employees.
- b. **Norms and Standards of Conduct {tc "Norms and Standards of Conduct " \ 3}**
1. Misconduct relates to the non-adherence to accepted norms and conduct.
  2. A commanding officer (management) must, therefore, establish clear rules of acceptable conduct in the workplace.
  3. The norms and standards established by a commander must conform to the norms and standards established by a higher authority.
  4. The Regulations and discipline directives is the highest norm of standard for the Force and all other norms and standards must adhere thereto.
- c. **Duties of the Regional Commander {tc "Duties of the Regional Commander " \ 0003}**
1. Regional Commanders must ensure that in their respective regions clear guidelines with regard to acceptable norms and standards not only exist and are available to all employees, but are also strictly adhered to.
- d. **Responsibilities of Commanders {tc "Responsibilities of Commanders " \ 3}**
1. The above does not mean that commanding officers must wait for the Inspector General or Regional Commander to set norms and standards.

#### **F.4. Standards for Discipline and Conduct (Contd.)**

2. Every Commanding Officer is responsible to establish norms and standards in his or her workplace. Interaction between commanding officers and higher authority is therefore necessary to ensure the establishment of norms and standards that are consistent.
- e. **Co-operation with Members {tc "Co-operation with Members " \ 3}**
1. The determination of norms and standards of conduct should

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be done in consultation with members.

2. This does not mean that, at a lower level, standards may be agreed upon that deviate from the principles expressed above.
3. Commanding Officers (management) always have a prerogative to establish reasonable norms and standards of conduct for the workplace.
4. If such norms and standards cannot be established with the co-operation of members, then commanding officers must establish the necessary norms and standards and apply them.
5. A Commanding Officer may never abdicate his or her responsibility in this respect.

**f. Inform Members {tc "Inform Members " \ 3}**

1. All established norms and standards must be in writing and be brought to the attention of members and must also be available to all members.
2. Proof of this must be gathered by Commanding Officers to enable them to prove the existence thereof at any disciplinary hearing.
3. All instructions and directions issued by a competent authority must be brought to the attention of members in the specific workplace.

**F.4. Standards for Discipline and Conduct (Contd.)**

**g. Bring Conduct to the Required Norms and Standards**

1. It is an essential requirement of the fundamental principles contained in the Regulations that all reasonable steps must be taken to bring a member to the required standard of conduct.
2. Commanding Officers must adhere to the requirements of this principle.
3. All reasonable steps must be taken to identify the cause of a member's deviant conduct and thereafter all reasonable

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steps must be implemented to assist the member to bring his conduct to the required norms and standards.

4. Full details of all the steps taken by Commanding Officers in this regard must be filed on the personal file of the member concerned.

## **G. CORRUPTION**

### **G.1. General**

- a. Effective measures to combat police corruption will be established in the police organisation at all levels.
- b. The public demands that the integrity of police officials be above approach.
  - a. Police officials must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in the police.
  - b. The term "police corruption" is often used to describe a great variety of activities, such as bribery, fabrication or destruction of evidence, favouritism, nepotism, etc.
    1. What seems to be a common understanding of police corruption is that it necessarily involves an abuse of position, an abuse of being a police official.

### **G.1. General (Contd.)**

1. Moreover, it is widely recognised that corruption is a widespread form of behaviour, which should be regarded as a constant threat to the integrity of the police and its proper performance under the rule of law.

## **H. SECONDARY EMPLOYMENT**

### **H.1. Definitions**

- a. "Business" means business intended to accrue profit or interest on a continuous basis. It is considered as remunerative work outside the employment of the Namibian Police. (Small cattle posts, communal crop fields, possession of domestic animals, e.g. cattle,

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goats, sheep etc not intended for commercial purpose are excluded from the meaning of business)

- b. “Remunerative work” means any scheme of self-employment or any connection with any private business operation, whether or not it is in any way related to the official duties or work of a member of the Force.

### **H.1. General**

- a. In terms of section 27(1) of the Police Act, 1990 ( Act 19 of 1990) as amended, unless otherwise provided in the Act:
1. every member will place all his or her time at the disposal of the State;
  2. no member may perform or engage himself or herself to perform any remunerative work outside his or her employment in the Force; and
  3. no member may claim as a right additional remuneration in respect of any official duty or work which he or she is required to perform by any competent authority .
- b. Notwithstanding the provision of H.2.a., the Minister of Home Affairs may grant permission to a member to perform remunerative work outside his or her employment in the Force, provided that there is no conflict of interest and on condition that:

### **H.2. General (Contd.)**

1. such remunerative work is performed outside working hours;
  2. does not in anyway interfere with his/her normal performance as a member of the Namibian Police;
  3. does not interfere with his/her availability to perform duties, and
  4. does not compromise the image and good name of the Namibian Police or cause an embarrassment of or disturbance in the community where it is performed.
- c. Application to do remunerative work must be fully motivated, and be submitted to the Inspector General.
- d. Where a member receives any remuneration, allowance or other reward contrary to these instructions, section 27(3) of the Police Act will apply.

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## I. CODE OF CONDUCT

### I.1. General

- a. The Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) has at their 6<sup>th</sup> Annual General meeting, held from the 27<sup>th</sup> to the 31<sup>st</sup> of August 2001 in Mauritius approved a code of conduct for police officials.
- b. Commanding Officers must ensure all members study and comply with the approved Code of Conduct, as set out in I.2. to I.6.
- c. Disciplinary measures may be instituted against a member for contravening any of the articles of the code of conduct.

### I.2. Respect for Human Life

#### a. Article 1 - Respect for Human Rights

1. In the performance of their duties, police officials shall respect and protect human dignity and maintain and uphold all human rights, including property rights, of all persons.

#### b. Article 2 - Non-discrimination

1. Police officials shall treat all persons fairly and equally and avoid any form of discrimination.

#### c. Article 3 - Use of Force

1. Police officials may only use force when strictly necessary and to the extent required for the performance of their duties adhering to national legislation and practices.

#### d. Article 4 - Torture, Cruel, Inhuman Or Degrading Treatment

1. No police official under any circumstances, shall inflict, instigate or tolerate any act of torture or cruel, inhuman or degrading treatment or punishment to any person.

#### e. Article 5 - Protection of Persons in Custody

1. Police officials shall ensure the protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

f. **Article 6 - Victims of Crime**

1. All victims of crime shall be treated with compassion and respect. Police officials shall ensure that proper and prompt aid is provided where necessary.

**I.3. Reverence for the Law**

a. **Article 7 - Respect for the Rule of Law and Code of Conduct**

1. Police officials shall respect and uphold the rule of law and the present code of conduct. They shall also, to the best of their capability, prevent and rigorously oppose any violation of them.

**I.4. Integrity**

a. **Article 8 - Trustworthiness**

1. The public demands that the integrity of police officials be above reproach. Police officials shall, therefore behave in a trustworthy manner and avoid any conduct that might compromise integrity and thus undercut the public confidence in a police force/service.

b. **Article 9 - Corruption and Abuse of Power**

1. Police officials shall not commit or attempt to commit any act of corruption or abuse power. They shall rigorously oppose and combat all such acts.
2. Police officials shall not accept any gifts, presents, subscriptions, favours, gratuities or promises that could be interpreted as seeking to cause the police official to refrain from performing official responsibilities honestly and within the law.



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#### **I.5. Service Excellence**

##### **a. Article 10 - Performance of Duties**

1. Police officials shall at all times fulfil the duties imposed upon them by law, in a manner consistent with the high degree of responsibilities and integrity required by their profession.

#### **I.5. Service Excellence (Contd.)**

##### **b. Article 11 - Professional Conduct**

1. Police officials shall ensure that they treat all persons in a courteous manner and that their conduct is exemplary and consistent with the demands of the profession and the public they serve.

##### **c. Article 12 - Confidentiality**

1. Matters of a confidential nature in the possession of police officials shall be kept confidential, unless the performance of duty and need of justice strictly require otherwise.

#### **I.6. Respect for Property Rights**

##### **a. Article 13 - Property Rights**

1. In the performance of their duties police officials shall respect and protect all property rights. This includes the economical use of public resources.

### **J. COMPLAINTS AGAINST MEMBERS**

#### **J.1. Complaints Lodged by a Member of the Public**

##### **a. Member Receiving the Complaint**

1. Treat persons politely, who comes to the police station, making a complaint against the police or a particular member.

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2. Take a statement of complainant, with full particulars of the member involved, date, place where and time when it occurred.
  1. Open a case docket if necessary.
3. Immediately forward the statement(s)/case docket to the Station Commander.

## J.2. Departmental Complaints

### a. General

1. If a departmental complaint is lodged against a commissioned officer, a non-officer may not investigate the complaint.
2. A commissioned officer of equal or higher rank must be appointed for this purpose.

### b. Station Commander

1. When a complaint is made by a Supervisor or Commander, ensure it is properly investigated.
2. Submit the statements without delay to the Regional Commander.

### c. Regional Commander/Commanding Officer

1. Ensure the complaint is properly investigated and trial proceedings are instituted.
2. Report the incident to the C.O, C+D, and National Headquarters.
  1. See Appendix 11 - 2.
3. On completion of the proceedings of the trial, forward the minutes of the trial to the Complaints and Discipline Division at National Headquarters.

## J.3. Criminal Offences

### a. General

1. Where a criminal case is registered against a member of the Namibian Police, Complaints and Discipline Division at

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National Headquarters must immediately be informed by means of an Incident Report.

1. See Appendix 11 - 3
  2. A non-officer may not investigate a criminal case against a commissioned officer of the Namibian Police, Namibian Defence Force or Prison Service.
- J.3. Criminal Offences (Contd.)**
1. The instructions as layed down in C.9. and C.10. must at all time be complied with..
  3. The Head of Prison Services and NDF must be informed accordingly.
  4. The Deputy Inspector General for Administration and the Commanding Officer, Complaints and Discipline at Headquarters are designated to dispose of case dockets against members of the Namibian Police.
- b. Member Receiving the Complaint**
1. Take a statement with full particulars of the member involved, date, place where and time when the complaint occurred and open a case docket.
  2. Immediately forward the case docket to the Station Commander.
  3. If a case is made against a commissioned officer of the Namibian Defence Force or Prison Service, the case docket must also be sent to the Station Commander.
- c. Station Commander**
1. Send case dockets made against members of the Namibian Police or a commissioned officer of the Namibian Defence Force or Prison Service to the Regional Commander.
- d. Regional Commander**
1. Immediately fax an Incident Report to the Complaints and Discipline Division at National Headquarters.
    1. If a member of the NDF or Prison Service is involved, send a copy of your Incident Report to the Head of the Prison Service or NDF Headquarters.
  2. Forward all case dockets to the Complaints and Discipline Unit at Regional level.

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### **J.3. Criminal Offences (Contd.)**

#### **e. Unit Commander, Complaints and Discipline, Regional Level**

1. Appoint an Investigating Officer to investigate the complaint in co-operation with the R.C./C.O.
  1. Keep J.3.a.2. in mind when appointing an Investigating Officer.
2. On completion of the investigation, submit the case docket, per letter, to the designate deputy Prosecutor General.
3. Monthly progress reports must be submitted to the C.O., C+D, National Headquarters.
4. Inform the Head of Prison Service and NDF of the decision of the Prosecutor General.

#### **f. Commanding Officer, Complaints and Discipline Division, National Headquarters**

1. Report serious matters to the Deputy Inspector General for Administration.
2. Dispose of a case docket as "unfounded" or "undetected" if a charge, complaint or allegation is obviously false or there is no prima facie case.
3. If the Deputy Inspector General for Administration decides that a departmental trial must be held, refer the matter to the member's Regional Commander/Commanding Officer, who must institute a departmental trial.

## **K. INTERNAL INVESTIGATION.**

### **K.1. General**

- a. Many members and officers see the preparations of a criminal case against a member of the Namibian Police as just another case docket to be investigated.

### **K.1. General (Contd.)**

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- b. Cases against these members must receive priority and continued attention.
  - 1. Commanding Officers and investigating officers will be held responsible for any negligence in the completion of a case docket.
- c. The following general mistakes are made when a case is investigated against members of the Police.
  - 1. The investigation is unnecessary delayed.
  - 2. Case dockets are not properly investigated.
  - 3. Case dockets are not regularly inspected, and
  - 4. Lack of on\_the\_job training, by senior members.
  - 5. Statements are inadequate, because it does not prove the facts of the crime or does not identify or link the suspect or evidence with the crime.
  - 6. Covering letters lack the required information.
  - 7. Progress reports are not timelessly submitted.
  - 8. Statements by investigating officers are not completed.

## **K.2. Investigation of Case Dockets**

### **a. Checking of Case Dockets**

- 1. **RC/RCIC**
  - 1. Ensure that case dockets are properly investigated.
  - 2. Dockets are regularly checked and investigation dairies are properly recorded.
  - 3. The investigations are not unnecessary delayed.
    - 1. Delays must be explained in the investigation dairy.

## **K.2. Investigation of Case Dockets (Contd.)**

- 4. That proper training is given to inexperienced members.

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b. **Voluntary Statements by Member**

1. Some members appear under the wrong impression when they have to make a statement.
2. This happens when they are the accused and should give a voluntary statement that could prove their innocence.
3. The following remark was made by the Prosecutor-General of Transvaal: "The refusal of the accused to give an explanation (voluntary statement) forces me to submit the case to the courts for a ruling. Where there is a prima facie case against the accused and he refuses to give an explanation, I am forced to go to trial. It seems that many younger constables think they are clever by not giving an explanation. To the contrary, many of their approaches are wrong. If I were aware of their explanations, I might decide not to charge them but recommended a departmental trial."
2. If the member does not give a voluntary statement, the Government Attorney will not defend him/her either.
  1. If the member does not want to give a voluntary statement, he should at least give a written explanation of what, according to his opinion, happened when the crime was committed.
  2. The written explanation will enable the Government Attorney to decide if he/she should defend the member.
3. If the member wishes, he/she must be allowed to place their written explanation in a sealed envelope.

**K.2. Investigation of Case Dockets (Contd.)**

4. The member's Commanding Officer must inform the member accordingly that he can apply for defence by the State, if the offence was committed in the cause and scope of his or her duties.
5. If the Government Attorney decides not to defend the member, he/she may arrange for his/her own defence.
6. The Government Attorney will be informed in short by

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the National Headquarters of the circumstances of the offence.

1. The Government Attorney will then have to rely on the recommendations of the Inspector General.

**c. Statement by Accused Member and Defence Witnesses**

1. Where a member states, the statement is part of the docket and may not be removed.
2. The accused must mention the names of the witnesses.
  1. Their statements form part of the docket.
3. The accused may refuse to state to the investigating officer, but may give a written statement. See K.2.b.3.
  1. Written statements do not form part of the case docket.
  2. In this instance the Prosecutor General has no knowledge of the explanation of the accused and cannot consider it.

**d. Statement by Investigating Officer**

1. The investigating Officer must submit a statement on completion of the investigation and the following facts must be mentioned in the statement.
  1. That he/she was the investigating officer,

**K.2. Investigation of Case Dockets (Contd.)**

2. That the accused had been informed of the charge(s) against him/her, warned according to Judges Rules and asked for an explanation.
3. Where witnesses are mentioned in statements, but refuse to give statements or they cannot be traced, it must be mentioned in his/her statement.
4. If the accused or driver of the vehicle was on or off duty.
5. According to witnesses, whether the accused or driver of the vehicle was sober or not and

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whether a Government or private vehicle was involved.

1. In case of a Government vehicle, the POL number must be mentioned.

6. If the driver was licensed and had authority to drive Government vehicles, copies of the member's driver's license, trip authority, authority and quotations for the repair of the Police vehicle must be placed in the case docket.

**e. Statement by Commanding Officer**

1. A statement must be obtained from his/her commanding officer, stating whether the member was on or off duty.

2. In case of a motor accident, the CO must state whether the member had authority to drive Government vehicles, the trip was authorized and the duty preformed.

3. Where the member refuses to state, the CO must mention the points in K.2.d. in his/her statement.

**K.3. Motor Vehicle Accidents**

**a. General**

1. Motor vehicle accidents can be divided into three categories.

1. Where no third party is involved, for example, a wheel bursts and the vehicle overturns;

2. Where a private person caused the accident, for example, police vehicle was parked and a private person bumped into it, and

3. Where the member caused the accident, for example, member skipped a red robot and collided with another vehicle.

2. In cases of paragraph K.3.a.1.1., a commissioned officer can make a disposal of the docket.



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3. In cases of paragraph K.3.a.1.2., the public prosecutor can make a decision.
4. In cases of paragraph K.3.a.1.3., the case docket and factual report must be submitted to the designate Deputy Prosecutor General.

b. **Statement by Member**

1. Where a member of the Police is on duty and involved in an accident with a government vehicle, and he/she states, the following facts must be mentioned in the statement.
  1. That he/she was on duty, stating the particular duty the driver performed or the reason the police vehicle had to be used.
  2. Where applicable, note the reference number of the C.R. file, enquiry or O.B. entries investigated.
  3. Was he/she sober?

**K.3. Motor Vehicle Accidents (Contd.)**

4. Was he/she licensed and authorized to drive the particular type of vehicle, stating the number, date and place of issue of the licence? See STO 6.J.2.b.
5. Had made or not made any admission of liability to the private party or unauthorized persons, and
6. Who the witnesses are?

c. **Statement by Investigating Officer**

1. See K.2.d.

d. **Statement by Commanding Officer**

1. See K.2.e.

**L. SUSPENSION.**

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### L.1. General

- a. In terms of section 23(1) and (2) of the Police Act, 1990, (Act 19 of 1990), as amended, the Inspector General may suspend any member from his or her office.
- b. Except in the case contemplated in subsection (2), or where it is in the interest of the Force that the member be immediately suspended, the Regional Commander/ Commanding Officer must, at least seven days before suspension of a member, conduct a hearing at which the member concerned will be given an opportunity to make representations as to why he or she should not be suspended.
- c. During the suspension of a member the powers, functions and authority vested in him or her as such member will be in abeyance, but he or she will continue to be subjected to the same responsibilities, discipline and penalties as if he or she had not been suspended. (section 23(4) of the Police Act.)

### L.1. General (Contd.)

- d. Any member who has been suspended from office will in respect of the period of his or her suspension, not be entitled to any salary, wage, allowance privilege or benefit to which he or she would otherwise have been entitled as a member if he or she have not been suspended, except to the extent as the Minister may at the request of such member direct otherwise. (Section 24(1) of the Police Act)
  1. The stipulations of paragraph d. are not applicable to members in detention.
- e. A suspended member may not do any remunerative work outside his or her employment in the Namibian Police, if not already authorised to do so.

### L.2. Suspension Hearing

- a. From suspension hearings received, it has become evident that presiding officers still experience problems to conduct a hearing in terms of section 23(3) of the Police Act, 1990 (Act 19 of 1990), as amended.
- b. The biggest short coming is the lack of evidence why the member must be suspended.

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- c. Evidence is adduced regarding the circumstances of the crime committed and cross examination is concentrated on the evidence to prove that a criminal offence was committed or not.
- d. The question is not whether there is a prima facie case or not, but whether or not the member should be suspended .
- e. To suspend a member or not, it is important that the following evidence be considered:
  - 1. public attention or interest;
  - 2. the image and discipline of the Force;
  - 3. could the service of the member be used elsewhere in the Force without an embarrassment for the Force;
  - 4. whether the member has access to evidential material which is to be presented at the criminal trial;

#### **L.2. Suspension Hearing (Contd.)**

- 5. the ease with which evidentiary material could be concealed or destroyed;
- 6. acceptance of the member at the unit/work place after the committing of the offence.
- f. In term of section 23(3) of the said Act, a hearing must be conducted after a member has been released on bail, because he or she is no longer under arrest or detention as contemplated in section 23(2).
  - 1. It is the duty of the commanding officer of such member to ensure that such a hearing is conducted as soon as possible after the release of the member.
- g. When a member who has been suspended in terms of section 23(2) has been released, such release must immediately be reported to the Inspector General.
- h. It is also clear that some presiding officers are not certain how to start a suspension hearing.
  - 1. See Appendix 11 - 6 ( POL 158)

#### **L.3. Reporting of Suspended Members**

- a. A member, who is under suspension, must report once a week to

his or her Regional Commander.

1. See C.6.

b. The Regional Commander must determine the day and time on which the member must report, and confirm the arrangements with the suspended member in writing.

c. The original letter must be handed over to the suspended member, and he/she must sign on the copy of the letter.

1. The copy of the letter will serve as proof that the member was informed of his/her responsibility.

d. A register must be kept and the following information must be recorded of each suspended member.

1. Number, rank and name.

**L.3. Reporting of Suspended Members (Contd.)**

2. Residential address.

3. Telephone number.

4. Date and time reported

**L.4. Member in Charge of Criminal Case against a Member**

a. Immediately inform the member's Commanding Officer of the outcome of the court proceedings.

b. Obtain and submit without delay, a J 14 report to the member's Commanding Officer.

**M. STEREOTYPING**

**L.1. General**

a. Stereotyping refers to the use of words, actions or pictures to assign roles or characteristics to specific groups of people. This is done solely on the basis of preconceived ideas.

**L.2. Communication**

a. Communication refers to all written, visual, and oral material produced either by, or for members of the Namibian Police.

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- b. Any group receiving official communications consist of both men and women.
- c. Official communications have an impact on the perceptions, behaviour and aspirations of individuals towards the Namibian police.

**L.3. Elimination of Stereotyping**

**a. General**

1. The purpose of this directive is to end the negative effects caused by repeated incidents of stereotyping.
2. Sexual stereotyping is the use of only the male gender when really referring to both genders. Stereotyping can affect both women and men. Traditionally, it has more negative effect on women.
  1. See Appendix 11-1, Elimination of Stereotyping.
3. All members must refer to all persons with equal respect and in a dignified manner.
4. Gender, religion, race, ethnic background or disability, must not change a member's manner of communication.
5. Members must avoid the use of any words, phrases and drawings or pictures, which people could construe as stereotyping.

**b. Member**

1. Be aware of the self-identification preferences of various racial ethnic and cultural groups in Namibia.
2. Avoid a patronizing tone when dealing with members of racial, ethnic minority groups, tribal and disabled people.
3. Avoid the use of words/expressions which imply that some groups of people have characteristics not found in all groups of people.
4. Avoid the use of any words or phrases which could suggest that a person or group is an exception to the usual role of that person or group in society.
5. Avoid using words/phrases that, may have improper racial/ethnic and cultural meanings.

**N. COMPLAINTS AND THE REDRESS OF WRONGS**

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#### **N.1. General**

- a. No member may complain on behalf of another member, nor may any member suggest to another member how he/she should complain.
- b. No member may address or conspire with other members to address an anonymous announcement or complaint to the Press or Media.
- c. The Minister desires that every opportunity be given to a member, to approach the Minister on any matter.
  1. Such representations must be forwarded via prescribed channels to the Inspector General for transmission to the Minister (if necessary, under confidential cover).
- d. The Minister, however, considers that ample provision exists for complaints, and that the proper procedure as prescribed in Regulation 31 be strictly observed.

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**ADMIN. MANUAL  
APPENDIX 11 - 1**

**ELIMINATION OF SEXUAL STEREOTYPING**

The contents of this appendix in English refer to features of the English language.

1. In oral and written material, use neutral terms when referring to individuals in a specific work role context.
2. Do not use masculine words to include both males and females. Use one of the following alternatives:
  - a. Write, he/she, his/her and other similar double-word forms.
  - b. Use a plural pronoun, and Be sure subject and verb agree in number.
  - c. Avoid words that show gender. Repeat the noun if necessary, to avoid using the pronoun.
3. Describe all work as being of equal value and significance.
  - a. Be sure not to define job or role as exclusive to females or males.
  - b. Portray both males and females in positions of equal worth.
  - c. Be sure there is no stereotyping in job titles.
4. Use parallel language when referring to both women and men.
5. Do not use qualifying adjectives or phrases that make either gender an exception to the rule.



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**ADMIN. MANUAL  
APPENDIX 11 - 2**

**INCIDENT REPORT**

**OFFENCES AGAINST DUTY AND DISCIPLINE**

ALLEGED OFFENCE : NO. : .....RANK :

NAME : .....

ID NUMBER : .....SALARY REF. ....

NR.:PAY POINT : .....STATIONED AT.....

1. State the departmental offence reference. (e.g. Reg 15 (b) Sleeps on duty)

.....  
.....  
.....

2. Detailed description of the offence

.....  
.....  
.....  
.....

3. Date : ..... Time : ..... and place : .....  
where the alleged offence was committed.

.....  
REGIONAL COMMANDER

**ADMIN. MANUAL  
APPENDIX 11 - 3**

**INCIDENT REPORT**

**CRIMINAL OFFENCES**

ALLEGED OFFENCE NO. : ..... RANK : .....

NAME:..... ID NUMBER : .....

SALARY REF. NR.: ..... PAY POINT : .....

STATIONED AT .....

1. Nature of complaint or offence: .....  
.....

2. Date of occurrence: ..... Time : .....

3. Place where crime was committed : .....

4. Station : ..... C.R. No. ....

5. Particulars/facts of the incident (nature and seriousness of wounds, value of property involved, method/firearm used, seriousness of the offence, condition of victim, etc.) (If not enough space, continue on a separate page and attach.)  
.....  
.....  
.....

6. Full particulars of complainant(s).  
  
Name: .....  
Residential address: .....  
Tel. No. : .....

7. Suspension recommended/ not recommended. Motivate : .....  
.....  
.....

8. Arrested : Yes/No .....  
Date of arrest : .....

9. Detained : Yes/No If not in detention, provide particulars. (Bail/Warning)

10. Investigation Officer : .....

Place : .....  
Date : .....  
Regional Commander/Commanding Officer

1. No. : ..... Rank : ..... Full Names : .....

.....  
appeared before me and had been duly warned for contravening Reg. ....  
of the police Regulations in that he/she on..... 20..... at ..... (Place)  
wrongfully and unlawfully .....

.....  
(Short description of offence)

- 2. He/she was also informed that a repetition of such conduct will affect a departmental trial.
- 3. He/she was informed that a copy of this warning will be filed with his/her Service Records and will be taken into account when he/she is to be considered for promotion in future.

DATE : ..... 20.....

.....  
SIGNATURE OF WARNING OFFICER

RANK..... NO. ....

TIME : .....

PLACE : .....

I hereby acknowledge that I had been duly warned as stated above and that I understand the warning and the consequences.

DATE : ..... 20.....

.....  
SIGNATURE OF THE OFFENDER

TIME : .....

PLACE : .....

**NOTE**

- a. Original to be filled with the Service Record, POL 153, at Headquarters.
- b. First copy to be filed at station/unit file.

(This form, has been prepared in terms of section 27 of the Police Act, 1990 (Act 19 of 1990), as amended, and should be completed by all members of the Force).

**PART A : PERSONAL INFORMATION**

I, (Full Names) .....

ID No. : ..... Rank : ..... Force No.....

Tel (w):..... Tel  
(h).....

Address : .....  
.....

Marital Status:..... (Married, divorced, single)  
(Enter applicable item)

**PART B : REMUNERATIVE WORK**

2. Are you performing any remunerative work outside your employment in the Force ?

Yes / No. If yes,

.1. Give details of hours of performance (i.e. during official hours or outside

official hours):

.....  
.....

1.2. State date approval was given, and attach certified copy of approval

.....  
.....

2. Do you have a direct interest or indirect pecuniary or other interest in any private business?

Yes / No. If yes,

2.1 State nature of business (e.g. retail, manufacturing, transport, commercial farming, commercial fishing, liquor sale / outlet, etc) :

.....  
.....

2.2. State nature of your interest in the business (e.g. sole owner, shareholder, member, partner, co-owner, etc.)

.....  
.....

2.3 What position do you hold in the business, if any (e.g. Managing Director, Director, Manager, member, etc)?

.....  
.....

2.4 Physical address of business

.....  
.....

2.5 Postal address of business

.....  
.....

2.6 Telephone number of business .....

2.7 Business licence / registration number.....

**PART C : PRIVATE BUSINESS (YOURSELF)**

3. Do you undertake any private business outside your employment in the Force.

Yes / No. If yes,

3.1 State nature of business (e.g. retail, manufacturing commercial farming, share holder in a private company, commercial fishing, transport, liquor sale / outlet, etc):

.....  
.....

3.2 State date approval was given, and attach certified copy of approval

.....  
.....

3.3 Physical address of business:

.....  
.....

3.4 Telephone number of business: .....

3.5 Business licence / registration number: .....

**PART D : PRIVATE BUSINESS (YOUR FAMILY)**

4. Does your spouse, partner or immediate family member have business interests, owns, or co-owns a private business, or has shares in a private company?

Yes / No. If yes,

4.1 State whether business is formal or informal

.....  
.....

4.2 State nature of business (e.g. retail, manufacturing, commercial farming, commercial fishing, transport, liquor sale/outlet, etc):

.....  
.....

4.3 State if business is registered, and attach copy of relevant documentation, if applicable:

.....  
.....

4.4 Tel No :(Business): .....

4.5 Business Licence No : .....

**PART E : UNDERTAKING**

I shall at all times during my employment in the Force withdraw my participation on any other decision making body in which I, my spouse, partner or immediate family member may have a direct or indirect pecuniary or other interest in / or from which he / she may derive any benefit.

I shall inform the Inspector-General of any change in the situation or circumstances mentioned in paragraphs 1-5 above within one month of the occurrence of such change.

**OATH / AFFIRMATION**

I know and understand the contents of this declaration.  
I have no objection in taking the oath or making the affirmation.  
I consider the oath or affirmation as binding on my conscience.  
I swear / affirm that the contents of this declaration are true.

Signed at ..... on this ..... (day) of.....200...

.....  
**SIGNATURE OF DEPONENT**

I certified that the deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to / affirmed\* before me and the deponent's signature / thumb print / mark was placed thereon in my presence.

.....  
**SIGNATURE**  
**COMMISSIONER OF OATHS**

**FULL NAMES AND SURNAME :** .....

**OFFICE / UNIT/ REGION :** .....

**DESIGNATION / RANK :** .....  
**(if ex-officio commissioner)**

**DATE AND TIME :** .....

\* Delete the words not applicable

**POL 158**

**NAMIBIAN POLICE**  
**PROCEEDINGS OF A SUSPENSION HEARING**

(Under the provision of section 23(3) of the Police Act, 1990(Act No. 19 of 1990) as amended

**OF:**  
**No.:** .....**Rank:** .....

**Name:** .....

**By**..... **(Chairperson)**

on the ..... day of ..... at.....  
..... at .....h .....

conduct a hearing in terms of section 23(3) of the Police Act, 1990 (Act No. 19 of 1990), as amended, to make a recommendation to the Inspector General of the Namibian Police concerning the suspension of the member that he/she allegedly .....



.....  
.....

**Recommendation:-**

G It is recommended that Number ..... Rank .....

Name ..... be suspended in terms of section 23(1) of the Police Act, 1990 (Act No. 19 of 1990), as amended.

G It is recommended that Number ..... Rank .....

Name ..... not be suspended in terms of section 23(1) of the Police Act, 1990, (Act No. 19 of 1990), as amended.

**Place** .....

**Date** .....

.....  
**Chairperson**

**DECISION:-**

Recommendation approved: The member to be suspended with effect from:- .....

Recommendation not approved: .....

**Place** .....

**Date** .....

**INSPECTOR GENERAL : NAMIBIAN POLICE**  
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For the member .....

For the interest of the Police .....

Interpreter.....

A special deputation deputed .....  
to conduct a hearing in terms of section 23(3) of the Police Act, 1990 (Act No. 19 of 1990) as amended and **marked "A"**.

The purpose of the hearing, the rights of the member, the proceedings and the consequence of such hearing were explained to him/her

The following evidence was adduced in the presence and hearing of the member then in his/her sound and sober senses:-

.....  
.....  
.....  
.....

