

THE POLICE CONSTABLE'S oath of attestation as follows: "I do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with **fairness, integrity, diligence** and **impartiality**; upholding **fundamental human rights** and according **equal respect** to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property, and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law".

Once bound by this oath, Section 50 of the same act binds officers to regulations set by the Secretary of State. One set of these are the Police (Conduct) Regulations 2008, which contain a schedule of behaviours to which officers must adhere to.

These behaviours include:

Honesty and Integrity: Police Officers are honest, act with integrity and do not compromise or abuse their position.

Orders and Instructions: Police officers only give and carry out lawful orders and instructions. **Discreditable Conduct:** Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Challenging and Reporting Improper Conduct: Police officers report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour. Ministers are bound, as another type of public office holder, in much the same way, by the Ministerial Code 2010.

Under Common Law, if a public officer wilfully and without reasonable excuse or justification neglects to perform any duty they are bound to perform, by Common Law or Statute, then they are guilty of the offence of misconduct in a public office.

The elements of this offence are that:

- a) public officer was acting as such
- b) wilfully neglected to perform their duty and/or
- c) wilfully misconducted themselves in a way which amounted to an abuse of the public's trust in the office holder
- d) without reasonable excuse or justification

The misconduct is not restricted to dishonesty, bribery or corruption but must injure the public interest and call for condemnation and punishment. For example in the case of R v Dynham [1979] a police officer watched a man being beaten but did not intervene; the officer was convicted.

A further Common Law offence is called **Perverting the Course of Justice** and is committed where a person embarks on a course of conduct, which has a tendency to, and was intended to, pervert the course of public justice. The ways in which this can be committed include; concealing offences, assisting others to evade arrest and failing to prosecute.

The Police Act 1996 once again makes a further provision of note, in Section 89(2). It states that any person who resists or wilfully obstructs a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence. And another in Section 30, which defines the jurisdiction of a Constable as: "throughout England and Wales and the adjacent United Kingdom waters".

So, in summary: The rules are that I must act; that if I don't I break the law.

The rules are that no-one should stand in my way; if they do, they break the law.

These rules apply to every single officer in the country. These are the **rules of engagement**; the rules of this particular fight. Of final interest is Section 91, which provides for an offence of causing disaffection. According to legal digests the offence is “**basically encouraging dissatisfaction amongst members of the police force or seducing any member of the force from his duty of allegiance to the Crown**”.

[Quoted from] Patrick, James (2012-10-08). [The Rest Is Silence](#) (Kindle Location 1179, 1180-1213). James Patrick. Kindle Edition.