

Offering gifts and benefits to police

Considerations for businesses

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Please note the case studies in this report are based on actual scenarios that occurred either in Victoria or other Australian jurisdictions. Details have been changed to protect the identities of the individuals involved.

Foreword

As Director, Police Integrity I have had concerns for some time about the acceptance of gifts and benefits by Victoria Police employees, due to the actual or potential conflicts of interest that can arise.

The circumstances in which hospitality, gifts or benefits might be offered to police vary considerably. Often as community members we want to acknowledge the wonderful work police do, particularly in times of crisis or emergency. Demonstrating our gratitude on these occasions is important. However the routine offering of gifts and benefits to police is fraught with ethical dilemmas. We need police to act fairly and impartially, at all times. They should not be in a position where they feel obliged to provide, or are perceived to provide, preferential treatment because they owe someone a favour. This booklet outlines some of the dilemmas in offering gifts and benefits to police and suggests alternatives for businesses to consider. I hope you find it useful.



Michael Strong

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Who should read this booklet?

This booklet has been prepared by the Office of Police Integrity (OPI) for members of the public, in particular business people, who may be in a position to offer police a gift or benefit.

OPI is an independent police anti-corruption and oversight body. Part of its role is to make sure that ethical and professional standards in Victoria Police are maintained. The offer of gifts or benefits to police can sometimes pose a risk to their integrity and independence.

As a business operator, you may have ongoing contact with individual police as regular customers or, Victoria Police more generally, because you rely on policing services.

This booklet sets out some considerations you can take into account before you offer a gift or benefit to any employee of Victoria Police.

What is a gift or benefit?

When we talk about gifts, we mean a present or service of value you might offer to another person without any payment in return, for example, a gift voucher, bottle of wine, or discounted vehicle service. When we talk about a benefit we mean a form of preferential treatment given to a person or group of people over others.

Why do people give gifts or benefits?

Gifts are often given to express gratitude. We give gifts to say ‘thank you’ in return for a kindness or service offered.

It is a component of ethical behaviour to feel obliged to reciprocate when a kindness or gift is provided.¹

For example, you may give a gift to someone who has provided you with exceptional service throughout the year, or to someone who has helped you during a difficult time. These gifts might be a ‘one-off’ or given infrequently. A ‘one-off’ gift is given with no expectation of getting anything back in return.

By giving the gift you have ‘reciprocated’, or given something back for the benefit you received in the past.

At other times you may give a gift with some expectation of a future favour in return. You expect the receiver of the gift to ‘reciprocate’. For example, as a business operator you might provide free or discounted coffee to regular customers as part of a loyalty program. In doing this, you have an expectation that customers will continue to come back and possibly bring friends. You might also offer a loyalty program to attract new customers.

Consider:

When you last offered a gift, was it to say ‘thank you’, were you hoping for something in return, or could it have been perceived that way?

¹ Mr Gary Crooke, QC, Queensland Integrity Commissioner, October 2007

Why should police be treated differently?

Giving regular gifts to police is not the same as giving gifts to other service providers, or other local business operators who help you out from time to time.

Police play a unique role in our community as peacekeepers and law enforcers. We expect them to carry out their duties fairly, without fear or favour.

Police have a range of functions that include:

- Establishing a visible and accessible police presence for everyone in the community.
- Providing public safety programs that enhance community confidence and safety, reducing the fear of crime within the community.
- Providing efficient and effective emergency management response.
- Policing public and sporting events.
- Investigating and responding to reports of crime.²

As a community we have given police special powers to carry out these functions. These include the power to use force, powers of arrest, powers to seize property and other powers which restrict the rights of some individuals in return for providing for the safety or protection of others. We expect police to use their powers impartially, in accordance with the law.

How police use their powers should not be influenced by personal relationships. Police powers should be exercised in a way that any impartial observer would consider to be fair and reasonable.

² *Police Recruiting*, Victoria Police (2010)
http://www.police.vic.gov.au/content.asp?document_id=27142 accessed 29 June 2011

Police who accept regular gifts and provide preferential treatment because of them, are not being professional. They could be breaching the Victoria Police Code of Conduct.

Free seafood

To deter would-be thieves, a police officer authorised that a marked police car should be parked outside a seafood outlet during busy periods. In return the police officer received free seafood. The arrangement had apparently been going on for years.

As one media report quoted when the arrangement became public *'It's not every fishmonger that benefits from a full-time police presence to deter would-be thieves.'*

Do you think:

- This police officer established a visible and accessible police presence fairly for everyone in the community?
- Police should only offer services to those that can afford to give them gifts?

If police receive regular gifts their impartiality can be challenged, even if they are not providing anything in return. You can avoid placing police in this position and still show your appreciation by choosing one of the gift alternatives provided later in this booklet.

Police also have a regulatory function. They are involved in decisions to grant liquor licences and approve applications to hold public events or collect donations. They also grant firearms licences and issue private security licences. These decisions can impact on how a business may operate and in some instances whether the business can operate at all.

The car yard dealer

A car yard dealer regularly provided discount automotive work for police officers. He also paid for officers' meals in expensive restaurants and provided other gifts.

As the relationship developed, police started providing information about the location of speed cameras and booze buses overlooking or withdrawing traffic infringement notices for the dealer, and his family and associates.

Do you think:

- The 'favours' offered by police were their way of reciprocating for the gifts offered to them?
- The police officers in this case are behaving professionally and impartially?
- The business operator was offering discounts to police with an expectation of receiving favours in return?

A decision to devote one's career to the service of the public bespeaks selflessness. It embodies the acknowledgement that actions will be governed by the public interest and not self interest.³

Police must be careful to ensure that personal relationships do not affect the decisions they make, or could be *perceived* to be affecting their decisions. If they think that a gift is being offered to them to establish such a relationship, they must not accept the gift.

³ Mr Gary Croke, QC, Queensland Integrity Commissioner, October 2007

Gifts and Victoria Police

Like other public services, Victoria Police provides a service to **all** Victorians. This means that you can always expect fair, impartial, professional service from members of Victoria Police, regardless of any relationship you may have with any particular Victoria Police employee or group within Victoria Police. Gifts that seek to encourage a special relationship with any Victoria Police employee for the purposes of receiving preferential treatment can damage the reputation of Victoria Police and diminish the community's confidence that police will provide an independent and impartial service to all.

Free tickets

A police officer, whose duties included approving liquor licenses, received two free tickets, each with a value of \$250, to attend a licensed event. The police officer had been part of a committee set up to coordinate the event and was required to ensure ongoing police support during the event. The organiser had sent the tickets to each of the committee members as a 'thank you'.

Consider:

- Could the organiser of the event be expecting anything in return for the tickets?
- Could the police officer be influenced in future decisions by receiving the tickets? *[Remember, it is a component of ethical behaviour to feel obliged to reciprocate when a kindness or gift is provided.]*

In 'Free Tickets' the *perception* could be that the organiser was hoping to influence the police officer, and other committee members, to ensure future concerts received the same favourable decisions, and that police may 'turn a blind eye' to illegal activity should it occur during the event. The *perception* of business competitors could also be that in organising a similar event the 'free' tickets would be expected and taken into account in costing the event. More disturbingly, the *perception* of the police officer could be that 'free' tickets would always be offered when a decision was required.

Gifts that are acceptable

It is okay to offer a 'one-off' gift to say thank you to show support or respect, if it is of 'token value' (for example, flowers or chocolates).

Thank you!

"We had a situation in our street a while ago when the police asked us all to stay indoors because it wasn't safe outside. When we were told that it was ok to come out again, I took some sausage rolls that I had made out to the police officers to thank them for what they had done, you know, keeping me safe. They seemed to really appreciate them and I felt good for doing it."

Consider:

- In this example, the community member was reciprocating for the service provided to her by police. She was saying 'thank you'.
- The gift was offered as a 'one-off' and it is unlikely that it would establish an ongoing relationship.

Gifts that are not acceptable

It is not okay to offer gifts or benefits that seek to create a relationship with a Victoria Police officer in order to seek preferential treatment.

Even if you don't want to seek preferential treatment from police you should avoid giving police gifts or benefits if the offer could be perceived by impartial observers as seeking favours from police. It will diminish public confidence in police if anyone thinks police can be 'bought'.

Preferential treatment

An investigation into the conduct of police revealed evidence of reasonably widespread acceptance by police officers of free alcohol, and, where applicable, free entry to licensed venues within a nightclub district. There were also examples of one particular police officer accepting free meals from a range of vendors. In the case of another officer, there were a number of instances where evidence was found of a clear connection between free drinks offered to him and preferential treatment by the officer to the venue, its management and staff.

Do you think:

- You should receive the same service from police as everyone else?
- Your perception of police would be affected if you knew they were giving preferential treatment to others?
- The business operator in this case was offering gifts to police as part of a loyalty program, or to receive favours from police?

Business loyalty programs

Although successful loyalty programs can be costly and difficult to withdraw from, it is common business practice to establish a loyalty program to attract new customers, or to keep existing customers.

As part of a loyalty program, free or discounted products or services may be offered if the customer has demonstrated their support for the business by purchasing a number of goods or services. By offering these free products or services, or 'gifts', you are seeking to establish a relationship by both rewarding a customer for their patronage and encouraging them to provide something in return – continued loyal support for the business.

A loyalty program should not be offered to police because of the job that they do. If you want to say 'thank you' because you value the service they offer to the community, refer to the 'Alternatives to giving gifts' provided later in this booklet.

Read the following scenarios, putting yourself in the shoes of the business operator.

1. *While driving to work you are pulled over by the police officer who regularly receives a discount when he drops off his dry-cleaning at your dry-cleaning business.*

Do you expect, or ask, to be treated favourably? Yes No

2. *One of your children has formed a new friendship with someone you think has been in trouble with local police. When a police officer drops in to your café for their regular discounted coffee, do you consider asking them for information about your daughter's friend?*

Do you expect, or ask, to be treated favourably? Yes No

3. *Your neighbour regularly parks their car out the front of your house and leaves it there for extended periods of time, despite your requests for him to move it. Do you ask the police officer, who regularly receives a discounted vehicle service at your service station, to speak to your neighbour about the car parking issue?*

Do you expect, or ask, to be treated favourably? Yes No

Answering 'no' to the questions in these scenarios, demonstrates your business loyalty program is established with the sole purpose of attracting and rewarding loyal customers rather than one based on an expectation of reciprocal favour.

We don't expect lawyers or mechanics participating in loyalty programs to provide free legal or mechanical advice. Police are no different.

For more information on business loyalty programs, go to www.business.vic.gov.au

Alternatives to giving gifts

Police really value thanks for the work they do. Official compliments are often used by police to advance their careers. If you want to express your gratitude to police consider these alternatives to offering a gift or benefit:

- Call or write to an officer's station and compliment officers if they have helped you in some way. The compliment will be recorded and forwarded to the Ethical Standards Department for formal recognition. Some stations also run their own compliments programs, and your compliment may appear in a local station publication.

- Send a compliment directly to the Ethical Standards Department via the Victoria Police website at www.police.vic.gov.au
- Support police by providing information if you think it might help them do their job.
- Report criminal or inappropriate behaviour if you witness it.
- Make a donation to the Blue Ribbon foundation if you would like to show your appreciation to Victoria Police more generally. For details on the Blue Ribbon Foundation, go to www.police.vic.gov.au

Some considerations

If you're thinking about offering a gift or benefit to police, either to say thank you, or as part of a loyalty program, remember:

- Police, like other public service employees who have the power to make choices that affect others, are **not** the same as other community members.
- A true gift of gratitude is given to someone who has provided you with exceptional service or assisted you in a time of need. It is usually a 'one-off' and provided at the time or shortly after the service was provided. Providing the gift helps you to express gratitude and reciprocate for the assistance you received.
- Any gift that may create the *perception* that you are seeking to influence a person that has the power to make decisions that affect you, should not be given. Loyalty programs should be clearly stated and offered to every customer on the same basis.
- There are alternatives to offering gifts if you want to express your gratitude, respect and support for police.