

Code of ethics of the police and the gendarmerie in France

The code of ethics of the police and the gendarmerie in France is on the statute books at Book IV, Title 3, Chapter 4 of the regulations part of the Internal Security Code.

It comes into force on 1 January 2014.

Article R. 434-2 – General framework of the action of the police and the gendarmerie in France

The police and gendarmerie are internal security forces under the authority of the Minister of the Interior. They act in accordance with the rules laid down by the Criminal Procedure Code. They are tasked with defending national institutions and the national interest, upholding the rule of law, maintaining law and order, safeguarding people and property.

Police officers and gendarmes serve the institutions of France and the general public with loyalty and a sense of honour and devotion to duty.

The police are a civil force; the gendarmerie is a military force: each one is subject to its own rules and both obey a common code of ethics as they carry out their missions of law enforcement. The rules that govern each separate force are laid out in Title III of this document.

Article R. 434-3 – Nature and scope of the code of ethics

The ethical rules laid down in this code are derived from the Constitution, from international treaties, in particular the European Convention for the protection of Human Rights and Fundamental Freedoms, from general principles of law and from the laws and regulations of France.

They define the obligations incumbent on police officers and gendarmes as they carry out their tasks of law enforcement on duty and off duty. They are applied without prejudice to statutory regulations and other requirements that apply to each force. They are the subject of initial and further training given to police officers and gendarmes to enable them to carry out their duties in a manner which is beyond reproach.

For the purposes of this code of ethics, "police officer" refers to all members of the French police force involved in policing activities as well as the personnel working in police offices or in a public body carrying out police-related missions and "gendarme" refers to officers and non-commissioned officers of the gendarmerie and also to volunteers acting as deputy gendarmes. [*Translator's note: "police and gendarmerie personnel" refers to personnel from both forces.*]

FIRST TITLE GENERAL PRINCIPLES

CHAPTER I AUTHORITY AND PROTECTION

Article R. 434-4 – Chain of command

I. I. The duly empowered commanding officer makes decisions, gives orders and sees that they are carried out. He/she makes certain that instructions are clear and gives all the relevant information needed to make them understandable.

The commanding officer takes responsibility for the orders given.

Orders and instructions are relayed to subordinates via the chain of command. If direct transmission is imposed by an emergency, middle management shall be informed promptly.

II. Police and gendarmerie personnel inform their commanding officer promptly of any incident, on duty or off duty, that has led to or could lead to their being convened by a law enforcement, judicial or supervisory authority.

Article R. 434-5 – Obedience

I. Police and gendarmerie personnel loyally and in good faith carry out instructions and obey orders received from the commanding officer, unless the order given is patently unlawful and could seriously adversely affect the public interest.

If such an order is received, they make their objection known to the authority that gave the order, or, failing that, to the first authority they can contact, mentioning

specifically the nature of the patent unlawfulness perceived. If the order is maintained despite their objections, they can ask for written confirmation when circumstances permit this. They have the right to register their opposition to the order. Even if the police officer or the gendarme receives the written confirmation requested and carries out the order, the written order does not exonerate him/her from his/her responsibility.

Wrongful invoking of patent unlawfulness in order not to carry out a rightfully given order makes the subordinate personally liable.

When a subordinate carries out an order, the fact that the subordinate is liable does not exonerate the officer who gave the order from his/her liability.

II. Police and gendarmerie personnel shall report to the commanding officer about the execution of orders received or, if appropriate, about the reasons why they were not carried out. Facts and events shall be reported faithfully and accurately in written reports.

Article R. 434-6 – Duties of the commanding officer

I. Commanding officers pay constant attention to safeguard the physical integrity of their subordinates. They also watch over their physical and mental health. They ensure that they are physically fit.

II. Commanding officers create and implement suitable training for personnel, in particular as regards respect for people's physical integrity and dignity and concerning civil liberties. This training shall be updated regularly to take account of changes affecting the policing activities, both in terms of criminal investigations and administrative duties.

Article R. 434-7 - Protection of personnel

The State defends police and gendarmerie personnel - and, within the conditions and limits laid down by the law, their close relatives - against attacks, threats, violence, assault, insults, slanders or affronts which they may suffer in the performance of their duty.

The State grants police and gendarmerie personnel its legal protection in the case of legal proceedings related to facts that are not their personal fault. It assists and supports them in the legal procedures for their defence.

CHAPTER II
THE DUTIES OF POLICE AND GENDARMERIE PERSONNEL

Article R. 434-8 - Professional secrecy and confidentiality

Police and gendarmerie personnel are subject to the duty of professional secrecy and maintain confidentiality. They do not disclose in any form - to anyone who does not have the right or does not need to know - the information of which they have knowledge in the performance of their duties.

Article R. 434-9 – Integrity

Police and gendarmerie personnel carry out their duties with integrity.

They do not use their position of office to take personal advantages and never use information acquired in the course of their duties for purposes unrelated to their duties.

They do not accept any advantage or gift directly or indirectly related to their duties or any such advantage or gift offered based on a decision, real or presumed, or in hope that a decision may be taken.

They do not grant any advantage for personal reasons.

Article R. 434-10 - Sound judgement

Police and gendarmerie personnel use sound judgement in the course of their duties.

They take into account in all circumstances the nature of the risks and threats of every situation that they have to face and the time they have to react, to choose the best legal solution to resolve it.

Article R. 434-11 - Impartiality

Police and gendarmerie personnel carry out their duties with complete impartiality.

They give the same attention and the same respect to each person. They do not make any distinctions in their acts or their remarks which may constitute one of the forms of discrimination described in Article 225-1 of the Penal Code¹.

Article R. 434-12 - Credit and renown of the police and the gendarmerie in France

Police and gendarmerie personnel maintain their dignity under all circumstances.

At all times, on or off duty, including when they communicate via digital social networks, they restrain from any act, comment or behaviour that could damage the reputation of the police or the gendarmerie. They take care not to harm the credit and renown of these institutions by their behaviour.

Article R. 434-13 - Conflict of interest

Police and gendarmerie personnel focus fully on their duties.

They can only engage in a gainful private activity under the conditions defined for each force by the laws and regulations.

¹ A act of discrimination is any distinction made between two private individuals because of their origin, their sex, their marital status, their pregnancy, their physical appearance, their family name, their health status, their handicap, their genetic characteristics, their tradition, their sexual orientation or identity, their age, their political beliefs, their trade-union activities, their belonging or not belonging, true or presumed, to an ethnic group, a nation, a race, or a specific religion.

Furthermore, an act of discrimination is any distinction made between two legal entities because of their origin, their sex, their marital status, their physical appearance, their family name, their health status, their handicap, their genetic characteristics, their traditions, their sexual orientation or identity, their age, their political beliefs, their trade-union activities, their belonging or not belonging, true or presumed, to an ethnic group, a nation, a race, or a specific religion defined by members or by certain members of these legal entities.

TITLE II
PROVISIONS COMMON TO BOTH THE POLICE AND THE GENDARMERIE

CHAPTER I
RELATIONSHIP WITH THE GENERAL PUBLIC AND RESPECT FOR CIVIL LIBERTIES

Article R. 434-14 – Relationship with the general public

Police and gendarmerie personnel are at the service of the general public.

Their relationship with the public is one of courtesy: it requires the use of “*vous*”.

Respectful of human dignity, they make sure they behave in all circumstances in an exemplary manner, so as to inspire respect and consideration in return.

Article R. 434-15 - Wearing uniform

Police and gendarmerie personnel carry out their duties in uniform. Exceptions to this principle may be made according to the rules of each force.

Unless an exception is justified by the unit they belong to or by the nature of their duties, they have to comply with the instructions relating to their number tags.

Article R. 434-16 – Identity checks

When an identity check is authorised by law, police and gendarmerie personnel do not use any physical feature or distinctive mark to choose whose identity is to be checked, unless there is a specific alert justifying this.

Identity checks are done without harming the dignity of the person who is checked.

The pat-down search is only a security measure. It is not a systematic measure. It may only be done if it is necessary to ensure the security of the police officer or the gendarme who performs it or the security of other people. Its aim is to check that the person under scrutiny is not carrying any object that is dangerous for him/herself or others.

Every time that circumstances allow it, the pat-down search must be done out of sight of the public.

Article R. 434-17 - Protection and respect of persons arrested

Every person arrested is placed under the protection of the police or the gendarmerie and is protected from any form of violence and any inhuman and degrading treatment.

No one can be entirely naked, except under the conditions laid down by Article 63-7 of the Criminal Procedure Code in order to search for evidence of an offence.

The police officer or the gendarme in charge of the person arrested is attentive to his/her physical and psychological state and takes every possible measure to preserve his/her life, health and dignity.

The use of handcuffs or shackles is only justified if the person arrested is deemed dangerous for his/herself or others, or if he/she may try to run away.

Article R. 434-18 – Use of force

Police and gendarmerie personnel use force within the framework established by the law, only when it is necessary, and in a manner proportionate to the purpose to be reached, or to the gravity of the threat, depending on the situation.

Weapons are only used only in case of absolute necessity and within the framework of the legal provisions applicable to the force they belong to.

Article R. 434-19 - Assistance to people in danger

When required by circumstances, police and gendarmerie personnel, even when they are off duty, intervene on their own initiative, using the means available, in particular to assist people in danger.

Article R. 434-20 – Assistance to victims

Without compromising their impartiality, police and gendarmerie personnel pay particular attention to victims and ensure the quality of their care throughout the procedure affecting them. They safeguard the confidentiality of victims' declarations and statements.

Article R. 434-21 - The processing of personal data

Without prejudice to the requirements related to carrying out their duties, police and gendarmerie personnel respect and protect people's private lives, in particular during administrative or criminal investigations.

For this reason they comply with the laws and regulations that govern the creation and the use of personal data in digital systems.

They are required to know the official terms of use for each of the databases they have access to. When they populate and consult these databases, they abide strictly by the purposes and rules as defined.

Article R. 434-22 – The treatment of informants

When they seek the information needed to carry out their tasks, police and gendarmerie personnel can resort to informants. In this case, they have to apply the implementation rules laid down by their respective forces.

Chapter II

SUPERVISION OF THE ACTION OF THE POLICE AND THE GENDARMERIE

Article R. 434-23 - Principles of supervision

The police and the gendarmerie are subject to the supervision of the authorities appointed by the law and by international agreements.

When carrying out judicial tasks, the police and the gendarmerie are subject to the supervision of the judicial authority, according to the provisions of the Criminal Procedure Code.

Article R. 434-24 – The Defender of Rights

The police and the gendarmerie are subject to the supervision of the Defender of Rights in accordance with his/her role as mentioned in Article 71-1 of the Constitution.

When the Defender of Rights exercises this power of supervision, he/she can raise the matter with the authority in charge of initiating disciplinary proceedings with regard to the facts brought to his/her attention if they appear to justify a sanction.

When invited to do so by the Defender of Rights, the police officer or the gendarme provides the information and documents the Defender of Rights considers useful to carry out his task. He obeys the Defender of Rights' summons to appear and can be assisted on this occasion by the person of his/her choice.

Article R. 434-25 - Hierarchical supervision and inspections

The duly empowered commanding officer supervises the action of his/her subordinates.

Police and gendarmerie personnel are also subject to the supervision of one or more general inspectorates appropriate to the unit they belong to.

Without prejudice to the rules of disciplinary proceedings and the rights they have in the case of facing criminal charges, in all circumstances they facilitate the progress of the supervision and inspection operations they are subject to.

Article R. 434-26 - Control of peers

This code applies to police and gendarmerie personnel of all ranks. All personnel, individually and collectively, ensure that it is honoured.

Article R. 434-27 - Sanction for breaching the code

If police and gendarmerie personnel breach any of the rules and principles defined by this code they are subject to a disciplinary sanction in accordance with the rules specific to their status, independently of criminal proceedings if appropriate.

TITLE III

SPECIFIC PROVISIONS FOR THE POLICE AND THE GENDARMERIE

CHAPTER I

PROVISIONS CONCERNING THE POLICE

Article R. 434-28 - Consideration, respect and duty of remembrance

Being a police officer confers duties and implies risks and undefined obligations which deserve the respect and the consideration of all.

Police officers are in charge of keeping the peace even at the risk of their own lives and by doing so they honour the memory of those who have died in the course of duty.

Article R. 434-29 - Duty of confidentiality

Police officers are required to be impartial.

While on duty they refrain from expressing or revealing their religious, political or philosophical beliefs.

While off duty, they express themselves freely within the limits imposed by the duty of confidentiality and by loyalty towards the institutions of France.

Within the same restrictions, staff representatives have a wider freedom of expression, in the framework of their mandate.

Article R. 434-30 – Availability

Police officers are available at any time for the requirements of police service.

CHAPTER TWO

PROVISIONS CONCERNING THE GENDARMERIE

Article R. 434-31 – Military status, service to the Nation and duty of remembrance

Gendarmes have military status. They obey military rules and uphold the values inherent to their status. The military profession requires discipline, availability, loyalty and impartiality in all circumstances. It calls for a spirit of sacrifice - including the ultimate sacrifice.

The duties and undefined obligations involved deserve the respect of the citizens and the consideration of the Nation.

Military honours are paid to gendarmes that die in the course of duty or because they were wearing their uniform. Their memory is honoured.

Article R. 434-32 - Duty of confidentiality

Gendarmes can only express opinions or beliefs - in particular philosophic, religious or political beliefs - off duty and with the reserve required by the military profession, according to the regulations of the Defence Code.

Within the framework of the internal dialogue established within the military institution, they have at their disposal various authorities of representation and consultation in which they express themselves freely.

Article R. 434-33 - Other texts pertaining to the ethics of the military personnel of the
gendarmerie

As soldiers of the law, gendarmes are subject to the duties and undefined obligations laid down by the general military status defined in the Defence Code. They are also subject to the specific obligations related to the conditions of being a gendarme.