



# AFP

# Better Practice Guide on media statements when AFP appointees are charged with a criminal offence

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**Compliance:** This instrument is part of the AFP's professional standards framework. The AFP Commissioner's Order on professional standards (CO2) outlines the conduct expected of AFP appointees. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the Australian Federal Police Act 1979 (Cth).

This document is a functional governance instrument as defined in the AFP Commissioner's Order on governance (CO1).

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## Introduction

The Australian Federal Police (AFP) operates in an increasingly complex and dynamic environment. It is critical to the continued success of the AFP that the organisation maintains the confidence and trust of the Australian Government, national and international partners and the Australian community it serves. Central to the confidence and trust placed in the AFP is the integrity and professionalism of AFP appointees and the ability of the organisation to prevent and counter misconduct and corruption.

This Better Practice Guide (BPG) provides guidance and information on the release of media statements by AFP Media or ACT Policing Media (ACTP Media) when an AFP appointee is charged with a Commonwealth, State or territory criminal offence. References to criminal offences within this guideline include breaches of bail. This policy also covers situations where an offence or prosecution is withdrawn, discontinued or the AFP appointee is found not guilty. This policy applies to all AFP appointees, regardless of their operational status or rank.

This BPG is not intended to capture retrospective court matters and takes effect from **31 August 2023 inclusive**.

This BPG is underpinned by the AFP's commitment to meeting public expectations regarding high standards of behaviour, transparency and accountability. This BPG also takes into account privacy and the need to support AFP appointees' mental and physical welfare while providing a safe, fair and positive workplace.

### 1. Welfare considerations

PRS must notify SHIELD and/or the Welfare Officer Network prior to the release of a media statement, to ensure SHIELD are able to provide support to the AFP appointee.

In doing so, PRS is providing consent for SHIELD and/or the Welfare Officer Network to make contact with the AFP appointee as per AFP Privacy of Information requirements.

Any AFP appointee can contact the [Welfare Officer Network](#) for support:

- National Welfare Officer Network
  - s 47E(d) (24/7)
  - s 47E(d) @afp.gov.au
- ACTP Welfare Officer Network
  - s 47E(d) 24/7
  - s 47E(d) @afp.gov.au

### 2. Authority to issue a media release

PRS must seek approval from Deputy Commissioner National Security (DCNS) to either issue or not issue a media statement when an AFP appointee is charged with a criminal offence.

DCNS is responsible for approving and/or rejecting all media statements for AFP appointees charged with a criminal offence (Commonwealth, State or Territory, excluding the ACT).

For ACT criminal offences, PRS must also seek approval from the Chief Police Officer of the ACT (CPO) to issue or not issue the media statement. Both DCNS and CPO are responsible for approving and/or rejecting media statements relating to AFP appointees charged with ACT criminal offences.

DCNS (and CPO where applicable) may take public interest and the AFP appointee's welfare into consideration when approving or rejecting the release of a media statement.

If the criminal charges relates to an investigation involving the National Anti-Corruption Commission (NACC), PRS must seek approval from the NACC Commissioner before release.

PRS must inform DCNS (and CPO if applicable) if the charges against an AFP appointee are withdrawn, discontinued or the AFP appointee is found not guilty. DCNS may approve a second media statement to record this fact. More information on the requirements of the second media release can be found in section 5 below.

### 3. Responsible teams

PRS is responsible for seeking approval for and drafting the media statement when an AFP appointee is charged with a criminal offence.

Following DCNS approval, AFP Media is responsible for publishing the media statement when an AFP appointee is charged with a criminal offence (excluding ACT offences).

Following DCNS and CPO approval, ACT Policing Media is responsible for publishing the media statement when an AFP appointee is charged with an ACT criminal offence.

Media statements on AFP appointee's charged with a criminal offence must not be published by any other team, unless approved in writing by DCNS.

AFP Media should publish all media statements involving AFP appointees on the external facing [AFP website](#). If charged with an ACT offence, ACT Policing media should also publish the media statement on the [ACT Policing Website](#).

AFP Media and ACT Policing Media must not release any further details (including charge number/s, names or other details) to the media outside of the formal media statement, unless approved in writing by DCNS.

### 4. Media release requirements

#### 4.1 AFP or ACT Policing as the charging authority

The AFP may release a media statement when an AFP appointee is charged with a Commonwealth or ACT criminal offence.

The AFP should release this statement as soon as practicable after the appointee has been charged, or served with a summons, and where reasonably practicable, before the appointee appears in court.

AFP Media and ACTP Media issuing the release should follow the template in *Attachment A*.

Media statements must not include the below details:

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- Name
- Age
- Sex
- Rank (for Band 1-8 appointees)
  - Note: The AFP may identify Executive Level appointees and above as a 'senior AFP employee'
- AFP team/command or work location

#### 4.2 Other Australian State or Territory police as the charging authority

The AFP may release a media statement when an AFP appointee is charged with a criminal offence/s by another Australian State or Territory police jurisdiction. This may only occur after AFP Media have liaised with the relevant State or Territory Police Media Unit to consult on any sensitivities before release.

The AFP should release this statement as soon as practicable after the AFP has been notified the appointee has been charged, or served with a summons and where reasonably practicable, before the appointee appears in court.

In instances where the AFP is not notified before an AFP appointee appears in court, the AFP may still release a media statement.

When issuing the statement, AFP Media should follow the template in *Attachment A*.

Media statements must not include the below details:

- Name
- Age
- Sex
- Rank (for Band 1-8 appointees)
  - The AFP may identify Executive Level appointees as a 'senior AFP employee'
- AFP Team/Command or work location

#### 5. Charges withdrawn or found not guilty

In instances where a media statement has previously been released, but the charges against the AFP appointee have been withdrawn, discontinued or the appointee has been found not guilty; a second media statement may be released to record that fact.

AFP Media or ACTP Media issuing the release should follow the template in *Attachment A*.

The AFP should release the above media statement regardless of whether the original charges were for Commonwealth, State or Territory offences.

For offences where State or Territory Police are the informant, AFP Media should liaise with the relevant State or Territory Police Media Unit to consult on any sensitivities before release.

## Further advice

Questions about this document should be referred to Commander/Manager Professional Standards in the first instance.

## Shortened forms

### Shortened form

Shortened form	Full form
ACT	Australian Capital Territory
ACTP	ACT Policing
AFP	Australian Federal Police
CPO	Chief Police Officer of the ACT
DCNS	Deputy Commissioner National Security

## Definitions

Term	Definition
AFP appointee	<ul style="list-style-type: none"> <li>a Deputy Commissioner, AFP employee, special member or special protective service officer and includes a person:</li> <li>engaged under s. 35 of the AFP Act as a consultant or contractor to perform services for the AFP</li> <li>a consultant or independent contractor determined under s. 35(2) of the AFP Act to be an AFP appointee</li> <li>engaged overseas under s. 69A of the AFP Act or</li> <li>assisting the AFP under an agreement under s. 69D of the AFP Act. (See s. 4 of the AFP Act.)</li> </ul>

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