



South Australia Police



'Leading the way to a safer community'

Code of Conduct



South Australia Police



'Leading the way to a safer community'

VISION

SAPOL will be held in the highest regard as a modern, motivated, progressive and professional organisation, responsive to the community's needs and expectations

MISSION

Working together to reassure and protect the community from crime and disorder

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FOREWORD



The delivery of effective police services is fundamental to our quality of life and the proper functioning of society. Although recognising that these services are complex and, at times, stressful and dangerous, the South Australian community has high expectations that police officers will perform their duties honestly and with integrity.

To continue to meet these expectations, and to further instil faith, trust and confidence in the South Australia Police (SAPOL) it is imperative that police officers and other employees remain accountable for their actions and perform their duties in a manner that is fair, impartial, competent and efficient. The Code of Conduct Booklet has, therefore, been developed to assist all members of SAPOL to fulfil this obligation and to achieve excellence in service delivery. To this end, all members of SAPOL should consider the Code of Conduct Booklet as a guide to the manner in which they are to conduct themselves.

The Code of Conduct Booklet is also designed to convey to members a greater appreciation of the impact their conduct has on the community, SAPOL and colleagues. This greater appreciation, and an enhanced awareness of the consequences of their conduct, will enable members to make better and more informed decisions in the course of their duties.

In fulfilling their obligation, each member has a responsibility to their fellow employees and to SAPOL to maintain the respect and confidence of the community and to achieve excellence in service delivery through a commitment to the principles espoused by the Code of Conduct Booklet.

The spirit of the Code of Conduct Booklet is such that if members of SAPOL ***‘Live the Code’*** and accept responsibility for the manner in which they conduct themselves, in the course of their employment or otherwise, they will not only benefit SAPOL and every member that serves in it, but will also make a positive contribution to the South Australian community.



Malcolm A Hyde
COMMISSIONER

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INTRODUCTION

The Code of Conduct Booklet establishes the professional standards expected of all members of SAPOL, and should be used by them as a guide to determining what is right and proper in fulfilling their obligations to SAPOL and the community. To this end, the contents of the Booklet should be seen as a commitment by SAPOL that certain minimum standards will be observed in the provision of police services to the community.

Although only police officers and police cadets are bound by legislation to comply with the Code of Conduct contained in Part 5 of the Police Regulations 1999, it is expected that all members of SAPOL will conduct themselves in a manner that is characterised by the principles advocated by this Booklet.

This Booklet expands upon Part 6 of the Police Act 1998 and the Code of Conduct contained in Part 5 of the Police Regulations 1999 and is designed to:

- provide a guide and explanation to the fundamental principles of the Code of Conduct;
- assist in orienting newly appointed police officers and police cadets towards expected standards and obligations; and
- establish a benchmark against which the community may assess the service provided by police officers and police cadets.

The application of the Code of Conduct Booklet is designed to reinforce a professional ethos that promotes and embraces integrity while rejecting corruption in all its manifestations. In achieving this, the Code of Conduct Booklet may be used as a basis for supporting police officers or police cadets who have been unjustly criticised while performing their duties in a professional manner. However, it should also be clearly understood that any deviation from the Code of Conduct contained in Part 5 of the Police Regulations 1999 may incur some form of remedial action.

This booklet will give police officers and police cadets direction and the scope to deal with the complexities that may challenge us when confronted with circumstances that are clearly unethical, or are perceived to be so, together with the means to assist in their resolution. It should be recognised that when faced with such challenges, members of SAPOL must rely on their own judgement to make the ultimate decision. To assist in making the correct decision the *SELF Test* may be of benefit.

A GUIDE TO ETHICAL DECISION MAKING

As a guide to ethical decision making the *SELF Test* requires that certain factors be considered:

SELF Test: Consider

SCRUTINY

Will your decision withstand **Scrutiny** by the community, courts, colleagues, SAPOL, the Police Complaints Authority, the media, or other relevant parties?

ETHICAL

Is your decision **Ethical** and in compliance with SAPOL policies, practices and procedures? Is your decision consistent with organisational values, the Code of Conduct Booklet, and the Leadership Charter?

LAWFUL

Is your decision **Lawful** having regard to the law, regulations and SAPOL instructions?

FAIR

Is your decision **Fair** on the community, SAPOL, your colleagues, your family, yourself and others?

Adapted from 'SELF Test' originally produced by the Ethical Standards Command, Queensland Police Service.

CODE OF CONDUCT STATEMENTS

Members of SAPOL, at all times, shall:

- act with honesty and integrity;
- conduct themselves in a professional manner;
- carry out duties promptly and be receptive and responsive to lawful orders and instructions;
- perform duties in a diligent and competent manner;
- act within the powers and authorities given to them by law and in accordance with SAPOL policies and procedures;
- respect diversity within the community and the workplace by recognising that all people are entitled to courtesy, and fair and equal treatment;
- avoid and report any possible conflicts of interest;
- not improperly obtain, or seek to obtain, a benefit or advantage;
- maintain the confidentiality of any information obtained in the course of police duties;
- be responsible for the proper use and treatment of any property, equipment or assets in their care or custody;
- take such action as is necessary and reasonable with respect to other members of SAPOL who fail to meet expected standards;
- avoid any conduct when interstate or overseas that is likely to bring discredit upon SAPOL.

HONESTY AND INTEGRITY

Act with honesty and integrity

A police organisation within a modern democratic society can only succeed with the consent and support of the community it serves. It is therefore, imperative that the South Australian community has trust, faith and confidence in the honesty and integrity of SAPOL as an organisation and in its employees. To maintain and enhance the consent and support of the community, all members of SAPOL must be truthful and open, acting at all times with honesty and integrity.

Members who are found to have made mistakes or errors while performing their duties in good faith will be treated fairly and provided with appropriate managerial guidance. However, neither SAPOL nor any member of SAPOL will tolerate conduct by an employee that is deemed to be dishonest, corrupt, or unethical.

SAPOL requires all members to be vigilant for instances of improper, dishonest, corrupt or unethical conduct of any type. Members are to ensure any such conduct is reported in accordance with SAPOL legal and policy requirements.

CONDUCT PREJUDICIAL TO SA POLICE

Conduct themselves in a professional manner

The importance of policing to the community is such that SAPOL and its members are seen as role models within the community. It should be understood that conduct by members that reflects adversely on, or is prejudicial to, good order and discipline in SAPOL, may have a detrimental effect on the positive relationships that need to exist between police and the community.

In determining the appropriateness of their action or inaction, members of SAPOL should consider whether or not it would be acceptable to the broader community. Members of SAPOL must seriously consider the consequences of conduct that is likely to bring them in conflict with the principles expressed in this Code of Conduct Booklet or is likely to reflect poorly on SAPOL.

Members of SAPOL have a right to lead a private life outside the police service and this privacy is to be respected. However, members should realise that the manner in which they conduct themselves, whether on or off duty, may become the subject of public scrutiny and comment. Members of SAPOL should, at all times, conduct themselves in a manner that is lawful and within the spirit of the Code of Conduct Booklet.

PERFORMANCE OF ORDERS AND DUTIES

Carry out duties promptly and be receptive and responsive to lawful orders and instructions

In order to maintain organisational efficiency and continued community support, members of SAPOL must be receptive and responsive to all lawful orders and instructions given by the Commissioner of Police or by other persons acting under authority of the Police Act 1998 or Police Regulations 1999. In fulfilling the needs and expectations of SAPOL and the community all members of SAPOL shall strive to provide excellence in service delivery by performing lawful tasks promptly and to the best of their ability.

NEGLIGENCE

Carry out orders and perform duties in a diligent and competent manner

In fulfilling their obligations to SAPOL and the community, all members of SAPOL must be considerate in the manner with which they perform their duties. Members should consider the consequences of their decisions and actions, and ensure they align with SAPOL's goal of delivering police services that meet the needs and expectations of the community. SAPOL also expects its members to take responsibility and be accountable for the manner in which they and their subordinates perform their duties.

In recognition of their obligation to SAPOL and the community, members are to ensure they remain competent and capable of performing their duties by accepting responsibility for their own professional and personal development.

This means that members of SAPOL should always be in a position to perform their duties in a manner that will best achieve SAPOL's Mission of *working together to reassure and protect the community from crime and disorder.*

SAPOL recognises that the complexity of policing means members will, while acting in good faith, sometimes make mistakes and errors of judgement. Where appropriate, these incidents will be resolved managerially. However, there will be no tolerance of members who are culpably careless and undermine SAPOL's professional reputation and community standing.

PROPER EXERCISE OF AUTHORITY

Act within the powers and authorities given by law and in accordance with SAPOL policies and procedures

Police officers are uniquely placed within the community because the State has given them legal authority, where necessary, to deprive citizens of their liberty. They may also be required to use reasonable force, including lethal force in extreme circumstances. These are demanding responsibilities and should only be exercised with the greatest of care after alternative options have been considered. In executing their duties, police officers must only use force that is lawful and reasonable in the circumstances.

Police officers also have other powers and authorities for use in the execution of their duties. At all times police officers must act only within the powers and authorities provided by law and in accordance with SAPOL policies and procedures.

Although police officers have some discretion in determining police action, they are only to exercise those powers and authorities that are necessary with regard to the circumstances that exist at the time. Accordingly, they are to ensure that their actions are proper, lawful and

appropriate. When exercising any power or authority, police officers must recognise they have a responsibility to all members of the community. This includes an obligation to make every effort to protect and minimise the potential for harm to persons taken into custody.

The exercising of any power or authority by SAPOL police officers should be considered within the context of policing a modern democratic society. All police officers have a responsibility to guard against the abuse or misuse of any power or authority vested in them.

CONDUCT TOWARDS PUBLIC AND OTHER EMPLOYEES

Respect diversity within the community and the workplace by recognising that all people are entitled to courteous and equitable treatment

Members of SAPOL are part of a diverse and expanding multi-cultural society. The diverse nature of society is also reflected in the composition of SAPOL's workforce. All members of SAPOL should respect this diversity and acknowledge the benefits and positive contributions it brings to the community and the workplace.

Such diversity also means that the role of police, and the manner in which members of SAPOL perform their duties, may be perceived differently depending on the values and experiences of people within various cultural groups. The complexities of policing, coupled with a multi-cultural society, means that all members of SAPOL must remain impartial and be prepared to demonstrate high levels of tolerance, understanding, patience, sensitivity and empathy.

All members of the community, including members of SAPOL are entitled to respect, courtesy and equitable treatment that is free from oppression or harassment. Members of SAPOL must ensure they perform their duties and conduct themselves in a manner that is impartial and does not unlawfully or unjustifiably discriminate, either directly or indirectly, against others.

CONFLICT OF INTEREST

Avoid and report possible conflicts of interest

A conflict of interest may arise out of circumstances where members of SAPOL allow, or are perceived to allow, their own beliefs, associations, financial interests, activities or involvement in situations to interfere with the impartial performance of their duties.

The integrity of SAPOL must not be compromised. There should be no grounds to question or even remotely suspect SAPOL's ethics. It is therefore imperative, that members strive for the highest standards of integrity and credibility, thereby ensuring that there is no room for malpractice. To assist in maintaining these standards members of SAPOL must avoid any possible conflicts of interest.

While members of SAPOL are encouraged to develop and maintain professional relationships with individuals and groups in the community, they must be mindful that these relationships may give rise to real or potential conflicts of interest. In these circumstances members must ensure they act impartially and with integrity and provide service excellence to everyone involved.

Where members of SAPOL find themselves in a position that exposes them to a conflict of interest they must immediately report the circumstances to a supervisor or manager.

IMPROPERLY OBTAINING BENEFIT OR ADVANTAGE

Not improperly obtain or seek to obtain a benefit or advantage

The role of police within the community continually brings members of SAPOL under public scrutiny. As a result, the community will quickly perceive, and comment on, any activity that they believe likely to affect the honesty, integrity or impartiality of members. Members of SAPOL should carefully consider the consequences of their actions before accepting any gift, benefit or advantage, in their capacity as a member or as a representative of SAPOL.

To avoid any activity that may reflect poorly on SAPOL, members should not, in their capacity as members of SAPOL, seek any gift, benefit or advantage except in the authorised pursuit of donations or sponsorship in accordance with SAPOL policies.

In some circumstances it may be appropriate for members to accept such gratuities in their capacity as members or representatives of SAPOL. However, in any situation where the acceptance of a gift, benefit or advantage may impair the members' ability to remain impartial in the performance of their duties, or

where the acceptance could create an actual or perceived conflict of interest, or would otherwise be improper, the offer must be declined and the approach reported immediately to a supervisor or manager.

CONFIDENTIALITY OF INFORMATION

Maintain the confidentiality of any information obtained or accessed by SAPOL or in the course of police duties

In order to achieve its goals SAPOL requires access to a variety of information about individuals, businesses and organisations. The information may be stored by SAPOL, or accessed through alliances with other government or external agencies. While the community generally accepts the need for SAPOL to access information, it also expects that information will be collected and stored securely in a manner where privacy and confidentiality will be respected. If these expectations are not met SAPOL may lose the trust of the community. Should this occur, members of the public, government and other agencies may be reluctant to provide the information SAPOL relies upon to provide an effective service.

Every member of SAPOL must ensure that the privacy of individuals, businesses and organisations are protected and that the access, use or disclosure of personal and confidential information obtained by SAPOL or by members in the course of their duties, will only occur in accordance with legislative requirements and SAPOL policies.

RESPONSIBILITY FOR PROPERTY

Be responsible for the proper use and treatment of any property, equipment or assets in their care or custody

In providing a policing service to the community all members of SAPOL have a responsibility for ensuring that property, equipment or assets within their control are managed in a manner that provides an optimum return for expenditure.

Members of SAPOL are responsible for the safe, effective and efficient use of resources allocated to them, or to which they have access through the prevention of waste or misuse. Incorporated within these obligations is the requirement for members of SAPOL to report the loss, damage or misuse of any such property.

Similarly, members are responsible and accountable for the proper handling and security of prisoner exhibits, found or seized property, or any other property that comes into their care or custody during the performance of their duties.

REPORT A BREACH OF THE CODE

Take action that is necessary and reasonable regarding other members of SAPOL who fail to meet expected standards

In order to maintain the trust and confidence of both the community and their colleagues, members of SAPOL must, at all times, act and be seen to act properly in accordance with both the spirit and the letter of the law together with the principles expressed in the Code of Conduct Booklet.

Instances may still arise where individuals fail to meet the standards expected of them. Apart from the damage such instances can cause to the individuals themselves, SAPOL and their colleagues, a failure to meet standards may place other members of SAPOL in the unenviable position of having to initiate corrective action.

The corrective action appropriate in each instance would depend on a variety of factors and is likely to include an official report or complaint.

In any situation where members of SAPOL consider it their duty to lodge a report in relation to other members who fail to meet expected standards, the members making the report should be respected and supported for their actions. It should be recognised that the actions of members of SAPOL who make false or frivolous complaints against colleagues will not be tolerated.

INTERSTATE AND FOREIGN LAW

Avoid any conduct when interstate or overseas that is likely to bring discredit upon SAPOL

The Code of Conduct Booklet has explained the importance of SAPOL members being seen as community role models and leaders. To this end, it is essential members conduct themselves in a manner which reflects the spirit of the Code of Conduct.

Similarly, it is important that members of SAPOL who travel interstate or overseas avoid any conduct that is likely to bring discredit upon SAPOL. When travelling overseas members must be mindful of different cultural and religious values and standards and must ensure they respect the local laws.

Members of SAPOL must realise that any breach of a law of a foreign country, or a law of the Commonwealth, or another State or Territory may have the same adverse affect within the community as if the members committed offences in this State.

CONCLUSION

All members of SAPOL must be fully aware of the ethical responsibilities and associated obligations of their position and role within society. Members must constantly strive to maintain the highest possible standards of professional conduct. This Code of Conduct Booklet has been developed to advise and to provide counsel to members in determining what is right and proper in the performance of their duties and the manner in which they conduct themselves.

Each manager and supervisor has the responsibility to act as a role-model to subordinates and to provide the leadership necessary to reinforce the appropriate standards throughout SAPOL.

In fulfilling their obligations as described by the Code of Conduct Booklet, each member within SAPOL will be making a significant contribution towards the enhancement of SAPOL's reputation as *a modern, motivated, progressive and professional organisation that is responsive to the community's needs and expectations.*

While every effort has been made to ensure the accuracy of information provided in this Booklet, it is not a substitute for the provisions contained in Part 6 of the Police Act 1998 or the Code of Conduct contained in Part 5 of the Police Regulations 1999.



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NEED ASSISTANCE

Advice in respect to ethical and conduct issues can be obtained from:

Ethical and Professional Standards Service

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