



**St Helena  
Government**



# St Helena Police Service

## Police Service Standards of Professional Behaviour, Discipline and Complaints Procedures

Version 1.2

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## **1. Introduction**

- 1.1. This document is produced as guidance for police officers and those charged with the responsibility of investigating complaints against the Police Service. This document is also available to the public in order that the process for the making of complaints against police officers and the investigation of those complaints is clear, transparent and open.
- 1.2. Dealing with complaints made against members of the Police Service effectively, openly and transparently is crucial in building public confidence. The Police Service should seek feedback and comment when the community or partner agencies believe that the standards of service or the Professional Standards of Behaviour fall short of what is expected.
- 1.3. In dealing with complaints, it is critical that the response from the Police Service is flexible, open and efficient. Not all complaints need to involve an extended or drawn out investigation process or formal disciplinary action. Many complaints can and should be quickly resolved which is beneficial to both the complainant and the officer or officers involved.
- 1.4. It is, of course, entirely necessary and appropriate for a detailed and thorough investigation to be carried out when serious allegations are made or if other circumstances dictate that this is the right course of action. All complaints are recorded and investigation files are retained.
- 1.5. In April 2015 the Police Service Ordinance and Regulations were revised. A significant change within the revision was the Police Service discipline code and the associated discipline procedure. This document sets out the new Standards of Professional Behaviour, which replaces the previous discipline code, together with the discipline procedure that must be followed in the event of a complaint being made against a police officer or as a result of an internal misconduct investigation.
- 1.6. The Police Ordinance and Regulations apply equally to officers of the St Helena Police Service working on St Helena and Ascension Islands. Whilst the principles remain consistent, some elements of the complaints and discipline *process* are unique to Ascension Island given the remote nature of the Ascension Island detachment from St Helena.

## **2. The Standards of Professional Behaviour**

2.1. The Standards of Professional Behaviour reflect those contained within the Code of Ethics and are the Discipline Code for the Police Service. The Police Service Regulations set out the 'Standards' and this document provides a more detailed explanation for each Standard.

### **2.2. Honesty and Integrity**

*2.2.1. Police officers are honest, act with integrity and do not compromise or abuse their position.*

2.2.2. Police officers act with integrity and are open and truthful in their dealings with the public and their colleagues, so that confidence in the police service is secured and maintained.

2.2.3. Police officers do not knowingly make any false, misleading or inaccurate oral or written statements or entries in any record or document kept or made in connection with any police activity.

2.2.4. Police officers never accept any gift or gratuity that could compromise their impartiality. During the course of their duties police officers may be offered hospitality (e.g. refreshments) and this may be acceptable as part of their role. However, police officers always consider carefully the motivation of the person offering a gift or gratuity of any type and the risk of becoming improperly beholden to a person or organisation.

2.2.5. It is not anticipated that inexpensive gifts would compromise the integrity of a police officer, such as those from conferences (e.g. promotional products) or discounts aimed at the entire police force. However, all gifts and gratuities must be declared in accordance with policy. If a police officer is in any doubt then they should seek advice from their manager.

2.2.6. Police officers never use their position or warrant card to gain an unauthorised advantage (financial or otherwise) that could give rise to the impression that the police officer is abusing his or her position. A warrant card is only to confirm identity or to express authority.

### **2.3. Authority, Respect and Courtesy**

- 2.3.1. *Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.*
- 2.3.2. Police officers do not abuse their powers or authority and respect the rights of all individuals.
- 2.3.3. In exercising their duties, police officers never abuse their authority or the powers entrusted to them. Police officers are well placed to protect individuals and groups within society. They have been given important powers and responsibilities due to the complex and difficult situations they deal with. The public have the right to expect that such powers are used professionally, impartially and with integrity, irrespective of an individual's status.
- 2.3.4. Police officers do not harass or bully colleagues or members of the public. Challenging conduct or unsatisfactory performance or attendance in an appropriate manner would not constitute bullying.
- 2.3.5. Police officers do not, under any circumstances inflict, instigate or tolerate any act of inhuman or degrading treatment (as enshrined in Article 3 of the European Convention on Human Rights).
- 2.3.6. Police officers recognise that some individuals who come into contact with the police, such as victims, witnesses or suspects, may be vulnerable and therefore may require additional support and assistance.
- 2.3.7. Police officers use appropriate language and behaviour in their dealings with their colleagues and the public. They do not use any language or behave in a way that is offensive or is likely to cause offence.
- 2.3.8. Like all professionals, police officers have special knowledge and experience that many others do not possess (for example what may or may not constitute an offence). Police officers do not take unfair advantage of the inequality that arises from a member of the public being ill-equipped to make an informed judgement about a matter in respect of which he or she does not have the specialist knowledge of the police officer.

## **2.4. Equality and Diversity**

*2.4.1. Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.*

2.4.2. Police officers carry out their duties with fairness and impartiality and in accordance with current equality legislation. In protecting others' human rights, they act in accordance with Article 14 of the European Convention on Human Rights.

2.4.3. Police officers need to retain the confidence of all communities and therefore respect all individuals and their traditions, beliefs and lifestyles provided that such are compatible with the rule of law. In particular police officers do not discriminate unlawfully or unfairly when exercising any of their duties, discretion or authority.

2.4.4. Police officers pay due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different groups.

2.4.5. Police managers have a particular responsibility to support the promotion of equality and by their actions to set a positive example.

2.4.6. Different treatment of individuals which has an objective justification may not amount to discrimination.

## **2.5. Use of Force**

*2.5.1. Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.*

2.5.2. There will be occasions when police officers may need to use force in carrying out their duties, for example to carry out an arrest or prevent harm to others.

2.5.3. It is for the police officer to justify his or her use of force but when assessing whether this was necessary, proportionate and reasonable all of the circumstances should be taken into account and especially the situation which

the police officer faced at the time. Police officers use force only if other means are or may be ineffective in achieving the intended result.

2.5.4. As far as it is reasonable in the circumstances, police officers act in accordance with their training in the use of force to decide what force may be necessary, proportionate and reasonable. The Criminal Law Act 1967, the Police and Criminal Evidence Act 1984 and common law make it clear that force may only be used when it is reasonable in the circumstances.

2.5.5. Article 2 (2) of the European Convention on Human Rights provides a stricter test for the use of lethal force. The use of such force must be no more than is absolutely necessary: (a) in defence of any person from unlawful violence; (b) in order to carry out a lawful arrest or to prevent the escape of a person lawfully detained; or (c) in action lawfully undertaken to quell a riot or insurrection.

2.5.6. Police officers respect everyone's right to life (as enshrined in Article 2 of the European Convention on Human Rights) and do not, under any circumstances, inflict, instigate or tolerate any act of torture, inhuman or degrading treatment or punishment (Article 3).

## **2.6. Orders and Instructions**

2.6.1. *Police officers only give and carry out lawful orders and instructions.*

2.6.2. Police officers abide by police regulations, force policies and lawful orders. The police service is a disciplined body and therefore any decision not to follow an order or instruction will need to be fully justified.

2.6.3. There may however be instances when failure to follow an order or instruction does not amount to misconduct. This may be for example where the police officer reasonably believed that a lawful order was in fact unlawful or where a police officer had good and sufficient reason not to comply having regard to all the circumstances and possible consequences.

2.6.4. Police officers do not give orders or instructions which they do not reasonably believe are lawful. Police officers, to the best of their ability, support their colleagues in the execution of their lawful duty.

2.6.5. Police officers abide by police regulations and force policies and accept the restrictions on their private lives as described in police regulations.

## **2.7. Duties and Responsibilities**

*2.7.1. Police officers are diligent in the exercise of their duties and responsibilities.*

2.7.2. Police officers do not neglect their duties or responsibilities. When deciding if a police officer has neglected his or her duties all of the circumstances should be taken into account. Police officers have wide discretion and may have to prioritise the demands on their time and resources. This may involve leaving a task to do a different one, which in their judgement is more important. This is accepted and in many cases essential for good policing.

2.7.3. Police officers ensure that accurate records are kept of the exercise of their duties and powers as required by relevant legislation, force policies and procedures.

2.7.4. In carrying out their duties police officers have a responsibility to exercise reasonable care to prevent loss of life or loss or damage to the property of others (including police property).

## **2.8. Confidentiality**

*2.8.1. Police officers treat information with respect and access or disclose it only in the proper course of police duties.*

2.8.2. The police service shares information with other agencies and the public as part of its legitimate policing business. Police officers never access or disclose any information that is not in the proper course of police duties and do not access information for personal reasons. If a police officer is in any doubt then they should seek advice from their manager or local policy.

2.8.3. Police officers do not provide information to third parties who are not entitled to it. This includes for example, requests from family or friends, approaches by private investigators and unauthorised disclosure to the media.

2.8.4. Where a police officer provides any reference in a private as opposed to professional capacity, then he or she will make this clear to the intended recipient and will emphasise that it is being provided in a private capacity and no police information has been accessed or disclosed in giving such a reference.

## **2.9. Fitness for Duty**

2.9.1. *Police officers when on duty or presenting themselves for duty are fit to carry out their duties and responsibilities.*

2.9.2. Police officers do not make themselves unfit or impaired for duty as a result of drinking alcohol, using an illegal drug or using a substance for non-medical purposes or intentionally misusing a prescription drug.

2.9.3. Police officers who present themselves to their force with a drink or drugs misuse problem will be supported if they demonstrate an intention to address the problem and take steps to overcome it. However, the use of illegal drugs will not be condoned. A self-declaration made after a police officer is notified of the requirement to take a test for possible substance misuse cannot be used to frustrate action being taken for misconduct that may follow a positive test result.

2.9.4. Police officers who are aware of any health concerns that may impair their ability to perform their duties should seek guidance from their manager or Human Resources.

2.9.5. A police officer who is unexpectedly called to attend for duty and considers that he or she is not fit to perform such duty should say that this is the case.

2.9.6. Police officers when absent from duty, on account of sickness or injury, do not engage in activities that are likely to impair their return to duty. Police officers will engage with the force medical officer or Human Resources if required and follow any advice given unless there are reasonable grounds not to do so.

**2.10. Discreditable Conduct**

2.10.1. *Police officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.*

2.10.2. Police officers report any action taken against them for a criminal offence, conditions imposed by a court or the receipt of any penalty notice.

2.10.3. Discredit can be brought on the police service by an act itself or because public confidence in the police is undermined. In general, it should be the actual underlying conduct of the police officer that is considered under the misconduct procedures, whether the conduct occurred on or off duty. However where a police officer has been convicted of a criminal offence that alone may lead to misconduct action irrespective of the nature of the conduct itself. In all cases it must be clearly articulated how the conduct or conviction discredits the police service.

2.10.4. In the interests of fairness, consistency and reasonableness the test is not solely about media coverage but has regard to all the circumstances.

2.10.5. Police officers are required to report as soon as reasonably practicable to their manager or other Senior Officer any occasion in the UK or elsewhere where they have been subject to arrest, a summons for an offence, a penalty notice for disorder, an endorsable fixed penalty notice for a road traffic offence, or a charge or caution for an offence by any enforcement agency.

2.10.6. They must also report as soon as reasonably practicable all convictions and sentences and conditions imposed by any court, whether criminal or civil (excluding matrimonial proceedings but including non-molestation orders or occupation orders). 'Conditions imposed by a court' would include, for example, the issue of an Anti-Social Behaviour Order, a restraining order, or a bind-over.

2.10.7. A police officer being subject to any of these measures could discredit the police service and may result in action being taken for misconduct against him or her depending on the circumstances of the particular matter.

2.10.8. Police officers do not purchase or consume alcohol when on duty, unless specifically authorised to do so or it becomes necessary for the proper discharge of a particular police duty.

2.10.9. Police officers on duty whether in uniform or in plain-clothes, display a positive image of the police service in the standard of their appearance which is appropriate to their operational role.

2.10.10. Police officers attend punctually when rostered for duty or other commitment (e.g. attendance at court).

## **2.11. Challenging and Reporting Improper Conduct**

*2.11.1. Police officers report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour expected.*

2.11.2. Police officers are expected to uphold the standards of professional behaviour in the police service by taking appropriate action if they come across the conduct of a colleague which has fallen below these standards. They never ignore such conduct.

2.11.3. Police officers who in the circumstances feel they cannot challenge a colleague directly, for example if they are a more junior rank and are not confident, report their concerns, preferably to a line manager. If they do not feel able to approach a line manager with their concerns, they may report the matter through Human Resources or other senior officials within St Helena Government.

2.11.4. Police officers are supported by the police service if they report conduct by a police officer which has fallen below the standards expected unless such a report is found to be malicious or otherwise made in bad faith.

2.11.5. It will not always be necessary to report a police officer's conduct if the matter has been dealt with appropriately by a manager in the Police Service.

2.11.6. It is accepted however, that the circumstances may make immediate action difficult but police managers are expected to challenge or take action as soon as possible

**3. Conduct When Off Duty**

- 3.1. Police officers have some restrictions on their private life. These restrictions are laid down in various Police Regulations. These restrictions have to be balanced against the right to a private life. Therefore, in considering whether a police officer has acted in a way which falls below these standards while off-duty, due regard should be given to that balance and any action should be proportionate taking into account all of the circumstances.
- 3.2. Even when off duty, police officers do not behave in a manner that discredits the police service or undermines public confidence.
- 3.3. In determining whether a police officer's off-duty conduct discredits the police service, the test is not whether the police officer discredits herself or himself but the police service as a whole.
- 3.4. Police officers are particularly aware of the image that they portray when representing the police service in an official capacity even though they may be off-duty (e.g. at a conference).
- 3.5. When police officers produce their warrant card (other than for identification purposes only) or act in a way to suggest that they are acting in their capacity as a police officer (e.g. declaring that they are a police officer) they are demonstrating that they are exercising their authority and have therefore put themselves on duty and will act in a way which conforms to these standards. For example, during a dispute with a neighbour a police officer who decides to produce a warrant card would be considered to be on duty.
- 3.6. An approved business interest should always be carried out in a way that does not compromise or give the impression of compromising the police officer's impartiality and is not incompatible with membership of a police force.
- 3.7. All forms of management action and formal outcomes for misconduct are available in response to off-duty conduct

#### **4. Investigation of Complaints**

##### **4.1. Initial Actions by a Supervisor**

- 4.1.1. The Police Ordinance and Regulations set out how a complaint will be investigated and the options for disposal.
- 4.1.2. When a complaint is made against an officer or there is an allegation of misconduct a 'Notice of alleged breach of the Standards of Professional Behaviour' (appendix A) will be served on that officer by an officer of the rank of Inspector or above.
- 4.1.3. This notice will set out the complaint or allegation of misconduct and is served at the earliest stage of the investigation. The serving of the notice does not necessarily mean misconduct proceedings will be taken against the officer but it is given to safeguard the interests of the officer concerned and allow the officer to secure any documentation or other material or to make notes that may assist in responding to the allegations.
- 4.1.4. Within 10 working days, starting the day the officer is served the notice, the officer may provide a written or verbal response to the investigator relating to any matter under investigation and the officer may provide any relevant documents to the investigator. If the officer fails to provide a response to this notice this may lead to an adverse inference being drawn in any subsequent misconduct hearings.
- 4.1.5. At the conclusion of the investigation then, upon request, the officer shall, subject to the harm test, be provided with a copy of the investigators report or such parts that refer to that officer.
- 4.1.6. There is no requirement to serve a 'Notice of alleged breach of the Standards of Professional Behaviour' when an informal resolution is being sought to a complaint or misconduct matter.
- 4.1.7. If any complaint relates to an ongoing criminal investigation, whilst the 'Notice of alleged breach of the Standards of Professional Behaviour' should be served

upon the officers complained about, no investigation of the complaint should be undertaken until the criminal investigation has concluded.

**5. Complaints made by a member of the Public**

- 5.1. The Police Service should also seek feedback or comment from the public and this includes the investigation of specific complaints.
- 5.2. When a member of the public makes a complaint against a police officer, the details will be reported to a supervisor at the earliest opportunity. Full details of the complaint will be taken and a named officer will be provided to the member of the public as their point of contact.
- 5.3. Members of the public can make a complaint in the following ways;
- In person to a police officer or member of police staff
  - In writing to the local police station or police headquarters
  - Through email to a police officer or member of police staff
  - Through a telephone call to a police officer or member of police staff
  - Through the SHG or AIG complaints procedure on the relevant website
- 5.4. When making a complaint, a member of the public should be expected to provide their name and address together with telephone and email contact details. Such details will ensure that they can be kept updated with the progress of the investigation and outcome of the investigation.
- 5.5. Whilst complaints made anonymously will not be ignored, any investigation will be by nature, more challenging to carry out effectively.
- 5.6. When making a complaint, a member of the public may have with them another person to support them although this person should not be a witness to the events being complained about.
- 5.7. If appropriate in all of the circumstances, the option for an informal resolution should be provided to the complainant in order to deal with the complaint swiftly and openly. In these circumstances the officer will be informed of the complaint and the circumstances of it. They will be invited to comment or offer an explanation that would be relayed back to the complainant. An informal resolution may include the officer receiving 'management advice' if this is appropriate, proportionate and justified.

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5.8. NB: An 'informal resolution process' is under development and this document will be updated when this has been implemented.

5.9. In order to provide a consistent approach to the resolution of complaints, all complaint investigation files will received final sign off from the Chief of Police.

5.10. With regard to the investigation of complaints the following will apply:

- In the event that a complaint is made against a Sergeant or Constable, the lead investigator will be an Inspector or above (or equivalent).
- In the event that a complaint is made against an Inspector, the lead investigator will be a Chief Inspector or above
- In the event that a complaint is made against a Chief Inspector, the lead investigator will be the Chief of Police.
- In the event that a complaint is made against the Chief of Police, the structure and format of any investigation will be a matter for HE The Governor to decide.

5.11. If a person making a complaint against a member of the Police service is dissatisfied with the outcome, they may request an appeal within a reasonable time period.

5.12. In relation to an appeal by a complainant against the outcome of a complaint made by a member of the public, any appeal should be directed to the Chief of Police. The exceptions being when the Chief of Police was the investigating officer or when the Chief of Police was the officer complained of. In these circumstances, the appeal should be directed to HE The Governor.

5.13. At the conclusion of any formal complaints process, the complainant will be given a full explanation of the investigation and outcome although the complainant is not entitled to see any of the investigation report.

5.14. If a misconduct hearing is held, there is no entitlement for the complainant to be present although they may be called as a witness. In any case, they will be informed in writing of any outcome and sanction.

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