

Draft

Code of Ethics

for

the Garda Síochána

for public consultation



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

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Preamble

Introduction

This Code is established under statute by an independent Authority. It is not a set of rules introduced by management to be observed by others. The expectation is that it will inform and guide the actions of every member of staff of the Garda Síochána at every level of the organisation.

The Code sets out guiding principles. It is intended to inspire; to set a high bar of attainment in daily work and life. This Code reflects the essential and fundamentally important role of policing in the democratic life of the state and in the daily lives of its people. That is a high calling and it merits a clearly enunciated and widely understood set of ethical standards.

Many individual employees of the Garda Síochána have very significant autonomy in their daily duties. They are required to exercise considerable discretion in discharging their responsibilities. They are on the spot; they respond to given situations; they make instant decisions. That is as things must be. This Code does not alter that in any way. But these realities amplify the extent to which ethical behaviour is an essential component of the work of everyone in the Garda Síochána.

This Code is at once a clear statement of the ethical requirements of the work of all associated with policing and a clear indication to the public of the approach to that work and of the norms of behaviour that they are entitled to expect. The integrity and reputation of the Garda Síochána are fundamental to the trust, confidence and cooperation of the public whom it has the responsibility to protect and serve. This Code seeks to promote and maintain the highest ethical standards in the Garda Síochána, and thereby build and maintain the trust of the public in the organisation. It will also underpin the fundamental role of the Garda Síochána in protecting the vulnerable and promoting a safe and peaceful society.

Policing is an honourable profession of which the public expect the highest standards of conduct and practice. While they adhere to the standards set out in this Code, those working in the Garda Síochána deserve the trust and support of the public.

What is contained in the Code, however, will not come as a great surprise to anyone who works in the Garda Síochána. The tradition of service over almost a century, the central relationship of policing to community life, the solemn declaration made on attestation, the internal codes of the organisation - all these articulate values and set standards. In addition, there is a wide range of Garda policies and procedures that reflect statutory provisions or guide behaviour.

This code will be a living document that the Policing Authority will continue to review and may in the future revise. Incorporating the Code in training and in evaluative programmes will be an important contribution to its success.

Observance of the Code in all its respects should be the hallmark of everybody in the Garda Síochána. Observance of the Code is a reflection of each individual's commitment to service to the community and to the organisation's objectives.

Speaking up and a duty of frankness

Close co-operation, team spirit, mutuality of support and loyalty to a common public purpose are all essential elements in the life and work of all those associated with policing. But the primary loyalty must be to the public from whom, ultimately, all Garda responsibility and authority derives.

There is, as a consequence, a duty of frankness to colleagues, to the organisation and, above all, to the public: frankness in speaking openly within the organisation about things that could be done better or should not be done at all; frankness to victims, to witnesses, to the public generally about police work; and frankness, in their different circumstances, to those who are accused or are in detention.

There is also a corresponding duty to respond with openness and encouragement to those who speak up, with a willingness to learn and to change and with candour in acknowledging error. These will be important means of reflecting the new statutory requirement that the Code should encourage and facilitate the reporting of wrongdoing. And they will go beyond that by serving to improve both the work and the reputation of the Garda Síochána.

Statutory basis

The Code of Ethics has been drafted in accordance with the Garda Síochána Act 2005. It sets out standards of conduct and practice for everyone in the Garda Síochána. The Code has regard to the Policing Principles set out in the Act. Those principles provide that policing must be carried out in a manner that is independent and impartial, that respects human rights, and that supports the proper and effective administration of justice. The Code also has regard to standards and practices in other states and recommendations of the Council of Europe.

Scope of Code

This Code applies to every person working in the Garda Síochána, at every rank or grade, including civilians, reserve Gardaí and sworn members, although some of its provisions will clearly have more focused application for those who exercise the extensive range of powers given to members of the Garda Síochána.

The Code applies both to interactions between persons working for the Garda Síochána and the public, and to interactions between colleagues within the Garda Síochána.

While the Garda Síochána is charged with protecting the rights of the public, it must be remembered that those within the organisation are entitled to the same rights and protections as those they serve.

Breach of Code

It is expected that consistent and committed adherence to the Code will be a measure of commitment to the organisation and the public and will be taken into account in evaluation of performance and of suitability for advancement. So too, failure to honour the Code, and in particular serious or persistent failure to observe its requirements, cannot be without consequence.

The Code will co-exist with and support the Garda Disciplinary Regulations and the Civil Service Code of Standards and Behaviour, not replace them. While the Garda Síochána

Act 2005 no longer specifically provides that a breach of the Code may be a breach of the Garda Discipline Regulations, given the nature of the commitments outlined in this Code, it will often be the case that a breach of these commitments will simultaneously be a breach of the Garda Disciplinary Regulations, with consequences as such.

This Code puts in place standards of conduct and practice for staff of the Garda Síochána and, accordingly, it is expected that it may be referred to and relied upon in court and disciplinary proceedings.

Staff of the Garda Síochána are ultimately responsible for their own behaviour, and therefore are required to understand and adhere to the contents of this Code. The Authority expects that arrangements will be made for everybody to whom the Code applies to make a formal commitment to its observance.

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1. Duty to Uphold the Law

**I will respect,
uphold and
obey the law.**

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2. Honesty and Integrity

The public, your colleagues, the courts and other organisations expect and rely on you to tell the truth. The honesty and integrity of the Garda Síochána is critical to the functioning of the criminal justice system.

According to this standard you must ensure that you act in the public interest at all times and that your actions do not create an actual or apparent conflict of interest. By acting with honesty and integrity, you gain and maintain the trust of the public and your colleagues.

Commitments:

- I will be honest and will always act with integrity.
- I will pursue the whole truth by establishing and reporting facts in an honest and objective way.
- I will not commit any act of corruption and will have the courage to oppose and report all such acts.
- My actions in the course of my duties will be carried out impartially in the public interest and will never be influenced by personal gain.
- I will not allow circumstances to arise that might compromise, or appear to compromise, myself or the Garda Síochána e.g. by soliciting or accepting the offer of any gift or hospitality that could compromise my impartiality, or by using my position to settle a personal grievance.
- I will declare any potential conflict of interest that might impair my ability to carry out my duty or weaken public confidence in the Garda Síochána.
- I will not pursue any relationship that I know may create a conflict of interest, or any relationship with a person I come into contact with in the course of my work that might be an abuse of trust or power.

3. Respect and Equality

Commitments:

- I will recognise and respect the inherent dignity and the equal human rights of all people.
- I will treat everybody with fairness and respect at all times. This commitment means not discriminating unlawfully on any basis.

Examples of bases for discrimination: age, gender, gender identity, sex, gender expression, religion, race, sexual orientation, marital status, family status, disability, membership of the Traveller community, political affiliation, nationality, residency status, or social origin.

- I will show appropriate compassion and empathy to people I come into contact with.
- I will be sensitive to the vulnerabilities of individuals and the difficult circumstances they may find themselves in when in contact with the Garda Síochána. I will make accommodation for an individual's particular needs where necessary.
- I will challenge any behaviour or use of language that demonstrates discrimination, in particular against vulnerable individuals or minority groups.
- When I have the opportunity, I will take active steps to improve relationships with vulnerable communities, in particular with individuals or groups that may have previously had a limited or challenging relationship with policing services, and thereby build a culture of trust in and cooperation with the Garda Síochána.

As a member of staff of the Garda Síochána, you play a fundamental role in protecting and defending the dignity and human rights of all people. This means treating people fairly and impartially and challenging disrespectful behaviour. It also means demonstrating respect and empathy for vulnerable people and minority groups.

Example:

When exercising the police power to stop and search, I will question whether my action is based on a reasonable suspicion of criminal behaviour or on pre-judgement and bias

4. Authority and Responsibility

The authority conferred on you by your position places a responsibility and duty on you to exercise that authority and influence in a way that is proportionate, lawful and ethical. To ensure that you can perform your duties to the best of your ability, there is a responsibility on you to ensure that you are fit for work.

Where there is a power imbalance between you and another person, whether a member of the public or a colleague, there is an obligation on you to exercise this power with responsibility and restraint at all times.

Example:

as an employee of the Garda Síochána I will not endorse any communication on social networking sites that may be perceived by others as discriminatory, bullying, oppressive, victimising, harassing, or that may otherwise cause another person to consider that I may be in any way unsuitable to carry out my duties impartially and professionally.

Commitments:

- I will treat people with courtesy and respect.
- I will act with self-restraint, even when provoked or in volatile situations.
- I will accept responsibility for and will be accountable for my actions and omissions.
- I will support my colleagues to the best of my ability in the execution of their lawful duty.
- I will carry out lawful orders or instructions to the best of my ability. I will challenge orders that I believe to be unlawful or unethical.
- I will ensure that I am fit in every respect to carry out my professional duties to the best of my ability.
- I will report to a supervisor if I am unfit for work in any respect.
- I will behave in a manner which does not bring discredit on the Garda Síochána or undermine public confidence in policing, whether on-duty or off-duty.
- I will ensure that I use social media and mobile communications in a responsible, safe and respectful manner.

5. Police Powers

Commitments:

- I will respect the human rights of all people to life, liberty, security of the person, bodily integrity, freedom of movement, right to family life and to be free of arbitrary arrest or detention.
- Where it is necessary to use police powers to achieve an objective in the discharge of my duties, I will ensure that my actions are proportionate and reasonable.
- I will use police powers only to the least degree necessary to achieve the required result.
- Every time I use police powers I will be prepared to account for and justify my actions.
- I will consider using less coercive or intrusive methods first before the use of any police powers.
- Where a situation requires me to use force I will, as soon as practicable, offer to help the person against whom that force was used.

The Garda Síochána has the power to, and will at times be required to, interfere with the rights of individuals. Members of the Garda Síochána have the discretion and authority to use significant police powers including powers to stop and search, detain, use force, arrest, take samples and conduct surveillance. You must at all times exercise restraint in the discharge of such powers, and interfere with the rights of individuals to the least degree necessary.

6. Information and Privacy

The Garda Síochána collects, accesses and manages personal and other information, including extremely sensitive information. The Garda Síochána relies on a range of people, including victims and witnesses of crime, accused persons, informants and state agencies, to provide it with information on a daily basis. In order to protect the rights of the people who provide this information, and the rights of people referred to, it is critically important that you treat such information with respect and use or access such information only as required in the proper course of police duties.

Example:

it would be contrary to this Code if a person with legitimate access to police databases used police systems to check the history of a second hand vehicle they were about to buy.

Commitments:

- I will never destroy, hide, exaggerate, interfere with or invent information or evidence.
- I will recognise and respect every person's right to privacy and will interfere with this right only when strictly necessary to achieve a legitimate objective.
- I will gather, retain, access, disclose or otherwise process information only in a manner that is lawful and for a legitimate policing purpose.

7. Transparency and Communication

Commitments:

- I will communicate and cooperate openly and effectively with colleagues, the public and with relevant organisations.
- In so far as possible, I will give timely and truthful information, including updates on investigations to victims and witnesses of crime.
- I will fulfil the duty to disclose information and records, including to accused persons or to their legal representatives, in a timely, truthful and transparent manner.
- I will ensure that I communicate information sensitively and in a manner that is easy to understand.
- I will keep accurate complete records, in particular in relation to all interviews and complaints.
- I will ensure that I openly display the required identification when at work.

As an employee of the Garda Síochána, you provide a service to the public and are accountable to the public for your actions. The reasons for your actions may not always be understood by others, including the public. You must therefore be prepared to explain them as fully as possible. By being as open and transparent as possible and by maintaining good communication both externally and internally you will promote public cooperation and confidence and gain the trust of your colleagues. Public oversight and scrutiny of the Garda Síochána helps the organisation to learn and improve as a policing service.

8. Speaking Up and Reporting Wrongdoing

Speaking-up against wrongdoing or poor practice can stop harm or prevent future harm including fraud, corruption and injustice. When you report wrongdoing or poor practice you may be helping to highlight serious risks to the effectiveness or mission of the Garda Síochána, and thereby help to protect the public as well as improve the organisation. You will also be protecting and reassuring others within the Garda Síochána and contributing to a positive and open working culture.

It is the responsibility of senior management to set the example by which the Garda Síochána deals with wrongdoing at every level. Senior management must support, encourage and facilitate speaking up at every level in the organisation, must be open to all matters raised, and must also address problems and continue to learn and improve based on feedback from staff and from reports of wrongdoing.

It is the responsibility of every employee of the Garda Síochána to challenge and report wrongdoing.

Commitments

- I will protect the integrity of the Garda Síochána by rigorously opposing unprofessional, unethical, illegal, or corrupt behaviour in any form.
- I will never ignore unprofessional, unethical, illegal, or corrupt behaviour, regardless of the person's identity, role, rank or grade.
- I will report, challenge or take action against any unprofessional, unethical, illegal, or corrupt behaviour.
- I will support colleagues that are subjected to victimisation or bullying as a result of speaking up or reporting wrong-doing.

Additional commitment of senior management

- I will ensure that I encourage and facilitate speaking up and reporting wrongdoing at every level in the organisation.

9. Leadership

Commitments

- I will be personally responsible and accountable for my own actions or omissions, for orders or instructions given to others, for the execution of those orders and for their consequences.
- I will recognise my additional responsibility to maintain and promote professional standards and the standards of this Code.
- In so far as possible, I will ensure that staff for whom I am responsible carry out their duties in a manner that is in accordance with this Code and I will challenge all unprofessional, unethical, illegal or corrupt behaviour.
- I will ensure that staff for whom I am responsible are effectively supported and guided in the performance of their duties and their maintenance of this Code.
- I will support and ensure, insofar as possible, the physical and mental wellbeing of staff for whom I am responsible.

Leadership is not a matter of rank or grade. Everyone who works in the Garda Síochána has a responsibility to demonstrate leadership and good example by ensuring that the standards of this Code are adhered to. The more senior your role, the greater the opportunity to show good example and the greater the potential harm as a consequence of any misuse of your position or any failure to meet the standards required by this Code.

The Garda Síochána senior management is the most visible representation of the values and culture of the Garda Síochána, both within and outside the organisation.

There is an obligation on senior management to live this Code personally and uphold and promote this Code at every level of the Garda Síochána.