



(short form)

**“ASSEVERATION”**

I-I/FCA/05/8

## NOTICE &amp; LAWFUL DECLARATION

**In the matter of the question as to: “The obligation upon members of An Garda Síochána to act upon knowledge of a crime, or upon receipt of a report of crime?”**

*This matter being brought to the I-IFC for consideration and assessment according to; (i) the Rule of Law; (ii) to existing positive (written) law; and (iii) with reference to the full form of this Asseveration and the constitutional rights, legal authorities and intrinsic jurisdiction as laid out in the respective grounding publications listed therein; the Findings Commission of the Integrity Ireland Association hereby finds and determines as follows:*

1. Under the heading ‘RECORDING AND REPORTING OF CRIME AND INCIDENTS’ and the subheading ‘Duty to report crimes’ Chapter 40.1 of the **Garda Síochána Code** (the operational manual for members of An Garda Síochána) reads:

(1) “It is a basic duty of each member of the Garda Síochána to make an official report of the fact as well as the details of any indictable offence or in certain cases other incidents coming to his knowledge, unless an official report of such fact or detail has already been made by another member.” [And] “Information received from the public with regard to any other official matter will likewise be promptly reported.”

**Finding / Determination:**

1. In responding to reports of crime, members of An Garda Síochána are bound by the terms of the following Codes, Regulations, Acts and official statements which require full, consistent and thorough actions to record and investigate crime:
  - Chapter 40.1(1) & (2) and Ch. 40.5 of the Garda Síochána Code.
  - The Garda Charter ‘Working With Our Communities’.
  - The ‘Investigation Process’ on the official Garda website 2021.
  - An Garda Síochána’s Victims Charter.
  - Sections 7 & 16 of the Garda Síochána Act 2005.
  - The Garda Code of Ethics.
2. That it would constitute (i) a violation of the said Codes, Regulations, Acts and official statements and; (ii) a possible offence against the administration of justice if the appropriate procedures are not followed without lawful excuse.

Reg No. Pages & P	I-I/FCA/005/8/2	Committee	JH/NM/WN/KD/SM/CM/JM
Date of Approval	11.11.2021	Served by	

I hereby declare that this is a true copy of the original PDF version.

Submitted / served by.....  
 The signed and sealed original of this Asseveration is on file at the Integrity Ireland Association

