



(full form)

“ASSEVERATION”

I-I/FCA/06/3

NOTICE & LAWFUL DECLARATION

In the matter of the question as to: “The specific obligations upon members of An Garda Síochána to abide by the commitments of the Garda Code of Ethics?”

This matter being brought to the Integrity Ireland Findings Commission (‘I-IFC’) for consideration and assessment according to; (i) the Rule of Law; (ii) to existing positive (written) law; and (iii) as per the respective rights, authorities and jurisdiction granted under Irish & international law, as laid out in the I-IFC foundation publications quoted in I-I/FCA/001/3; the Integrity Ireland Association hereby finds and determines as follows:

1. **The Garda Code of Ethics**, published by the Police Authority on the 23rd of January 2017 to support all those who work in the Garda Síochána to “deliver the highest level of professional and ethical standards in their service to the public”, sets out nine ethical standards of the Garda Síochána and the ethical commitments required to meet them. These core values, which are placed at the heart of their service are; (i) the duty to uphold the law; (ii) honesty and integrity; (iii) respect and equality; (iv) authority and responsibility; (v) police powers; (vi) information and privacy; (vii) transparency and communication; (viii) speaking up; and (ix) wrongdoing and leadership.¹

2. The principles contained within the 53 commitments of the Code are to “*inform and guide the actions of every member of staff of the Garda Síochána at every level of the organisation.*” One aspect of the Code that is of particular interest is the reinforcement of “*the primary loyalty... to the public whom the Garda Síochána are here to serve. As a result, there is a duty to the public and to the organisation to speak openly within the organisation about things that could be done better or should not be done at all. There is also a corresponding duty to respond with openness and encouragement to those who speak up, with a willingness to acknowledge error, to learn and to change.*” The Code can be seen as a strong reiteration of the core values of the Garda Síochána and a desire to maintain and strengthen public confidence in our national Police Force.²

3. **The Garda Code of Ethics** further aligns with; (i) the ‘Policing Principles’ of *the Garda Síochána Act 2005*, and co-exists with, supports and compliments; (ii) the *Garda Discipline Regulations* and (iii) *the Civil Service Code of Standards and Behaviours*. **The Garda Code of Ethics** requires members to adhere to the following commitments numbered 1 – 53 under pain of a ‘breach of discipline’ action.

1. I will uphold and obey the law and fulfil my responsibilities in a fair and impartial way.
2. I will be honest and will act with integrity.
3. I will always seek the truth by establishing and reporting facts in an honest and objective way.

¹ <https://www.pila.ie/resources/bulletin/2017/02/01/new-code-of-ethics-for-the-garda-sochna-launched-by-the-police-authority>

² Ibid.

4. I will not abuse my power or position and will have the courage to oppose and report any such abuses by colleagues.
5. I will act in the public interest and not allow circumstances to arise that might compromise, or appear to compromise, myself or the Garda Síochána.
6. I will appropriately declare and manage any actual or potential conflict of interest that might impair my ability to carry out my duty or weaken public confidence in the Garda Síochána. This includes any conflict that might arise from a personal or business relationship outside of my work in the Garda Síochána.
7. I will recognise and respect the dignity and equal human rights of all people.
8. I will treat people with courtesy and respect.
9. I will treat everyone with fairness at all times, and not discriminate wrongfully.
10. I will oppose and challenge any behaviour or language that demonstrates discrimination or disrespect, in particular with regard to vulnerable individuals or minority groups.
11. I will be sensitive to the vulnerabilities of individuals, for example because of their age or a disability. I will be sensitive to the difficult circumstances individuals may find themselves in when in contact with the Garda Síochána.
12. I will show appropriate understanding and empathy to people I come into contact with.
13. I will make accommodation for an individual's particular needs where possible. Wherever possible, I will take steps to improve relationships with the public, in particular with individuals or groups that may have previously had a limited or challenging relationship with policing services.
14. I will act with self-control, even when provoked or in volatile situations.
15. I will take responsibility for my actions and omissions, and I will be accountable for them.
16. I will support my colleagues to the best of my ability as they carry out their duties and responsibilities.
17. I will only give instructions that I reasonably believe to be lawful and I will carry out lawful instructions to the best of my ability.
18. I will challenge instructions that I believe to be unlawful or contrary to the principles set out in this Code.
19. I understand that any decision not to follow an instruction needs to be fully justified.
20. I will make sure that I do not take any substance, such as alcohol or drugs, that will make me unfit for work.
21. I will report to a supervisor if I am unfit for work for any reason.
22. I will use all information, training, equipment and management support I am provided with to keep myself safe and up to date with my role and responsibilities.
23. I will endeavour to ensure the proper, effective and efficient use of public money and resources.
24. I will not use social media and mobile communications in a manner that may be perceived as discriminatory, bullying, victimising or unprofessional.
25. I will respect the human rights of all people, including the right to life, to security of the person and bodily integrity; to freedom of expression; to freedom of assembly and association; to privacy; and to be free from arbitrary arrest or detention.

26. When it is necessary to use police powers to achieve an objective, I will make sure that my actions are in accordance with the law and proportionate.
27. Every time I make a decision as to whether or not to use police powers I will be prepared to account for my actions. Wherever possible, I will explain my decisions to individuals affected.
28. When a situation requires me to use force I will, as soon as possible, make sure that the person I used force against is safe and receives any necessary assistance.
29. I will recognise and respect every person's right to privacy.
30. I will interfere with this right only when it is lawful and necessary to achieve a legitimate objective.
31. I will never hide, exaggerate, invent, interfere with or improperly destroy information or evidence.
32. I will gather, retain, access, disclose or process information only in accordance with the law and principles of data protection.
33. I will not improperly convey Garda information to the media or any third party.
34. I will communicate and cooperate openly and effectively with colleagues, the public and with other organisations as much as possible.
35. I will give timely and truthful information as long as this is in accordance with the law and does not compromise an ongoing investigation. Examples of this include updating victims and witnesses about investigations.
36. I will fulfil any duty to disclose information and records, including information for accused people or for the Garda Ombudsman, in accordance with the law and in a timely, truthful and transparent manner.
37. I will make sure that victims of crime are made aware of their rights as soon as possible.
38. I will make sure that I communicate information in a manner that is respectful, easy to understand and sensitive to the circumstances.
39. I will keep accurate, complete records, especially of all interviews and complaints.
40. I will make sure that, unless the nature of an assignment prohibits it, I will openly display my Garda identification when I am at work.
41. I will never ignore a colleague's unprofessional, unethical, illegal, or corrupt behaviour, regardless of the person's identity, role, rank or grade.
42. I will protect the integrity of the Garda Síochána by rigorously opposing unprofessional, unethical, illegal, or corrupt behaviour. Where the seriousness of the issue warrants it, I will report, challenge or take action against such behaviour.
43. I will support any colleague who speaks up in accordance with the law and this Code and challenge anyone who victimises a person for speaking up.
44. I will encourage and facilitate speaking up and reporting wrongdoing at every level in the organisation.
45. I will ensure that matters brought to my attention are considered, are investigated where necessary, and the appropriate action taken.
46. I will be open to matters raised by colleagues and learn from feedback and from reports of wrongdoing.
47. I will contribute to a positive and healthy working environment.
48. I will maintain and promote professional standards and the standards of this Code.
49. I will aim to behave in a manner which brings credit on the Garda Síochána and

- myself thereby promoting public confidence in policing.
50. I will be accountable for orders or instructions I give to others, for the carrying out of those orders and for their consequences.
51. I will strive to make sure that people I work with carry out their duties in a way that follows this Code.
52. I will make sure that people I work with are effectively supported and guided in performing their duties and maintaining this Code.
53. I will do whatever I can in my role to protect and support the physical and mental wellbeing of people I work with.

Finding / Determination:

1. Any deliberate and knowing breach of any of the 53 commitments of the said **Garda Code of Ethics** by a serving member of An Garda Síochána would constitute an internal ‘breach of discipline’ and, inasmuch as the circumstances are so proven, could further constitute an unlawful or criminal act, in violation of *the Garda Síochána Act 2005*.

2. Inasmuch as any such violation of the 53 stated commitments of **the Garda Code of Ethics** further qualifies as a criminal offence, then the same may be prosecuted according to law (as per the Rule of Law) by ‘any authorised person’, including by any member of the Public acting in their own name as a ‘common informer’ under the auspices of *S.10 of the Petty Sessions (Ireland) Act 1851*.

Reg No. Pages & P	I-I/FCA/006/3/2	Committee	JH/NM/WN/KD/SM/VC/JM
Date of Approval	15.11.2021	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.

For downloadable and printable versions: see the Integrity Ireland website / Home / Asseverations

