

AN
GARDA SÍOCHÁNA



*Declaration of
Professional Values & Ethical Standards*

CONTENTS

INTRODUCTION	2
PERSONAL DECLARATION OF COMMITMENT	3
PREAMBLE	4
PROFESSIONAL VALUES & ETHICAL STANDARDS OF AN GARDA SÍOCHÁNA - SUMMARY	5
AN GARDA SÍOCHÁNA PROFESSIONAL VALUES & ETHICAL STANDARDS - COMMENTARY	6

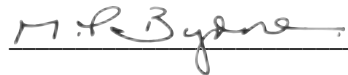


It is an honour and a great professional privilege for me as Commissioner of An Garda Síochána to introduce our Declaration of Professional Values & Ethical Standards. An Garda Síochána is one of the great institutions of modern Ireland: its men and women have served our country and our people with pride and distinction since our formation. Since then, the most distinguishing features of An Garda Síochána have been our closeness to the people we serve and the mutual respect and support which has existed between the Gardaí and the public. These unique features, which are as strong today as they were at any time since our foundation, cannot be taken for granted.

Our Declaration of Professional Values & Ethical Standards is a proactive leadership initiative by Garda management. In its development, we have taken great care to ensure that it is both comprehensive and incisive in addressing the key concerns which challenge the efficacy of public policing in Ireland at the commencement of the new millennium. I am confident that its philosophy and intent:

- ☆ Underpins and supports our broad public policing mission.
- ☆ Values the unique and close relationship between An Garda Síochána and the people we serve which is based on mutual dignity and respect.
- ☆ Recognises the international context of modern public policing, by reflecting the principles contained in international instruments including the UN Code of Conduct for Law Enforcement Officials, the Council of Europe's European Code of Police Ethics and the European Convention on Human Rights.
- ☆ Identifies and makes explicit the fundamental concepts and basic principles which underpin modern public policing in contemporary Ireland.
- ☆ Weaves an invaluable framework of applied values and standards which will guide policy makers, challenge practitioners and inform and enhance the decision making capabilities of our people.
- ☆ Clarifies for our staff, our customers, our stakeholders and commentators the underpinning conceptual understandings that guide two sets of essential relationships in public policing – the internal relationships among our staff within An Garda Síochána, and the relationship between Garda staff and the people we serve.

I warmly commend this Declaration to you as a most valuable professional framework to guide and inform your professional practice. Make it your guide, and a template to audit your professional practice. In the challenging and demanding world of professional policing, it will serve you well.



M. P. BYRNE
COMMISSIONER

Declaration of Personal Commitment

I _____ do hereby adopt, accept and commit myself to this ***Garda Declaration of Professional Values and Ethical Standards.***

Signed: _____

Date: _____

PREAMBLE

- Public Mission** Convinced that An Garda Síochána, being the national police service of the Republic of Ireland with a public mission, and acting in the public interest, has a fundamental role in protecting and vindicating the personal dignity and human rights of all members of the community;
- Legal Framework** Recognising that An Garda Síochána, as a professional public body, is empowered, regulated and guided by the provisions of the Irish Constitution and subordinate Irish legislation, and International Human Rights Laws and Standards relevant to professional policing;
- Rule of Law** Recognising that An Garda Síochána is committed to upholding and promoting the rule of law, which is the basis for all genuine democracies;
- Legitimacy** Bearing in mind that An Garda Síochána can only carry out its functions with the consent and support of the community; is obligated to actively protect and promote this special relationship with the community through dialogue, consultation and partnership;
- Trust & Integrity** Mindful that the office of Garda and its associated legal powers and authority are bestowed on officeholders as a public trust, to act on behalf of the people with integrity in the pursuit of peace and freedom and the protection of human life and property;
- Diversity & Equality** Considering the diversity and equality of humanity, the requirement to accept and value differences, and the obligation to ensure that such diversity and equality is reflected in all aspects of An Garda Síochána including its professional policing practice;
- Responsibility & Accountability** Recognising that officeholders in An Garda Síochána, entrusted with that office and associated powers and authority, have significantly increased responsibilities to the people, to whom they are accountable, regarding the use of such office and powers and authority;
- Moral Duty** Emphasising that in the performance of our public duties, every staff member of An Garda Síochána is obligated to adhere to and be guided by the ethical, legal and professional principles which are applicable to public policing;
- Commitment** An Garda Síochána and every staff member thereof, do hereby adopt, and accept and commit ourselves to this Declaration Of Professional Values and Ethical Standards.

PROFESSIONAL VALUES & ETHICAL STANDARDS OF AN GARDA SÍOCHÁNA

- Article 1** Respect the human dignity of every person.
- Article 2** Uphold and protect the human rights of all.
- Article 3** Respect and support the diversity and equality of cultures and beliefs in our society.
- Article 4** Adhere to the principle of legality and apply the law in a fair and equitable manner.
- Article 5** Be open and accountable in matters pertaining to the discharge of the professional duties and responsibilities of our public office.
- Article 6** Pursue the truth by establishing and reporting all of the facts in an honest, objective, fair and impartial manner: justice being the aim.
- Article 7** Maintain confidentiality in all matters, which refer to the affairs of others, unless there is a legal or compelling public interest requirement for disclosure.
- Article 8** Adhere to the principles of necessity and proportionality at all times.
- Article 9** Disclose immediately all conflicts of interest in accordance with our public mission as officeholders in An Garda Síochána.
- Article 10** Challenge, oppose and expose illegal, unprofessional or unethical behaviour in our profession.
- Article 11** Discharge our professional responsibilities and public duties with probity and integrity in the interest of the public good.
- Article 12** Deliver on our employment contract obligations and commitments.
- Article 13** Accept personal responsibility for the development of our professional competencies to serve the community better.
- Article 14** Carry out our functions, as officeholders in An Garda Síochána, in consultation and partnership with the community.
- Article 15** Apply and use Garda resources to the maximum benefit of the community.

Article 1 *Respect the human dignity of every person*

Clarity in relation to the concept of human dignity lies at the core of public policing. It refers to the inherent value or worth of each person because of their humanity and regardless of their particular circumstances or actions. When we acknowledge, as we must, that each person has value in and of themselves, we are required to separate the person from their actions. We will understand that we can never judge a person because one can never know all the circumstances and the intent that led a person to take a particular course of action. An Garda Síochána must be concerned with how our services look after the dignity needs of each human person.

Respect for the human dignity of all persons is the primary value on which the policies, practices and procedures of An Garda Síochána rest. It is important to remember that while members of An Garda Síochána are empowered by the Oireachtas on behalf of the community to deprive people of certain rights in the interests of the common good; in undertaking this function, we may never deprive persons of their innate personal dignity, no matter what procedures we have to carry out.

Minimum rights and standards for the preservation of the fundamental freedom of each individual have been set out and are protected by international and domestic law. Human rights belong equally to each and every person as a consequence of their humanity as discussed in Article 1. They outline the minimum conditions each person requires, is entitled to, and are to be provided with, to pursue a free and fruitful life. They are universal, in that everyone has them as of right, regardless of their citizenship, race, colour, ethnic origin, religion, gender, sexual orientation, religious belief, or age. Human rights are inalienable, this means that they cannot be taken or given away, except under the most grave circumstances. A person's rights apply to him or her regardless of what they may have done.

International human rights law is binding on all States and their agents including the police. This is underpinned by Ireland's signing and ratification of international human rights instruments including the Council of Europe's European Convention on Human Rights. Consequently, each member of An Garda Síochána is obliged to know, comply with and apply national and international human rights standards. An Garda Síochána is one of the primary protectors of human rights in Irish Society. As such, we have a positive duty to uphold and protect the human rights of all human persons.

Respect for diversity and equality of culture and belief requires Gardaí as public office holders to be pluralistic in our outlook and approach to the discharge of our public duties. Pluralism is the idea that in a culturally diverse society there are no ultimate overarching values which are agreed upon by everyone or to which everyone should adhere. Culturally diverse peoples have the right to hold and to practice diverse views and beliefs, which others may profoundly disagree with, provided that they do so within certain limitations. When interpreting these limitations, domestic, constitutional and international law guide us.

Respect for diversity also requires Gardaí to be tolerant in their approach. Tolerance is about accepting and valuing difference and not judging others as inferior or less deserving of our support due to their difference in terms of citizenship, race, colour, ethnic origin, religion, gender, sexual orientation, religious belief, or age. The innate dignity of the human person is the overarching consideration, which ought to guide our professional performance.

An Garda Síochána is committed to upholding and promoting the rule of law which is the basis for all genuine democracies. Complying with the rule of law means that everyone is equal before the law and the law applies equally to everyone, regardless of their station, position or power. It is an imperative of public policing that Gardaí must always comply with the rule of law and be guided by its provisions in their professional practice.

There can be no deviation from this principle and no justification ever for acting illegally. Gardaí who attempt to achieve policing objectives by breaking the law or violating human rights, act illegally and unprofessionally and add to criminality in society. Such behaviour undermines the very purpose of public policing and diminishes the legitimacy of An Garda Síochána in society.

The prudent application of the law is facilitated by the Garda's discretionary powers, which are associated with our public office. The use of Garda discretion is best seen as the application of practical, prudent and balanced judgement, which sees the law applied in a manner that is fair, equitable and appropriate to the particular circumstances of individual cases. The principles of equality and non-discrimination always apply. In approaching the application of the law, An Garda Síochána and its membership must be cognisant of these requirements and must be guided by their purpose and intent.

The broad nature of the public mission of An Garda Síochána dictates that certain aspects of public policing must be carried out in a most confidential and indeed, on occasions secret manner. Such duties must be carried out in a manner which serves the public interest and is in accordance with the rule of law as outlined in Article 4. While recognising the aforementioned, we must be cognisant that the legitimacy of public policing is dependent on the extent to which An Garda Síochána operates with the trust, consent and support of the people. This means that we must approach our duties and responsibilities in a manner, which is open and transparent to communities and individuals who are affected by our actions, or inactions, as the case may be.

At an institutional level, the policies, procedures and practices of An Garda Síochána must be open to public scrutiny and comment, with a view to facilitating a common understanding of our role and function in society. As Gardaí depend on public support and contribution for the successful performance of our day-to-day public police duties, we are required to stand accountable before the public for all actions and inactions, which are taken, or required to be taken, in the public interest. At an individual level, Gardaí must be willing to explain the rationale for their decisions, actions or inactions, and we must be willing to account for and justify our decisions and courses of action in the appropriate forum.

An Garda Síochána has a core role in the administration of criminal justice in Ireland. In that context, a central function of police work is the investigation of incidents and events where the law may have been breached or the rights of members of the community may have been infringed. As investigators, it is our clear public duty to work conscientiously and diligently to establish all of the facts relevant to the issues under investigation, in an honest, objective, fair and impartial manner, with a view to providing other decision makers in the justice system with an objective, comprehensive and impartial picture of all of the issues. The principles of equality and non-discrimination must guide our actions, strategies and decision-making processes. Evidence collection, evaluation and presentation shall always be guided by respect for the rule of law and adherence to the principles of natural and constitutional justice.

The office of Garda affords members of An Garda Síochána access to private and confidential information pertaining to individuals, families and groups in society. The collection, storage and use of such personal data must be carried out in accordance with international and national standards pertaining to citizens' rights to privacy, family affairs and data protection protocols. Maintaining confidentiality in these matters is a key mechanism in building public trust and maintaining support for public policing. Confidential information must be managed in a manner which ensures that the human dignity and basic human rights of the individuals concerned, are respected and protected. Breaching confidentiality in this context is a serious breach of professional practice and public trust.

Garda policy and enforcement procedures must ensure that all private and personal information, which comes into the Garda domain, shall remain confidential unless there is a legal or compelling public interest requirement to disclose it.

The principles of necessity and proportionality lie at the heart of professional policing in all democratic societies. They inform our approach and they guide our actions. The principle of necessity is best understood as the police confining their interference with the freedoms and rights of individuals and groups in society to those that are absolutely necessary to achieve a lawful purpose in the public interest. Proportionality is concerned with the relationship between the means used to achieve a particular outcome and the outcome itself. Essentially the means must be proportionate to the legitimate aim to be achieved and the use of particular means must not undermine the legitimate aim in the long term.

While the principles of necessity and proportionality are well understood in the context of the use of force by police, these principles are equally appropriate and must be always considered and applied to Garda policies, strategies, procedures, operations and practices. These principles represent key considerations for strategic, tactical and operational decision makers.

In the performance of our public duties in An Garda Síochána we recognise that there is an ongoing potential for conflict to arise between personal and professional interests. Conflict of interest may arise in situations where personal interests or concerns influence or have the potential to influence the professional performance of our public duties. An Garda Síochána is committed through its policies, behaviour standards and operational practice to safeguarding the integrity of the individual, public policing and the professional decision making process. Such commitment necessitates officeholders in An Garda Síochána to disclose and report in writing situations or circumstances where conflicts or potential conflicts of interest may arise.

This professional management standard is in addition to, and exists independent of, any obligations that officeholders may be subject to, by virtue of statutory legislation.

Maintaining and defending the integrity and professionalism of public policing is a core concern for every member of An Garda Síochána. The public mission, professional values and behaviour standards of An Garda Síochána, enunciate the guiding principles which must always command the loyalty and active support of each member. The prevailing ethos, policies, and practices of An Garda Síochána must empower, support and enable each officeholder to actively uphold and live these guiding principles. Individual or group behaviour or loyalties, which serve to facilitate, encourage or conceal illegal, unethical or unprofessional actions, undermines professional policing. It is the professional duty of each member of An Garda Síochána to actively challenge, oppose and expose such activities for the common good.

The office of Garda confers significant power and authority to limit the freedoms and infringe the rights of members of the community in certain circumstances. Such power and authority are entrusted to Gardaí by the Oireachtas on behalf of the community for the public good. Our public service mandate dictates that probity and integrity must be the hallmarks of our behaviours. Therefore, it is an abuse of our public role or position to engage in behaviour, whether internally or externally, which is motivated by personal gain or the gain of others. The abuse of our office or role and its associated powers and authority for vindictive reasons or unlawful purposes seriously damages the legitimacy of public policing and represents a grave abuse of public trust.

Similarly, unethical behaviour in the internal work and management processes of An Garda Síochána is equally damaging to the dignity of our staff and the integrity of our organisation. All decisions, behaviours and actions must be characterised by probity and integrity. Therefore, internal processes and activities must be guided by the principles of fairness, honest behaviour, equal treatment and accountability.

The employment contract in An Garda Síochána is best understood as a concomitant set of objective employment related duties and responsibilities, and implied psychological understandings which govern the ongoing relationship between management and staff. Garda management commit to treat staff fairly, trust their loyalty and commitment, deliver on obligations and promises, and act ethically and professionally in their interest. In return staff commit to undertake assigned duties and responsibilities, act in a professional manner, remain loyal to the oath of office, and the mission and objectives of An Garda Síochána.

This set of reciprocal obligations and understandings commit and require:

- Garda management to develop, operate and continuously improve our work and people management policies and practices, including the provision of challenging and meaningful work, appropriate training and development opportunities, career progression paths, equality of esteem and opportunity, safe work environment, clarity about performance expectations, fair and impartial investigation of complaints, and robust defence of staff who have been falsely or maliciously accused of wrongdoings.
- Garda staff to act in accordance with their oath of office and the professional and ethical standards of An Garda Síochána, deliver a fair day's work for a fair day's pay, comply with Garda policies, engage with and stay abreast work related challenges and problems, pursue their duties conscientiously in the public interest, behave in a respectful, courteous and helpful manner toward subordinates, colleagues, superiors and customers, report all matters accurately and in a timely manner, act always in accordance with the law and use their office and discretionary powers and influence in the interest of the common good.

The nature of the office of Garda is such that individual members must accept primary responsibility for their own professional performance and its outcomes. This requires members to continuously evaluate the levels of their professional knowledge, skills and capabilities to perform the duties assigned to them in the service of the community. Collectively, An Garda Síochána must accept responsibility for identifying the training and developmental needs of Garda Staff and ensuring that members are afforded the opportunity in terms of training, education and experience to achieve professional competence.

Safeguarding freedom and security is a core concern for all members of our community. The Gardaí are entrusted with significant powers, in public trust, to actively develop and action policing strategies on behalf of the community, to protect individual rights and freedoms and enhance communal safety. The effective delivery of our public policing mission requires An Garda Síochána to engage in consultation with members of the community at local, regional and national levels. The consultation process enables and empowers Gardaí and communities to engage in dialogue. Such dialogue facilitates exchange of information, communication of concerns, building of mutual trust and cooperation, and identification of the needs of particular groups. The consultation process reflects the essence of democratic policing and represents the basis upon which productive partnerships are developed, with a view to joint problem solving.

The public is entitled to an excellent policing service at a reasonable cost. It is the duty and responsibility of each member of An Garda Síochána to contribute to this principle. The resources available to An Garda Síochána to deliver on its public policing mission are provided in trust from the public through the Government. Such public resources are finite and there is a professional obligation on the Garda Commissioner to apply and use our public resources to the maximum benefit of the public and ensure value for money. This professional obligation extends to all members as they work to carry out the duties of their office. In accordance with the principles of democratic policing, managerial goals and objectives must reflect governmental and community priorities and concerns. Resources must be allocated in accordance with the principles of fairness and equity so that all sections of society may enjoy reasonable levels of safety and security.