



# An Garda Síochána

## Policy Document

### Garda Decision Making Model

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## 1. Introduction

Decision making in policing organisations is often complex, decisions are frequently made in difficult situations, in rushed circumstances and are open to scrutiny and challenge. The Garda Decision Making Model (GDMM) applies to all decisions made by members of An Garda Síochána and Garda staff from spontaneous incidents to planned operations, daily duties to strategic planning. The GDMM is to be applied by individuals or teams/groups to operational policing, non-operational policing and/or administrative decisions.

## 2. Scope

This policy and all associated documentation apply to all members of An Garda Síochána and Garda staff. It also applies to Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána in accordance with Section 53, Garda Síochána Act 2005.

## 3. Relevant Terms & Definitions

**'Member of An Garda Síochána'**, is defined in the Garda Síochána Act 2005, as amended, as; a member of any rank (including the Garda Commissioner) and a reserve Garda but does not include a member of the Garda staff of the Garda Síochána.

**'Garda staff'**, is utilised to reference civilian staff of all grades within An Garda Síochána as defined in the Garda Síochána Act 2005.

**'Garda personnel'** in this policy will be utilised to reference both members of An Garda Síochána and Garda staff.

## 4. Policy Statement

The GDMM supports and empowers all Garda personnel to make effective decisions, to reflect on and evaluate their decisions and to enhance their learning and the development of professional judgement over time. The GDMM also supports and empowers all Garda personnel to rigorously oppose unprofessional, unethical illegal or corrupt behaviour or decisions.

All Garda personnel will receive the full support of the Garda organisation in all instances where they can demonstrate that their decisions were assessed and managed in line with the GDMM, where Constitutional and Human Rights, and ethical principles lie at the heart of the Model.

## 5. Garda Decision Making Model

The GDMM is an integrated tool to assess risk at the earliest stages of decision making. In addition, it ensures consistency of decision making even in the most dynamic circumstances. The GDMM can be applied in circumstances where immediate action is needed. The GDMM provides a framework for continuous review, evaluation and improvement in a simple and easily understood manner.

Adopting a Rights and ethics based standardised model for decision making, ensures that Constitutional and Human Rights and ethical principles are embedded in all considerations and provides a consistent process which is fully accountable and transparent. The GDMM is the sole decision making framework for An Garda Síochána. It is applicable across all ranks and grades and in all situations and provides for a standardised and accountable framework for internal and external stakeholders.

### 5.1. Overview of the GDMM

The GDMM consists of three integrated parts: (i) the centre of the GDMM, (ii) an inner circle and (iii) an outer circle.



#### **(i) Centre of the GDMM**

The GDMM places constitutional, human rights and the Code of Ethics at its core. The presence of constitutional, human rights and ethical standards at the heart of the GDMM emphasise that they require primary consideration to inform decision making. The GDMM requires that each individual brings these to the forefront of their mind almost automatically, as soon as they are involved in an incident or are considering what to do in a situation.

The application of the GDMM core, differs from the application of the other circles in a very significant and critical way. Placing constitutional, human rights and the Code of Ethics at the core of the GDMM emphasises the professional 'way of being' for all Garda personnel, as they utilise the GDMM, i.e. they allow and require each member of An Garda Síochána/Garda Staff to ask continuously, and regardless of the circumstance... "Am I respecting constitutional and human rights?" "Am I being accountable in this situation/incident?" or 'Am I being honest in what I have said to this person?' etc.

## 1. Constitutional and Human Rights

A human rights based approach to policing puts constitutional and human rights at the centre of all decision making, that is to say, at the heart of every method of investigation or action by a police service. This focus on rights, enables Garda personnel to apply the minimum standards for the protection of the rights and dignity of every human being as required by national and international principles of democracy. Awareness of European and international conventions, codes, directives and case law on critical areas of policing such as the use of force, treatment of victims, treatment of persons in custody, are critical to professional policing. All communication with stakeholders must be appropriate and respectful and the reasonableness, legality, necessity and proportionality of the decision are considered along with all other strands, to reach a balanced decision. Cognisance, at all times, of the nine grounds of discrimination is vitally important:

- Age.
- Gender.
- Disability.
- Civil status.
- Family status.
- Sexual orientation.
- Race.
- Religious belief.
- Membership of the traveller community.

These should be borne in mind at all stages of decision-making. [Impact on colleagues and members of the public under the nine grounds will be considered.]

Considerations:

- Whose constitutional and human rights, and which of their rights, are affected in this situation?
- Is there human rights case law regarding this decision?
- Is my action necessary? Do I need to intervene? Are there other options available to me?
- Is my action a proportionate response?
- Is my decision necessary, legal, reasonable, proportionate, transparent, non-discriminatory and accountable?
- Are there ways to reduce or mitigate any interference with the constitutional or human rights of those affected by my decision?
- Will my decision disproportionately impact persons under the nine grounds of discrimination?
- Am I ready to be fully accountable for my decision?

## 2. Code of Ethics

Ethical standards apply to all Garda personnel in both the interactions between persons working for An Garda Síochána and the public, and the interactions amongst colleagues within An Garda Síochána. The nine standards and commitments of the Code of Ethics permeate all areas of policing work and decision making within An Garda Síochána, without exception and are placed at the centre of the GDMM to remind Garda personnel that any action they are considering, at any stage, needs to be consistent with them.

All actions and decisions have, as their fundamental basis, the nine ethical standards and commitments as outlined in the Code of Ethics as follows:



- Duty to uphold the law.
- Honesty and integrity.
- Respect for diversity.
- Authority and responsibility.
- Police powers.
- Information and privacy.
- Transparency and communication.
- Speaking-up and reporting wrongdoing.
- Leadership.

The GDMM ensures that human rights and ethical driven considerations are integrated at all stages of decision making.

Considerations:

- Is what I am considering consistent with constitutional, human rights and the code of ethics?
- What would An Garda Síochána expect me to do in this situation?
- What would any victims (s), the affected community and the wider public expect of me in this situation?
- Am I demonstrating empathy in this situation?
- Am I demonstrating respect for all involved?
- Are my own personal values, preferences, beliefs impacting on this decision in a positive way?
- Can I explain my actions or decision in public?

## **(II) Inner Circle**

In the inner circle of the GDMM the process of decision making consists of five stages, in a continuous cycle, constantly subject to review in the light of new information or intelligence becoming available.

Garda personnel should perform each stage of the decision making process, to assist them in identifying and taking the appropriate course of action and constantly review and evaluate the decision, to ensure personal and organisational learning.

The five stages of the process require a range of considerations at each stage. The range of considerations is not exhaustive nor limited and is set out as follows:

### **1. Gather information and intelligence**

- Gather all relevant information/intelligence: What is happening or has happened?
- Identify what information/intelligence has been received.
- Identify potential avenues of further information/intelligence.
- Identify what matters need clarification: What do I know/not know?
- Determine scope of the issue.
- Ensure accurate note taking/record keeping.

### **2. Assess Threat and Risk**

- Assess and analyse the information received.
- Assess level of risk to persons involved, including victims, suspects, witnesses, public, Garda staff.



- Assess whether action should be taken immediately.
- Assess capability of available resources to deal with risk.
- Consider how seriously the constitutional and human rights of persons involved will be affected.
- Recognise the necessity to balance the rights, needs, and expectations of all clients.
- Recognise the diversity of cultures and beliefs in the situation/issue.

### 3. Consider Operational Environment

- Identify stakeholder and community needs and requirements.
- Question whether there are issues of discrimination that need to be addressed.
- Identify relevant external and internal clients and partners; who else can assist?
- Identify opportunities for initiatives and innovation.
- Identify and acquire knowledge of all relevant legal powers and proofs.
- Identify and acquire knowledge of relevant human rights standards/case law and apply principles of legality, proportionality and necessity.
- Identify and acquire knowledge of relevant Garda policy, procedure and best practice.
- Display and apply relevant knowledge of evidence gathering methods, resources and management.
- Identify and apply the limits of discretionary powers.

### 4. Identify Options and Contingencies

- Identify options.
- Critically analyse all options.
- Identify whose constitutional and human rights would be affected in the case of each option and consider ways of reducing or mitigating the impact on those rights.
- Question if there is potential ground that could constitute discrimination in any of the options.
- If it is necessary to differentiate, ensure the differentiation is necessary and proportionate. Arbitrary discrimination is forbidden.
- Select and weigh possible courses of action from response options.
- Justify option chosen.
- Evidence consideration of other options.
- Explore limitations to the option adopted.

### 5. Take Action and Review

- Take personal responsibility for option chosen.
- Display flexibility and adaptability in executing option.
- Ensure response executed in accordance with option chosen.
- Assess what informed chosen option.
- Evidence rationale for option chosen.
- Evidence learning from option applied.
- Document learning from option applied.
- Does my decision meet with the ethical standards and commitments of the organisation?
- Have I made the right decision for the right reason?

### (III) Outer Circle

The outer circle of the model sets out the contextual environment in which any decision is to be made, in a policing context. The internal and external environment sets out the key factors that significantly inform

policing decisions. Any decision in professional policing will involve a requirement to consider some, if not all of these sources at any given time, to inform ethical and professional action. Decision making in a policing context is successful only when the internal and external operational environment is taken into consideration.

The three contextual sources (Community and Stakeholders, Legal Powers and Policy, Procedure and Practices) are the primary sources of knowledge, and guidance for all police activity and decision making as follows:

#### **a) Community & Stakeholders**

The community policing ethos is intrinsic to all activity within An Garda Síochána. Delivering a quality service that meets the diverse needs of the communities and stakeholders we serve should be a core goal for all Garda personnel. Policing by consent is a core philosophy of policing. Any professional policing decision must take account of community and stakeholder needs and expectations, the impact of any decision on the community and each stakeholder within the community. Working collaboratively to build positive working relationships focussed on addressing issues of concern for communities should also be a primary concern for all Garda personnel.

Considerations:

- What are the specific needs of the stakeholder/community in this situation?
- Are there collaborative, consultative approaches I can take to resolve this issue?
- What is the impact (if any) of my action on the stakeholder/community in this particular situation?

#### **b) Legal Powers**

Law enforcement is one of the core functions of An Garda Síochána. All actions by An Garda Síochána must have a clear basis in law. All Garda personnel must work within the limitations of legality and demonstrate a sound knowledge of the law to find solutions to problems, to detect and prevent crime, to reduce the fear of crime and to ensure a better quality of life for the community. Any decision requires that Garda personnel identify and act on relevant legislation.

Considerations:

- What are my legal powers in this situation?
- What legal action am I obligated to take?
- Have I any discretionary power in this situation?
- What are the limits of that discretion?

#### **c) Policy, Procedures and Practice**

A policy is a guiding principle used to set direction in an organisation. A procedure is a series of steps to be followed as a consistent and repetitive approach to accomplish an end result. Garda policy outlines what the organisation hopes to achieve and the methods and principles it will use to achieve them. Garda personnel are obligated to inform themselves of the relevant and most up to date policy and procedure applicable to taking action in this situation and to apply it reasonably and appropriately.

Considerations:

- What are the relevant organisation policies I must take into account?



- What is best policing practice in this situation?

## 6. Compliance

Compliance with this policy is mandatory for all Garda personnel.

## 7. Related Documents

- [The Code of Ethics for An Garda Síochána](#)

### 7.1. Cancellations and Replacement of Existing Policy and associated document(s) (if relevant/appropriate)

This policy cancels and replaces the current content and references to the Garda Decision Making Model in all Garda HQ Directives, policy and procedure documents, manuals and guidance notes/material.

## 8. Legal & Human Rights Screening

This document has been legal and human rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

## 9. Ethical Standards & Commitments

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the [Code of Ethics](#) for An Garda Síochána and uphold and promote this Code throughout the organisation.

## 10. Policy Review

This policy will be reviewed 12 months from its date of effect and every three years thereafter or as appropriate.

## 11. Disclaimer

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

## 12. Policy Document Feedback

The Policy and Governance Co-Ordination Unit maintains a Policy Issues Log. Where there are potential issues regarding the implementation of the policy set out in this document, please forward an outline of same through the relevant Divisional Office to the Unit. Divisional Submissions will be recorded in the Policy Issues Log and forwarded to the Policy Owner for whatever action deemed necessary.