



# An Garda Síochána

## Policy Document

### Senior Investigating Officer (SIO).

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Effective Date	<i>03 November 2020</i>
Version No.	<i>1.0</i>
Approved by	<i>Garda Executive</i>
Introduced by	<i>HQ Directive 061 / 2020</i>
Policy Owner	<i>Assistant Commissioner, Organised and Serious Crime</i>

## Purpose.

This policy outlines the role and responsibilities assigned to a Senior Investigating Officer (SIO), within An Garda Síochána. The Policy and accompanying Procedure document provides direction for the Appointing Authority, regarding the criteria and process to be utilised for the purpose of appointing a SIO to the investigation of serious crime, critical incidents and other investigations in circumstances, where it is deemed appropriate, in the public interest.

This Policy is compatible with Policy pertaining to operation of the Investigation Management System (IMS), which is of particular relevance.

## Scope.

This Policy and all associated documentation applies to members of An Garda Síochána and Garda staff. It also applies to members of the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána in accordance with section 53, Garda Síochána Act 2005 (as amended).

## Policy Statement.

The statutory function of An Garda Síochána, set out at section 7, Garda Síochána Act, 2005, (as amended), is to provide policing and security services for the State with the objective of bringing criminals to justice, including by detecting and investigating crime. It is imperative, therefore, that An Garda Síochána carries out a thorough and professional investigation in respect of instances of serious crime and critical incidents.

Decision making is a critical aspect of the role of a SIO and for this purpose it is essential that a SIO applies the **Garda Decision Making Model (GDMM)** to all decisions. A SIO shall actively participate in and manage an investigation to which they have been appointed and ensure the investigation is conducted in accordance with **An Garda Síochána Human Rights Framework**.

Any action taken by a SIO in the management of an investigation, must comply with the fundamental principles of legality, necessity (absolute necessity in terms of lethal force), proportionality and accountability and be applied in a non-discriminatory manner, in accordance with the principles of the European Convention of Human Rights (ECHR).

Most criminal investigations will interfere with privacy and therefore must be in accordance with the Law. Persons subject of a criminal investigation are entitled to be presumed innocent until guilt is proven in a court of law. Criminal investigations shall be objective and fair and sensitive and adaptable to the needs of vulnerable persons, including an adult with a physical or intellectual disability, dementia or mental health problems and a child.

An investigation shall be conducted in an effective and efficient manner in order to establish the facts and shall be:

- independent and impartial;
- conducted with promptness and diligence;
- subject to public scrutiny and
- be capable of leading to the establishment of the facts of the case and to the identification and conviction of those responsible.

The following should underpin all investigations:

- proper procedures have been followed, recorded and all actions are authorised;
- the nature of the interference with privacy is proportional considering the matter being investigated;
- all options were considered and all relevant factors recorded;
- the methods used are proportionate and necessary for the purpose of the enquiry and
- all reasonable steps are taken to secure evidence.

## Compliance

Compliance with this policy is mandatory for all members of An Garda Síochána and Garda staff.

## Related documents:

1. Senior Investigating Officer (SIO) Procedure document;
2. Garda Decision Making Model;
3. An Garda Síochána Human Rights Framework.

## Cancellation and replacement of Existing Policy and associated document.

- HQ Directive 28/2009 (Anticipatory Plans to Deal with Serious Crimes and Critical Incidents), which replaced Chapter 23.2(2) of An Garda Síochána Code, Volume 1, is cancelled.

## 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.

## 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.

## Policy & Procedure Review

This document will be reviewed twelve (12) months from its date of effect and every three (3) years thereafter.

## 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.

## General Data Protection Regulations/Directive 2016/680/EU and Criminal Justice Authorities Directive.

Personal data shall only be procured for the purposes specified in this policy and within a clearly defined lawful basis under the EU General Data Protection Regulation (GDPR) ((EU) 2016/679) and the Data Protection Acts 1988/2018. All necessary measures will be put in place to ensure personal data is kept safe and secure. Only authorised personnel shall have access to personal data. Only relevant personal data will be processed and will not be retained for longer than is necessary.



