

GARDA SÍOCHÁNA OMBUDSMAN COMMISSION

CODE OF ETHICS

INTRODUCTION

1. This Code of Ethics for the guidance of members and staff of the Garda Síochána Ombudsman Commission has two principal purposes:

- A. To assist members and staff in fulfilling their obligations at law and, in particular, their obligations under the Garda Síochána Act 2005 and the European Convention on Human Rights Act 2003.
- B. To assist the members and staff of the Garda Ombudsman in their two objectives, set out in the Garda Síochána Act 2005 of (a) providing a system for dealing with complaints concerning members of the Garda Síochána that is efficient, effective and fair to all concerned and (b) promoting public confidence in that system.

2. Members and staff of the Garda Ombudsman are required to discharge their duties in accordance with this Code and in accordance with the law, as set down in all relevant legislation and lawful regulation. Any breach may lead to an investigation and possible sanction, either by way of criminal prosecution or disciplinary process.

3. Members and staff of the Garda Ombudsman will, at no time, whether on duty or otherwise, behave in a manner likely to bring discredit on the organisation.

EQUALITY AND RESPECT

1. Garda Ombudsman personnel will seek to establish truth, based on evidence, lawfully obtained in their inquiries, their case work and other areas of operation.
2. Garda Ombudsman personnel will treat all persons with whom they have professional contact with equality, dignity and respect and will operate in accordance with Irish equality legislation.
3. No person with whom the Garda Ombudsman has contact will be discriminated against on grounds of gender, marital status, family status, age, disability, sexual orientation, religious belief, race, membership of the Travelling Community, political convictions, place of birth or residence, occupational status or any other status.
4. Garda Ombudsman personnel will treat all persons with whom they have professional contact with courtesy, understanding, politeness and self-control.

INDEPENDENCE AND BUILDING CONFIDENCE

1. Garda Ombudsman personnel will be aware of and will maintain the independence of the organisation from the Garda Síochána, The Department of Justice, Equality and Law Reform and both statutory and non-governmental bodies whose functions may touch upon the area of criminal justice.

2. Garda Ombudsman personnel will disclose to the Commission any private interest, or potential conflict of interests, that may have a bearing upon their work or that could be seen as such. In such cases the Commission will seek to resolve any issues in a way that protects the public interest.

3. Information received in the course of their duties will be treated as strictly confidential, within the law, by Garda Ombudsman personnel. Where information relating to Garda Ombudsman business is to be disseminated, this will be done only within the channels and processes set down for the operation of the Office of Head of Communications and Research or other, properly-authorized channels.

4. Garda Ombudsman personnel will ensure, insofar as possible, that all actions in pursuit of their duties are discharged at the highest levels of efficiency, accuracy, thoroughness and completeness.

INTEGRITY

1. Garda Ombudsman personnel shall take professional decisions on a basis of personal disinterestedness and not on the basis of any improper gain.

2. Garda Ombudsman personnel shall not accept any gifts or similar favours unless authorised by the Commission. Any such offers or gratuities should be declared to the Commission and personnel must act within the law at all times.

3. Personnel of the Garda Ombudsman must report to the Commission any proceedings or allegations of a criminal act, or any investigations by the Garda Síochána into any such allegations against them.

4. Garda Ombudsman personnel shall not place themselves under any obligation to individuals or organisations that might influence, or be seen to influence, them in the carrying out of their duties. Where any doubt arises in such situations, personnel will refer the matter to their superior authority.

5. Garda Ombudsman personnel shall not commit any act of corruption or dishonesty. They will oppose and report to their superiors any and all such acts coming to their attention. They will be supported by colleagues and their superiors on any occasion on which they do so.

6. Garda Ombudsman personnel will operate to the highest standards of probity and propriety in the stewardship of public funds, equipment and other resources.

PRESENTATION AND PERSONAL BEHAVIOUR

1. Personnel of the Garda Ombudsman shall never be unfit to carry out their professional duties as a result of alcohol or substance abuse. Personnel on 'call out' duties, in particular, will ensure that they always meet these criteria.

2. Garda Ombudsman personnel will always maintain a professional image and demeanor when on duty. In particular, they will never employ threatening or overbearing behaviour; they will not use foul language in any professional context; they will not use language that is sarcastic or demeaning of persons with whom they have professional contact.

3. Garda Ombudsman personnel will, where requested and where it is appropriate, identify themselves as such. They will take whatever reasonable measures may be necessary to ensure that persons with whom they have professional dealings are aware that Garda Ombudsman staff are not members of the Garda Síochána.

GSOC INVESTIGATIONS AND OPERATIONS

1. Garda Ombudsman personnel will not knowingly or through neglect make any false, misleading or inaccurate statement in regard to their professional functions. Nor will they alter, destroy, mutilate or improperly dispose of any record, document or other item that may have a bearing on their functions or operations.
2. Garda Ombudsman personnel engaged in investigations or case work will follow the principle that gardaí who are the subject of either a criminal or a disciplinary inquiry are to be presumed innocent until lawfully adjudged to be otherwise.
3. Garda Ombudsman personnel will be aware of the special needs of persons, whether complainants, gardaí complained against, witnesses or family members, who may be vulnerable. They will take measures and offer guidance to mitigate such vulnerability where necessary. They will also be aware of and will take appropriate measures to protect and support witnesses where there is the risk or fear of intimidation.
4. Garda Ombudsman designated officers will use their powers, immunities and privileges, provided for under the Garda Síochána Act 2005, only when it is lawful, necessary and proportionate and in accordance with the specific provisions of the Act.
5. Persons who are detained or who voluntarily present themselves for interview by Garda Ombudsman personnel will be treated at all times with dignity and in a human manner and in accordance with their rights at law.

Code of Standards and Behaviour

The Civil Service Code of Standards and Behaviour sets out the standards required by all Civil Servants in the discharge of their duties and sets out a clear framework within which Civil Servants must work.

<http://www.sipo.gov.ie/en/CodesofConduct/CivilServants/>

Dealing with a complaint about the Garda Ombudsman

To ensure that the Garda Ombudsman provides quality customer care to all those with whom it deals the following complaints procedure is in place.

If a complaint is received:

- **In Writing**

The Complainant must complete a Complaint Form and / or sign the written complaint they submit.

- **By Telephone or email**

Where a complaint is made by telephone or by email the Complainant must be furnished with a Complaint Form which must be completed and signed.

- **At Reception**

Where a complaint is lodged in writing the Complainant must complete a Complaint Form and / or sign the written complaint they submit.

Where a complaint is lodged verbally the Complainant must be furnished with a Complaint Form which must be completed and signed.

All completed Complaint Forms should be returned to Corporate Services, Garda Síochána Ombudsman Commission, 150 Upper Abbey Street, Dublin 1.

Procedure when dealing with a complaint;

- When completed, Complaint Forms are received by Corporate Services and the date of receipt will be logged by Corporate Services in the Complaints Database.
- Corporate Services will acknowledge receipt of the Complaint.
- The Complaints Form will be forwarded to the Manager in the relevant area / unit to be dealt with, usually within 10 working days.
- Corporate Services will record when the Complaint Form has been forwarded to the relevant area / unit Manager.
- Corporate Services will retain a copy of the Complaint Form.
- The Manager in the relevant area / unit will deal with the Complaint and correspond with the Complainant within the designated timeframe.
- The Manager in the relevant area / unit will inform Corporate Services when the Complaint has been dealt with and closed.
- Corporate Services will record the date the Complaint has been closed on the Complaints Database.

Criminal Conviction

As is required throughout the Civil Service, if an Officer acquires a criminal conviction, whatever the nature of the offence, he/she must immediately inform, in writing, his/her manager and the Assistant Principal Officer responsible for Human Resources.

Personnel of the Garda Ombudsman must report to the Commission any proceedings or allegations of a criminal act, or any investigations by the Garda Síochána into any such allegations against them.

Freedom of Information

Currently the Garda Ombudsman is not subject to the Freedom of Information Act.

Data Protection

The Garda Síochána Ombudsman Commission has registered with the Data Protection Commissioner, as required by the Data Protection Act 1988 and 2003.