



Address: 208 Tur Uisce, Doughiska, Galway city **Web:** www.ncpd.ie <http://galway.ncpd.ie> **Email:** david@ncpd.ie
Phone: [REDACTED] **Company number:** 533165 **Charity number:** 20227 **Tax number:** 3207504LH

Draft Code of Ethics for the Garda Síochána For Public Consultation

This feedback integrates the views and concerns of disabled people and able bodied, healthy people who have suffered from injustices and serious abuses at the hands of Gardai, the legal system, GSOC and other state bodies. It was the non existence of enforceable ethics which led to these abuses and injustices.

1. The only ethic which is effective and works is one which is made compulsory and can be enforced. The Higgins Report, and other similar state reports and the testimonies of Garda whistleblowers and the accounts of over 1,000 victims in Integrity Ireland and Justice4All show that there corruption, abuses, and incompetence in the Gardai and that the only way to remedy this is through compulsory and enforceable ethics, and a means to investigate breaches of ethics and deliver penalties in the form of dismissal. This is a well acknowledged fact and many honest Gardai and state employees and members of the public would agree with this. You need to develop and put into operation - compulsory and enforceable ethics for all Gardai. The passage in your document which states

‘This Code is established under statute by an independent Authority. It is not a set of rules introduced by management to be observed by others. The expectation is that it will inform and guide the actions of every member of staff of the Garda Síochána at every level of the organisation’

is wrong and misguided and will lead to a continuation of corruption, abuses and incompetence. This passage needs to be removed or amended to state that the ethics are compulsory, enforceable

and that failure to use them can lead to dismissal.

2. Your ethics document states the following

‘Many individual employees of the Garda Síochána have very significant autonomy in their daily duties. They are required to exercise considerable discretion in discharging their responsibilities. They are on the spot; they respond to given situations; they make instant decisions. That is as things must be. This Code does not alter that in any way.’

It was this same Garda autonomy and discretion which led to the corruption and abuses in the past and present. And again I cite the Higgins Report, and other similar state reports and the testimonies of Garda whistleblowers. Your ‘ethics’ are not really ethics at all, they are merely a continuation of the status quo. Most Gardai will dismiss your ethics as the unimportant views and opinions of bureaucrats with no relevance to them. You are wasting your time, money and resources creating ethics which will be dismissed and never used.

3. Your ethics proposal states

‘This Code seeks to promote and maintain the highest ethical standards in the Garda Síochána, and thereby build and maintain the trust of the public in the organisation.’

You will not achieve this by voluntary means. The history of the Gardai over 80 years points to serious deficiencies which are not going to be remedied by toothless and powerless ethics which will be disregarded, laughed at and dismissed by most Gardai. GSOC has encountered great difficulties with Gardai lying to it, and I can assure you that your ethics will have even less power and less effect.

4. You state

‘those working in the Garda Síochána deserve the trust and support of the public.’

Trust and support is a two way process. The abuses of Garda power already mentioned, and in addition the insulting, mocking, belittling and denigration of disabled people, vulnerable people, victims of crime, and people from poorer or disadvantaged backgrounds by Gardai is a disgrace and has destroyed this trust, support and respect. Your ethics will not resolve this

5. You mention co-existing with and supporting ‘the Garda Disciplinary Regulations and the Civil Service Code of Standards and Behaviour’ .

These are completely ineffective and need to be changed and overhauled. And again I cite the Higgins Report, and other similar state reports and the testimonies of Garda whistleblowers. Your

body has no proposals to remedy this, and thus we will continue to have innocent people being targeted by certain Gardai and many abuses, corruptions and cover ups.

6. Your Proposal 1 - I will respect, uphold and obey the law.

What about the 600 criminal cases not investigated in the Cavan Monaghan area as uncovered by Garda McCabe and the Higgins Report and the corrupt attempt by some Gardai to falsely claim they were investigated. What about the hundreds or possibly thousands of other criminal cases not investigated throughout Ireland. Are the victims of these crimes entitled to justice under the law ? What will your ethics do about this ?

7. Your Proposal 2 - Honesty and Integrity.

And again I cite the Higgins Report, and other similar state reports and the testimonies of Garda whistleblowers and the accounts of over 1,000 people in Integrity Ireland and Justice4All, and the 300 cases before the Justice Review Panel, which shows widespread dishonesty and no integrity in the Gardai. How do your ethics enforce honesty and integrity ? wishing for it will not achieve it.

Let me provide some recommendation to help achieve honesty and integrity.

- All gardai must be required to wear small video cameras with microphones to record all contacts with the general public and with each other. This would provide accurate accounts of what exactly happens when Gardai interact with the public. Too many lies have been told by gardai and non gardai, and too many innocent people have been destroyed by this. Video storage could be provided in garda stations or online through the state purchasing mass storage online. These cameras and microphones would enforce honesty, integrity, the truth and fairness and encourage Gardai and non Gardai to behave well.
- All garda interviews and taking of statements must be video recorded. And photocopies of statements given to the person interviewed by the gardai and video recordings provided on request.
- All court cases need to be videoed so as to ensure that proper procedures are followed and people are treated with fairness, respect and dignity. These videos could be used as evidence in appeals, judicial reviews, criminal cases, civil cases, and state tribunals or commissions of enquiry.
- All crime cases should be given a unique number, an estimated date of completion, a progress report schedule for regularly updating victims of crime (this could be once every 3

weeks or 4 weeks), actions taken, video recording references of garda interaction with victims, witnesses, criminals and members of the public, intelligence or covert channels and the information obtained to counteract lies and perjuries, the reference numbers for evidence storage, and the results achieved including successful or non successful prosecutions, and lessons to be learned for future cases, and the application of these lessons in future cases. This will help protect innocent members of the public from criminality, corruption and abuses of power.

- You state 'I will pursue the whole truth by establishing and reporting facts in an honest and objective way.' What happens when Gardai refuse to or don't bother to investigate criminal cases and gather evidence ? what happens when important evidence goes missing (this is very common) ? what happens when cctv camera evidence is not collected or they give false claims that the camera was not working during the time of a crime ? what happens when the lies and perjuries of criminals who commit crimes are accepted as facts and evidence by the Gardai and DPP ? how will your ethics deal these serious issues of perversion of justice, abuses of police power, and criminality ?

- The failure or unwillingness of Gardai to properly investigate, gather evidence and undercover, covert intelligence in criminal cases and failure of the Gardai and/or DPP to prosecute cases in court and punish guilty parties has led to a festering of problems and worsening of criminal activity throughout Ireland for many years in individual cases. It has emboldened criminals and their associates and friends to continue intimidating and harassing witnesses, victims of crime, innocent people including disabled people and the elderly. This is an outrageous situation which is undermining and perverting justice in hundreds of cases. Your ethics will not resolve these issues.

- You state 'I will not commit any act of corruption and will have the courage to oppose and report all such acts.'

Garda whistleblowers are being harassed, bullied and threatened on a daily and weekly basis and their lives, careers, marriages and relationships, and their health is being destroyed by other Gardai in the Garda force. Some Garda whistleblowers have got serious illnesses such as Cancers and Heart disease, and some Gardai committed suicide as a result of this harassment. This is an outrageous abuse of honest Gardai. Your version of ethics will not change this. The GSOC has proven itself to be inept, powerless and ineffective and has been reduced down to a lie recording body, accepting and using lies to cover up abuses, crimes and injustices. There is no effective police oversight body in Ireland.

- New covert, undercover surveillance Garda squads will need to be set up to uncover and expose the lies and perjuries of criminals and corrupt Gardai and state officials. There would be at least one squad in each big Garda station and would work 24/7 on this one objective - their objective will be to use many different intelligence methods to expose criminality, lies, perjuries, intimidation of witnesses and victims of crime, abuse of Garda whistleblowers, corruption and abuses of power by criminals, corrupt politicians, judges, and corrupt Gardai. They would have powers to seize mobile phones, computers, ipads, mp3 players, mobile storage devices, computer servers, files, diaries, paperwork, communications, and details of domestic and foreign bank accounts without warning. They would work in secret and be given extensive powers to intrude into the private affairs of wrong doers.

8. Your Proposal 3 - Respect and Equality.

You state 'I will recognise and respect the inherent dignity and the equal human rights of all people.' and

'I will treat everybody with fairness and respect at all times. This commitment means not discriminating unlawfully on any basis.'

Many disabled people, vulnerable people, travellers, the unemployed, and people from poorer and disadvantaged communities are treated like scum and second class citizens by Gardai.

Many innocent people, including victims of crime are talked about, slandered, and gossiped about while they are out socialising by off duty Gardai. The insulting, mocking, belittling and denigration of disabled people, vulnerable people, victims of crime, and people from poorer or disadvantaged backgrounds by Gardai is a disgrace and has destroyed this respect, equality, trust, and support. This is widespread throughout Ireland. Your ethics will not resolve this.

Failure to fully investigate crimes against disabled people and treating disabled people in a dismissive manner is common among Gardai. In many cases the lies and perjuries of known criminals are accepted as facts, truths and evidence by the Gardai and DPP, and this is used to deprive disabled people of justice under law. This is quite a disgusting abuse of law and due process. Many disabled people wait for many years and in some cases decades for justice under law and never get it. This has very destructive effects on the health and well being of disabled victims of crime. Your ethics will not resolve this.

The wiping off of penalty points for judges, solicitors, politicians, off duty Gardai, tv celebrities and prominent GAA persons by Gardai is a blatant abuse of Garda power and is illegal. Furthermore several criminal cases involving big business people, bankers, politicians, and senior state officials, have not been fully investigated and prosecuted in court. All of this enforces and reinforces

inequality, prejudices, and discrimination within policing in Irish society. Your ethics will not stop this.

9. Your Proposal 4 - Authority and Responsibility.

Its a case of too much authority and domination of people and too little responsibility by Gardai. This needs to be rebalanced. Most Gardai see their job as to dominate, control, and lord it over people instead of serving the people. This is the wrong attitude. There is no sense of serving the people, and no satisfaction from serving and uplifting people, and making them feel secure in their communities and environments.

- You state 'I will treat people with courtesy and respect.'

There is a strong dictatorial streak in many Gardai which has been inherited from the old RIC. And many disabled people, vulnerable people, travellers, the unemployed, and people from poorer and disadvantaged communities are treated like scum and second class citizens. This is unacceptable in a modern democracy. Innocent people even disabled people have subjected to some very nasty insults, threats and abuse by Gardai. Many innocent people, including victims of crime are talked about, slandered, and gossiped about while they are out socialising by off duty Gardai. Some innocent people have been targeted by gardai and harassed in public and have had false charges made against them. This deliberate targeting of innocent people that Gardai don't like is disgraceful and illegal behaviour by Gardai. Your ethics will not stop this.

You state 'I will act with self-restraint, even when provoked or in volatile situations.'

There are many cases of gardai using batons to assault peaceful protestors, including old men and women. There is an over eagerness to use batons and violence against peaceful protestors but this eagerness is lacking in restraining violent drunken and drugged thugs at night, and the thugs who harass innocent people in the streets of towns and cities day and night, and corrupt politicians, state officials and business people who use various blocking tactics to prevent interviews, evidence preservation and acquisition, and arrest . There are over 20 suspicious cases of persons dying while in police custody. These have never been fully and independently investigated. Your ethics will not stop this

- You state 'I will accept responsibility for and will be accountable for my actions and omissions.'

How do you stop Gardai lying to GSOC, lying to the DPP, and lying to the courts ? Your ethics makes no provision for enforcing honesty.

- You state 'I will ensure that I use social media and mobile communications in a responsible, safe and respectful manner.'

What about Gardai using fictitious accounts and false names and persons to antagonise, insult, mock, undermine, bully, spy on, and harass innocent people online.

10. Your Proposal 5 Police Powers

The Higgins Report and other similar state reports, the whistleblower reports and the accounts of many victims of crime and injustices on Integrity Ireland and Justice4All clearly show that Gardai are not respecting the legal, Constitutional human rights of many people in this country, and that police powers are being regularly abused.

Do these 'Police Powers' give the Gardai cover, legal cover, to target, harass, and abuse innocent people they don't like ? Does it give them cover to break the law under the pretence of upholding the law. How do you monitor this and stop it, and what do your ethics do about this ?

The GSOC has proven itself to be inept, powerless and ineffective and has been reduced down to a lie recording body, accepting and using lies to cover up abuses, crimes and injustices. There is no effective police oversight body in Ireland.

11. Your Proposal 6. Information and Privacy

Many innocent people, including victims of crime are talked about, slandered, and gossiped about while they are out socialising by off duty Gardai. Pubs, nightclubs, sporting clubs, cafes, restaurants, walkways, and other public places have become meeting places for this type of gossip, slander and rumour. This is widespread throughout Ireland. Furthermore, insurance companies, banks, private detective companies and security companies have managed to get secret, sensitive Garda information in the past and this is proving a lucrative business for some Gardai. All of these activities breach Garda rules, some laws, and the official secrets act, but nothing is being done about it. Your ethics will not resolve this.

12. Your Proposal 7. Transparency and Communication.

The Higgins Report and other similar state reports, the whistleblower reports and the accounts of many victims of crime and injustices on Integrity Ireland and Justice4All shows there is no transparency in the Gardai. They will always close ranks to protect each other even wrong doers in their organisation. Your ethics will not change this.

You state 'In so far as possible, I will give timely and truthful information, including updates on investigations to victims and witnesses of crime.'

Victims of crime are not kept informed of progress in the case by gardai. And many victims are given

the run around. According to some gardai this in some cases is deliberate in order to cause psychological problems and distress in victims whom Gardai don't like. The bad treatment of disabled victims of crime is mentioned above. Victims of crime are treated very badly in Ireland. How do you get truthful information when Gardai write down and believe the lies and perjuries of criminals and present it as facts, truth and evidence, and the DPP is misused to believe these ? Your ethics will not resolve these issues.

13. Your Proposal 8 Speaking Up and Reporting Wrongdoing.

Garda whistleblowers are being harassed, bullied and threatened on a daily and weekly basis and their lives, careers, marriages and relationships, and their health is being destroyed by other Gardai in the Garda force. Some Garda whistleblowers have got serious illnesses such as Cancers and Heart disease, and some Gardai committed suicide as a result of this harassment. This is an outrageous abuse of honest Gardai. Your version of ethics will not change this.

14. Your Proposal 9. Leadership

There is no leadership in the Gardai. The points mentioned above point to a Garda force which is out of control and can break laws and its own rules at will. Discrimination, prejudice, inequality, injustices, criminality, corruption, abuses of power are all being facilitated by serious deficiencies within the Gardai which is working against the people, against the Republic, against the state, against Democracy, and against Constitutional and human rights. There is no police oversight, no enforceable rules and ethics, and no means of enforcing police responsibilities to protect the public.

Yours Sincerely,

The Representatives of the National Council for People with Disabilities & Disabled People of Ireland & Victims of Crimes & Victims of Corruption