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An Garda Síochána Policy Document : The Garda Reserve

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An Garda Síochána

Policy Document

The Garda Reserve

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1. Introduction

The Garda Reserve consists of volunteer members, drawn from the community, who serve alongside full time members of An Garda Síochána. Reserve Gardáí have certain Garda powers while on duty. They perform policing duties as determined by the Commissioner under the supervision of, and accompanied by, full time members of An Garda Síochána. The role of the Garda Reserve is to assist An Garda Síochána in providing a policing service to the community. This is achieved by high visibility patrolling, engagement with communities, policing events and providing support in Garda stations.

2. Scope

This Policy and all associated documentation applies to 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. Policy Statement

It is the aim of An Garda Síochána to uphold and protect the human rights of all by providing a high quality, effective policing service in partnership with the community and in co-operation with other agencies. This Policy document will outline the structure and processes relating to the Garda Reserve within An Garda Síochána. This Policy document covers a number of matters including the role and deployment of the Garda Reserve, Garda Reserve powers and also roles and responsibilities of all members in relation to the Garda Reserve. It also outlines the conditions of service as well as the management and governance of the Garda Reserve itself.

4. Relevant Terms & Definitions

Relevant terms and definitions of words and phrases used throughout this Policy document are shown below.

- **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 civilian staff of An Garda Síochána.
- **Garda Staff** is utilised to reference unsworn staff of An Garda Síochána (previously known as Civilian staff)
- **Personnel** - in this Policy document refers to both members of An Garda Síochána and Garda staff
- Unless otherwise stated '**Supervisor**' in this Policy document shall be used to refer to the following personnel:
 1. An immediate supervisor and/or
 2. A first line manager, or above (up to Superintendent level)
 3. A Member-in-Charge of a Garda station
- **Roster Duty Management System (RDMS)** - RDMS will be used to manage all Garda and Garda Staff resources to formalise and streamline the resource management processes.

5. Roles & Responsibilities of a Reserve Garda

5.1. Reserve Garda

Service in the Garda Reserve is voluntary. A person appointed as a Reserve member holds the rank of Reserve Garda. A Reserve Garda will ensure to:

- Report on duty to their Sergeant or Member in Charge at their nominated station and will remain on duty until they have reported off duty.
- Give reasonable notice to their Unit Sergeant if they are unavailable for a rostered tour of duty
- Comply with the current Garda rosters and perform either a full or half day tour.
- Agree in advance a three monthly roster, recording hours performed on [form R85](#) /RDMS with a minimum commitment of 60 hours annually in agreement with local management.
- Take reasonable care to ensure their own safety, health and welfare and that of any other person who may be affected by acts or omissions while on duty.
- Comply with the provisions of the Safety, Health & Welfare at Work Act 2005.
- Make full and proper use of their personal protective equipment.
- Use and maintain their personal protective equipment in accordance with the manufacturer's instructions provided.
- Take all reasonable steps to ensure that the equipment is returned to storage after use.
- Comply with An Garda Síochána Policies, Procedures and Regulations, including pertinent HQ Directives.

A Reserve Garda shall take direction and at all times punctually and promptly perform all duties assigned to them. They will perform these duties in a prompt, responsible and professional manner. In doing so, they will be guided by the [Garda Code of Ethics](#) and make decisions using the [Garda Decision Making Model](#). A Reserve Garda will also ensure that they maintain a practical working knowledge of the law as it pertains to their work, any relevant developments in legislation as well as Garda HQ directives. Professional development should be enhanced through attendance at Continuous Professional Development (CPD) courses.

5.2. Deployment/Duties

A Reserve Garda may only be assigned duties by, or on behalf of, the District Officer/Relevant Superintendent. The District Officer/Relevant Superintendent is the Superintendent for the District/Functional Area wherein the Reserve Garda is stationed. A Reserve Garda should be attached to a Unit to maintain and increase integration and they should parade together, where practicable, with full-time members of An Garda Síochána.

When assigning duties to a Reserve Garda, the District Officer/Relevant Superintendent, or Inspector acting, shall take into account –

- a) The policing requirements of the District/Functional Area under their control.
- b) The employment obligations and availability of that Reserve Garda.
- c) The location of the Reserve Garda's home, and
- d) The general policy of not assigning a Reserve Garda duties in their own immediate neighbourhood/area.

A Reserve Garda shall inform the relevant District Officer/Relevant Superintendent if a relative of that member holds a designated certificate, licence or permit, the granting of which may be opposed by An Garda Síochána in respect of a premises (such as a public house or bookmakers) situated in An Garda

Síochána District/Functional Area to which the Reserve Garda is normally allocated. In this Policy, “relative” means a spouse, partner, parent, child or sibling.

The Garda Commissioner has determined that the duties of a Reserve Garda shall include the following, while under the supervision of a member of another rank:

- a) Station duty, other than the care and custody of prisoners.
- b) Station orderly.
- c) Communications Room duty, to include monitoring CCTV.
- d) Patrols accompanied by a full time member of An Garda Síochána.
- e) Road traffic checkpoint duties accompanied by a full time member of An Garda Síochána.
- f) Issue Fixed Charge Notices (FCN) where required.
- g) Serving Summonses.
- h) Duty at the outer cordon of major events such as festivals and major sporting events.
- i) Assisting in the event of accidents, fires and major emergencies.
- j) Giving evidence in court.
- k) Prosecution of offences detected.
- l) Community Policing.
- m) Preserving crime scenes.
- n) Issuing Fixed Payment Notices (FPN) where required.

Reserve Gardaí are prohibited from:

- Being deployed on plain clothes duties of any kind.
- Driving official vehicles.
- Carrying firearms in the course of their duty.
- Patrolling on mountain bikes.

5.3. Policing Powers

Reserve Gardaí perform policing duties as determined by the Garda Commissioner in line with Section 15 of the Garda Síochána Act, 2005. This is outlined in ‘**Appendix 1.**’

5.4. Access to PULSE

Reserve Gardaí will have appropriate access to PULSE relative to their role.

5.5. Annual Allowance

Service in the Garda Reserve is voluntary. An annual allowance is payable by the Garda Commissioner to Reserve Gardaí in respect of expenses incurred in performing their duties, the amount of which will be determined by the Minister for Finance.

5.6. Expenses Relating to Court Appearances

In addition to the annual allowance outlined above, Reserve Gardaí will also be reimbursed by the Commissioner for any expenses incurred by them in attending courts, tribunals or other legal proceedings outside of their hours of duty. The rate of expenses payable in this instance will be decided by the Minister for Finance. These expenses will be claimed on [Form A8](#), ‘Account of Expenses (Miscellaneous)’.

When a Reserve Garda is required for a court appearance other than as prosecuting member, a witness summons will be applied for by the member in charge of the investigation and served on the Reserve Garda. The Reserve Garda may then produce the summons to his/her employer if required.

5.7. Personnel Information File

Reserve Gardaí shall furnish their local District Officer/Relevant Superintendent the appropriate contact details, to include next of kin and emergency contacts. In line with An Garda Síochána policy, the Reserve Garda's personnel file will be kept in the District office/Business Services Functional Area office and contain their up to date personal details.

5.8. Obligation to Report

Reserve Gardaí who are involved in any incidents in the course of their duty are obliged to furnish a full report of such incidents to their supervisors prior to completing their tour of duty. Such reports shall be given verbally, or at the discretion of the supervisor, a written report may be required.

In accordance with Section 39(1) of An Garda Síochána Act 2005 there is a duty of members to account as follows:

1. A member of An Garda Síochána shall, when directed to do so by a member of a higher rank or a designated officer of the Ombudsman Commission, account for any act done or omission made by the member while on duty.
2. A failure to comply with a direction under *subsection (1)* shall be the subject of disciplinary action in accordance with the disciplinary regulations.
3. The member concerned shall be informed by the member of higher rank or designated officer that such failure may lead to dismissal from An Garda Síochána.
4. Any information provided by a member of An Garda Síochána in accordance with a direction under *subsection (1)* is not admissible in any criminal proceedings against the member and this shall be explained in ordinary language by the member of higher rank or designated officer.
5. For the purpose of *subsection (4)* "criminal proceedings" does not include disciplinary proceedings.

5.9. Policing Regulations

Reserve Gardaí are subject to relevant Regulations, Policy and Procedures in operation during their service with An Garda Síochána. Updates to relevant Policies, Procedures and Regulations are communicated to the organisation by various means and Reserve Gardaí are expected to keep up to date on these by regularly checking formal communications, email and the Garda Portal.

6. Roles & Responsibilities of other Ranks

6.1. Divisional Officer

The Divisional Officer will nominate an Inspector to perform the role of Divisional Liaison Inspector for the Reserve Gardaí attached to their Division.

6.2. District Officer/Relevant Superintendent

The role of the District Officer/Relevant Superintendent with regard to the Garda Reserve will be:

- To ensure that the policing requirements of the District/Functional Area under their control are enhanced by the deployment of the Garda Reserve.
- To ensure the Reserve Garda is allocated to an area that will not affect their policing duties in relation to the location of the Reserve Garda's home, and that the general policy of not assigning Reserve Gardaí duties in their immediate neighbourhood/area is maintained.
- To oversee the implementation of the process for non-effective and non-engaging Reserve Gardaí.
- To liaise with the Divisional Liaison Inspector on all aspects of Reserve Gardaí interaction in the District/Functional Area.

- To hold an annual meeting with all Reserve Gardaí within their District/Functional Area.

6.3. Divisional Liaison Inspector

The role of the Divisional Liaison Inspector will be to coordinate the work of Reserve Gardaí in their Division and to assist in their integration into An Garda Síochána. It will be their responsibility to:

- Keep the District Officer/Relevant Superintendent informed of matters concerning Reserve Gardaí attached to their District and liaise with Sergeants regarding the progress of each Reserve Garda.
- Ensure on-going training is provided for Reserve Gardaí following completion of their initial training. This should include refresher training and Continuous Professional Development in line with full-time members.
- Liaise with Sergeants to ensure that Reserve Gardaí are being utilised efficiently, having regard to operational requirements and the duties as agreed by the District Officer/Relevant Superintendent.

6.4. Unit Sergeant

The role of the Unit Sergeant is to provide supervision and support to a Reserve Garda assigned to their Unit, including:

- Assisting in the integration of the Reserve Garda into their Unit.
- Liaise with the Divisional Liaison Inspector keeping them informed of the progress of each Reserve Garda under their supervision, including absences and non-engagement.
- Ensure all Reserve Gardaí attached to their unit are deployed with a full time member of An Garda Síochána when on duty.
- Liaise with each Reserve Garda on their Unit to ensure that a three monthly roster is agreed, taking into account their normal employment and the policing requirements of the station.
- Assist each Reserve Garda on their Unit with any difficulties they may encounter and liaise with the accompanying Garda, regarding the Reserve Garda's progress.
- Communicate potential training issues to Divisional CPD staff.
- Ensure all financial claims lodged by Reserve Gardaí on their Unit are accurate and reflect duties and expenditure.
- Ensure the hours of duty performed is recorded on [Form R85](#)/ RDMS and submitted at the end of each roster.

6.5. Accompanying Member

At each Garda station a full time member will be assigned to each Reserve Garda, who will act as an accompanying member. The role of the accompanying member is vital. The practices which Reserve Gardaí develop will be instrumental in influencing their future as Reserve Gardaí of An Garda Síochána.

The accompanying Member will:

- Have operational experience.
- Be highly motivated.
- Have good communication skills.
- Have a good discipline record.

It will be the responsibility of the accompanying Member to:

- Demonstrate best practice to the Reserve Garda.
- Provide feedback to the Reserve Garda.
- Report to Unit Sergeant any matter requiring attention.

7. Divisional Continuous Professional Development

Each Divisional Continuous Professional Development (CPD) office will have responsibility for the ongoing professional development of Reserve Gardaí within the Division. Reserve Gardaí will receive the necessary training, in line with their role and function, in conjunction with the Continuous Professional Development office at the Garda Síochána College.

8. Performance Management

8.1. Reserve Garda Probationary Period

In accordance with Regulation 9 of the Garda Síochána (Garda Reserve members) Regulations 2006 (S.I. 413/2006), Garda Reserve members appointed by the Garda Commissioner shall be on probation for a period of 2 years from the date of their appointment.

If, in the opinion of the Garda Commissioner, the period of probation of a Garda Reserve member was interrupted by a significant period of absence from duty, the Commissioner may before, or upon, the expiration of the period of 2 years, extend that member's period of probation for such further period, as the Commissioner determines, having regard to all of the circumstances of the case.

8.2. Non-engagement by a Reserve Garda

Where it is evident that a Reserve Garda is neither volunteering nor engaging with his/her Unit Sergeant, it will be the responsibility of the Divisional Liaison Inspector to make contact with the Reserve Garda concerned, to:

- Make arrangements to meet the named Reserve Garda at their place of residence, where practicable.
- Discuss with the Reserve Garda the reasons why they have not attended for duty.
- Discuss with the Reserve Garda the reasons why they have not engaged with their Unit Sergeant.
- Advise the Reserve Garda on the various options available to them, returning to duty or resigning from An Garda Síochána.
- Discuss with the Reserve Garda their potential deployment within their station, e.g. Regular Unit, Community Policing Unit or Events in the event that the Reserve Garda wishes to return to duty.
- Outline and follow the procedure for resigning, as per the Garda Síochána (Reserve Members) Regulations 2006, in the event that the Reserve Garda wishes to resign from An Garda Síochána (Please also see **8.4. Cessation of Service of a Reserve Garda**).
- Arrange for the return of all uniform and equipment, including notebooks, I.D. card/holder, baton, handcuffs and incapacitant spray (where issued) for forwarding to the District Officer/Relevant Superintendent when necessary.

8.3. Performance of a Reserve Garda

Where a Divisional Officer has occasion to report on the performance of a Reserve Garda and considers that the member's retention as a member of An Garda Síochána is in question, a report will be forwarded to the Executive Director Human Resources and People Development and will set out the following:

- The Reserve Garda's conduct, both favourable and unfavourable.
- The deficiencies in the Reserve Garda's conduct.
- Actions taken by supervisors at the time of the deficiencies where observed/detected.
- Actions, if any, by way of advice/admonition given by the supervisor.
- Undertakings given by the Reserve Garda.
- Action by the Reserve Garda to address these deficiencies. Form(s) [GR1](#) should attach to this report.

- Views and recommendations from the Divisional Liaison Inspector, Superintendent and the Divisional Officer.

8.4. Cessation of Service of a Reserve Garda

In accordance with Regulation 10 of the Garda Síochána (Garda Reserve members) Regulations 2006 (S.I. 413/2006), a Reserve Garda's service shall end when they reach the age of 65. A Reserve Garda may end their service by giving 30 days' notice in writing to the Garda Commissioner, or such shorter period as may be accepted by the Commissioner, and that service shall end on the expiration of the notice concerned.

The Garda Commissioner shall dispense with the services of a Reserve Garda if the Commissioner becomes aware of any change in that member's circumstances that would have made them ineligible for appointment under Regulation 7 of the Garda Síochána (Reserve Members) Regulations 2006 had they not already been a Reserve Garda.

The Garda Commissioner may at any time dispense with the services of a reserve member if they consider that member is-

- a) no longer suited, physically or mentally, to performing the functions of a reserve member, or
- b) no longer likely to perform the functions of a reserve member efficiently or otherwise to conduct themselves in a manner befitting a reserve member.

Reserve Gardaí who resign or otherwise leave the service shall forthwith return all uniform and equipment, including notebooks, I.D. card/holder, baton, handcuffs and incapacitant spray (where issued) to their Divisional Liaison Inspector for forwarding to the District Officer/Relevant Superintendent in advance of such cessation.

9. Standards

Reserve Gardaí will adhere to the standards expected by members of An Garda Síochána. Reserve Gardaí shall adhere at all times to the current An Garda Síochána Policy regarding [Uniform and Dress Code](#).

9.1. Wearing of Uniform

- A Reserve Garda must be in uniform when on duty – [HQ Directive 30/21](#).
- As per the Uniform and Dress Code Policy all items of uniform shall conform to the regulation pattern and specification and shall be worn in the manner prescribed.
- Items of uniform shall be kept clean, brushed and pressed.
- Only boots or shoes of regulation pattern, in good repair and black or navy socks, shall be worn with uniform.
- When in uniform, official headwear shall be worn on outdoor duty.
- Reserve Gardaí will use their Station locker for the storage and safe keeping of their Garda Reserve Identification card, uniform and equipment. The wearing of uniform or part uniform outside when not on duty is strictly prohibited.

9.2. Reserve Garda Official Identification Cards

- Reserve Gardaí will be in possession of their official identification card **only** while on duty. This differs from *the Uniform and Dress Code of An Garda Síochána*.
- Reserve Gardaí will hand over their official identification cards when a Sergeant or a higher rank demands the same for the purpose of inspection.

- A Reserve Garda's official identification card remains the property of the Commissioner.
- Reserve Gardaí on duty in uniform will produce their official identification card when requested by any person directly affected by, or properly concerned with the duty being undertaken.
- A Reserve Garda will not hand over their official identification card to a member of the public, but should hold it out in a position so that it can be easily seen and read.
- When requested and when the nature of the duty permits, Reserve Gardaí on duty will in all reasonable circumstances supply their name and station to a member of the public directly affected by, or properly concerned with, the duty being undertaken.
- The use of a Reserve Garda's official identification card for anything other than official purposes is strictly prohibited and may equate to, and be treated as, an abuse of authority or power (see [HQ Directive 15/2021](#)). Disciplinary proceedings will be contemplated when necessary.
- Reserve Gardaí shall take utmost care of their official identification cards. The security implications that may arise from the loss of an official identification card, with the possibility that it may be used by criminals should always be borne in mind.
- Reserve Gardaí will immediately report the loss of their official identification card to their immediate supervisor verbally, followed by a written report. The latter shall inquire into the matter with a view to establishing the precise circumstances surrounding the loss, as per policy.

9.3. Notebooks

- Official notebooks are issued to Reserve Gardaí for the purpose of recording important information and details of facts coming to their attention in the course of their duties. Notebooks can contain confidential or secret information and Reserve Gardaí will therefore be responsible for their safe keeping at all times and when they are off duty notebooks will be left in their locker in their station.
- Official notebooks are classed as "*Departmental Records*" under the National Archives Act, 1986 and therefore cannot be destroyed. When in use they should be retained in a station locker and once completed or full they should be lodged in Property Exhibits Management System.
- Notebooks may be examined periodically by members of Sergeant or higher rank.

9.4. Transfer of a Reserve Garda

A request from a Reserve Garda to transfer should be submitted through the normal channels to Executive Director HR&PD. The request to transfer from their current Station to another Station should be completed on [Form D.19](#) and processed through the normal channels. Transfers within a Division shall be dealt with by the Divisional Officer. The Divisional Office must notify HRM Resource Allocations through the normal channels of the Reserve Garda's new station within the Division. In the event of an appeal of an inter-Divisional transfer the matter should be referred to the Executive Director HR&PD, who will be the final arbitrator in the matter.

The transfer procedure is set out below.

Reserve Garda will:

- Discuss possible transfer with Unit Sergeant
- Complete Transfer Application Form D19, (available via Portal)
- Submit D19 through their Sergeant
- If transfer is approved – transfer will be listed on HR Bulletin

Sergeant will:

- Ensure submitted form D19 is completed
- Submit your transfer recommendations when forwarding the cessation application
- Forward form D19 and any other relevant reports

District Office/Business Services Functional Area:

- The District Office/BSFA will ensure that Form D19 and any other reports are forwarded to HR&PD Resource Allocation for their favourable consideration
- Once transfer has been approved the District Office/BSFA shall notify the Reserve Garda and forward their personal file to the Divisional Office who will forward the file to their new Division

9.5. Support Services available to Reserve Gardaí

[The Employee Assistance Service \(EAS\)](#) and the Peer Support Service are confidential services available to Reserve Gardaí for issues which arise directly from their service as members of An Garda Síochána. Details of both of these services can be found on the Garda Portal Page.

9.6. Medical Care

Policy relating to medical care including sickness, injury on duty, injury off duty and pregnancy is set out at **Appendix 2**.

9.7. Reserve Gardaí in Regular Employment Outside of An Garda Síochána & Career Breaks/Leaves of Absence

Appendix 3 relates to information which can be provided to the Reserve Garda's employer.

10. Discipline and Legal Liability

10.1. Discipline Regulations

Reserve Gardaí are subject to both the provisions of the Garda Síochána Act, 2005 and the Garda Síochána (Discipline) Regulations, 2007.

10.2. Incidents Involving Members of the Garda Reserve

- Where a member of the Garda Reserve is involved in an incident while off duty or an incident involving a Reserve Garda comes to light, which results in, or may result in the prosecution of the Reserve Garda or another person, the Reserve Garda shall report the incident immediately, both verbally and in writing to their Unit Sergeant who will forward it to the District Officer/Relevant Superintendent.
- This also applies in situations where the Garda Reserve is respondent of any order under the [Domestic Violence Act 2018](#).
- In all such cases, the District Officer/Relevant Superintendent will immediately report the matter to the Executive Director, Human Resources and People Development.



10.3. Official Secrets Act 1963

Reserve Gardaí shall sign and be bound by the provisions of the Official Secrets Act, 1963.

10.4. Garda Síochána Act 2005

Sections 48 and 62 of the Garda Síochána Act, 2005 will also apply to members of the Garda Reserve:

- a) **Section 48:** This section provides for liability for certain acts where a member of An Garda Síochána commits an actionable wrong in the course of performing their duty.
- b) **Section 62:** This section makes it an offence for any person who is or was a member of An Garda Síochána to disclose any information obtained in the course of their duty, if such person knows the disclosure of that information is likely to have a harmful effect.

10.5. Data Protection Acts 1988/2003/2018

Under the provisions of the Data Protection Acts 1988/2003/2018 all members of An Garda Síochána, shall owe a duty of care to data subjects in their dealings with personal data relating to such data subjects, whether it be in the collection, processing, controlling or disclosure of such data.

All Garda personnel will be held accountable in relation to all data processed, managed and controlled by them as part of their duty in An Garda Síochána. Members who fail to adhere to the provisions of the Data Protection Acts 1988/2003/2018 may be liable to criminal sanction and/or discipline procedures under the provisions of the Data Protection Acts 1988/2003/2018; the Garda Síochána Act 2005 and the Garda Síochána Discipline Regulations.

11. Compliance

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

12. Related Documents

- [An Garda Síochána \(Garda Reserve\) Regulations 2006](#)
- [An Garda Síochána Act 2005](#)
- [Garda Síochána \(Discipline\) Regulations 2007](#)
- [Data Protection Act 2003](#)
- [Data Protection Act 1988](#)
- [Official Secrets Act 1963](#)
- [Data Protection Act 2018](#)
- [HQ Directive 24/2012 – Instituting and Conducting the Prosecution of an offence – Section 8 Garda Síochána Act 2005 – General Direction No.3](#)
- [HQ Directive 37/2019 – Garda Decision Making Model](#)
- [HQ Directive 30/2021 – Uniform and Dress Code within An Garda Síochána](#)

12.1. Cancellation and Replacement of Existing Policy and associated document(s)

- [HQ Directive 44/2015 - Garda Reserve Policy and Procedure Manual](#)

13. 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.

13.1. Human Rights Considerations

The vindication of Human Rights is a key policing objective, and is the very basis of policing. Garda Personnel play a vital role in ensuring that citizens may enjoy their rights to live free from violence, abuse

and crime. Garda Personnel also help preserve an environment in which people can live free from fear and enjoy other rights and freedoms. Members carrying out their functions shall at all times respect a person's personal rights and his/her dignity as a human being and shall not subject any person to ill-treatment of any kind.

The proportionate use of powers, is dependent upon decisions being made following consideration of the [Garda Decision Making Model \(GDMM\)](#) and ensures that Constitutional and Human Rights considerations are at the core of every decision made. This practice, in addition to the effective oversight of usage, which is guided by the nine standards of conduct and practice within the Code of Ethics, will aim to uphold the Human Rights of all those affected by such use.

Consideration of all Human Rights in compliance with the organisations [Human Rights Framework](#) is crucial while carrying out responsibilities and duties relating to the Garda Reserve.

14. 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.

15. Policy Review

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

16. 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.

17. Policy Document Feedback

The Policy and Governance Coordination Unit maintains a Policy Issues Log. Where there are potential issues regarding the implementation of the Procedures set out in this document, please forward an outline of same through the relevant Divisional Office to the Section mail-box policy.governance@garda.ie. Divisional submissions will be recorded in the Policy Issues Log and forwarded to the Policy Owner for whatever action deemed necessary.

(Please note that where there is an urgent issue arising regarding the implementation of this Policy Document and accompanying HQ Directive document, it should be clearly flagged as urgent / important and also reported directly to First Line Supervisors/Managers to ensure it is addressed).

18. General Data Protection Regulations/Directive 2016/680/EU - Police and Criminal Justice Authorities Directive

Personal data shall only be processed 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.

19. Appendices

Appendix 1 - Policing Powers

Appendix 2 - Medical Care

Appendix 3 - Reserve Gardaí in Regular Employment Outside of An Garda Síochána



Appendix 1 - Policing Powers

The proportionate use of powers, is dependent upon decisions being made following consideration of the Garda Decision Making Model (GDMM) and ensures that Constitutional and Human Rights considerations are at the core of every decision made. This practice, in addition to the effective oversight of usage, which is guided by the nine standards of conduct and practice within the Code of Ethics, will aim to uphold the Human Rights of all those affected by such use.

As set out in Section 15, of the Garda Síochána Act 2005 the powers of Reserve Gardaí shall be exercisable **only while on duty (and in uniform)** and will be as determined by the Commissioner.

Law enforcement powers determined by the Garda Commissioner to Reserve Gardaí

Under the provisions of the Garda Síochána Act 2005, the Commissioner may determine the range of powers to be exercised and the duties to be carried out by Reserve Gardaí. The Commissioner has directed that Reserve Gardaí shall exercise the following functions under the Road Traffic Act, 1961/2011.

Their duties are confined to the enforcement of the following Acts:

Powers under the Road Traffic Act 1961 as amended

1. Power to demand production of driving licence – Section 40 Road Traffic Act 1961 as amended.
2. Power to demand production of a certificate of insurance or exemption – Section 69 Road Traffic Act 1961 as amended.
3. Power to demand production of a test certificate – Section 19 of the Road Traffic Act 1961 as amended.

The following powers derive to Reserve Gardaí in certain circumstances as a natural consequence of the above stated powers:

Power of arrest without warrant

- Section 40(4) (a) & (b) Road Traffic Act 1961 as amended
- Section 69(5) Road Traffic Act 1961 as amended

4. Power of detention of mechanically propelled vehicles under Section 41 of the Road Traffic Act 1994 as amended.
5. Power to regulate traffic movement – Section 91 Road Traffic Act 1961 as amended
6. Power to require person driving vehicle in a public place to stop – Section 109 Road Traffic Act 1961 as amended

The following powers derive to Reserve Gardaí in certain circumstances as a natural consequence of the above stated powers:

Power of arrest without warrant

- Section 107 of the Road Traffic Act 1961 as amended

Action by Reserve Garda invoking power of arrest pursuant to Section 40(4); Section 69(5) and Section 107 Road Traffic Act 1961 as amended

The circumstances when it may become necessary to invoke the above mentioned powers of arrest are as outlined below:

Section 40 of the Road Traffic Act 1961 as amended:

40(4) a member of the Garda Síochána may arrest without warrant -

- a) any person who pursuant to this section produces a driving licence to the member but refuses or fails to permit the member to read it, or



- b) any person who, when his name and address is lawfully demanded of him by such member under this section, refuses or fails, to give his name and address or gives a name or address which the member has reasonable grounds for believing to be false or misleading.

Section 69 of the Road Traffic Act 1961 as amended:

69(5) a member of the Garda Síochána may arrest without warrant -

- a) a person who pursuant to this section produces a certificate but refuses or fails to permit the member to read and examine it, or
- b) a person who, when his name and address is demanded of him by the member under this section, refuses or fails to give his name and address or gives a name or address which the member has reasonable grounds for believing to be false or misleading.

Section 107 of the Road Traffic Act 1961 as amended:

107(1) Where a member of the Garda Síochána alleges to a person using a mechanically propelled vehicle that the member suspects that such person has committed a specified offence under this Act, the member may demand of such person his name and address and may, if such person refuses or fails to give his name and address or gives a name or address which the member has reasonable grounds for believing to be false or misleading, arrest such person without warrant.

107(2) Where a member of the Garda Síochána has reasonable grounds for believing that an offence under this Act has been committed and that the vehicle in relation to which the offence was committed does not carry its identification mark under the Roads Act, 1920, or any other enactment, the member may arrest without warrant the person whom he has reasonable grounds for believing was using the vehicle when the offence was so believed to have been committed.

Powers under the Criminal Justice (Public Order) Acts 1994 as amended

Reserve Gardaí may invoke the following powers for offences as defined in the Criminal Justice (Public Order) Act 1994 as amended:

1. Section 8 – Direction/Failure to comply with direction of a member of An Garda Síochána (for specific offences)
2. Section 21 – Control of access to certain events etc.
3. Section 22 – Surrender and seizure of intoxicating liquor etc.
4. Section 24 – Power to demand name and address/Power of arrest without warrant

Action by Reserve Garda invoking power of arrest pursuant to Section 24 of the Criminal Justice (Public Order) Act 1994 as amended:

- (1) Where a member of An Garda Síochána finds any person committing an offence under a relevant provision the member may arrest such person without warrant.
- (2) Where a member of the Garda Síochána is of the opinion that an offence has been committed under a relevant provision, the member may –
 - (a) demand the name and address of any person whom the member suspects, with reasonable cause, has committed, or whom the member finds committing, such an offence, and
 - (b) arrest without warrant any such person who fails or refuses to give his name and address when demanded, or gives a name or address which the member has reasonable grounds for believing is false or misleading
- (3) Any person who fails or refuses to give his name and address when demanded by virtue of subsection (2), or gives a name or address when so demanded which is false or misleading, shall be guilty of an offence.

- (4) A person guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding €1000 or to a term of imprisonment not exceeding 6 months or to both.
- (5) In this section “relevant provision” means section 4,5,6,7,8,11,13,14,15,16,17 or 19.

If the Reserve Garda has cause to invoke a power of arrest conferred by Section 69(5), Section 40(4) or Section 107 of the Road Traffic Act 1961 as amended or Section 24 of the Criminal Justice (Public Order) Act 1994 as amended, he/she shall convey the arrested person to a Garda station without delay to be dealt with in accordance with law. This may include having the arrested person charged or proceeding against the person by summons. The Reserve Garda shall seek directions and approval for the disposal of the matter from his or her immediate supervisor before instituting a prosecution. This is necessary to ensure compliance with the provisions of Section 8 of the Garda Síochána Act, 2005 and HQ Directive 24/2012.

Powers of arrest for an ‘arrestable offence’ as provided for in Section 4 (3) Criminal Law Act 1997

Reserve Gardaí may invoke the power of arrest for an ‘arrestable offence’ conferred by the Criminal Law Act 1997. The powers delegated to Reserve Gardaí by the Commissioner are limited to the powers outlined above.

Action by Reserve Garda invoking power of arrest pursuant to Section 4(3) CLA 1997

If the Reserve Garda exercises his/her power of arrest under Section 4(3) Criminal Law Act 1997, the Reserve Garda shall bring the arrested person to a Garda station without delay. He/she shall upon arrival at the Garda station explain the grounds for the arrest to the member-in-charge. If detention under the provisions of Section 4 Criminal Justice Act 1984 is appropriate, he/she shall request the member-in-charge to authorise the detention of the arrested person under the provisions of Section 4, Criminal Justice Act, 1984.

The power to authorise the detention of the arrested person rests with the member-in-charge.

Powers under the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 as amended

Reserve Gardaí may invoke the powers under Section 3 of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 as amended, allowing for the Entry, Inspection, etc., of relevant premises.

Powers under the Health Act 1947 as amended

Reserve Gardaí may invoke the powers for preventing the spread of infectious disease under Section 31 of the Health Act 1947 as amended

Action by Reserve Garda invoking power of arrest pursuant to Section 31(a) (8) (b) and Section 31(a) (11) of the Health Act 1947 as amended

- (7) A member of the Garda Síochána who suspects, with reasonable cause, that a person is contravening or has contravened a provision of a regulation made under subsection (1) that is stated to be a penal provision, may, for the purposes of ensuring compliance with the regulation, direct the person to take such steps as the member considers necessary to comply with the provision.
- (8) (A) A person who, without lawful authority or reasonable excuse, fails to comply with a direction under subsection (7) shall be guilty of an offence.
- (b) A member of the Garda Síochána may arrest without warrant a person whom the member has reasonable cause for believing is committing or has committed an offence under this subsection.

- (9) A member of the Garda Síochána who has reasonable grounds for believing that a person is committing or has committed an offence under this section may require the person to state his or her name and address.
- (10) A person who fails or refuses to state his or her name and address in compliance with a requirement under subsection (9), or who, in purported compliance with such a requirement, states a name or address that is false or misleading, shall be guilty of an offence.
- (11) A member of the Garda Síochána may arrest without warrant any person whom the member has reasonable cause for believing has committed an offence under subsection (10).

The Reserve Garda shall seek directions and approval for the disposal of the matter from his or her immediate supervisor before instituting a prosecution. This is necessary to ensure compliance with the provisions of Section 8 of the Garda Síochána Act, 2005 and HQ Directive 24/2012.

Evidence of arrest, charge and caution subsequent to arrest by a Reserve Garda

Upon the first hearing of the matter before the court, the Reserve Garda shall give evidence of arrest, charge and caution to the court, or if evidence of arrest, charge and caution is given by way of certificate the Reserve Garda shall sign the certificate as provided for under Section 6 Criminal Justice (Miscellaneous Provisions) Act 1997.

Summonses

Summons application

A Reserve Garda may make a summons application to the Courts for any offence detected as outlined in this Policy.

Please note, it is not necessary that the detecting member (full-time Garda or Reserve Garda) makes a personal application for a summons to institute a prosecution. This is an administrative process that may be performed by any Garda on behalf of another Garda/ Reserve Garda.

Hearing of summary matter before the court

On the hearing of a prosecution for an offence detected by a Reserve Garda, that Reserve Garda must attend at the hearing of the case to give evidence of the circumstances surrounding the detection of the offence.

Appendix 2 - Medical Care

A Reserve Garda will have full access to the Chief Medical Officer and the facilities at the Garda Occupational Health Department for Garda related matters. All the appropriate vaccinations will be provided.

Note: The role of the Chief Medical Officer is confined to deciding a member's fitness for duty and is not that of a treating doctor.

Sickness

It is the responsibility of a Reserve Garda who falls sick and is unfit for an agreed tour of duty to report this immediately to the Sergeant on duty. When the Reserve Garda in question is fit to resume duty once again, the Sergeant on duty shall be notified. Reserve Gardaí who report sick at their regular place of employment will not be permitted to undertake Garda Reserve duties during that period of sickness. If, after two consecutive agreed tours of duty, a Reserve Garda does not report fit, a medical certificate (or a copy) may be required.

Injury on Duty

Reserve Gardaí injured while on duty should report the facts verbally and in a written report to their immediate supervisor without delay. Depending on the nature and severity of the injury, an examination may be required by the Chief Medical Officer of An Garda Síochána to determine fitness for further duty.

Injury off Duty

Reserve Gardaí injured in any way while off duty should report the facts verbally and in a written report to their immediate supervisor without delay. Depending on the nature and severity of the injury, an examination may be required by the Chief Medical Officer of An Garda Síochána to determine fitness for further duty.

Pregnancy

Reserve Gardaí should notify their District Officer/ Relevant Superintendent, in writing, as soon as they become aware that they are pregnant. The report will be forwarded directly to the District Officer/ Relevant Superintendent and the Divisional Liaison Inspector. Reserve Gardaí may be asked for a certificate from a medical practitioner confirming pregnancy.

On receipt of the above report, the Divisional Liaison Inspector will discuss with the Reserve Garda how she will be deployed from that time until the birth of her child.

NB: Reserve Gardaí who are on maternity leave from their regular employment will not be permitted to undertake Garda duties.

Appendix 3 - Reserve Garda in Regular Employment Outside of An Garda Síochána

- Where a Reserve Garda is in regular employment, an information pack from An Garda Síochána will be given to the regular employer, with the permission of the Reserve Garda. The information pack will outline the ethos of the Garda Reserve, its role and function. It will explain to the employer that the duty is voluntary and will be carried out in the member's free time. Obligations to attend court will also be explained. The pack will explain the role of the employer's staff as a member of the Garda Reserve. Overall, it will endeavour to give the employer as much information as possible in relation to the operation of the Garda Reserve. This is considered necessary to foster good relations between the employer and the Reserve Garda and to ensure the Reserve Garda can carry out their duty with the good will of their employer.
- To ensure no conflict of interest, any Reserve Garda who, in the course of their outside employment, is contracted or otherwise to provide a service to An Garda Síochána shall inform all parties of their role as a Reserve Garda prior to providing such service.

Career Breaks/Leaves of Absence

As the Garda Reserve is voluntary there is no provision for Career Breaks or Leaves of Absence.