

# SECTION FOUR

## PROCESSES & PROCEDURES

**I**t is fundamental to the efficient operation of the PTI that all PTI Admin personnel adhere to these basic guidelines and procedures which may be amended or updated by majority Council vote, as per PTI Rules.

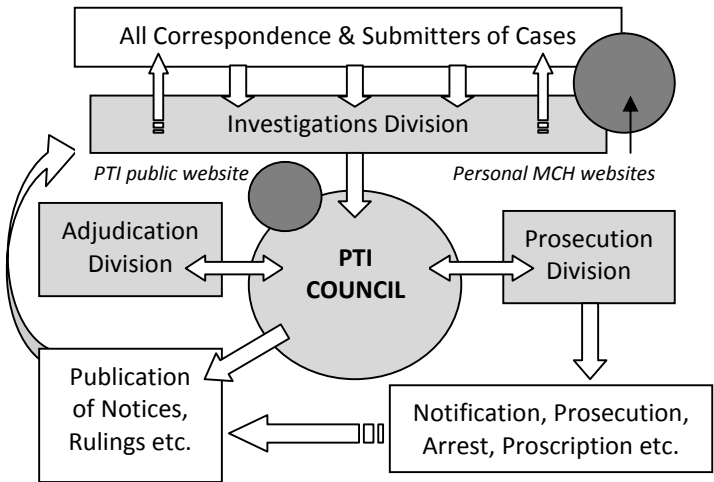
1. All correspondence to the PTI *must* be fielded through the Investigations Division. There can be no exceptions to this rule. The I.D. will have authority to view all submissions and correspondence to the PTI unless such action is deemed unlawful, or proscribed in the PTI Rules.

2. If any party wishes to communicate ‘privately’ with any PTI Admin on any PTI-related matters, said matters cannot be raised at Council other than by following the relevant procedures as laid out hereunder – by Motion to the Council via the I.D. or directly through the DCO.

3. Other than routine administrative business, all matters for official consideration by the Executive must also come via the I.D. and from there to the DCO. Such correspondence may be delivered unopened to the DCO, but the existence of that correspondence should be on the agenda for the next Quarterly Meeting (QM), any Special Council Meeting (SCM) or the Annual General Meeting (AGM) whichever comes first.

4. All formal correspondence sent to the Executive will be made known to the Council either by summary or by a full reading thereof *before* any response issues. Any such response may only issue in the name of the Council and with the majority approval of Council. No formal correspondence shall be carried over unread at any QM, SCM or AGM.

5. Four Quarterly Meetings will be held on-or-around the beginning of July, October, January and April as laid out in Section Five. Except in cases where a Special Council Meeting (SCM) or Emergency General Meeting (EGM) has been called to address a specific matter, the QM is the sole forum for Council to decide on PTI matters and operations. The AGM may incorporate a QM or SCM.



6. The Investigations Division's responsibilities include:

- The receipt and processing of *all* incoming correspondence of any type.
- The assessment of submissions and their preparation for forwarding to the PTI Council for consideration.
- Conducting any necessary communication with submitters as to the status of their submission.
- Liaising with [www.mycasehistory.com](http://www.mycasehistory.com) for the purposes of documenting case stories.
- Actively conducting general research and

- investigations into any relevant matters.
  - The maintenance of a general PTI database and filing system for the service of the Council.
7. The Adjudication Division's responsibilities will include:
- Receiving submissions from the Council.
  - Processing those submissions according to type and setting a schedule for meetings, hearings and/or judicial sittings as the case may be.
  - Issuing interim Notices, Advisories, Subpoenas and Judgments as-and-when required.
  - Returning to the Council with their findings and conclusions according to written, positive law.
  - Actively recruiting suitably experienced or qualified persons to serve as adjudicators, arbitrators, mediators, counsellors and judges.
8. The Prosecutions Division's responsibilities include:
- Receiving information, documentation and instructions from the Council that identifies criminal offences by named individuals.
  - Initiating proceedings against named persons under the respective legislation to include; (a) the lodging of formal criminal complaints with An Garda Síochána, and/or (b) the initiation of criminal proceedings in the domestic Courts.
  - Providing for the lawful citizen's arrest of persons accused of proven criminal offences.
  - Selecting, training and appointing PTI Panel members for P.D.-related tasks and operations.

### **SUBMISSIONS – Types & Criteria**

9. Submissions to the PTI will take one of two formats, either, (i) a General Submission, or (ii) a Case Submission.

(i) **General Submissions** ('GS') may arrive in any format in the form of a specific question, a letter or an email,

which raises an important topic or issue, or, via a news article for example. The I.D. will field any such General Submissions and where appropriate will list them on the agenda for Council discussion at the next QM.

(ii) **Case Submissions** ('CS') may *only* be accepted on the standard CS Form, complete with fee and personal I.D. The Investigations Division will then process the CS according to the procedure laid out at Articles 41 – 57.

10. It is critical to PTI operations that we only bring matters forwards to Council that are evidence-based, with the respective proofs having been qualified by the I.D. beforehand. All named parties to the case must be identifiable. The PTI cannot and will not be dealing with allegations, claims, stories or unfounded opinions or hearsay from any source unless such is presented in the form of a sworn affidavit, where the submitter clearly understands the consequences of committing perjury.

11. Submissions to the PTI should be 'timed' by the submitting party to arrive not less than 14 days before the next scheduled QM. Those that arrive less than 14 days before may be carried over to the following QM.

12. All Submissions to the PTI will be assigned a Reference Number by; (a) submission type, (b) month, (c) year, (d) sequence and (e) by a Councillor's initials. The 'type' will be either 'GS' or 'CS' (General, or Case Submission) and the Councillor's initials will be those of the Councillor who makes the initial decision either; (i) to sponsor, or (ii) to reject the submission. For example: "PTI-GS-08-2020-001-STM". This number is then noted on the respective Submission Cover Form and travels with the submission until such time as it is filed away.

13. The Submission Cover Form will track the progress of any submission from first receipt or proposal, and the

details of any administrative decisions pertaining to it.

14. OO's (Operations Officers) may act as proposers and/or as submitters of any case or matter that comes to their attention, and may present the same to the I.D. for a reference number. But any such matter cannot be brought to Council without sponsorship by a Councillor.

15. 'Sponsorship' means solely that a Councillor has verified that the submission qualifies to be sent to Council. Submissions will then be assigned to any appropriate Division and to any volunteer for processing.

16. For the sake of expediency, General Submissions which are clearly vexatious or nonsensical need not be assigned PTI reference numbers before being briefly discussed at Council. The decision to reject or discard that topic / issue / question should however be noted in the PTI Rejections File for future reference and to avoid repeat rejections and wasted administration time.

17. General Submissions concerning matters which, in the opinion of Council, may be beyond the scope or logistical ability of the PTI to deal with at that time will be carried over to the next QM with the SCF duly updated.

18. Submissions may be made to the I.D. at anytime. These will be listed according to the order they were received and, as-and-when they qualify, will be presented to Council in that same chronological order.

19. There will be two types of decision regarding the processing of GS's and CS's. (a) Interim decisions, and (b) final decisions. All such decisions will be tracked on the SCF and inasmuch as any submission remains 'live' its status will be raised at the QM and updated accordingly.

20. Only *final* decisions or final Rulings of Council are open to appeal, and any such appeal will be treated as a

case resubmission. (See 'Appeals' on page 46)

21. **Case Submissions** must meet two criteria before they will be considered by the I.D. (i) The identity of the submitter must be established, and (ii) the processing fee is paid. No CS will be accepted, processed or discussed by the PTI unless and until it meets these two criteria.

22. Case Submissions that meet those two criteria are immediately; (i) assigned a CS PTI Reference Number and (ii) a Submissions Cover Form (SCF). (iii) The case is then listed on the PTI Submissions Log, and (iv) notification and payment is sent to the *mycasehistory.com* website for the setting up of the submitter's case profile.

23. The I.D. then examines the CS to determine if the matter can come before the Council, and may liaise with the submitter as required or necessary to qualify the CS.

24. If the I.D. finds that the CS does *not* meet the criteria to be sent forwards to Council then the submitter is advised accordingly, with a view to the submitter using the *mycasehistory* online facility to update their case story with whatever particulars or evidence that may be required to bring the case to Council *before* the next QM.

25. If the submitter can amend / correct / provide as required by the I.D. *within the required timeframe* (i.e. *before* the next QM) then the CS will attract a SC sponsor and the matter can be brought to Council.

26. If the submitter does not respond as required, then the CS will be filed as 'incomplete' pending an updated submission of the same case at a future date, which will attract a modest resubmission fee of not more than 20%.

27. Submissions that are deemed 'too complex' by the I.D. or by the Council will attract an advisory to the submitter to resubmit certain portions of their case as

separate submissions. *(See details at Articles 41-57).*

28. Submissions that are deemed to be ‘non-processable’ for any other reason should have that reason recorded on the SCF and the submitter advised accordingly.

29. Each resubmitted issue will carry the original PTI CS reference number with each respective portion numbered in succession in brackets, plus the date of resubmission, and any other required information.

30. All new submissions, whether sponsored, rejected or placed ‘on hold’ must be raised at Council at the next QM, where the respective Councillors should qualify their various decisions in person – or by proxy.

31. Any submission may have its status changed by majority vote of the Council.

32. Sponsored submissions must attract a majority vote of the Council before being forwarded to the Adjudicating Division or to the Prosecutions Division for actioning.

33. All official papers that issue out of the PTI (such as rulings, findings, judgments, summonses, mandates, subpoenas, directives etc) will bear the print-stamp of the respective Division and the internally-identifiable signatures (or initials) of at least 3 Councillors.

34. Final documents that have fully processed through the Adjudications Division and endorsed by Council may be collectively and generically referred to as ‘PTI Rulings’.

35. The PTI Seal will remain in the possession of the DCO and can only be used by the Executive, in consultation with the Council and with majority Council approval.

36. Other than GS’s and CS’s, any other matter that is to be raised at Council that requires any alterations or

amendments to PTI protocols or procedures as outlined in this Handbook must be presented on a PTI Motion Form and endorsed by at least 3 Councillors in advance of being raised at Council. In certain circumstances the requirement for a Motion in advance of the meeting may be waived on condition that the Motion is drawn up by the respective endorsing Councillors immediately following the meeting, such document to be approved by the Executive and then placed 'on file' without delay.

37. The lead Councillor in each Division may adopt whatever procedures, forms or processes deemed to be necessary to provide efficient service as long as this does not conflict with the PTI Ethos / Mission Statement and/or Rules as laid out herein.

38. All documents or submissions that are provided or returned to Council for a decision and/or for publication etc., must be stamped with the relevant Divisional Stamp and signed by the lead Councillor of that Division (or by their proxy). The presence of that Stamp informs the Council that the Division has completed their particular tasks and processes.

39. The Council may decide at any time by majority vote to publish all, or part of, any aspect of any submission before the PTI. Any such publication will be made public on the website as well as in the annual PTI Report. Before publication or release, the original document will be stamped and embossed and filed in the PTI archive. Where necessary or required, up to 2 additional copies of that original document may be embossed for legal purposes, such as endorsing an authority to prosecute or arrest for example, where the original must remain filed.

40. All such published documents will be copyrighted to the PTI but are otherwise free and available to any and



all persons, agencies or institutions for their own independent use provided the original format and contents of the said PTI documents are reproduced in whole, complete as originals, and devoid of alterations.

### **Case Submissions (CS) – Criteria & Protocols**

41. Amongst the most debilitating aspects of administrative processes are; (i) lack of proper planning, organisation and direction, and (ii) allowing unnecessarily complicated bureaucratic procedures to evolve and develop. The result is a morass of chaotic and repetitive paperwork and time-wasting individual arguments about the internal rules and processes, which then have to be resolved through additional bureaucratic processes, etc. Meanwhile, the Overriding Objective is often lost and forgotten. The experts advise us that the best and most efficient way to avoid the typical frustrations we usually associate with officialdom is when an organisation is:

*“..open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete. Stating its criteria for decision making and giving reasons for decisions. Handling information properly and appropriately. Keeping proper and appropriate records.”*

42. Accordingly, and in recognition of the fact that most people’s cases are almost always a complex mix of overlapping elements and issues, be it thematic, logistical, law-related, chronological, topical or relating to particular individuals or agencies with aspects that cross-over in myriad ways with various other parts of their respective stories; then, in order not to descend into a morass of chaos upon receipt of each new case submission which will invariably be presented in the submitter’s own unique language and opinions which

then has to be studied and understood by all parties involved; instead, the PTI has prepared a relatively simple classification system by which each submitter can identify in advance what particular type of submission they are making. This will help streamline and simplify the process for all parties involved, whilst at the same time providing for an easily-referenced PTI database of cases, issues and outcomes that will be available to all.

43. The PTI Case Submission Form is designed to facilitate this process, but it will be helpful to all users of the PTI to have a general understanding of how the system will—and indeed must—work, if we are to make any real progress with individual cases, topics and issues.

44. Firstly, the prospective submitter should contact the PTI to advise that they wish to make a submission. It is highly advisable that the submitter pays the submission fee at this point because they will have immediate access to their own MCH webpage which MCH facility is central to the efficient processing of case submissions.

45. The submitter will then be directed to the instructions on the PTI website, where they will find the case-type classifications, which are based on common wrongs / injuries / offences that have been reported to the PTI. (*Space is provided for new/uncategorised issues*).

46. The submitter then identifies whichever of these issues they are asking the PTI to make a Ruling on, and lists them on their submission paperwork, along with the chronology of their general over-story (meaning the narrative that gives overall context to the specific listed issue) – which will also be on their MCH webpage. This ‘general over-story’ therefore, may or may not include several discrete ‘issues’ that are listed for consideration (and of course some identifiable issues may *not* be listed

for consideration by the submitter) **but it is crucial that everybody understands that the PTI is set up to deal with individual, discrete issues one-at-a-time, in chronological order and in sequence as requested by the submitter**, and NOT with a jumble of interconnected or overlapping issues or events whatever their relationship might be in the general over-story, simply because to attempt to do this would render PTI administration and operations practically unmanageable.

47. Some issues *may* be combined as a practical measure by the PTI, such as if numerous persons have committed the exact same offence for example and the submitter wants individual rulings on all of those persons – in which case, one Ruling could issue that lists all of the individuals' names. Another example might be where two or more offences occur during one particular incident where it is relatively easy to combine the findings of the Adjudicating Division into one Ruling document. But these are internal decisions that will only affect the submitter inasmuch as they may attract secondary resubmission fees or further requests for evidence etc.

48. To reiterate; a person's over-story in their original case submission (and on the *mycasehistory* website) may contain any number of identifiable offences or wrongs, but other than in general commentary in the text of any final Rulings, the PTI will NOT specifically examine any particular 'issue' that has not been; (i) identified in advance, and (ii) specifically requested by the submitter, except in cases where Council decides otherwise in the common good. In any such latter case, there would of course be no resubmission fee to the original submitter.

49. Once the submitter has started their chronology on the *mycasehistory* website, then the PTI can continuously

reference that chronology/over-story and all of the associated evidence as the PTI progresses through each discrete issue that the submitter has listed for consideration on their original Case Submission Form.

50. One of the main tasks for the I.D. therefore will be the identification and separation of the discrete issues listed in each submitter's original CS Form, and then advising the submitter that *only* the first such issue (or combination of issues as decided by the I.D.) will be covered by the original submission fee, and that each of the subsequent issues will attract the standard resubmission fee of not more than 20% before they are brought to Council, provided that each such discrete issue (or collection of combined issues) is resubmitted within 12 months of the issuance of the said PTI advisory.

51. In this manner, both the submitter and the PTI begin to catalogue the individual issues; (i) as discrete entities that have been ruled on by the PTI, and (ii) as components in the overall chronology of the submitter's case, which can then be 'stacked' by the submitter in specific support of key elements of their own over-story.

52. In cases where a submitter already has their case story on the MCH website independently and *before* coming to the PTI, the case submission fee will be 50%.

53. If any submitter wants the PTI to review any *new* incidents that arise *after* the date of their original case submission, then; (i) because these are new submissions that will require a fresh review by the I.D., but also (ii) because the details of any new incidents can simply be added to the submitter's existing chronology on the MCH website, then any such new/additional submissions will only attract a 50% fee.

54. So, to summarise. The best way for any party to make

a case submission would be to decide in the first instance whether; (a) their case contains just one clearly-defined issue that can be ruled on by the PTI, or (b) if their case comprises a sequence of issues that will need to be separated for individual consideration by the PTI.

55. In the case of (a) the procedure is simple. The submitter pays the fee, gets assigned a *mycasehistory* webpage, puts their chronology and evidence up online, submits the CSF, and waits for their case to come before Council.

56. In the case of (b) the submitter follows the same procedure only with the understanding that after they have submitted their CSF, there will be an extra step in the process where the I.D. will help the submitter to identify and separate the various discrete issues for individual consideration by the PTI.

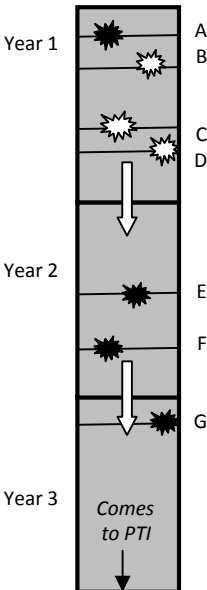
57. It should be clear however, that the *mycasehistory* website has made its facilities available to PTI Members at a discount, so the best (and least expensive) way to avail of both the PTI service and a personal MCH webpage is to come through the PTI case submissions process in the order: (i) Pay fee. (ii) Populate the webpage with chronology and evidence. (iii) Submit CSF.

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## CASE SUBMISSION PROCEEDURE

In this example, the chronology (the over-story) spans 3 years from the beginning to the point of approach to the PTI. The submitter can identify 7 clear, separate incidents where they have been wronged, but only want the PTI to review 4 of them (for whatever reasons). So, although the chronology will tell the whole over-story, the submitter needs *only* provide the evidence to support those 4 actionable aspects. In time, the submitter can place as many additional materials as they like to compliment the general over-story online – which will be helpful to anyone viewing the webpage. In this manner, we create both a public record of the member's story as well as an easily-accessed research facility with all of the evidence needed to investigate those 4 particular issues.

Start of case over-story



*E.g. This sample story begins with incident 'A' – an assault on the submitter. He reports the matter 'B' to the Guards, but nothing is done. Then 'C' he goes to GSOC, and 'F' files a complaint with Garda HQ. Still nothing! So, 'E' he takes a private action in the Court, but because his attacker is 'politically connected' the Court keeps ruling against him. At 'F' his appeal against those unjust decisions is improperly shut down. Then at 'G' he is arrested on false charges in a clear act of intimidation. He then applies to the PTI to make lawful Rulings on incidents 'A, E, F & G' – and uses those rulings to endorse the over-story; to further his case; and take further action against those who have wronged him...*