



**AGSI**

Association of Garda Sergeants and Inspectors  
Cumann Sairsintí agus Cigirí de'n Gharda Síochána

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# Submission to the Commission on the Future of Policing in Ireland

*December 2017*

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# Introduction

*“A community's trust, respect, engagement and support of its police are, without question, essential to modern, effective and ethical policing.”<sup>1</sup>*

AGSI believe there is sufficient evidence from public attitudes surveys, which will give confidence to the Commission that there is trust, confidence, respect engagement and support for members of An Garda Síochána. AGSI further believe that the service the members of An Garda Síochána have provided since the foundation of the organisation deserves this level of confidence and support.

Front line operational Garda members at the ranks of Garda Sergeant and Inspector have a major role to play in maintaining public confidence. Public confidence is maintained not just because the policing service provided by working personnel but by the engagement of Gardaí with the public in the communities in which they reside.

During the course of the Commissions work, you will hear from many sources that the Gardaí and their work are unique. Indeed, previous reports commissioned by Government have identified this fact<sup>2</sup>. AGSI believe this to be the case. When compared with other police organisation in Europe or further afield, An Garda Síochána have maintained a special relationship with the public they serve. They have managed to integrate themselves into their communities, become part of the fabric of the society and the men and women who serve at local level and in investigation units have the respect and confidence of the public.

Whatever recommendations the Commission determine are appropriate to improve the effectiveness of the Garda organisation, they must ensure that there is no erosion of this unique relationship.

It is appropriate that the Commission examines the areas identified in its terms of reference. However, AGSI believe that regardless of the improvement opportunities identified, the Commissions work will not be successful unless they identify at the outset the appropriate staffing levels for the Garda organisation and move to deliver these numbers. Over the years different Governments have identified different organisation staffing levels as appropriate. The rationale for these numbers have never been clearly articulated.

In identifying the appropriate levels the Commission must keep in mind the matter of the unique nature of policing in Ireland. This may mean there is a need to provide a higher level of Gardaí than would normally be provided for the population (ratios of police to populations) to allow the community element of policing in rural Ireland.

AGSI believes that the existing roster, which has come in for criticism in some quarters would work effectively if it had been properly resourced at implementation. The proposed hybrid-

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<sup>1</sup> Kathleen O'Toole; <http://www.policereform.ie/en/polref/pages/home>

<sup>2</sup> The Conroy Commission (YEAR), the Ryan Report (YEAR), the Horgan Report (2016), the First report of the working group on Industrial Relations in An Garda Síochána (2017)

policing model will suffer a similar fate if it is not properly resourced from the outset. Regardless of the organisation-policing model recommended by the Commission, AGSI believe no model will be successful unless it is properly resourced. Any change to the current organisation structure must be deferred until there are adequate resources available to resource it.

This is a fundamental mistake reputedly made by Garda management when implementing new initiatives. Garda Management implements projects to satisfy political or public demands by depleting capabilities elsewhere within the organisation. There is no capacity at Senior Garda Management level to say no when there is a political imperative to deliver on a new initiative. This matter must be addressed within the Commission's recommendations.

# Structure and Management

An Garda Síochána is in the process of preparing for a pilot of a hybrid policing management structure. This model is a variation of the functional model in the United Kingdom. AGSI believe the Garda organisation was pressurised into moving forward with piloting this model despite the establishment of the Commission. AGSI has pointed to the terms of the Commission, which includes an examination of organisation structure and requested Garda management suspend the pilot until after Commission had reported. This request was not considered. AGSI see this as a poor management decision in light of the on-going work of the Commission.

Considering the fact that the Hybrid model is not in pilot AGSI will make observations on the current structures, rather than on a model that has not been tested in the field and exposed to the difficulties of practical policing.

In considering this element of the Commissions Brief AGSI looked at:

- Existing Organisation Structure
- Rank Structure
- National Unit Structure
- Integration of Functions
- Security and Intelligence Structure
- Roads Policing
- Garda Engagement with External Agencies

Before considering these matters AGSI is adamant that underpinning all aspects of a policing service and its delivery is investment in human resources. In this regards it is critical that:

- (1) Appropriate people are employed, both attested members and civilian support staff
- (2) Those engaged to provide the service both front line and back office support are properly selected and trained and supported with an on-going training programme over the course of their career
- (3) Properly supervision and managed
- (4) Clearly understand their role and are supported by clear policy guidelines

## Existing Organisation Structure

Overall AGSI support the current Divisional and District structures. We do however believe that the organisation is top heavy with senior managers at Assistant Commissioner level and above. We believe an urgent examination of Regional and Headquarters Functions at Assistant Commissioner level should be carried out with rationalisation implemented to reduce these numbers where this is deemed appropriate.

### *Divisional & District Structures*

As stated above we support the Divisional and District structures. However, we feel there is a case to be made for an examination of the city centre station structures. Amalgamating city centre stations in Dublin, Cork and Limerick could assist in maximising the use of resources and supervision.

AGSI did not support the station rationalisation process and believe this will impact on policing in Ireland in the future. However, the community policing model in Thomastown, Birr and other Districts are delivering a quality community policing service. Accordingly, the examination of policing hubs in rural communities should be examined and assessed. If this is considered AGSI would be adamant that it cannot be at the expense of reduced engagement, interaction and integration of the police in rural communities. Ideally, and to support this model, Gardaí should be encouraged to reside in the area they are working to promote community engagement and integration.

### *Rank Structure/Supervision*

More on the ground supervisions is vital to the successful delivery of front line policing functions. Proper Sergeant to Garda ratios and Inspector to Sergeant ratios at the front line should be immediately addressed. It is not sufficient that Garda management rely on statistics to defend supervision ratios. On an organisation-wide basis, we may appear to come close to conforming to best international standards. However, the reality on the ground is that Sergeants are supervising more and more personnel. Indeed, Sergeants are expected to provide supervision for Gardaí at stations remote to their own where there is no realistic opportunity to supervise these personnel. AGSI accepts that supervisors are often required in administrative, specialist and headquarters functions and we support this policy. The requirement for supervisors in these functions should not be at the expense of front line supervision. If there is a requirement for additional supervisory personnel on the front line then that should be provided by creating additional posts for this function, and these promotions should be ring-fenced to ensure they are not hived off for other activities.

AGSI have called for an increase in the employment control framework (ECF, formerly the ranks order) at Sergeant and Inspector rank on an on-going basis. Until there is an increase in staffing numbers at Sergeant and Inspector ranks it will be difficult to provide the necessary supervision and oversight required.

In line with our belief that supervision has a key role in service delivery AGSI feel the availability of Inspectors at station level would assist in oversight and management. Superintendents have District responsibilities but AGSI believe Inspectors could support them in station oversight. This would mean an increase in the number of Inspectors but would add value. The responsibility for the assignment of Inspectors is vested in the Divisional Officer. Currently Inspectors that are working in a specific District perform many different jobs. They could be a Senior Investigating Officer while performing the role of Acting District officer and also have responsibility for court or other functions. This dilutes the attention they can give to

any one function and has a serious impact on quality overall. Increasing the number in the rank of Inspector and assigning them specific functions will improve oversight and support the management function at station level.

### *National Unit Structure*

National units were introduced to provide strategic direction and support the operational policing function.

AGSI believe the Commission should evaluate the role and function of these National Units and determine their primary function is i.e. to provide strategic direction and policy directives or provide operational support. Once this is determined they should be resourced to deliver their agreed function. If it is determined that they have a strategic function rather than an operational support function then personnel over and above the requirement should be re-deployed to the relevant functions in operational Divisions/Districts.

### *Security & Intelligence Structure*

AGSI are not in favour of decoupling the security and intelligence function from An Garda Síochána. Ireland has a National Police force, unlike other countries. It makes sense therefore that they would have an integrated security and intelligence function within their capability. Other countries with multiple police forces may have a greater need for an overarching security and intelligence function because not all police forces could maintain a security and intelligence function. In that instance having an overarching security and intelligence function, which could reach out to the relevant police organisations may be a requirement.

AGSI believe that the existing structure where the policing function operates in harmony with the security and intelligence function has delivered results since the establishment of the state. This is clearly evident when we look at the policing of national terrorist groups such as the IRA, Real IRA, Continuity IRA and the INLA particularly since the early 1970's.

All Gardaí collect and share information through a collating system, which is well established and very effective. This means that information collected locally is available across the Garda organisation and can be accessed in an unrestricted way by the security and intelligence section. Information collected through the security and intelligence section on the other hand is maintained securely and is shared as necessary with operational police personnel.

An Garda Síochána have developed an extensive and effective security and intelligence capability. It has forged good working relationships with the Defence Forces intelligence community, with the British and Northern Irish security services and international security organisations. There is no evidence that the model we employ is not working effectively.

AGSI would be concerned that separating the security and intelligence function from An Garda Síochána would result in:

- Silos of information where the interface and sharing process could become difficult.
- Potential bureaucratic systems, which slow transfer of information between agencies and a possibility for delayed reaction to evolving situations.
- The possibility agencies competing for results and in so doing not sharing information in a timely fashion.
- Unclear demarcation in relation to roles and responsibilities, i.e. who is in charge at the scenes of incidents? This has the potential for poor interagency relations with suspicion and mistrust, which could impact on good working relations and continued proactive engagement, much like ‘a them and us situation’.

There is little doubt but An Garda Síochána will continue to gather information on ordinary criminals. In Ireland, the demarcation lines between ordinary criminal and terrorist is blurred. AGSI are seriously concerned that separating the function of policing and security and intelligence will reduce the effectiveness of terrorism and criminal management nationally.

AGSI believe the existing structures have proven to be effective and delivered real tangible results. We are concerned that this integrated model will be discontinued and the overall effectiveness of our counter terrorist capability will be impacted. There may be no negative impact in the short term because of the existing relationships and connections that exist. However, as existing relationships and linkages are lost it is at that point that negative implications will emerge.

### *Roads Policing*

AGSI believe roads or traffic policing should also remain a function of An Garda Síochána. Separating road traffic enforcement from An Garda Síochána would have serious impacts on road traffic enforcement and road safety.

All Gardaí are trained in road traffic legislation and continue to enforce this legislation in conjunction with their traffic policing colleagues. AGSI would be concerned if it were considered appropriate to create a new police organisation with sole responsibility for roads policing and traffic enforcement.

When planning operations/events currently the roads policing sections in Divisions play an important role in the overall plans. If there were a separate service it would make event planning more cumbersome. Furthermore, in countries where road policing is overseen by a separate organisation the regular police tend to divest themselves of this responsibility leaving all traffic enforcement to that police body. If this were to occur in Ireland it would greatly reduce the effectiveness of road traffic enforcement and road safety across the country.

### *Integration of Functions*

The overall ethos of the organisation should be community policing. Individuals in rural stations perform all policing functions including a community-policing role and general policing functions and do so effectively.

AGSI believe all Gardaí (regardless of rank or location) should be a community police person. Separating community policing from the overall policing function is causing confusion. Reintegrating the community policing function into all policing activities should be a key driver for management and should be examined by the Commissions to make it as effective as possible.

# Management and Supervisory Systems

The Sergeant and Inspectors roles are increasingly administrative. The front line supervision we provide considering all other demands as reactive rather than proactive; our members feel like they are providing a ‘fire brigade’ service in this regard. The administration burden has been highlighted by AGSI over many years. That workload is ever increasing and with performance management system (PALF) coming on stream the primary administrative burden falls to Sergeants and Inspectors.

In respect of management and supervision there are two matters to consider

- (1) Levels of Supervision
- (2) Role Definition

## Levels of Supervision

Supervision is the process of ensuring organisation policies are being complied with, standards are being reached, and assigned tasks are carried out in a timely and effective way.

Simply put there are not enough supervisory staff at the coalface to provide the supervision necessary in a complex policing environment. Sergeants have become administrators. It is not possible for them to carry out the extensive administrative burden and perform outdoor supervision. Examples of administrative overheads include; online file supervision, compiling (unnecessary) returns for management, attending performance accountability meetings, >>>>>>> fill in more here<<<<<<<

AGSI are concerned that senior management are taking a hands off approach – they are passing responsibility to Inspectors and Sergeants in relation to people management, supervision, discipline, serious crime investigation, recommendations on court files, and prosecution in court. Management’s role in relation to health and safety is also delegated to Inspectors. Garda management are in AGSI’s view abdicating their responsibilities.

The Commission must consider what roles and functions should be reserved to the various senior ranks and which ones can be delegated. In this regard clarification is needed on what level within the organisation the various activities (suitable for delegation) should be delegated to.

There were historically two Sergeants per unit in the cities and larger urban centres. One Sergeant managed general administration and indoor supervision (detailing, briefing, prisoner management, correspondence, etc.). The second Sergeant provided outdoor supervision and on-scene oversight, advice and management. There has been ongoing erosion of the number of Sergeant positions in stations, which has resulted in an inability to provide outdoor supervision.

The issue of supervisory ratios must be properly addressed. It is not sufficient to say there are X number of Gardaí and Y number of Sergeants and point to a ratio of X/Y. This does not reflect the situation at station level where proper supervision is essential. Many stations operate

on a ratio far in excess of the recommended ration of 5/1 with some units in larger centres having no full-time supervision.

A similar situation arises at the rank of Inspector. Traditionally patrol officers were attached to units in the Dublin Metropolitan Region (DMR) and other large centres. Unit Inspectors are practically non-existent. Inspectors are now managing specific portfolios, which take up most of their time. They are also being deployed more on business hours that covering the 24/7 shift system. The net effect of this is that there is limited number of Inspectors performing patrol officer duties. In most instances in the DMR one patrol officer is available on nights to cover the North City and one for the South City. Historically, before numbers were reduced there would have been five, one per Division. Similar reduced capability exists across the country.

Any recommendations from the Commission must address this as a priority.

## Roles Definition

The Garda Síochána Code is the reference point for role definitions in the Garda organisation. It must be pointed out at this stage that the Garda Code has not been revised since 2005.

There has been many amending Headquarter circulars but there is only one single point of reference to which AGSI can turn to for a clear, accurate definition of the responsibilities of Sergeants in the various roles they perform. It is not sufficient in a modern police organisation for senior managers to simply state ‘you are a Sergeant or an Inspector and take on that role’.

Sergeants and Inspectors are employed in different sections and stations across the country. Considering the various roles Sergeants and Inspectors perform AGSI would see a need for clear demarcation lines for the different roles. The absence of these clear demarcation lines means that A sergeant performing the same role (or holding the same title) in different Districts or indeed within Divisions can have vastly different responsibilities.

Each Sergeant must know exactly what is within their area of responsibility. Misunderstanding and miscommunication leads to difficulties and exposes them to risks of discipline for failing to perform their roles effectively. This has to be avoided.

A similar situation arises at the rank of Inspector. In one Division, an Inspector may hold a number of portfolios and in an adjoining Division an Inspector may hold many more or less or have a variety of different portfolios, many which are unrelated to each other.

In this regard, the Commission must consider in detail the level of responsibility any one individual can realistically be expected to bear considering the nature of the role they perform. No consideration is given to this by Garda management. The consequence at both Sergeant and Inspector rank is that role creep is commonplace. Additionally, Garda managers are unable or unwilling to advise their Sergeants and Inspectors on what matters they should prioritise. This means they expect each portfolio or investigation under the members remit to be treated with the same urgency or importance.

One of the key deliveries from the Commission must be clear definitions/profiles for all roles at all ranks. The Commission must recognise that generic role profiles are unacceptable if there is to be appropriate accountability.

# Information Systems

The Government has committed to investment in information technology within An Garda Síochána over the course of the next five years.

Any investment must be geared towards improving efficiency and effectiveness.

A fundamental problem with IT and Telecommunications is the cumbersome and limiting procurement process.

A process which can take two or more years from the time of conception to time of delivery is ineffective. In many instances by the time a tender is delivered technology has moved on and An Garda Síochána are investing in technology which is a generation or even two behind what is available.

A key emphasis for the Commission must be the fast implementation of modern technology to front line personnel.

AGSI have always supported innovation and change where we have been actively involved in the process. AGSI members have been identified as key influencers in the change process. As such we have assisted in successfully embedding new technologies and new process in the organisation. We will continue to do so.

Regrettably, we are often engaged with when the change process has moved through a number of stages without our input. Furthermore, over the course of the development of PULSE and other IT systems, our members see the technology as failing to reduce administrative overheads.

There is an inherent lack of trust at Senior Management level in the information available on the IT systems within An Garda Síochána. This results in front line supervisors being asked to compile paper returns for information readily available on the information systems centrally.

All technological investment must deliver efficiencies at the front line. Not only must paperwork be reduced but so also must the practice of requiring front line supervisors to analyse IT and paper data to generate statistics, which can be generated at the centre.

The Commission must examine how the proposed project under Modernisation and Renewal Programme (MRP) delivers efficiencies to front line first responders and investigators.

All of the initiatives under the MRP will have additional costs over and above those directly related to the project. For example, there will be accommodation, training, back filling services (to accommodate training) – none of these costs are budgeted for under the current MRP funding model.

The Commission must ensure they are properly funded to ensure successful MRP projects delivery.

## Recruitment Methods

The Garda Inspectorate is currently examining entry routes to the Garda organisation.

AGSI made a submission to the Inspectorate and I attach a copy at Appendix A for your information.

## Ongoing Professional Development

A high priority is placed on the investment in initial training for new Gardaí. This is essential but cannot be expected to sustain a member over the course of their career. Accordingly, a comprehensive ongoing professional development programme is needed to maintain knowledge levels of members.

AGSI's view is that this as an area of significant underinvestment within the Garda organisation, over the course of many years.

## Training Delivery

AGSI does not believe one model of training delivery is appropriate for a modern police service.

It is AGSI's view that training on legislative changes must continue to be delivered in the face to face training, which allows for detailed exploration of issues, eliminates the possibility of misinterpretation and consequential misapplication because a constant message is delivered uniformly across the organisation.

There is scope for other training delivery models to be examined to deliver other information. That said it is important that the information to be communicated must be married with the most effective delivery process. The complexity of the information, the need for a consistent application of the policy or legislation and the time frame in which it is to be delivered will determine the most appropriate method. AGSI believe that not all policy changes will be suitable for an e-learning delivery process.

Continuous professional development (CPD) must be a key element of all staff and organisational growth. The Commission must put in place a process to identify training needs and analysis to identify the continuous training requirements of all ranks.

Garda management must accommodate training within a member's roster and in this regard CPD must form an integral part of a members' work schedule.

CPD must be recognised as an essential part of a member's development. Incentives may be considered appropriate to encourage and promote participation by all members in CPD. In this

regard people, who have completed all necessary CPD training, assuming they are provided with the opportunity to do so, may be given a weighting when competing in competitions for positions whether promotion or for lateral movement at their current rank.

CPD should be focused on members' roles and responsibilities. All members do not need training on all matters, only those matters that impact on their role. In this regard, suitably tailored courses for legislative changes, policy changes, supervisory best practice and management courses must be identified and made available as necessary to all members in line with their role.

CPD must not be confined to internal courses within An Garda Síochána. CPD can, and should involve external accredited courses being made available to members.

Ring-fenced budgets must be put in place for training. In this regard AGSI believes training budgets should be ring-fenced from Garda College with Divisions only input being the nomination and scheduling of attendees. Those budgets should include the cost of travel and subsistence for those attending. This would prevent local managers diverting training budgets to operational activities and maintain the focus on training.

Online staff training is a feature offered by many colleges and businesses. This must be examined to determine if training could be delivered through his process for An Garda Síochána members. AGSI believe members could train at home on organisation specific policies and procedures and aid for undertaking this training. This would keep costs to a minimum and reduce the necessity to abstract people from working units. These courses could provide role specific training for members.

Consideration should be given to multi-annual training budgets in his regard.

## Culture and Ethos

All organisations have a culture. An organisations culture could be described as the personality of the organisation.

An Garda Síochána culture has come in for close scrutiny in the recent past. Unfortunately the commentary has focused on the negative elements of Garda culture which are identified as misguided loyalty, a lack of innovative or challenge current practices, a perceived code of silence or a propensity not to report on a colleague's errors, misconducts, or crimes.

Where a perception of a negative culture is reported it can be difficult for an organisation to highlight and promote the positive elements of its culture.

As part of its review the Commission should endeavour to maintain and develop those positive cultural features An Garda Síochána embodies. These positive cultural elements include:

- **Going above the formal requirements – making it work.** Time and again An Garda Síochána can cite experiences where members have gone above and beyond what is expected of them to ensure a quality service to the public and Garda Management.
- **Willingness to change.** While there may be a perception that An Garda Síochána are resistant to change nothing could be further from the truth. Change is a feature of policing worldwide. Establishing new policing investigative functions changes in criminal activities is clearly evident within An Garda Síochána. Moving with technology (where funded) is routine within An Garda Síochána as evidenced by how systems such as PULSE, Automatic Number Plate Recognition, the TETRA project and CCTV management, among others, shows their willingness to change to support effective policing. The Garda organisation was one of the first public service bodies to establish a change management section. This section has overseen technological and cultural changes within the organisation since 1996.
- **Professionalism.** Our members have undertaken courses of study on many occasions at their own expense to equip them for their role as Sergeants and Inspectors. This indicates their interest in knowing and understanding the law to allow them to apply it and advise those reporting to them. Until recently, investment in external courses was confined to a selected group. Consequently, many Garda members at all ranks funded their own education.
- **Integrity.** As a general principle Gardaí are seen among their local community as being honest and having strong moral principles. This, in fact, is more that perception and this is in part due to the selection process and the moral integrity of individuals.

- **Determination to establish facts and administer justice.** In line with their oath to discharge their duty with fairness, integrity, with regards to human rights and with impartiality the Garda organisation at all levels place a high value in being fair and just in the investigative process.
- **Loyalty to the community.** The Garda organisation at all levels hold a great loyalty to the community they serve. This can be evidenced by their involvement in activities not police related and which are frequently undertaken in their own time for the benefit of the communities they serve.
- **Camaraderie.** This should not be mistaken as misguided loyalty. This is the friendship and solidarity that members develop and encourage because of their shared value in community service through policing.

# Governance Oversight and Accountability

*"Good governance ... implies accountability, transparency, participation, openness and the rule of law<sup>3</sup>."*

There are two elements to the governance process; internal governance and external oversight.

## Internal Governance

With the exception of financial governance, AGSI believes internal governance has been poor at the highest level within the Garda organisation.

Moves have been put in place recently with the appointment of Superintendents with responsibility for risk and compliance. However, the system may be flawed in that Senior Garda Management have appointed these people from promotion lists, because they were available and it is not clear if they have the necessary skills, training or temperament to undertake this role.

It is appropriate that Superintendents would play a key role in compliance, risk management and transformation in a police environment. To fulfil the role effectively they must be properly identified and trained, if necessary, in their role.

AGSI believe succession planning is an area An Garda Síochána is weak in. If An Garda Síochána is to ensure we have an effective internal governance process the Commission must recommend improvements in this area.

Internal governance in An Garda Síochána is underpinned by a discipline core and external oversight. These matters are considered hereunder.

## Discipline

Considering the extensive powers vested in the police it is right and proper that there is adequate oversight.

However, there must be a differentiation between Garda members who do *bad things* and Garda members who *do things badly*. The majority of Garda members at all ranks have the interest of the public and their local communities at heart. As such they do not set out to act contrary to the code of ethics for An Garda Síochána. That said sometimes their actions betray this commitment through no fault of their own.

An oversight process is essential to maintain public confidence, especially in a uniformed disciplined organisation. This oversight process must also give Gardaí confidence. An

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<sup>3</sup> Governance Barometer: Policy Guidelines for Good Governance Author: National Party (South Africa) Publisher [Cape Town] : Dept. of Strategy, Federal Council, National Party, [199-?]

effective oversight process will be fair, uniformly applied and be administered in a timely way. Where these principles are applied the oversight will identify wrongdoing. It should also identify the cause of that wrongdoing. Wrong-doing can be based in malicious intent or it can be grounded in the actions or inaction of a member as a result of:

- Poor training
- Lack of understanding of the rules
- Ineffective policies
- Insufficient supervision
- Misguided intention

Where the wrongdoing is rooted in malice the remedy must be an appropriate sanction taking into account the gravity of the act committed. Where the wrongdoing is as a result of poor training or other effects outside the members control the remedy must be assistance, not sanctions.

The Commission must put in place a root cause analysis process within the oversight process to identify the true cause of the problem and address this root cause. There must be a means of addressing these individuals' failings through training, mentoring and coaching rather than by severe disciplinary sanctions.

AGSI agree that where there has been appropriate intervention sanctions must be available and imposed, but not as a first reaction or for a first offence.

## External Oversight

There must be complete confidence in the governance of the police in Ireland. The public can only have confidence in the governance of the police when those charged with oversight have confidence.

If the Policing Authority can express confidence in the Senior Executive Team as a result of their examination of their performance, then by extension the public have confidence. Confidence will also be assured at Ministerial and Departmental level, and by extension in Government.

This will also generate a confidence within the Garda organisation at front line operational and supervisory levels and at middle management level.

If there is a lack of confidence in the governance of the Garda organisation by any of the key stakeholders the legitimacy of the Garda organisation stands to be undermined. Therefore, it is appropriate that there is proper oversight of the actions of the Garda organisation at all levels.

AGSI believe that the final piece of the oversight process has been put in place with the establishment of the Policing Authority. There was a deficiency in oversight at the highest level of the Garda organisation until that body was established.

Oversight of the Garda organisation is provided by:

- Immediate managers/supervisors at Garda Sergeant and Inspector level
- Senior managers within the Garda organisation under the Garda Discipline Regulations<sup>4</sup> (discussed above)
- The Garda Síochána Ombudsman Commission
- The Policing Authority
- The protected disclosures legislation and internal policies
- Joint Policing Committees
- The Courts system at District and Circuit level in ordinary investigation matters
- The Central Criminal Court in more serious criminal investigations
- The High Court by way of legal challenge to Garda actions or through judicial review
- The Garda Inspectorate (While they do not have a role in assessing performance they have a role in identifying improvement opportunities and as such can influence the functioning and confidence of the public in the Garda organisation.)

Not all oversight bodies have the power to sanction the Garda organisation. External oversight with a sanctioning role must approach its application in the same way as internal oversight; fairly, uniformly and administered in a timely way. The Commission must examine the engagement between the Garda organisation and the external oversight partners.

It must consider and make recommendations in relation to:

- The role and functions of the oversight body;
- How they add value to the policing function; and
- What changes can be implemented to ensure transparency and accountability in the oversight organisation and the service it delivers?

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<sup>4</sup> The Garda Discipline Regulations stretch beyond the performance of a members role while on duty and into their private lives and their family lives. This is more severe than many other Civil Service discipline regulations

## Effective, Efficient and Economic use of Resources

This is an area that An Garda Síochána needs to develop more as an organisation.

Forward planning does not appear to be a high priority for An Garda Síochána, particularly around recurring events. This is highlighted specifically in the Dublin Metropolitan Region. Abstractions for the purposes of events and/or escorts as well as what little training is available, is leaving the ability to provide even basic policing impossible.

Overtime, within the DMR specifically, budget over the last two years because of continuous organised crime activity has covered the gaps and allowed the city to be run.

There is a necessity, from AGSI's perspective for each District/ Division to have a minimum staffing level for every tour of duty. It is not appropriate that service delivery and officer safety is compromised because the HR function has failed to properly identify minimum staffing requirements and put in place a process for compliance with this level. Minimum staffing levels should also address the issue of minimum supervision levels as this is a critical component of effective police service delivery.

An area often forgotten about in policing is accommodation. This falls within this area to be examined.

Most of the Garda buildings currently in use were built in the mid nineteenth century and a lot were converted into police stations from other uses (Private houses or other offices). They do not provide the necessary facilities for a modern police force. Many have no access for disabled users of the service. Many are in a serious state of disrepair and considering the role they play in supporting the police and public they are not fit for purpose in many areas (for instance: prisoner safety, officer safety, privacy, accessibility, security and general functionality).

An urgent review of the current building stock should be carried out. The planned increase in resources in An Garda Síochána will only exacerbate the issues across the country. The change and modernisation programme will fast track new technology, which will invariably have some infrastructural requirements at Garda buildings; buildings already unfit for purpose.

Future capital spending on Police buildings should have at its forefront the core work of An Garda Síochána, which is to provide a professional service to the public we serve. Accordingly, matters such as:

- Custody suits
- Interview facilities for suspects and victims including child victims
- Administrative accommodation
- Property storage
- Firearms storage and training facilities
- CPD training at divisional level
- Roads policing needs, signage and safety equipment
- Public order unit needs

These are among many matters that must be considered when commissioning new or refurbishing existing accommodation.

The Garda Síochána Act 2005 created the Garda Inspectorate.

The Inspectorate is tasked with ensure that the resources of the Garda Síochána are used to achieve the highest levels of efficiency and effectiveness.

AGSI recognise the contribution the Inspectorate has played since its establishment over the 12 years of its existence. Indeed, AGSI has engaged proactively with the Inspectorate and made regular submissions to their research and reports.

Considering the role of the Commission it is, in AGSI's view, opportune that they examine the role and function of the Inspectorate and how they deliver on their mandate. This examination should consider how valuable the Inspectorate is 12 years on, how it interacts with other on-going initiatives in An Garda Síochána (the MRP for example) and how its recommendations are contributing to the more effective, efficient and economic use of resources. Based on the findings the Commission should assess the on-going value of the Inspectorate.

## Legislative Framework for Policing

The Garda Síochána Act 2005 (enacted in July 2005) contains very significant legislative proposals on policing. *‘It represents the first major revision of the operation of the Garda Síochána since the foundation of the State. In effect, it provides a new legal framework for policing in the State’.*<sup>5</sup>

The Act revises the legislation governing the administration and management of the Garda organisation by clarifying the functions of the Garda Síochána and defining the roles of the Garda Commissioner and the Minister for Justice.

The Act provides for the establishment of the Garda Síochána Ombudsman Commission. This in effect repealed the Garda Complaints Act 1986 and provides for the independent investigation of complaints against members of the Garda organisation.

Garda Síochána Inspectorate was also established under the 2005 Act to ensure that the resources of the Garda Síochána are used to achieve the highest levels of efficiency and effectiveness benchmarked with best police standards.

Although the legislation that reformed the Garda Síochána is only 12 years old changes have already been made with the enactment of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015, which established the Policing Authority.

This is an indication that there is a need for the Commission to consider all elements of the 2005 Act as part of its review.

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<sup>5</sup> Report The Garda Síochána Act 2005 Implementation Review Group;  
[http://www.justice.ie/en/JELR/Garda\\_IRG\\_2005.pdf/Files/Garda\\_IRG\\_2005.pdf](http://www.justice.ie/en/JELR/Garda_IRG_2005.pdf/Files/Garda_IRG_2005.pdf)

# Appendix

## Entry Routes into An Garda Síochána

*A submission from the Association of Garda Sergeants and Inspectors*

### Introduction

AGSI has been asked by the Garda Inspectorate to make a submission on *Entry Routes into An Garda Síochána*.

AGSI has always welcomed the opportunity to make a contribution to the work of the Garda Inspectorates. AGSI has been a key driver in change and modernisation within the Garda organisation for many years. We support any moves which are designed to improve the professionalism of the organisation generally, and the professionalism of our members more specifically. AGSI views the current report of the Garda Inspectorate therefore, as an important piece of work.

However, we must caution that we would have concerns that a process might be implemented which could reduce career progression for members of the Garda organisation recruited through the normal process.

Changes to pension legislation in 2013 means that people joining An Garda Síochána from that date will be subject to career averaging pensions. Any process which would impede a member of An Garda Síochána's progression, while impacting their final pension, would be a retrograde step and one this staff association could not support.

It is with this in mind that we make our submission in line with the questions raised in the supporting documentation.

### Entry at Garda Rank for Officers from other Police Services

*a) How should An Garda Síochána seek applicants from experienced police officers from other jurisdictions?*

The way this question is presented it appears that a decision has already been made and suggests that there should be a campaign to seek to attract already qualified police officers. We would like to establish if this is the case?

From AGSI's perspective it is important to point out that there is currently no difficulty securing appropriately educated people to fill vacancies within the Garda organisation.

Recent competitions for positions within AGS has seen a high interest in taking up these positions from across all social, geographic and educational groups. Additionally AGSI does not see a skill deficit at the front line operational units or in specialist or investigation units/sections. AGSI is unaware of a skills deficit within the Garda organisation that needs to be filled with already qualified police officers.

It is against this backdrop that AGSI believe we do not need to seek to recruit experienced police officers from abroad.

*b) If so, from where?*

Considering the interest from within Ireland to join An Garda Síochána and that AGSI do not see a current skills shortage of qualified police personnel, we believe it is not necessary to nominate any country from which recruitment of skilled police officers would take place.

*c) What type of training should recruits with previous police experience receive and should the probationary period be altered?*

From AGSI's perspective all police men and women serving in An Garda Síochána should be trained in the same core curriculum. Accordingly, if it becomes policy that experienced police officers are recruited from abroad then it is AGSI's contention that they should undergo the same training programme as all other Garda trainees.

AGSI see no value in reducing the probationary period for recruits with previous policing experience. Indeed AGSI would caution that any reduction in this period would expose the organisation to a risk. This period forms an important part of the assessment of a person's suitability for the role in An Garda Síochána and AGSI could not support any reduction in this time period.

*d) Should consideration be given to utilising an experienced officer's skills when appointing the officer?*

If it becomes policy that experienced police officers from abroad are recruited and these officers have specialist skills, there is merit in assigning them where these skills could add value. However, no appointment to a specialist posting should be considered until the new Garda completes their probationary period and has been assigned to regular policing duties for a period of at least three years. To do so would be disadvantageous to serving members who have an interest and aptitude in the particular skills area.

It is AGSI's view also, that if assigned, there must be a process for skills transfer to existing Garda personnel. No appointment should limit the capacity of the organisation to train members for any specialist area. Direct recruitment simply to fill specialist vacancies would be a retrograde step in our view. It would greatly reduce career opportunities for serving members and would be resisted by this Association.

## Appointment of Serving Police Officers to Mid and Higher Ranks

*a) If the eligible pool for Superintendents, Chief Superintendents and Assistant Commissioners can be expanded beyond eligible officers in An Garda Síochána and Police Service of Northern Ireland, who should be included in the expanded pool?*

The possibility of PSNI officers applying for posts within AGS forms part of an inter-governmental agreement under the Patton Report. This accommodates the transfer of members in both direction to fill vacancies.

If there is a move to expand the pool of eligible officers AGSI would argue that there should be reciprocal arrangements to have eligible Gardaí apply for vacancies in other countries. This would allow for a skills transfer in both directions with the opportunity for promoted personnel returning to their original force in time with additional experience.

It is always a safe suggestion to say that direct recruitment should be from jurisdictions with similar judicial systems. However, this would limit the opportunity to recruit from many continental European and American police forces and accordingly great consideration should be given to what other countries should be considered.

*b) Currently only serving Gardaí and Garda Sergeants can apply for promotion to the ranks of Sergeant and Inspector. Should the eligible pool of Sergeants and Inspectors be expanded beyond An Garda Síochána officers?*

There is a limited number of opportunities for members of Garda and Sergeant rank to secure a promotion. Currently an Employment Control Framework (ECF) determines how many Sergeants and Inspectors there can be in AGS. Prior to the implementation of the ECF at Sergeant and Inspector ranks numbers were controlled by the Ranks Order.

The ECF reduced numbers at each rank so effectively there is a cap on promotion opportunities across the Garda organisation.

AGSI would have no objection to direct recruitment if these direct recruits were in addition to any ranks order or ECF. Looking forward to 2019 there will only be 25 promotions to the rank of Inspector in 2018 and 2019, from the competition about to commence. There will only be 125 promotions to Sergeant each year over the same period.

Many people join An Garda Síochána with the hope and expectation of promotion. Any recruitment from outside into any rank reduces the opportunity for serving members to advance.

Reduced career opportunities can only have a negative impact on morale. It could also call into question member's commitment to their continued career in the Garda organisation. A feature of the current generation of workers is mobility within the workforce. If there are reduced opportunities members may be less inclined to remain in the organisation which would see a skills loss to the organisation.

*c) If so, who should be included in the expanded pool?*

From AGSI's position, this again is a question of a quid-pro-quo for our members having similar opportunity to move laterally to serve in other police forces.

Any area considered should take account of the ability of the person recruited to have an understanding/ability to integrate into a policing model with the ethos of serving the community through integration, understanding and engagement.

## Entry at Higher Rank to Non-Policing Applicants (Direct Entry)

*a) At what rank should Direct Entry to the Garda Síochána by persons without policing experience be considered?*

The AGSI position in this regard is that only non-core policing areas should be considered for direct entry. Areas of finance, ICT, HRM Risk Management and similar support functions which will not impact on career progression for Gardaí should be considered.

Civilians join the Garda organisation with a career path in mind. They have similar expectations to Garda members and consequently direct entry should, in as far as possible, be confined to Assistant Commissioner rank i.e. Executive Director positions.

*b) In relation to that rank, what high level skills and experience should an applicant be expected to demonstrate?*

Any applicant for specifically selected positions should, in addition to having suitable academic qualifications, be capable of showing the ability to apply these skills in an organisation which is required to have a rapid response to changing circumstances in real time.

Applicants should have a proven record within their specialist area with a minimum period of service and experience (to be determined by the Garda organisation at application stage) in the relevant field.

The ability to integrate into the organisation quickly while understanding its environmental influences, both internally and externally, is a critical attribute that any candidate must be able to demonstrate. This may be identified through the selection process.

*c) How should these skills be assessed to determine if a candidate is suitable for entry onto a Direct Entry Scheme? For example, in the UK Direct Entry schemes, candidates take part in a rigorous assessment centre consisting a number of exercises over several days.*

A tailor-made selection process should be considered which will drive out the individuals ability to show their capability of:

- Working as part of a team;

- Making decisions quickly on available information and justifying these decisions subsequently;
- Thinking strategically and communicating their ideas succinctly;
- Demonstrating clear leadership skills; and
- Demonstrating their ability to be fair, equitable and reasonable in the application of organisation policy across all ranks and sections of the organisation.

The selection process may require a change in approach to the current recruitment process in place. In this regard, due consideration must be given to the approach taken in the private sector in selecting senior executives and this process tailored to accommodate the demands of a policing environment, which will be alien to many of the direct entry applicants.

## General

*a) Recruitment to the Garda Síochána should be fair and open to those from a diverse range of backgrounds. How do you suggest this can best be achieved?*

An Garda Síochána has always been open to diversity. In fact, AGSI was represented on a Diversity Working Group which formed the Garda Síochána's Diversity Policy in 2006.

This policy has stood up to external scrutiny, including in the courts where a challenge was made by members of the Sikh community.

The recruitment process should not be viewed in isolation. All activities undertaken by AGS will have an influence on an individual's decisions within diverse communities to join the Garda organisation. Therefore it is important that Gardaí develop a strategy to integrate them into these diverse communities. This is the first step in AGSI's view in creating an awareness of the openness of the Garda organisation to inclusivity. It will play an important role in creating links with communities and encourage people who might not have viewed the Garda organisation as a career to reconsider.

The recruitment process currently underway has application forms in many different languages. This is all well and good, however, if communities are unaware of a recruitment drive for the Garda organisation they cannot apply. Gardaí liaising with diverse communities is one way of getting the message out and should be explored as a medium for communicating with the wider communities at recruitment stage.

There are currently radio advertisements alerting people of the application process, however, I have only heard them in English. Consideration must be given to communicating over the national and local radio stations in other languages to create an awareness of vacancies as well as using digital communications methods such as the Garda website and social media channels.

Consideration should also be given to promoting AGS in countries from which we would like to see people recruited to represent diverse communities in Ireland. This approach has been

undertaken by different police organisations previously and has proven very successful in identifying candidates who are interested in policing and moving to a new country.

*b) The Patten reform of policing in Northern Ireland resulted in an agreement to put in place exchanges and secondments between the PSNI and the Garda Síochána. What are your views in relation to the operation of this agreement?*

AGSI considered this a valuable opportunity to exchange personnel on short-term placement to gain experience and to share skills. The process however never seemed to ignite within the Garda organisation in any real way. AGSI is aware of only a few placements that took place at Sergeant or Inspector ranks.

There was scope for this to be a very rewarding and valuable exchange programme. It is difficult to understand precisely why the process failed to deliver significant cross border movements. Perhaps there was a lack of enthusiasm at the higher levels within the Garda organisation. Indeed there was a lack of communication to members within the Garda organisation about the opportunities, who might have otherwise taken up a placement.

There may also have been financial constraints which impacted negatively on members moving to the PSNI for placements.

Whatever the reasoning the initiative did not deliver in any meaningful way for AGSI members.

*c) Your views on the training of new officers entering An Garda Síochána by any other routes?*

It would be difficult to justify removing the rigours of the existing application process for applicants entering by any other route. In this regard AGSI believes the assessment, college training and on the job learning currently required for people applying under the current recruitment programme should be in place for entrants who are identified by any other route.

AGSI is opposed to a two-tier system of recruitment which would provide an unfair advantage to people by virtue of geographic location, skill set or previous policing experience.

Our concern is that if this is introduced our management or Government will take the option to save training costs by recruiting experienced specialist officers from abroad to fill vacancies here leaving a greatly reduced opportunity for our members to achieve specialist training.

A police officer recruited from another jurisdiction would, in our opinion, still need to complete training in Templemore. It was mentioned by Chairman of the Garda Inspectorate Bob Olson in a meeting with the AGSI National Executive that the requirement to start at the bottom of the pay scale would be a deterrent for an officer from another country. We would suggest that similar to current probationers entering with degrees that the officer from abroad be given a similar advancement on the increment scale to acknowledge their experience.

The significant reduction in opportunities in career progression or lateral progression into specialist roles would further erode morale particularly those in front line positions.

## Summary and Conclusions

As stated at various points throughout this submission, AGSI believe there is currently no shortage of suitable applicants to the Garda organisation as a Garda. There may be some scope to reach out more effectively to diverse communities within Ireland to encourage greater participation in policing and that should be considered.

Limitations placed on numbers at supervisory and management levels within AGS means there is already a curtailment on promotion opportunities. It is important to point out that even if there was a shift in government policy and the ECF was removed, AGS will continue to be constrained by the ranks order.

Effectively this means that we will always be governed by limited numbers at ranks above Sergeant level in the Garda organisation. Considering this, AGSI could only consider supporting recruitment at Sergeant and Inspector ranks if those brought in from outside were additional to existing numbers. Direct entry at our level could close-off already slim opportunities for career advancement.

Direct recruitment at any rank could not be viewed as a quick fix for filling vacancies in specialist sections. In AGSI's view people recruited at whatever rank or grade should serve a prescribed time in front line operational policing before they could be considered for any assignment to a specialist section.

AGSI would similarly not want direct recruitment of civilians to fill roles identified as a core policing function. Indeed we would offer a similar argument that direct recruitment could not impede career progression for civilian support staff who have given dedicated service of the state.