

Commission on the Future of Policing in Ireland,
Second Floor,
St. Stephen's Green House,
Earlsfort Terrace,
Dublin 2.

RE: Personal Submission to the Commission on the Future of Policing in Ireland - Reform of An Garda Siochana.

I refer to the above subject matter & wish to highlight I am a Member of An Garda Siochana with approximately 12 years' service [REDACTED]. This submission is a combination of personal views and observations emanating from my professional experience gained within the operational, administrative and specialised fields over the course of my service within the Garda organisation and has not being subject to academic / professional quantification or international certification.

1. Legislative Framework:

(i) Garda Siochana Act, 2005:

It has become evident the legislative framework comprising of the Garda Siochana Act, 2005 requires significant additional amendments in respect of enhancing / improving the areas of organisational governance, corporate accountability and individual responsibility in addition to streamlining the powers, functions and operational oversight of An Garda Siochana and sister external agencies such as the Garda Siochana Ombudsman Commission and Garda Siochana Inspectorate. This process should involve a two strand approach involving a dedicated stakeholder consultation and separate public consultation phase managed by a dedicated Unit within the Department of Justice & Equality. The purpose of this process should be to examine proposed reforms aimed at increasing accountability and enhancing collaboration within An Garda Siochana and its oversight / sister organisations. Key concepts such as compellability, resource allocation and accountability / reform measures relating to proposals made on behalf of GSOC & the Garda Siochana Inspectorate should be examined in the context of organisational

capacity, financing and personnel expertise and subject to approval by the Department of Justice & Equality and / or Policing Authority to avoid unrealistic and burdensome demands being placed on the policing service.

(ii) Garda Siochana (Policing Authority & Miscellaneous Provisions) Act, 2015:

The Department of Justice & Equality should be requested to examine the role, responsibilities and definition of the oversight responsibilities of the Policing Authority in an effort to provide a clear ambit for the establishment of protocols in respect of holding Garda Management / An Garda Siochana to account on issues of policing and other matters relating to public trust and confidence in the police service. It is imperative that a clear distinction and determination is set out within a regulatory and policy framework in an effort to ensure that both Senior Garda Management in addition to Divisional / District Management are held accountable to the Authority for matters set out therein. In order to instil public trust and confidence into the Policing Authority, in addition to maintaining stakeholder confidence from within AGS, it is recommended that Government consider legislative provision for the Chairperson of the Authority to be designated as a Judge appointed by the President.

(iii) National Security & National Intelligence:

Given the momentous importance attached to the area of national security and national intelligence to the overall security, policing and protection of the Irish State and its international reputation, it is imperative that consideration be provided to recommending that a National Security Oversight Committee be established consisting of officials from the Department of Justice, Defence, An Garda Siochana and the Defence Forces under the Chairmanship of a High / Circuit Court Justice. This Committee would be responsible for the oversight, governance and certification of Garda operational activities in the area of National Security, Surveillance and Intelligence in an effort to re-inforce accountability and governance in this area and be responsible for reporting to the Minister for Justice & Equality & Minister for Defence in addition to Cabinet Committee 'F'. A comprehensive review and examination should be carried out into the processes and management of the Garda Covert Human Intelligence System (CHIS) in addition to reviewing the operations and functioning of intelligence systems and / or security information systems utilised by the Irish Defence Forces. The potential and possibility of further enhancing national security should become apparent from the performance of an aerial overview examination whilst identifying further opportunities for increased collaboration and enhanced synergies between both agencies.

(iv) Garda Siochana (Discipline) Regulations, 2007: Establishment of a new Garda Internal Affairs Bureau under statute:

A full review, examination and analysis should be conducted of the Garda Siochana (Discipline) Regulations with the objective of increasing individual accountability and governance for Members of An Garda Siochana transcending from its current form of legal, punitive and disciplinary measures to a customer service, informal and restorative practice approach to addressing complaints / issues raised by Members of the Public. It is suggested the regulations be significantly overhauled to deal with issues arising consisting of a criminal, disciplinary and customer service element which is intrinsically linked to the provision of a public / policing service. It is recommended that a new Garda Internal Affairs Bureau be established to deal with issues of criminality involving Members of An Garda Siochana designed in accordance with investigative / unit structures existing in NBCI.

A new Garda Internal Affairs Bureau should be established to centralise issues relating to criminality and serious disciplinary offences (Section 23 Investigations) in addition to closely collaborating with GSOC (with Officers seconded from both organisations to each other) in order to investigate allegations of a criminal and (serious) disciplinary nature levelled against personnel. This would ensure a prioritisation and consistent approach from an investigative, legal and disciplinary nature thus devolving local input (interference) from such matters. Minor or less serious breaches and / or customer service matters could be referred to local Divisional & District Officers to have local input in resolving such matters between the relevant parties thus adapting a restorative approach to same. This Bureau should be staffed by Members of Detective Branch consisting of Inspector & Superintendent level supervised / supported by GSOC Case Officers relating to all cases of a criminal and serious disciplinary nature (Section 23's). The insertion of the Code of Ethics into the Garda Siochana (Discipline) Regulations should be considered for the successful embedding of same.

2. Organisational Structures:

(i) Establishment of the Office of the Chief Medical and Welfare Officer:

It is suggested that consideration should be given to amalgamating the Garda Welfare Service; Garda Counselling Service (currently being established) and the Occupational Health Service providing this office holder with primary responsibility for the safety, health and wellbeing of

Garda and Civilian personnel given the potential exposure to personal and professional difficulties experience in the course of their duty.

(ii) Establishment of the Office of Chief Legal Counsel:

This Bureau should incorporate sections relating to legal actions, State legal actions, Garda compensation files, State claims applications, Judicial Reviews, any Public Tribunals established; any Commission of Inquiry established under Section 42 Garda Siochana Act. This Bureau should be assigned the task of dealing with operational requests for legal advice / guidance from operational personnel via an on-call Solicitor in addition to providing legal representatives to attend Court in the instance when complex legal issues would arise for personnel in the management of same. This Bureau should have a direct link to the Office of Attorney General, Chief State Prosecution Solicitors Office and Office of the Director of Public Prosecutions with relevant legal protocols established for same.

(iii) Establishment of the Garda National Children's Bureau (replacing GYDO):

The Garda Youth Diversion Office should be separated from the Garda Community Engagement Bureau and established a single National Bureau with responsibility for all issues of concern relating to Children and Youth Affairs with the aim of creating a 'centre of excellence' in this area. The Garda National Juvenile Diversion Programme has been acknowledged and recognised as a very successful policing tool in diverting young people from criminality and has been heralded as a major untold success story of the Irish Criminal Justice System from a restorative practices approach in dealing with youth offenders and victims of crime.

However, the failure to adequately resource the GYDO with appropriately trained personnel in the area concerned in addition to the organisational failures to establish a proactive and robust governance framework in respect of those suspects deemed unsuitable for inclusion in the GYDP. It is suggested that personnel attached to this Bureau at a National and Divisional / District level (JLO's) should be appointed as Detective Gardai and provided with adequate professional and academic training in youth justice and restorative practices. The remit of the Garda Juvenile Liaison Officer should be widened to include oversight of the appointment of Garda Case Officers (Community Gardai) for Youth Offenders deemed unsuitable for inclusion and subsequently brought before the Children's Court.

The appointment of Divisional JLO Sergeants for each of the 28 Operational Divisions should be considered in addition to the assignment of Community Gardai to Garda Youth Diversion Projects on a permanent basis. There appears to be a serious disconnect between Youth Workers employed at the Garda Diversion Projects and An Garda Siochana (due to the decrease of Community Policing Personnel) of a very significant nature thus having a very adverse impact on the relationship between An Garda Siochana & Youth offenders arising from the lack of placement of 'Liaison Officers'. It is recommended that Regional JLO Inspectors be appointed to oversee the operational management, governance framework and external stakeholder relationship (Garda Diversion Projects / Courts Service / TULSA etc.) in order to mitigate against future organisational risk in this domain.

(iv) **Establishment of a Legislative Processing / Parliamentary Affairs Office:**

There appears to be a very significant lack of liaison, collaboration, and communications involving the exchange of vital information between the Oireachtas, Government Departments, Government Agencies, the Courts Service, the Prison Service and An Garda Siochana relating to legislative consultation & legislative provision enactment therefore having a very negative potential effect on the public interest. The enactment of EU Directives and / or National Legislation by the Oireachtas places a very burdensome task on An Garda Siochana to transcend the legal provisions into policing policy - legal instruments in the form of offence wording, offence codes and HQ Directives. This delay can have a negative effect of delaying policing implementation for a considerable period of time and has been raised by the Policing Authority in respect of formulating HQ Directives for legislative enforcement. This proposal would result in a Legislative Processing Office and Parliamentary Affairs Office for dealing with such issues in addition to further issues arising between Oireachtas Committees and An Garda Siochana.

(v) **Civilisation (by Default):**

Whilst the commitment to recruit a further 2,000 civilian personnel on behalf of Government for deployment within An Garda Siochana (2016 – 2021) is very much welcomed, it is imperative that a 'skills deficit analysis' should be conducted by an independent body with the view of identifying the appropriate skillset required for specific administrative / specialised roles which would be deemed prudent from an organisational perspective. The purpose of this recommendation relates to the fact that civilian staff are currently being employed and deployed within An Garda Siochana without job specifications and often without any appropriate training and frequently do not possess the necessary skillset required to perform the role assigned to

them. The targeted recruitment of civil servants with the appropriate & necessary skillsets would be a more advantageous to the Garda Organisation & public purse.

(vi) Administration Processes – Streamlining of Procedures & Administrative Offices – ‘Hybrid & Divisional Policing Models’:

It is proposed that a full and complete review of administrative systems / processes at National, Divisional & District level be conducted by PWC or Accenture or a Consultancy Firm with the aim of designing a more time efficient structure and effective method of reporting and processing of administrative and crime files within An Garda Síochána. The objective of this review should aim to eradicate duplication and streamline administrative and managerial processes in place within AGS in respect of achieving enhanced accountability and governance from a management perspective. It is suggested that the ‘Hybrid Policing Model’ proposal recommended by the Garda Síochána Inspectorate Report for the streamlining of administration be further examined and expanded to incorporate additional design elements contained in the ‘Divisional Policing Model’ (proposal recommended by AGS / Accenture) for implementation on a pilot basis with consideration for a national rollout programme over a 3-year period.

(v) Recruitment to An Garda Síochána:

It is recommended the responsibility for the recruitment of personnel to An Garda Síochána (Garda Trainee & Garda Reserve) be transferred to the Policing Authority under the operational management of the Public Appointments Service. The current Recruitment Process is a long drawn out process consisting of online aptitude tests, supervised aptitude tests, a competency interview, medical and physical fitness test in addition to an extensive security / vetting process. This process would benefit from an ‘international review’ aimed at examining and identifying best international practice in respect of recruitment processes utilised by various Police Forces located in North America and the European Union.

(vi) Training within An Garda Síochána:

The introduction of a robust recruitment process will enhance the calibre of recruits entering An Garda Síochána. This will have the ripple effect of changing and fostering cultural change within a large organisation similar to An Garda Síochána. A review of training within AGS and

the CPD Network is urgently required with consideration being provided to establishing centres of learning excellence within the Garda Regions. The option of examining a partnership approach with a third level institute should be considered for the design and implementation of a Corporate Training and Development Programme for AGS. The components of such a programme should focus on foundation level studies (Student / Probationer - Trainee level) promotional courses (Sgt to Inspector level), management training, specialist training and CPD training with the option for online training programmes for all personnel.

The option of evaluating the recruitment, training and education of military cadets within the Irish Defence Forces should be examined with the view to introducing a cost effective and competent recruitment system should be recommended after extensive studies are conducted in this subject area.

Mentoring and Coaching Programmes are urgently required within AGS due to the changing demographics of the organisation in addition to courses in the areas of ethics, customer relations (public service), legislative developments, leadership and governance. All options should be considered in their entirety and the performance of a 'training skills analysis' is of paramount importance.

(vii) Promotion:

A complete over haul of the promotion system should be convened urgently under the supervision of the Policing Authority in order to establish the most suitable and robust framework for implementation within AGS. The design and implementation of a promotions system should occur under the full control of the Policing Authority and should be focusing primarily on merit, competence, leadership and educational skills. This area is of critical importance going forward considering the failing of the past within the policing sphere. Government should be requested to remove the EFT placed on supervisory and management competitions given the serious lack of Sergeants, Inspectors and requirement for additional Superintendents for front line duties within the Garda Organisation. It is imperative that efforts are intensified to assist Garda Management in securing adequate supervisory and managerial personnel to perform operational, governance and managerial duties.

(viii) Human Resources – Rosters & Roster Systems:

(1) Roster:

Garda Management should be encouraged to conduct an immediate and comprehensive review in respect of the current 'Roster' system (Core & Non-Core) being implemented within An Garda Siochana in an effort to address the serious issues of concern (manpower issues) arising from the five-unit relief system. The current system is not fit for purpose and expertise should be provided by the Garda Siochana Inspectorate on the recommendation of the Commission in an effort to identify a 'Roster' that is suitable for public safety, public demand on the policing service and ultimately fit for purpose.

(2) Resource Allocation:

An Garda Siochana requires an open, transparent and robust system for the deployment of personnel (Resource Allocation) on a National, Regional, Divisional and District basis which is required for ensuring that personnel are allocated to an area based on the need of the local community (crime trends, population base and strategic location etc.) and published in Divisional and District Policing Plans.

(ix) Community Policing – Structures & Allocations:

The crux of public opinion favours the positioning of the local Garda at the heart of the local community and this type of policing is prevented by the lack of mobility in rural areas and compounded by the lack of visibility of Gardai in urban and rural areas emanating from burdensome administrative tasks and the poor design of the current Roster system. The failure to address the current roster deficiencies and lack of emphasis on community policing tasks will continue to have an adverse effect on policing and public confidence in An Garda Siochana. It is recommended that every Member of An Garda Siochana be required to spend a minimum of 2 years on the core policing unit followed by a minimum of 2 years attached to a District / Divisional Community Policing Unit in order to prevent the further demise of the uniform Garda.

In the absence of such a stipulation, it can be anticipated that Personnel will continue to aim for placement on plainclothes or specialised Units to the detriment of uniform policing which must be counteracted from an organisational perspective. Perhaps the allocation of quotas in promotion competitions for personnel assigned to core policing or community policing may act as a measure to invigorate or revitalise the role and prominence of the Community Garda.

(x) Information Technology, Telecommunications and Mobility:

The Garda Pulse System needs to be reviewed from a functionality perspective with additional features added for the governance and management of incidents and data management installed within the IT System. Overall, the IT Infrastructure available to An Garda Siochana is of very poor quality and scarce in supply – there is an urgent need to modernise and upgrade the IT equipment available throughout the Garda organisation. The lack of availability of laptops for the interviewing of prisoners and viewing of CCTV material is widespread within AGS and an operational impediment to providing a professional service by dedicated personnel.

There is an urgent requirement to assess the telecommunications network within AGS as many Personnel utilise their personal mobile phones in service of the State. An Garda Siochana should examine the allocation of mobile phones (similar to the PSNI) to Personnel with the functionality of Pulse & Email connectivity.

Whilst it is acknowledged the Commission has conducted widespread public consultations in respect of their designated task, the above submission is made within my personal capacity as an Irish Citizen with policing experience and is submitted in good faith in order to highlight areas of improvement from an internal (policing) perspective emanating from a personal desire to enhance the policing and security service provided to the Irish State in the interest of public service.

Wishing you every success in your future endeavours!

Best Wishes,

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