



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Submission to the Commission on the Future of Policing in Ireland

January 2018



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Introduction

“In a democracy, policing, in order to be effective, must be based on consent across the community. The community recognizes the legitimacy of the policing task confers authority on police personnel in carrying out their role in policing and actively supports them. Consent is not unconditional, but depends on proper accountability, and the police should be accountable in two senses – the ‘subordinate or obedient’ sense and the ‘explanatory and cooperative’ sense”.¹

The Commission on the Future of Policing represents a significant moment in the evolution of the Garda Síochána. It is an important opportunity for the country to reflect on and consider its experience of, relationship with and aspirations for the national policing service. The outcomes of this process will impact on policing in Ireland for many years ahead.

The Policing Authority welcomes the opportunity to contribute to that process of reflection and consideration. The Authority’s submission draws on the expertise of our members, our staff, and our experience of designing and delivering civilian oversight of the Garda Síochána since the Authority’s inception on 1 January 2016. The Authority and its work are still evolving and maturing, but there have been significant opportunities for learning through sustained and sometimes challenging interaction with the Garda Síochána. This has honed the Authority’s awareness of the breath of the work carried out by the Garda Síochána and the challenges faced by the organisation. The Authority has also learned much from its engagement with other stakeholders in the justice sector including the other oversight bodies, deepening our appreciation of the value of oversight and transparency.

The Authority’s submission to the Commission on the Future of Policing comprises high-level observations ranging across key themes and includes, by way of Annex, the Authority’s:

- December 2017 statutory report to the Minister for Justice & Equality under section 62(O) of the Garda Síochána Act relating to the Authority’s effectiveness and functions; and
- April 2017 Submission to the Garda Inspectorate on entry routes to the Garda Síochána.

The submission focuses on a number of key issues that the Authority considers pertinent to the future of policing in Ireland and sets out some ideas for consideration. The Authority is mindful that the task facing the Commission is a complex one, with a large body of inputs, which are broader than the Authority’s remit, and accordingly the submission is consciously not prescriptive in terms of specific solutions. The Authority would welcome the opportunity to develop these topics if the Commission considered it helpful, and is available for any further engagement, which may prove fruitful.

¹ Paragraph 5.2 of the Report of the Independent Commission on Policing For Northern Ireland, chaired by The Right Honourable Christopher Patten, CH

The Commission has already been provided with key published Authority documents, which we anticipate will assist in the consideration of their remit, including the:

- Code of Ethics for the Garda Síochána, established by the Authority in December 2016
- Authority’s reports to the Minister on the Implementation of the Garda Inspectorate report *“Changing Policing in Ireland”* issued in:
 - January 2017;
 - April 2017;
 - July 2017;
 - December 2017; and
- Authority report to the Minister on the Mandatory Intoxicant Testing/Fixed Charge Notices issue, including Crowe Horwath’s report to the Authority – October 2017.

The impact of the work of the Commission on the Future of Policing, which is potentially transformational, will need a strong implementation focus. Driving the implementation of a backlog of recommendations for change in the Garda Síochána has been a major focus for the Authority. In this context, the Authority stands ready to play whatever part Government decides for it in taking forward the outcomes of the Commission’s work.

Overview

At a high level, the outcomes of policing that a society requires are reasonably constant – community safety, support for the rule of law and keeping the State secure. However, the environment in which policing happens is dynamic and evolving, and has changed beyond recognition in the lifetime of the Garda Síochána.

In the 21st century, there are different security risks, new forms of crime, a transformed technological environment, globalisation, a vastly more diverse community and a sea change in the traditional norms that guided society. Of most significance perhaps, has been the evolution of a body of rights based law, with an accompanying public understanding of those rights and ever increasing valid expectation of the vindication of those rights. There is also an awareness on the part of the public that it is entitled to expect a certain standard of services, as well as transparency and accountability around the delivery of those services. Many Garda Síochána members and staff may consider that their organisation has, and is, changing considerably – no doubt, this is the case. However, the origin of much of the change appears to be externally driven, and it can be argued that at its essence, the Garda Síochána has in fact changed very little institutionally, structurally and culturally. In any event, the nature and degree of change achieved is not transformative, or of an order that is required to meet the demands of the 21st century or the legitimate expectations of the public it serves.

In general terms, the shape of the Garda Síochána – districts and divisions with central specialist units- is largely unchanged: a closed organisation with a single entry point at Garda rank, closed training, minimal civilian specialists, no personal performance management, limited organisation performance metrics and weak financial metrics, and outdated promotion and discipline systems. The response to a new demand or risk is often focused on discrete areas met by the creation of a new bureau or unit. Meanwhile, the matrix structure appears imbalanced between the centre and Divisions, contributing to confused internal responsibility and weak accountability.

Being rooted in the community is referenced as a singular strength of the Garda Síochána and there is no doubt that effective community policing is central to public confidence and public consent to policing in any country. A well-informed community, which will be increasingly diverse in several respects, is expecting a responsive policing service. This requires a more agile, adaptive organisation that increasingly needs to walk the talk and demonstrate a high standard of professionalism, transparency and behaviour that is above reproach. If these expectations are not met, the valued community support that is still reasonably present, is at risk of evaporation. In this regard, it is instructive to look beneath the headlines of the Garda Síochána attitude survey.

The risks inherent in dented public confidence and weakened community support for policing are significant. Quite apart from an impact on compliance with the law, important intangible support for the Gardaí, its attractiveness as an employer, and essential local intelligence are at risk.

Structure

The current structure does little to aid accountability and good governance or support the management of performance and there is limited evidence that the silos of community policing, specialist units and security service work dynamically. The Authority is also concerned that the existence of six Governance boards serves to further confuse lines of responsibility and accountability.

There are many aspects of the organisational structure that merit reflection by the Commission, and there is no perfect answer. It is however important to name and mitigate those tensions in the structure which impact on performance. In this regard, the Authority considers that the inclusion of the security function within the Garda Síochána would appear to have negatively impacted culture, accountability and transparent oversight.

Oversight and Accountability

Great power needs great oversight, but the current model is too complex and cumbersome. It avoids a “single pair of eyes” on Garda performance in a way that is risky. Few agencies in the oversight architecture have a full set of clear powers to perform their tasks. The Department of Justice and Equality is critically conflicted because of the dynamic of its day-to-day engagement with the Gardaí, as well as being a direct part, on behalf of the Minister, of the accountability framework for the Garda Commissioner. The Policing Authority model, a body of non-executive members with its own vote and the power of transparency, represents a real advance.

Critical oversight has come incrementally to the public sector in Ireland and its agencies. The Departments and state agencies have to varying degrees, adapted and changed significantly; driven in part by the rights and transparency expectations held by the members of the public that utilise its services. The Garda Síochána organisation was initially protected from this evolution, and has appeared, to some degree, to be overwhelmed by and antipathetic to the quantum and complexity of accountability and oversight as it caught up. There is now a widely held perception within the Garda Síochána that there is now “too much oversight” and “too much accountability”. This perception needs to be challenged. Accountability and oversight has been normalised for a wide range of public (and private) services and this must become the case for policing. Policing is being seen increasingly as a profession, and regulation and accountability for upholding certain professional standards are hallmarks of any profession.

It is not easy. It requires a fundamental reassessment of core elements of the organisation – its culture, structure and its place and role as an institution within a 21st century society. However, oversight and the requirement for Garda accountability will only grow, and ought to be “normalised” as far as possible, from the point of view of service standards and freedom of information in line with the broader public sector.

All of the functions exercised by existing oversight/accountability mechanisms are essential but there is scope to reimagine and consolidate the architecture, with no loss of critical functions, into a smaller number of bodies with clearer authority and remit.

Performance

Independent oversight of policing performance is in its infancy in Ireland. Historically, it seems that policing performance was judged largely by reference to inputs such as the number of Gardaí, Garda Stations, Garda vehicles or IT spend. The credibility of the limited key output measures that exist – for example crime figures - has been damaged. Important output measures such as patrol hours, value for overtime and allowances, response times, detection rates and return on investment receive little attention. The Authority considers a move to performance assessment, which is based on outputs and outcomes as increasingly important. An outcomes perspective guides the contestability in the allocation of resources very differently and demands accurate and timely information. The Policing

Authority's work has consistently highlighted that Garda data, which can provide a valid basis for national policy and resource deployment, is not valued within the Garda Síochána and as a result is very often less than reliable.

Garda leadership needs to come to regard intrusive challenge as offering perspective that can drive performance and assure the community it serves. This challenge works best when it complements rather than replaces an organisation's own continued critique and assessment of its performance.

Recruitment, Training and Workforce Composition

Community confidence in policing for the future would be enhanced by the Garda Síochána, which is more diverse in several respects. While the Authority has not yet formally reviewed the recruitment process, there is no evidence of a comprehensive strategy to target diversity. A single entry rank, closed training and formation have created a closed culture. The way potential leaders from within are selected for development is not transparent, and together with promotion systems are often viewed by members and staff as based on favouritism over merit.

The respective roles that a Garda, Civilian or Reserve member of the workforce plays in the provision of an effective policing service has not been imagined with creativity or in a manner that suggests a cognisance of the current and future contexts within which policing will be delivered.

The recently revised approach to recruit training, including academic accreditation, while not yet evaluated, appears to be held in high regard internationally. However, its graduates are being attested as Gardaí without training in basic elements of police craft, including proficiency in driving. Outside recruit training, there are fundamental deficiencies in the Garda Síochána training and a comprehensive Continuing Professional Development ('CPD') programme needs to be commenced for all Members and staff. Whatever the reasons for the absence of training, it is a standing feature of the Garda justification for performance problems.

Internal investigation and discipline

It is notable that for several years now matters of public or political concern relating to the Garda Síochána are almost invariably referred, including by the Garda Commissioner, to an oversight body or Commission/Tribunal of Inquiry to investigate, assess and address. It has become almost a truism, both within and without the organisation; that the Garda cannot be relied on to properly manage its own internal affairs. This is not a sound basis for the future of policing.

The Garda discipline code needs significant revision, the response to bullying and harassment complaints needs to be professionalised, and where the performance or behaviour of members or staff requires advice, modern performance management suggests that it should take place other than in the discipline code.

The essential value of a "disciplined force" is cited, but the Authority's work suggests that this model is more perceived than real.

Transparency

Since it was established, the Authority has sought to be as transparent as possible in its work: by holding meetings in public, publishing a wide range of reports as well as minutes of all Authority and committee meetings, and being as helpful as possible in response to queries from the media and from

members of the public. The Authority has also sought to encourage the Garda Síochána to become more transparent; for example by publishing its monthly reports to the Authority and by making more of its policies and procedures publicly available.

There is a need for a culture shift in order to achieve greater transparency, and so meet the public's legitimate expectations around accountability. There is a reluctance on the part of the organisation to in any way prejudice the need for secrecy in respect of some operational aspects of their work. There are, however, a large number of exemptions in the Freedom of Information Act that recognise the sensitivity of certain law enforcement and security information, and that could be applied to such information, where appropriate.

In order for the required culture shift to come about, the Authority believes that the Garda Síochána will need to be subject to Freedom of Information legislation to a far greater extent than is currently the case.

Culture, Ethics and Human Rights

The roll out of the Code of Ethics is a key enabler of cultural reform in the Garda Síochána. This project will need sustained leadership from within the organisation, and support from all of the relevant agencies. The Code of Ethics is underpinned by principles of human rights and respect for diversity. It will be important to embed this thinking in an integrated way across the organisation and through sustained, persistent follow up by Garda management and all oversight bodies.

Conclusion

There is considerable evidence of great policing in Ireland, of Gardaí who act professionally, with integrity and empathy, and who 'go the extra mile'. The Irish community **wants to have confidence in the Gardaí**, but the pattern of challenges to that confidence is becoming corrosive. A key challenge for the Commission is the design of an organisation, and oversight architecture, that enables the Garda Síochána to take ownership of **its** responsibility for delivering a policing service which is accountable, transparent, professional and acts with integrity internally and externally to fulfil the legitimate expectations of the public it serves, but which is also empowered to get on with its job. It is in this context that this submission is made.

1. Oversight and Accountability architecture

Key points

- Oversight and accountability are essential to give legitimacy to public bodies: the greater the power, the greater must be the accountability to the law and to the community.
- The Garda oversight architecture is necessarily complex but unnecessarily confusing and operating in silos. The only ‘single pair of eyes’ is exercised by the Minister of Justice and Equality supported by the Secretary General.
- The ambiguity inherent in the current statutory framework - between oversight of the Garda Síochána organisation by the Authority, while the head of that organisation is accountable to the Minister - has contributed to that confusion and has impacted on the Authority’s effectiveness.
- While the proposition of making the Garda Commissioner accountable to the Authority may seem, on the face of it, to be a simple solution to this ambiguity, it cannot be considered in isolation from a broad range of key policy and legal questions. The questions include the role provided for the Minister and the Secretary General of the Department and the exclusion of the Authority from oversight of security matters.
- The dynamic of the day-to-day relationship of the Department of Justice and Equality (“Department”) with the Garda Síochána means that the Department is critically conflicted.
- A performance oversight/accountability mechanism, which is external of Government, is needed in respect of the security function. The absence of a clear line between the functions involved in ‘security functions’ and the functions involved in ‘policing services’ inevitably creates the risk of a gap in oversight.
- A future Policing Authority needs to be (or be part of) the ‘single pair of eyes’ with the legal capacity to oversee Garda performance in all of its dimensions.
- Oversight of the Garda Síochána would benefit being rationalised into a very small number of bodies with strong badges of independence.
- All the functions exercised by existing oversight/accountability mechanisms are needed. For example performance oversight, objective challenge, research, review, inspection, complaints, etc. However, all elements must have clear strong powers with minimal duplication.
- Consideration could be given to making the statutory relationship between the Inspectorate and the Authority closer in order to avoid some of the inefficiencies in the current oversight framework. In any event, the overall oversight architecture should make provision for a strong examination/inspection function that would support the oversight of performance function by providing an agile inspection capability that can verify in real time the ‘on the ground’ position in the Garda Síochána.
- Building on the experience of the Joint Policing Committees, public confidence in policing would benefit from local accountability mechanisms being developed, strengthened and funded.
- Internal governance structures, which support a culture of performance and accountability such as effective management processes, performance management systems, as well as robust internal

oversight such as internal audit, professional standards and internal affairs functions, are crucial to the overall accountability architecture. These are discussed in chapter 6.

Introduction

The Garda Síochána Act 2005 (the “Act”) came about following the Morris Tribunal, when there was an impetus to strengthen Garda accountability and put in place external oversight mechanisms. The Act has since been amended a number of times, most recently in 2015 with the establishment of the Policing Authority. The general approach taken in that amending legislation was to retain for the Minister many of the same functions and powers as previously, and for the Authority also to have those functions and powers as they applied to policing services.

This has led to multiple oversight bodies, often with overlapping functions, and consequently, unclear lines of accountability, significant transactional costs for the Garda Síochána and inadequate agility. The ambiguity around oversight responsibility is exacerbated by the fact that although the Authority oversees the performance of the Garda Síochána in relation to its policing service functions, the Garda Commissioner is accountable only to the Minister in relation to the performance of his or her functions.²

The diagram at Appendix 1, which was supplied by the Department in 2015 to illustrate where the Authority fitted in, gives a flavour of the complexity. It is evident that there are a wide range of bodies that have some oversight functions in respect of the Garda Síochána including the courts, the Oireachtas, the Government (and various governments departments), the Garda Síochána Ombudsman Commission, the Inspectorate and the Policing Authority. In addition, there are specific Commissions of Inquiry or Tribunals, which have been set up from time to time to enquire into specific matters or discrete judicial oversight to oversee prescribed Garda functions in the public interest.

A multi-layered approach to external oversight of policing is typical of most modern democracies and Ireland is no different. What is crucial in any discussion about oversight architecture is that none of the key functions are lost; there is clarity of responsibility minimal duplication of effort and no gaps. The key oversight functions we mean are:

- Performance oversight and challenge, which should include oversight of policing and security;
- Oversight of allocation and expenditure of all resources, including for example, cash, capital and human resources;
- Inspections;
- Research and reviews;
- Criminal/serious complaints against police officers or staff, including deaths and discharge of firearms; and
- Service complaints, which can be against the organisation or against police officers/staff.

² Section 40 of the Garda Síochána Act 2005

What is important is that:

- Collectively, external oversight bodies have sufficient powers to provide effective oversight of all of the functions of the Garda Síochána;
- It is clear what role each of those oversight bodies plays in the overall oversight architecture and that duplication of functions is avoided;
- External oversight bodies are themselves accountable; and
- External oversight structures support good internal governance within the Garda Síochána and vice versa.

For the purposes of this paper, oversight which is common to all public bodies, such as the Comptroller and Auditor General and the Information Commissioner, are not considered, other than to submit that public confidence in the Garda Síochána as a public service would benefit from it being within the remit of all such bodies to the greatest extent possible having regard to the nature of police work.

Democratic Accountability and Political Context

Democratic accountability by those delivering public services is an intrinsic element of any accountability model, and policing and policing oversight are no exceptions. If anything, given the extent of the powers conferred on the Garda Síochána by the Oireachtas, the need for such accountability is even stronger in the case of policing.

This means more than parliamentary accountability, and it is important that the Garda Commissioner, the Authority and the other oversight bodies, as well as the Department itself, be as directly accountable to the public as is possible.

It is difficult to consider the question of oversight of Garda performance without considering the question of politics and policing. In a representative democracy, it is appropriate that members of the public can demand from their Government, and their elected representatives, a high standard of impartial and fair policing service, and that the Government has the legal capacity to demand such a service on behalf of the public. What is problematic is when those political concerns undermine, or are perceived to undermine policing at an operational level.

Differing approaches are in place in other countries to achieve the objective of democratic accountability. Depending on the context and broader political institutional framework, different powers are conferred on those exercising political oversight. Examples include directly elected persons, parliamentary committees, boards of elected members or with some elected members, Minister of Policing etc. Models also vary as between national and local policing oversight. The current model in this jurisdiction of an Authority whose membership is based on specific skills and competencies broadly mirrors the Scottish approach.

The Northern Ireland Policing Board is often cited as a model for consideration in this State. However, it is essential to note the very different context. The Authority has experienced examples of a belief deeply held by Garda members and staff, and by members of the public, that political influence is present in operational policing decisions and in Garda appointments and promotions. Such a belief can be very damaging and it is important that the model of democratic accountability chosen does not reinforce it.

Consistent with its views on the need to minimise duplication and confusion of roles in the oversight architecture, the Authority considers that current model of active parliamentary committees holding the Garda Commissioner to account, together with an appointed Policing Authority whose members are recommended by a resolution of the Oireachtas, hold a wide range of relevant skills and competencies, and which is itself accountable, provides a reasonable balance at national level. It also ensures that Garda oversight continues in the event of a political lacuna.

However, given the wide diversity in community needs and variation in the way policing is experienced across the country, there is considerable scope and need to deepen and enhance democratic accountability at local level. The philosophy implicit in Joint Policing Committees of responsibility for policing being shared between locally elected politicians and local Gardaí is commendable. That said the practice varies widely. The JPC operating framework would benefit from being strengthened, including statutorily. It needs greater funding and practical support, which ought not to be provided by the Garda Síochána. The absence of strong local community accountability structures can result in local policing concerns being politicised at a national level – something that, it must be acknowledged, is considered necessary by elected representatives. This is also likely to continue unless there is the capacity or mechanisms to advance their resolution in a practical way at the local level

One key change is essential. The framework must make explicit provision that a central function of such committees must be to formally hold local Garda management explicitly to account for how policing is exercised and experienced locally. In addition, greater formal recognition by the Minister and Oireachtas of the role and functions of JPCs would empower them, and underline their legitimacy in democratic accountability.

Below county level, local policing fora, where they exist, can be very effective and the principle of community engagement and accountability to the community at the closest point would further enhance democratic accountability. This topic is further discussed in the section below on Community context.

Oversight by the Department of Justice and Equality

The current statutory framework effectively gives the Department the responsibility of holding the Garda Commissioner to account on a day-to-day basis on behalf of the Minister across his/her policing and security functions.

It is evident from the Authority's work that the "Minister" and "the Department" are a very strong presence in the day-to-day thinking and culture of the Garda Síochána. Historically, this has had many unwelcome consequences not least perceptions of the Minister's wishes being given favour, or of the need for the Garda Síochána to cooperate in avoiding political embarrassment. Some of those perceptions still persist. In the Authority's view, for so long as the Garda Commissioner is accountable to the Minister for Justice and Equality and without a strong statutory basis for the Commissioner's operational independence, this perception is likely to continue.

The Department of Justice plays a significant role in aspects of the day-to-day running of the Garda Síochána – particularly in the following areas:

- The Department is the primary point of contact with the staff associations and civilian unions on any industrial relations issues, and in particular pay negotiations;

- The Garda Departmental Council under the Garda Conciliation and Arbitration (C&A) Scheme is chaired by the Department;
- The Department, at times appears to play an advocacy or challenge role on behalf of members of the public in relation to individual cases (for example in the context of the work done on the Independent Review Mechanism);
- The Department performs policy work and relies on information from the Garda Síochána to be able to meaningfully engage with counterparts internationally; and
- The Department has a significant role in the estimates process and there is little or no involvement of the Commissioner in this process.

All of this work is done in parallel with its responsibility for holding the Garda Commissioner to account and overseeing all aspects of the Garda Síochána’s security functions; this inherently renders the Department critically conflicted. In addition, it is difficult to escape the observation of a paradox at the core of the relationship between the Department and the Garda Síochána. While trusted to use all the policing power that the state can confer, it is not empowered to manage its own internal staff, articulate its budgetary needs, negotiate within its budgetary limits or escape the Department in its day-to-day activities.

In its discussions with the *Working Group on Industrial Relations Structures for An Garda Síochána* the Authority has suggested that the C&A scheme, if it continues, should not be chaired by the Department of Justice and Equality and ideally should be independent.³ In the Authority’s view, a robust internal dispute resolution mechanism is essential to the ongoing normalisation and professionalisation of industrial relations processes within An Garda Síochána.

Following the findings of the Toland Report, Garda Division has been renamed Policing Division and the Department has put its governance relationship with the Garda Síochána on a more formal footing. According to its website, *“Policing Division is responsible for the development of policy towards and oversees the provision of resources to the Garda Síochána. The Division is effectively the primary link between the Minister for Justice and Equality and the Garda Síochána on these matters.....”*

The Department maintains a separate Crime and Security Division *“....to provide co-ordinated policy direction and legal frameworks to reduce and prevent crime, tackle reoffending and develop more secure communities”* – functions which de facto relate to the performance of day-to-day policing.

Both of these Divisions maintain separate and strong formal and informal relationships with the Garda Síochána, but “accountability” does not appear in either description. In many ways, this captures the essence of Toland’s findings about the relationship of the Department with the Garda Síochána.⁴

One of the challenges for the Authority has been to establish its authority in circumstances where there is almost a century of close relationship between the Minister/Department and the Garda Síochána. This challenge was compounded by the fact that when the Authority was established, it appears that the Department did not conceive that its role had changed in any material way. There is considerable duplication between the work of the Authority and the work of Policing Division.

³ *“Working Group on Industrial Relations Structures for An Garda Síochána*, which reported in July 2017, http://www.justice.ie/en/JELR/First_Report_of_the_Working_Group_on_Industrial_Relations_Structures_for_An_Garda_Siochana.pdf/Files/First_Report_of_the_Working_Group_on_Industrial_Relations_Structures_for_An_Garda_Siochana.pdf

⁴ Page 16 of the Report of the Independent Review Group on the Department of Justice and Equality 2014, chaired by Mr. Kevin Toland.

Moreover, sometimes the Authority is formally asked to assess certain matters while it was in any case carrying out its own assessment as part of its routine oversight work. While things are improving, during its first two years the Authority has many examples of the Department consulting the Authority late, or not at all, on matters appropriate to its work.

Community Context

One of the Policing Principles set out in the Act is that “...*effective and efficient policing is dependent on securing the confidence, support and co-operation of local communities and engaging with those communities.*”⁵

There is a strong belief in the Garda Síochána that the organisation’s key strength is being rooted in the community and its engagement with the community. Garda members and staff can add immensely to the social strength of the communities that they are part of. Many volunteer with local sporting organisations or otherwise act as community leaders. This is a rich inheritance and a valuable resource. However, it is not an entitlement and cannot be taken for granted. It is earned by the quality of individual Garda, civilian and reserve members, by their recognition of the special role that policing plays in any society, and by their commitment to live up to the highest standards that the public, their neighbours, expect.

The Irish community in response to public attitude surveys continue to express trust in the Garda Síochána. As of end September 2017, 43% of respondents expressing high trust, 46% expressing mid trust and 11% expressing low trust. In addition, some 63% consider it to be “Community focussed”.⁶ While 69% of the general public expressed satisfaction with the service provided by the Gardaí, this fell to 50% when the question was posed to victims of crime. An extract from the Public Attitudes survey relating to Trust in the Garda Síochána refers is set out in Appendix 2.

While these are creditable findings, the Irish community is changing in many ways – not least in its expectation of public services being responsive. Citizen activism, rights based legislation, and an enhanced focus on human rights and expectation of service suggest that to maintain a high level of community confidence in the 21st century, several issues need to be addressed. In particular, the question arises of our police service being representative of the population it polices in terms of the gender, social and ethnic diversity of its staff. Citizens also need demonstrable assurance that the Policing Principles represent the foundation of all work of the Garda Síochána and that

“...policing services are to be provided:

- independently and impartially;*
- in a manner that respects human rights; and*
- in a manner that supports the proper and effective administration of justice ...”⁷*

The Policing Authority has been contacted by individuals and civic society groups who don’t want to complain, but are looking for a forum to air policing concerns or policing proposals relevant to their community, to get responses and to bring about change. Theoretically, Joint Policing Committees

⁵ Section 3B (b) of the Garda Síochána Act 2005

⁶ Public Attitudes Survey, Q3 2017 – available on Garda Síochána website.

⁷ Section 3B (a) of the Garda Síochána Act 2005

(JPCs) should fill this need, but from contacts the Authority receives from the public, the level of awareness of the work of the JPCs is uneven and there are considerable variations in the way they operate. From the Authority's attendance at JPC meetings during its first two years, it is apparent that there is a need to consider further the functions of JPCs to ensure that they move from being simply information events to becoming meaningful accountability mechanisms, with accountability to local communities becoming an explicit term of reference for these structures. The membership of these committees also needs to be considered. Some JPC representatives have expressed disappointment about the non-attendance of local TDs at these fora. In addition to bolstering the participation of elected members, consideration should be given to supporting participation by non-elected community representatives.

The Authority considers that public confidence would be enhanced by strengthening such local policing structures. Engagement by the Policing Authority at meetings of Chairpersons and Executives of JPCs suggest that any new structures would need to be actively supported and developed, including financially. The Authority considers that the funding of JPCs should be enhanced through the local authorities. There might also be scope to consider a grant scheme, perhaps under the auspices of the Authority to fund innovative ideas or performance improvement initiatives for JPCs.

Inquiries Examinations and on-site inspections

The Garda Síochána Ombudsman Commission, the Garda Síochána Inspectorate and the Policing Authority may, in accordance with their statutory functions, carry out and/or request the carrying out of reviews of Garda practices, policies and procedures. The 2005 Act contains a number of provisions that enable the commencement of investigations or inquiries over and above the power to investigate complaints. These include:

- Power of the Minister to appoint a person to inquire into “any aspect of the administration, operation, practice or procedures of the Garda Síochána, or the conduct of its members”, where it is “of public concern” – either at the Minister’s own behest or following a request from the Authority (section 42);
- Power of the Authority to keep under review the adequacy of:
 - the corporate governance arrangements and structures within the Garda Síochána;
 - the arrangements for the recruitment, training and development of the members and members of the civilian staff of the Garda Síochána;
 - the mechanisms in place within the Garda Síochána for the measurement of performance and accountability of such members and staff; and
 - the arrangements for managing and deploying the resources available to the Garda Síochána so as to ensure the most beneficial, effective and efficient use of those resources (Section 62H(2))
- Power of GSOC to investigate matters of public interest – either at its own behest or following a request from the Minister or the Authority (section 102);

- Power of GSOC to examine any practice, policy or procedures of the Garda Síochána for the purpose of “preventing complaints or reducing the incidence of complaints” – either at its own behest or following a request from the Minister or the Authority (section 106);
- Power of the Garda Inspectorate to carry out inspections or inquiries in relation to any particular aspects of the operation and administration of the Garda Síochána – at its own behest or following a request from the Minister or the Authority (section 117).

The overlapping and interlocking nature of many of these powers leads to unnecessary complexity on the overall framework, and results in significant transactional cost for the Garda Síochána and inadequate agility. In addition, the Government also has the power to set up Commissions of Inquiry (e.g. the O’Higgins inquiry), Tribunals of Inquiry (e.g. the Disclosures Tribunal) and non-statutory investigative processes (e.g. the Guerin Inquiry and the Independent Review Mechanism).

There is therefore a wide variety of options available when it comes to inquiring into a matter or examining a particular aspect of Garda operations or administration. Typically, these various examinations and inquiries lead to recommendations and learning points for the Garda Síochána. Learning points also arise from a range of other sources such as criminal and civil court cases, Oireachtas Committee reports, audits and findings of specialist bodies such as the Data Protection Commissioner, internal audit reports, professional standards unit reports and from the findings in complaints and disciplinary investigations.

In order to oversee performance, an important focus for the Authority is to ensure that the Garda Síochána takes the appropriate action on foot of recommendations from this variety of sources.

As part of its oversight work, the Authority will from time to time need to verify information it has received from the Garda Síochána either by asking for evidence from the Garda Síochána to support an assertion, or by checking specific issues on-site in the Garda Síochána. For example, in 2017, the Authority asked the Garda Síochána to provide evidence to demonstrate that those MRP projects that had been marked as complete were in fact complete. Another example is from July 2017, when the Authority decided it was necessary to retain an external consultancy firm to conduct an examination of the MIT/FCN issues that arose.

The Authority enjoys a close and productive working relationship with the Inspectorate. However, there are a number of inefficiencies in the current framework, and it is the Authority’s view that there is merit in considering whether the statutory relationship between the two organisations should be closer in any reconfigured oversight architecture.

The Inspectorate tends to do large-scale, multi-year projects, and in the course of the inspection work for such a project it builds up very significant knowledge of the issues. Once a report is published, the Authority, in overseeing the implementation of the recommendations from those substantive reports, must separately build up knowledge about the issues. Additionally, the Inspectorate has an interest in understanding whether its recommendations have been implemented, because in some instances it does a follow-up report. It would be preferable if the two organisations had a closer statutory relationship that would facilitate the flow of information in the course of any project and provided an agile facility for the Authority to ask that on-site work be done to crosscheck information received from the Garda Síochána. It is envisaged that bodies tasked with overseeing performance also retain flexibility to examine, review or check matters of relevance to its oversight of performance without invoking a statutory power of inspection. In any event, the Authority recommends that consideration

needs to be given to enhancing the legislation to ensure that the inspection function, wherever housed:

- Has the statutory right to inspect on a basis it determines which will vary from time to time;
- Has the right of unannounced inspections, and to demand information, which MOUs or protocols cannot undermine;
- Is sufficiently resourced and has the capacity to continue to produce reflective reports that are the product of long term research work and also provide an agile inspection service that can check a particular aspect of policing service and report quickly on the outcome of this inspection; and
- Is empowered to be transparent and accountable to the Government and the community.

Conclusion: Future Oversight arrangements

Having regard to the complexity, the Authority considers that it is probable that a bespoke solution will be required, depending on the ultimate design chosen for a new accountability regime for the Garda Síochána following the work of the Commission and its consideration by Government. Accordingly, rather than be prescriptive, the Authority considers that there is no doubt that it, or a body like it with a broader range of functions, will be required in the future and submits that a new accountability architecture is required based on certain key principles including:

- Garda accountability ought to be strengthened;
- Ambiguity in relation to accountability, internally in the Garda Síochána and externally vis-a-vis the Minister, be avoided as far as possible;
- The default position be that only those matters which, in the public interest must be political are subject to political consent or control;
- All the existing functions are needed;
- Rationalisation of bodies is desirable and duplication of functions be eliminated or at least minimalised;
- Greater coherence is needed in relation to reviews of procedures and policies of the Garda Síochána;
- Transparency and strong public accountability by all bodies be maximised; and
- The Garda Síochána not to remain outside of the normal processes of democratic governance and public service delivery (FOI and the Ombudsman) unless there are compelling public interest reasons to do so.

2. Security Services

Key points

- Some national security questions are, of necessity, shielded from public view. On the other hand, public confidence in policing requires optimum transparency. A question arises as to whether these two cultural mind-sets can operate effectively in a single organisation?
- The inevitable secrecy that goes hand in hand with security services may go some way to explain the resistance to transparency that the Authority has observed in the culture of the Garda Síochána and the Department.
- Whatever organisational form is recommended, security services should not be exempt from independent assurance and oversight.
- There is currently a risk of an “oversight gap” between security and policing services and this needs to be addressed in any re-configured oversight architecture to ensure that there can be a comprehensive assessment of the Garda Síochána’s performance and effectiveness.

Introduction

The Commission is required to consider the question of whether the Garda Síochána should be a unitary service, to include security as well as policing. The Policing Authority has no remit in relation to security and has limited expertise among its membership. For these reasons, the Authority is not in a position to assess what form of security service is optimum to manage and assure Government and the Community about the security of the State.

However, the Authority submits that in its consideration of this question, and regardless of the conclusion it reaches about the unitary service, the Commission might consider that the matters set out below need to be addressed.

Transparency

Policing is a community service which benefits from optimum transparency and Patten concluded that: “...*the presumption should be that everything should be available for public scrutiny unless it is in the public interest, not the police interest, to hold it back....*”⁸ The impact of the security mind-set – which by definition has to be secretive and guarded – may explain aspects of the culture of the Garda Síochána, specifically a reluctance to share information and an absence of spontaneity in supplying information and reports to the Authority or in making them public.

The impact of a “security mind-set” is also evident in the Department. It is notable that both organisations continue to combine “Crime and Security” in a single Division in their organisation design. It seems to underscore a predisposition that matters relating to crime are by definition connected with security and are distinct from “policing”. There are inevitable linkages between crime,

⁸ Paragraph 6.38 of The Report of the Independent Commission on Policing For Northern Ireland, chaired by The Right Honourable Christopher Patten, CH

policing and security, but the overlap between crime and policing seems so inherently close that to combine crime with security rather than with policing is somewhat counter-intuitive.

Independent Assurance and Oversight of the Security function; the risk of an oversight “gap”

In its relatively short experience overseeing the Garda Síochána, the Authority has experienced some resistance to challenge, a tendency to avoid or delay and an inclination to “under-inform” the Authority, if only by omission. From this perspective, it may be appropriate for the Commission to consider the security question conceptually in terms of three lines of defence for the governance of risk:

- Management control and ownership;
- Internal Compliance oversight; and
- Independent Assurance.

Some elements of these lines of defence are in place. For example, the Garda Síochána have certain internal controls in place and the Minister for Justice and Equality plays a statutory role in overseeing its security functions. In addition, three designated Judges oversee various statutory functions that the Garda Síochána perform in relation to interception of postal packets and telecommunications, data retention, surveillance and the refereeing of complaints in respect of these matters. We have limited understanding beyond this. Therefore, it would in our view merit further consideration by the Commission to ensure that these three lines of defence are firmly in place and that the security service, wherever located or however designed is subject to independent oversight and challenge.

The Authority also questions whether the careful delineation and differentiation of policing oversight from security oversight in the Garda Síochána Act may have created a gap, or grey area and a blurring of accountability. If so, this is not helpful to providing assurance to Government.

This “oversight gap” should therefore be addressed in any re-configured oversight architecture to ensure that there can be a comprehensive assessment of the Garda Síochána’s performance and effectiveness in both policing and security services.

If the Garda Síochána continues as a unitary police service, then it will be important to consider what the appropriate role is for any future Authority in the oversight of security services to ensure that there are no gaps in the assessment of performance. Creating a separate body to oversee the security service will not deal, in itself, with this gap, and could create further confusion in the public mind. Options which the Commission may wish to consider include bringing security within the remit of a future Policing Authority, with suitable safeguards for confidentiality, or ensuring that there are members in common between a Policing Authority and a security oversight body. At a minimum, it will be important to ensure that the Authority has access to enough information about the activities of the Garda Síochána, with respect to security services, to allow it to perform its other oversight functions.

3. Position of the Garda Commissioner as the Chief Executive of the Garda Síochána

Key points

- The responsibility of the Commissioner, as the Chief Executive of the Garda Síochána, for the performance of **all** aspects of the organisation in accordance with the overall strategy of the Garda Síochána needs to be put beyond doubt.
- The Garda Commissioner should be explicitly responsible for the delivery of policing services, and his/or her accountability should be to the body that is tasked with overseeing the performance of the Garda Síochána in relation to policing services.
- In the event that the Commission recommends retaining a unitary service, the Garda Commissioner should be clearly responsible for the delivery of security services, and his/or her accountability should be to the body that is tasked with overseeing the performance of the Garda Síochána in relation to security services.
- Consideration ought to be given to putting the Garda Commissioner’s independence in relation to operational policing matters on a more formal explicit statutory footing.
- There is a need to ensure that the Garda Commissioner has sufficient control and power in relation to decisions around the recruitment, appointment, management and deployment of human resources, and is held accountable for the exercise of those powers.

Role as Accounting Officer/Chief Executive of the Garda Síochána

Since the Act was commenced in 2005, the Garda Commissioner is the Accounting Officer for the Garda Síochána Vote. The Authority is firmly of the view that this position should remain. The concept of the “Accounting Officer”⁹ is much broader than the title suggests, and encompasses responsibility for the safeguarding of public funds and property under his or her control, but also for the effectiveness, efficiency and performance evaluation of the Garda Síochána.

The Authority does not agree with suggestions made by some commentators that the Commissioner could be the Head of Policing and another person could be responsible for the running of the organisation, including Finance, Administration, HR, Governance, etc. The Authority considers that the Garda Commissioner needs to be totally responsible and accountable for the organisation as a whole, as operational policing decisions are inseparable from decisions about the allocation and expenditure of resources. The Commissioner could, if he or she considered it appropriate, decide to appoint one deputy as responsible for policing, one deputy responsible for security and vest the governance and running of the organisation in the Chief Administrative Officer.

At present, the legislation emphasises the role of the Garda Commissioner in directing and controlling the Garda Síochána, managing and controlling the administration of the organisation more generally and his/her role as the Accounting Officer in relation to the Appropriation Accounts of the Garda Síochána for the purposes of the Comptroller and Auditor General Acts 1866 to 1998. However, it is important that this role be conceived of as encompassing the wider management and governance of

⁹ Controller and Auditor General (Amendment) Act, 1993 and section 22 of the Exchequer and Audit Departments Act 1866.

the organisation in addition to the delivery of policing and security services, with specific responsibilities related to the normal range of activities associated with the role of the Chief Executive of an organisation including for example:

- Providing ethical leadership and promoting culture and values and high standards of professional conduct and respect for human rights;
- Leading strategic change;
- Developing strategic operating plans that reflect the longer-term objectives and priorities established by Government and the Policing Authority;
- Maintaining an ongoing dialogue with the Secretary General of the Department and the Chairperson of the Authority and supporting the Authority in its oversight role;
- Putting in place adequate planning, financial control and management information systems, including to ensure compliance with legal and other requirements;
- Managing performance, ensuring that the operating objectives and standards of performance are not only understood but owned by the management and other employees;
- Closely monitoring the operating and financial results against plans and budgets;
- Taking remedial action where necessary and informing the board of significant changes;
- Communicating effectively with stakeholders, Government and oversight bodies, the Oireachtas, employees, and the public;
- Assessing the principal risks and ensure that they are being monitored and managed; and
- Building and managing organisation and management capacity, ensuring that the organisation is appropriately resourced to achieve the approved strategy and deliver an efficient and effective service.

Of course, it would not be appropriate for legislation to contain this level of prescription around the role of the Garda Commissioner. Instead, the Authority would suggest that the same effect could be achieved by describing the Commissioner as the Chief Executive or some comparable title. This would serve to emphasise the level of responsibility inherent in that role and place the role in a well-established framework for accountability (i.e. that of a Chief Executive’s accountability to a Board).

In the event that a decision is made in relation to keeping policing services in the same organisation as security services, the emphasis should also be on the Garda Commissioner being responsible for policing services and/or security in Ireland and for the performance by the Garda Síochána of all of its functions.

In addition, there is a need to ensure that the Garda Commissioner has sufficient control in relation to decisions around the recruitment, appointment, management and deployment of human resources. In this regard, there appears to be a lack of coherence in the overall scheme for the appointment and removal of both sworn members and civilian staff.¹⁰ It is not sufficient to simply state in section 26 of the Act that it is the Garda Commissioner’s function to “direct and control the Garda Síochána”. To do this effectively, the Garda Commissioner needs all the necessary “levers” or powers of an employer, and then to be held accountable for the exercise of those powers. These should include strong powers relating to appointing and removing employees, as well as a robust capacity to deal with indiscipline

¹⁰ The Authority’s section 2 year report, which is attached as an annex to this submission contains extensive references to some of the inconsistencies in the current legislative framework.

and allegations of bullying, for example. It should also be noted that there are severe limitations on the ability of a Chief Executive of an organisation to manage employee relations while responsibility for Industrial Relations lies with another organisation.

Operational independence

There is broad recognition that the “Chief of Police” of any police service should be operationally independent (or to use the language of Patten “operationally responsible”) in carrying out his/her functions under the Act. This independence is critical to the integrity of policing, and provides reassurance as to the equal treatment of all members of the public, and freedom from political interference in the discharge of the Commissioner’s functions. However, there is a risk that because of the level of involvement that the Department of Justice has in the operations of the Garda Síochána that this could have the effect, or at least be perceived to have the effect, of undermining that independence and potentially usurping the operational role of the Garda Commissioner as Chief Executive.

The involvement of the Department in certain operational aspects of the Garda Síochána has been set out in section 1. The extent of these interactions between the Department and the Garda Síochána (and sometimes informal nature of those interactions) may also serve to undermine the operational independence of the Commissioner. This Commission may wish to consider where the appropriate balance lies between the operational independence of the Commissioner and the responsibility of the Government under the Constitution. The Authority considers that it would be appropriate to at least provide a robust statutory provision in accordance with the accepted principle of operational independence.

4. Integrity, Culture, Ethics and Human Rights

Key points

- Integrity, Ethics, cultural reform and human rights based policing must become part of the fabric of everything the Garda Síochána does.
- The roll out of the Code of Ethics, established by the Authority, is a key enabler of cultural reform in the Garda Síochána. This project will need sustained leadership from within the organisation and support from all of the relevant oversight agencies.
- The review of the Garda Síochána protected disclosure policy needs to be expedited to ensure that the procedures in place are fit for purpose, and sufficiently protect the rights of persons who make protected disclosures, as well as anyone who is the subject of an allegation of wrongdoing.
- The results of the independent Culture Audit in quarter one of 2018 should result in a clear and transparent action plan to address any issues that arise.
- A recurrent theme from discussions with Garda members and staff is that there is an urgent need to improve the speaking up environment in the Garda Síochána. This is a much wider issue than the issue of protected disclosures and reporting wrongdoing.
- Consideration should be given to a simple “SIPO type” annual declaration of interests for all Garda Members and staff.
- Standards regarding hospitality, other employment, conflicts of interest etc should be finalised, published and audited by the Garda Síochána.
- The “human rights” proofing processes in the Garda Síochána need to be more transparent.

Mainstreaming Ethics and Human Rights

For principles of ethics, integrity and human Rights to become part of the fabric of the Garda Síochána, they must be embedded across a number of levels: individual, organisational and institutional.

At an individual level, there are some areas of policing where the need to integrate principles of ethics and human rights into decision-making is obvious– for example the use of powers relating to stop and search, use of force, detention and surveillance. There are also a large number of less visible ethical flash points, for example decisions relating to procurement or promotions or payment of overtime and allowances. Training is key to supporting all those working in the Garda Síochána in this regard, as well as ensuring that there are robust processes in place to hold individuals to account.

At an organisational level, it is about ensuring that policies and procedures accord with human rights and ethical principles and the Authority is aware that the Garda Síochána have previously committed to “human rights proof” all new policies. A similar commitment is contained in the organisation’s plan to roll out the Code of Ethics. However, it is not enough to simply “proof” policies; the organisation must also proactively consider what additional steps must be taken in order to safeguard these principles and commitments. For example, is enough being done to proactively manage the risk of corruption or to manage conflicts of interest?

However, embedding the Code of Ethics and ensuring adherence to human rights in policing is not only about the Garda Síochána or the individuals who work there, but is much wider. In this regard, the institutional framework for gathering evidence and prosecuting crime must be looked at critically to consider whether there are ways to support human rights and the principles contained in the Code of Ethics. For example, there are persistent concerns around the rights of detainees to access solicitors. Another issue is whether there should be greater separation between policing and prosecution at a district court level. The Garda Inspectorate has repeatedly drawn attention to the inefficiencies involved in the current system for garda attendance at court. It is the Authority's view that greater involvement of the state prosecution service in cases before the District Court would also have advantages from an ethics and human rights perspective.

Garda Síochána Code of Ethics

Since the Authority established the Garda Síochána Code of Ethics in December 2016, it has been overseeing the roll out of the Code by the Garda Síochána. It is clear that the Code of Ethics will not embed itself. There is no automatic guarantee, no certainty that the need for and value of the Code will be universally appreciated or internalised just by virtue of its existence. With this in mind, the Authority's Code of Ethics Committee continues to meet with the Garda Síochána regularly to monitor progress in respect of the roll out of the plan to embed the Code. In this context, the Authority agrees with the decision of Garda management to prioritise training in relation to the Code of Ethics and to provide training to all staff by the end of June 2018. It does however acknowledge that this commitment will be a demanding deadline that may have a knock on impact on the capacity to provide continuing professional development in other areas in 2018. However, a key challenge for the Garda Síochána is how to increase its capacity to provide meaningful continuing professional development into the future.

In addition, the Garda Síochána has itself identified the need for a longer-term strategy to underpin the ongoing work that will be needed over the coming years to ensure that the Code is embedded in every area of the work of the Garda Síochána. The Authority welcomes these commitments. It is clear that there will need to be a persistent emphasis on this embedding work over the next number of years to ensure that the Code becomes a living document.

One of the sections of the Code deals with "Speaking Up". In the course of the consultation process (and since then), the Authority received feedback from within the Garda Síochána that many members and civilian staff experience difficulties in voicing disagreement, or in challenging the status quo. A wide range of strategies will be necessary to tackle this problem, including increased diversity in the make-up of the Garda Síochána workforce so that alternative voices become more normal. The results of the Culture Audit will assist with this work by providing a comprehensive overview of staff attitudes throughout different areas of the organisation. It is very positive that there has been a strong response to the survey and it will be crucial to building trust in the organisation that this survey lead to a tangible action plan to protect the organisation's strengths and tackle its problems.

The Authority expects that in the course of rolling out the Code of Ethics, the Garda Síochána is likely to receive feedback from its members about some of its current procedures, for example procedures around receiving hospitality and gifts, and the management of real or perceived conflicts of interests. The Code of Ethics committee has already discussed with the Garda Síochána Ethics project team the need to capture this learning in the roll out of the training, with a view to updating relevant policies

later in the year. The Authority also intends to seek clarity around the governance in place to manage conflicts of interest, and the extent to which members of staff currently complete declarations in accordance with Public Servants Guidelines 10th Edition published by Standards in Public Office (SIPO), March 2017.

It is notable that, in some other police services, there is periodic re-vetting of members and staff of varying degrees of depth. A simpler solution might be to consider a simple annual declaration of interests from all members in the spirit of the Standards in Public Office ('SIPO') declaration, which currently applies, to senior grades and ranks. The experience of completing an annual form is a very useful reminder of expected standards

Protected Disclosures Policy and Procedures

In November 2016, the Authority published its Report looking into the Garda Síochána Protected Disclosures Policy and Procedures. In its report, the Authority pointed to a number of deficiencies in the procedures of the Garda Síochána regarding protected disclosures. It recommended that the procedures be urgently reviewed to fully reflect the provisions of the Protected Disclosures Act 2014 and the relevant DPER guidance and that the procedures should be the subject of a more thorough review within a year in order to take account of the views of stakeholders, including the unions and representative bodies, as well as to learn from operational experience in the Gardaí and elsewhere. Regrettably, this recommendation was not implemented in 2017, and the work to review the procedures has in fact only recently commenced. This review needs to be expedited to ensure that the procedures in place are fit for purpose, and the rights of both the person making a disclosure and any person in respect of whom wrongdoing is alleged, are protected. The Authority will continue to oversee the conduct of this review in 2018. In addition, the Authority made a submission in relation to DPER in October 2017 regarding the Protected Disclosures Act 2014 as it affects the Garda Síochána.¹¹

Human Rights

In the course of developing the policing priorities and policing plan for 2018, the Authority considered whether the priorities and plan should contain reference to specific human rights. Instead, the Authority communicated to the Garda Síochána its expectation that, in fact, nearly everything in the priorities and plan must be underpinned by a commitment to human rights. The Code of Ethics established by the Authority contains explicit reference to human rights in the context of the use of policing powers, but in fact, human rights provide the underlay for many of the Code's standards including those relating to respect and equality, access to information and transparency.

The Authority is conscious of the obligations of the Garda Síochána under section 42 of the Irish Human Rights and Equality Act 2014, which places a positive duty on all public sector to eliminate discrimination, promote equality of opportunity and protect human rights. The Authority has been made aware that the legal division of the Garda Síochána conducts a "human rights" proofing exercise in respect of all new policies and procedures. In addition, the organisation has recommenced meetings of the Strategic Human Rights Advisory Committee after a period when it became inactive. However,

¹¹ Available at: www.per.gov.ie/wp-content/uploads/Policing-Authority.pdf

it is apparent to the Authority that there are a number of areas, in particular in relation to the needs of ethnic groups, non-Irish communities, vulnerable groups and the treatment of suspects, which give rise to specific equality and human rights concerns.

The Authority is mindful that the Northern Ireland Policing Board has specific functions in relation to human rights. In this jurisdiction, consideration would need to be given to the important role of the Irish Human Rights and Equality Commission in this area. As with ethics and respect for diversity, whatever approach is taken to embedding human rights must be “mainstreamed” i.e. it ought not to be seen as the responsibility of specific individuals or relevant to specific issues only. It must become part of the fabric of everything the organisation does.

5. Corporate Governance and Performance Management in the Garda Síochána

Key points

The structure of any organisation can either support or undermine accountability and in the Authority's view, the current organisational structure of the Garda Síochána does not facilitate good governance or accountability and mitigates against the Commissioner being able to manage performance in an effective way.

- The Commissioner needs to own the key corporate functions and therefore certain functions (regardless of the grade of the function leader) should be more appropriately located under the direct control of the Commissioner, such as strategic transformation and change management, internal audit, risk management and communications.
- The senior leadership team in the Garda Síochána is significantly in excess of contemporary good practice within corporate management, even for large organisations and is too large to be effective.
- Assistant Commissioners have a span of control which is significantly smaller than their counterparts in comparable policing organisations in other jurisdictions.
- The Garda Síochána operates a structure, which has significantly more regions and divisions, which are substantially smaller than those within comparator organisations. This echoes the findings and recommendations from the Garda Inspectorate 2015 report "Changing Policing in Ireland".
- The governance role, purpose, responsibilities and accountability of the Governance boards shown in the MRP organisations structure is unclear and the Authority has a concern that the Governance Boards, put in place in 2016, have added to the confusion around accountability.
- There is need for greater clarity and better governance in respect of how Professional Standards, Internal Affairs, complaints, and discipline are structured within the Garda Síochána.
- Internal audit is not appropriately reflected in the organisation structure and there is concern that the failure to appropriately position the Audit Committee, with a direct reporting line to the Commissioner, has an impact in terms of its status and effectiveness within the organisation. The Internal Audit Unit should be repositioned as an independent unit within the organisation structure with the Head of Internal Audit reporting directly to the Commissioner.
- For the size of the organisation, a Risk Committee, with independent external members and interlinkage to the Audit Committee, (or a combined Audit and Risk Committee) reporting directly to the Commissioner, is necessary. Similarly to internal audit, the Chief Risk Officer should report to the Risk Committee (or the combined Audit and Risk Committee) and have a direct reporting line to the Commissioner.
- When an issue arises with regard to organisational performance or learning the Garda Síochána for public confidence reasons should consider inviting other police services to review events.
- There is currently no personal performance management system in the Garda Síochána for either Garda members or civilians and concerns about this issue have been central to the Authority's oversight during the past two years. The Authority welcomes the inclusion of commitments in the

2018 Policing Plan that all sworn members will have completed their Annual Individual Review on the Performance Accountability and Learning Framework by the end of 2018 and a performance management system for civilians will have also commenced.

Accountability and structure

Accountability remains unclear in the current structure and performance accountability is absent. If a future Professional Standards Unit visit to Bailieboro found the type of culture, service to victims and quality of work in relation to penalty points that was found by the O'Higgins Inquiry, who would be accountable? Would it be Assistant Commissioner Northern Region, Executive Director of Strategy and Change Management or Assistant Commissioner for Roads Policing? The underlying concern is that in accountability terms, everybody means nobody. The Authority expressed its views to the Department in July 2016, and in October 2017 commissioned an external review of certain aspects of corporate governance at the top level of the organisation in the senior management team to facilitate an informed discussion between the Authority and the Garda Commissioner about the current arrangements. While it seems appropriate that significant structural change should await the new Garda Commissioner, the Authority is of the view that some simple immediate changes would make significant improvement to governance, and will pursue these with the Commissioner in the coming months. Once finalised a copy of the report will be provided to the Commission for reference.

Mechanisms of oversight

It is important to consider the various internal mechanisms of oversight and control that would typically assist the head of a police service or indeed any organisation in assuring him/herself that the organisation is being properly managed. These should include effective organisational structures, management processes, performance management systems, as well as robust internal oversight such as internal audit, professional standards and internal affairs functions. The reports of the Professional Standards Unit and Internal Audit need to be of a quality and depth that fully support the Garda Commissioner in understanding areas of operational weakness and risk.

Ultimately, there is only so much that external oversight can achieve. Any police service, indeed any organisation must take responsibility for the service it provides. Although external oversight bodies can help by shining a light on the problem and demanding accountability and good governance, if the programme of reform so needed in the Garda Síochána is to be successful it will have to be led by the Garda Síochána itself.

Performance management

A performance management framework needs to be in place in any organisation to facilitate the monitoring of performance against targets at organisational and individual level, supported by a training strategy and programme, which ensure that continuous professional development is provided to staff across the organisation consistent with the requirements of their roles.

There is currently no personal performance management system in operation the Garda Síochána for either sworn or civilian members. Additionally, the organisational performance management system anticipated by the Act was not in place when the Authority was established.

During its first two years, the Authority has put in place the building blocks for performance oversight of the Garda Síochána with an important focus on approving and then overseeing performance by the Garda Síochána in relation to their annual Policing Plan. Indeed the Authority's demand for performance metrics during 2016 and 2017 has exposed the limited organisation performance metrics, weak financial metrics and significant data quality issues.

The Authority has also insisted on, and welcomes, the inclusion of a commitment in the 2018 Policing Plan that:

- All sworn members will have completed their Annual Individual Review on the Performance Accountability and Learning Framework by the end of 2018; and
- Training for civilian staff in the Performance Management and Development System ('PMDS') will commence in October 2018.

When the performance appraisal process is fully implemented, it will provide managers within the Garda Síochána with a more appropriate tool than the Discipline Regulations for managing performance issues in the first instance.

6. Complaints handling

Key points

- It is critically important for public confidence in policing that there be an effective mechanism for resolving complaints.
- The current complaints process is overly focused on sanctioning Garda members and does not sufficiently focus on resolving issues.
- Part 4 of the Act should be reviewed to ensure that the current system for the receipt and investigation of complaints accords with best practice.
- Complaints handling arrangements must also encompass complaints or allegations against civilian members of the Garda Síochána.
- Some types of less serious complaint would be better dealt with and resolved at a more local level with an appeal mechanism, similar to other public bodies to the Ombudsman.
- Consideration should be given to whether GSOC should have its own Vote, as a mark of independence.
- There should be a clear path for members of the public and members of the Garda Síochána who are dissatisfied with the initial decision making of GSOC. This might take the form of a specific review process or a power to appeal.
- In any review of the 2005 Act, if a decision is made that the Authority should retain its functions under section 102(4A) and 102(7) it would be useful if the Act could specify more clearly the limits of the role expected of the Authority with regard to individual complaints.

Introduction

The Act provides that the Authority has a function of keeping itself generally informed as to complaints made against members of the Garda Síochána. The Authority has commenced work in this regard, and has had engagement with both GSOC and the Internal Affairs division of the Garda Síochána to understand what information is gathered by both regarding trends of complaints, and how that information is used to ensure that if there are patterns emerging in relation to complaints, these are proactively addressed. This engagement will continue in 2018.

Investigation of “service level” complaints

Complaints by their nature sometimes relate to poor or unfair performance from a service delivery point of view including the delivery of a statutory entitlement. Depending on the circumstance, poor performance in service delivery can be attributed to a single person. It can be the case that it is attributable to the strategies and policies put in place (or overlooked) by a public body. Sometimes, it may be appropriate to deal with such complaints as a disciplinary matter but more often, it may be more proportionate and effective to deal with this in the context of the performance management, and by ensuring that the concern of the member of the public is resolved and that the organisation receives and acts on the relevant feedback.

Handling of complaints should, in the Authority's view, typically result in a matter being either:

- Dealt with locally by a staff members' manager, including coaching advice as part of an effective performance management system, with a transparent appeal mechanism being available to the complainant, firstly internally and then externally to the Office of the Ombudsman;
- Referred to GSOC for disciplinary or criminal investigation – for more serious cases; and/or
- Dealt with either locally or centrally as an issue for which there is corporate responsibility.

GSOC has pointed out, and the Authority agrees, that the current system of complaints handling needs remedial action.

“An over-arching recommendation is that the objectives of GSOC, as set down by the Act, be fundamentally re-set, so that rather than favouring a system of seeking to apportion blame on Gardaí (or not) for specific actions, the legislation enables us to actively seek resolution to issues and provide feedback to the Garda Síochána, to help us bring about long term change.”¹²

Due to the volume and broad range of complaints and investigations, and their connection with the Garda Discipline Regulations, there is a risk that both routine and serious complaints are contested equally and for many less serious cases, the level of process and time involved is disproportionate and unnecessary. This may not be in the interest of resolving complaints or improving service to the public.

In its published document *“Proposals for Legislative Change”¹³*, GSOC recommends that issues such as the non-return of phone calls be best dealt with by seeking to resolve the problem in the first instance and by using the normal line management processes in the first instance. The Authority agrees, but where the matter is not resolved in this way, it should not be necessary for the complainant to await the outcome of a disciplinary process in order to have the matter resolved. It might be useful to consider such complaints as primarily being directed at the public body and as such, more appropriate to the Office of the Ombudsman whose function is:

“... to investigate complaints from members of the public who believe that they have been unfairly treated by certain public bodies. At present, the public bodies whose actions may be investigated by the Ombudsman are: all Government Departments, the Health Service Executive (HSE) (and public hospitals and health agencies providing services on behalf of the HSE), and Local Authorities”

In this regard the Commission may wish to note that the Minister for Justice and Equality accepted in June 2016 that the Ombudsman should be given a role in relation to complaints about the prison service. The Ombudsman has very considerable powers and privilege, including the power to make a report to the Oireachtas in relation to the response of a public body to his findings.

The Commission may consider such an approach to be attractive for the following reasons:

¹² GSOC submission to Oireachtas Committee May 2014

¹³ GSOC Proposal for Legislative Change, December 2017, available on the GSOC website

- Changing the approach from “blame” may result in speedier resolution, including apologies to complainants, something which the Chair of GSOC has suggested is often absent in the current arrangements;
- Bringing the Garda organisation into line with the broader public service may help address the sense of unfairness frequently expressed by members of the Garda Síochána in respect of the current complaints process; and
- The Ombudsman’s office has over 35 years of experience and has developed robust policies and practices.

It could free up GSOC to focus its resources on the important function of carrying out investigations into complaints where criminal or disciplinary action against individuals may be merited, including those cases where police powers are required. It should be emphasised that the involvement of the Office of the Ombudsman would not preclude the Garda Síochána from bringing disciplinary action against members or staff where this is appropriate, in parallel with the Ombudsman procedures.

Need for a review of the legislation regarding complaints

GSOC’s concerns about the current complaints process are set out in the Joint Committee on Justice and Equality Report on Garda Oversight and Accountability December 2016, in GSOC’s 2016 Annual Report and, most recently in GSOC’s very detailed proposals for legislative change, which it published in December 2017. In addition, both the Garda Síochána and GSOC have highlighted problems with the current process in meetings held with Authority staff. It is clear that the current process is unnecessarily complex, is leading to long delays that are unfair to all concerned and does not sufficiently focus on resolving the complaint. In addition there appears to a disconnect between the process for investigating complaints set down in the Act and the process set down in the Discipline Regulations (e.g. the Act provides for the review of an unsupervised investigation under section 94(10) but the Regulation provide that the outcome of such an investigation is final).

The Authority agrees that there is an urgent need to review of Part 4 of the Act to address these problems.

Complaints about civilians

In light of the Government decision to increase the number of complaints in the Garda Síochána to 4000 by 2021, and the fact that it is envisaged that some civilians are likely to be performing public-facing roles, further consideration needs to be given to the extent to which it should be possible to complain about these civilians to GSOC, as the independent police complaints body. For example, the Office of the Police Ombudsman in Northern Ireland deals with complaints against some civilian employees of the police. This includes employees performing custody or escort duties for the police.

Responding to feedback from complaints

Complaints from members of the public should be a valuable source of intelligence for any organisation about problems in its procedures or culture. When analysed, this information should

assist in flagging that a particular individual or group may need further training or that a particular systemic issue in the organisation requires some form of management intervention.

The GSOC 2016 Report contained recommendations made by GSOC in 2016 in 16 separate cases. It appears from the Report that in a number of those cases, GSOC did not receive an appropriate response, and it was not clear whether the organisation learnt from this valuable feedback. Authority staff have met with the Garda Síochána to understand why this occurred, and what process is in place to ensure that the Garda Síochána respond appropriately to the feedback received from GSOC in the future. The Authority has been informed that a new process is now in place to follow up on GSOC recommendations and it intends to follow up with GSOC to ensure that this process is working well.

Notwithstanding this, it is apparent to the Authority that more could be done to learn from the data available from complaints. As a matter of good governance a formal process must be in place to ensure that complaints data supports systemic learning.

Role of the Policing Authority and the Department with respect to complaints from members of the public about the Garda Síochána.

One of the challenges that arises for an oversight body such as the Policing Authority - that is not a complaints body and that does not have an investigative function in respect of individual cases - is what steps, if any, it should take on foot of allegations of individual misconduct it receives directly. This is likely to be an even more acute problem for the Department of Justice as it is likely to receive substantially more correspondence from members of the public who may, very legitimately, be wishing to raise concerns about policing with their public representatives.

Typically, when the Authority receives complaints from members of the public about members of the Garda Síochána, Authority staff explain the role of the Authority, as well as how to complain to GSOC. This information is collated (in anonymised form) as it can be a useful form of intelligence in understanding people's real life experience of policing. In general, the Authority has not adopted the practice of referring individual complaints or cases back to the Garda Síochána, even where members of the public ask us to intercede on their behalf. The reason for this is that the Garda Commissioner has operational responsibility for the functions set down in section 7 of the Act, and GSOC is the agency with statutory responsibility for receiving and investigating complaints from members of the public and from Garda members.

It should be noted that the Authority sometimes receives complaints about GSOC. The Authority is mindful that while it has been given the power to refer a matter to GSOC in section 102(4A) and 102(7), the Act does not envisage that the Authority should be an appeals mechanism for GSOC. However, it is our view that there is currently a gap in the system for members of the public who are unhappy with a GSOC decision and there needs to be a clear process, set down in legislation, for seeking a review or appeal of such a decision.

7. Disciplinary process

Key points

- It is critically important for public confidence in policing that there be an effective mechanism for investigating misconduct by employees of the Garda Síochána and applying sanctions where appropriate.
- The process for investigating and conducting discipline in the Garda Síochána need to be subjected to a root and branch review, having regard to whether it accords with best practice.
- There are a worrying number of successful appeals and reviews of the outcomes of Garda disciplinary processes on procedural grounds.
- The Discipline Regulations should be reviewed to ensure that the current system for the investigation of complaints and investigation of internal discipline matters accords with best practice.
- Consideration could be given to certain disciplinary tribunals being held in public, as this is a mark of the integrity and independence of disciplinary processes in many professions.
- In any review of the Discipline Regulations, further consideration should be given to the range of sanctions set down in those Regulations and in particular the sanction of “advice” would not appear to be a sanction at all.
- In any review of the Act, consideration should be given to the power to remove or dismiss certain ranks as set out in section 11, section 14 of the Act and Regulation 39 of the Discipline Regulations. There are important questions around the exercise of these functions and the current framework for removing and dismissing various ranks is not coherent.

Introduction

Justice Morris, 13 years ago was very critical in his assessment of the Garda Síochána Disciplinary Process, stating that:

“Because of the overlay of legal formalism on this process, procedures can be used to delay and frustrate simple and straightforward investigations. Members of the Gardaí against whom any wrong is alleged have the dubious, and often exploited, benefit of procedures that compare with those in a murder trial. Garda discipline should be about accounting for how one has served the people of Ireland and about the truth.”¹⁴

Recently, Judge Charleton concurred with those concerns stating:

“The system requires reform along the lines suggested by Mr Justice Morris. Those Gardaí accused of ill discipline should be subject to correction by senior officers without the need to resort to the elaborate structures set up that constitute what is in effect a private trial using procedures akin to our criminal courts. A simplified structure is called for. Private industry uses a system of simply taking a statement of what is wrong, passing it to the employee and

¹⁴ Mr Justice Frederick Morris ‘Report on the Arrest and detention of Seven Persons at Burnfoot, County Donegal on the 23rd of May 1998 and the investigation relating to same.’

considering any response offered. As Justice Morris recommended, that could be used together with an appeal system within police structures.”¹⁵

The Act provides that the Authority has a function of keeping itself generally informed as to the application of the Disciplinary Regulations. The Authority has commenced work in this regard, and has had engagement with the Internal Affairs division of the Garda Síochána to understand what information is gathered regarding the application of the Regulations, how that information is used to ensure that if there are patterns emerging in relation to internal discipline problems, these are proactively addressed. This engagement will continue in 2018.

Deficiencies in the current system for discipline

In the course of its work for the past two years, the Authority has become aware that there are serious deficiencies with the current system for disciplining Garda members.

Some of those problems arise from the discipline regulations. For example, there are practical difficulties with Board of Inquiry process set out in the Discipline Regulations, and specifically there are problems in ensuring consistency of decision making by boards of inquiries in circumstances where boards of inquiry are appointed from large panels, where each panel is responsible for establishing its own procedures, and where the Regulations do not make provision for a person to present to the board or a lawyer to assist the board. In addition, there can be difficulties in identifying suitable Deciding Officers because of the restrictions on who can perform that role. Any review of the Regulations will also need to consider the operation of Regulation 10 (informal resolution) and how this fits in with the new performance management processes, as well as the range of sanctions set down in part 2 of the regulations. Specifically, the Authority would query the inclusion of “advice” as a sanction. Where a person is found in breach of the discipline code, then in most organisations, this will be dealt with in the first instance by way of a warning. Otherwise, the matter should be dealt with under the performance management process.

The high incidence of disciplinary outcomes being successfully challenged in the courts may be a further indicator of problems with the regulations. It could also, however, indicate that there are poor procedures in place for following the regulations and a need to further professionalise this function within the organisation. Adverse court outcomes carry the risk of making all those involved in applying the disciplinary process more tentative and less determined to actively and robustly deal with disciplinary issues when they arise, which is not in the interest of the organisation or the public.

There are also deeper cultural questions about the level of commitment in the organisation to holding individuals to account. For example, the Authority has seen discipline cases, where members have been dealt with by way of “advice” when it seems, on the face of it, that a much more substantial sanction may be merited.

The Authority also questions whether the model of local ‘Decision Makers’ (for less serious breaches) and Boards of Inquiry (for serious breaches), supported by an internal affairs unit that oversees the administration of complaints and discipline but has no investigative capacity, is the best approach.

¹⁵ Mr Justice Peter Charleton ‘Second Interim report of the Tribunal of Inquiry into protected disclosures made under the Protected Disclosures Act 2014 and certain other matters’ p. 75

In particular, questions arise as to whether the current model:

- Facilitates independent and robust decision-making;
- Includes the necessary supports (including access to legal advice, HR and other specialist knowledge and expertise, as well as access to training); and
- Is the subject of appropriate Management Information to facilitate organisational learning, identify areas of risk and appropriately inform relevant policy and HR decisions.

The Authority intends to conduct a review of these disciplinary processes in 2018 and can provide further updates to the Commission in this regard if that is considered helpful.

8. Composition and capacity of workforce

Key points

The Authority considers that a key aspect of the role and responsibility of the Garda Commissioner is to ensure the adequate resourcing of the organisation and to build capacity to enable the organisation to deliver its strategic objectives. The importance of building organisational and management capacity, particularly in the context of large-scale organisational transformation programme and of managing performance to ensure ongoing effectiveness is a key factor in the establishment of a Garda organisation that is fit for the future.

- Under the oversight of the Policing Authority, the Garda Síochána is undergoing a large scale, phased increase in headcount for both sworn members and civilian staff, until 2021. This has involved annual recruitment targets, which, in the case of civilian staff, the organisation has so far been unable to meet.
- The turnover rate in the Garda Síochána is such that, within the next 5 years, of the order of 50% of the members will be new to the organisation or new to their rank. The impact of the Government decision of July 2016 means that the number of civilians in the organisation will increase by 100%. This is an enormous opportunity for reform that cannot be lost.
- The current extent of civilianisation lags far behind that of comparator policing organisations.
- As noted earlier in the submission, the size of the senior leadership team in the Garda Síochána is significantly in excess of contemporary good practice within corporate management, even for large organisations and is too large to be effective.
- The achievement of effective change to the composition of the workforce is threatened by the lack of an overall vision and strategy for the organisation, and is inhibiting progress of recruitment and redeployment and the effectiveness of deployment.
- The rapid increase in the number of sworn members, without strategic planning and risk mitigation, is placing pressure on other aspects of the organisation, particularly in terms of training and supervision.
- Placement decisions, both on promotion or deployment need to be evidence based on need and should be transparent as such decisions are arguably the most influential factor on career progression/promotional opportunities for members.
- When deployment decisions are made, there should be a focus on ensuring that there is sufficient supervision and continuity. This should include a minimum period of tenure for Superintendents and Chief Superintendents.
- Local commanders need to be empowered to change deployments within their division to suit local needs.
- The absence of a Diversity and Inclusion Strategy, with an innovative approach to attracting underrepresented groups in terms of gender, ethnic and social diversity, represents a failure on the part of the organisation to address the apparent lack of diversity in the Garda workforce and to implement the organisation's obligations in accordance with section 42 of the Irish Human Rights Act 2014.

- The Authority strongly supports the proposition that a broad range of entry routes and entry levels to the Garda Síochána should be opened as it has the potential to contribute significantly to the modernisation and reform of the Garda Síochána, both operationally and culturally. This should include consideration of a cadet model similar to the Defence Forces.
- The recommendations of the Commission for Public Service Appointments Audit of promotions to Garda Sergeant and Inspector need to be implemented urgently.

Introduction

Government Decision S20193F of July 2016 outlined the objective to increase the size of the Garda Síochána to 21,000 personnel, including 15,000 sworn members, 4,000 civilians and 2,000 Garda Reserves. This was complemented by the concept of “civilian by default” for filling non-operational vacancies within the organisation with civilian staff rather than sworn members in order to optimise the resources deployed to front line policing. Furthermore, the Government Decision called for redeployment of sworn members from non-operational duties to operational duties and backfilling these positions with qualified civilians where necessary. These objectives are further linked to other changes, namely, the Divisional Model. Previously referred to as the Functional Model, this will see Garda Divisions move from being split up into geographic districts, to having functional units that serve the whole division. This restructuring is to incorporate redeployments and the reallocation and revision of some non-operational role descriptions.

The government decision was informed by the findings of the Garda Inspectorate Report “*Changing Policing in Ireland*” (2015). It reported on the track record of the Garda Síochána in increasing civilian roles and employment, which had been relatively unsuccessful in achieving scale or impact. It also identified approximately 1,500 roles being performed by sworn members that could potentially be performed by civilians.

This government decision represents a profound turning point in the organisation, and a huge opportunity to ensure that the workforce represents the diverse population that it serves, is trained to the highest standards and is deployed correctly.

In early 2017, the Authority identified six priority areas of the Modernisation and Renewal Programme, of which one was workforce composition. This incorporates key developments including civilian recruitment and redeployment, effective deployment of the Garda Reserve and the new divisional model. The Authority has been reporting on this primarily through the work of its Organisation Development Committee and its reports to the Minister for Justice and Equality on progress of implementing recommendations from the Garda Inspectorate’s 2015 report, “*Changing Policing in Ireland*”. These reports to the Minister issued in January 2017, April 2017, July 2017 and December 2017 are available on the Authority’s website.

Human resource strategy and Workforce planning

The Authority welcomes the professionalisation that will come through increased civilian contribution to the workforce. However, the Authority has concerns that the Garda Síochána has not sufficiently identified the challenges that currently face the organisation in terms of the composition and size of the workforce and its proposed responses to those challenges. A HR Strategy for the organisation is

urgently needed that will articulate that response and frame the current recruitment in terms of its ability to improve the effectiveness of the organisation and of the policing service it offers.

The Authority has been emphasising to the Garda Síochána, and would emphasise to the Commission, the importance of proper workforce planning, particularly in the context of the very welcome opportunity it has been provided with by Government to expand its workforce.

This will require:

- Identification and consideration of how to provide and deploy the best possible mix of people to the operational needs;
- Distinguishing between requirements for policing powers, policing knowledge and other specialist expertise to facilitate the recruitment, assignment, development and retention of appropriate Garda, civilian and reserve staff;
- Optimisation of the deployment of available resources through use of appropriate rosters, civilian professional and support staff and the Garda reserve and the judicious use of overtime resources.

Despite these urgent needs, there is still no overarching human resources strategy or workforce plan for the organisation. In addition, an important first step of engaging additional skilled HR professionals to support the expansion of the workforce, and to support divisional offices is taking too long.

Increasing Civilian positions

During 2017, the Garda Síochána identified 2,055 existing positions, which could potentially be filled by civilian employees, and result in redeployment of sworn members to operational duties and, in this context, had planned a net increase of 500 to its civilian headcount in 2017. However, at the end of 2017, the organisation has failed to meet its targets in terms of recruitment and reported only 14 redeployments. The Authority is concerned about the failure to meet these targets and while the Authority will expect the Garda Síochána to “catch-up” in 2018, this should not be viewed solely as a numbers exercise.

Rather than just aiming for numerical targets, the Garda Síochána must also demonstrate adequate vision as to how the larger organisation will be structured, or will function. There appears to be a lack of understanding in the organisation as to what roles that are currently being performed by sworn members, can be fulfilled by qualified civilians and where recruitment should be prioritised.

Entry Routes and Levels

As outlined above, the Authority strongly supports the proposition that a broad range of entry routes and entry levels to the Garda Síochána should be opened. The Authority believes that current arrangements for recruitment of Gardaí are manifestly inappropriate for the needs of the modern Garda organisation and are not suitable for attracting the widest possible range of experience and talent. In common with other policing services, the traditional entry route at trainee Garda level and the traditional internal career path will continue to be appropriate for a large proportion of Garda sworn members. However, for a number of reasons including culture change, openness to a broad

range of skills and experience, diversity and agility the Authority is of the view that there is significant merit in broadening the range of entry routes to the police ranks in the Garda Síochána.

With this in mind, the Authority made a submission in April 2017 to the Garda Síochána Inspectorate on this matter. That submission recommended that consideration be given to new approaches to recruitment including:

- Entry at all levels by trained and qualified police officers from other policing services;
- Direct entry at Inspector and Superintendent levels;
- Accelerated progression – from within the Garda Síochána and, for example the development of a Cadet model similar to the Defence Forces; and
- The development of the reserve programme as a form of “apprenticeship”.

A copy of the submission is published on the Authority’s website and is included as Annex 2 to this submission.

Recruitment

The Authority recognise the challenge and opportunity posed by the Government decision in July 2016 to increase the overall number working in the Garda Síochána to 21,000 by 2021. In order to meet this target, the College have increased the training capacity of the college in order to train approximately 800 new recruits per year. The Garda Síochána have adopted a staggered approach of 200 new trainees entering the college at four different times over the year will ensure adequate space and resources are available. Notwithstanding the very considerable efforts of the Garda College to meet the demands posed by these numbers, the Authority has a concern as to whether the organisation currently has the capacity to recruit, train and absorb this number of new recruits at the current pace without compromising on the standard of training and supervision necessary to induct new recruits to the Garda Síochána, and without sacrificing the organisation’s capacity to provide continuous professional development to existing staff.

The Authority considers that the current high level of 800 recruits per year of Garda trainees poses a number of risks, which need to be actively managed. This is a significant investment by Government, which may not reoccur, and continuing to recruit at the pace of 800 new trainees a year risks: (a) putting pressure on already stretched supervisory capacity to train the volume of trainees appropriately and (b) maximising the capacity of Templemore at the expense of CPD for other employees in the Garda Síochána. In addition, it means that there will not be an opportunity to ensure that the results of the planned assessment of the new BA can be incorporated into the training.

It is also important that the expansion programme allows space to facilitate a targeted recruitment campaign that would expand the diversity of the Garda Síochána in terms of gender, ethnic and social diversity. There is an urgent need to ensure that the make-up of the Garda Síochána more closely mirrors the society it polices than is quite evidently currently the case. The Government decision to increase the workforce by significant numbers provides an opportunity to do just that and this opportunity needs to be grasped. In the Policing Plan 2018, the Garda Síochána has committed to completing a Diversity and Inclusion Strategy and this should align with the HR strategy, both of which are due for end of Quarter 2. These strategies must inform the future approach to recruitment including taking steps to proactively attracting recruits from underrepresented groups.

Information Systems to support planning and management of the workforce

From a more mechanistic perspective, the information systems are not in place to support such wide scale change to the organisation. In the aforementioned Organisation Deployment Survey, which sought to identify positions for potential redeployment, it was noted that such an exercise should have been relatively easy to complete, had adequate HR information systems been in place. As such, systems were not in place and due to an over-reliance on paper based systems, the completion of the exercise became a long and burdensome task. Similarly, it has become apparent that the senior management, and those in the Human Resources function of the Garda Síochána, do not have timely information on where redeployments are taking place and are relying on ad hoc information being fed from divisional level to monitor the organisation's progress in this area. These are just two illustrative examples of where the lack of supporting systems are inhibiting progress in organisation change. While systems to address these challenges are being promised through Modernisation and Renewal Programme projects, it will likely be some time before these are fully implemented and operating to a sufficient degree to support work in this area.

Diversity and Inclusion

The organisation needs to develop its capacity to effectively engage with all parts of Ireland's diverse society. This requires urgent action to make the workforce more diverse and representative. The absence of a Diversity and Inclusion Strategy, the production of which had been committed to in 2017, means that a key opportunity to increase diversity through the accelerated recruitment currently underway is being missed. Such a strategy should target recruitment of Garda members, civilians and reserves and include specific performance targets for the Commissioner and will need an innovative approach to attracting and recruiting underrepresented groups in terms of gender, ethnic and social diversity. Transition year and other work experience opportunities could for example be offered and deliberately confined to unrepresented communities for a number of years.

Placement/deployment decisions

Beyond recruitment, placement decisions within the organisation are arguably the most influential factor in an individual's career progression and such decisions need to be more transparent. For example if an officer has never been exposed to serious crime investigation, or has always been in administrative or HR roles, then when it comes to promotion opportunities, this may limit his/her ability to progress.

From the Authority's oversight work, poor supervision is a recurring theme arising in the Garda Síochána and placement decisions and deployment need to actively address this. Consistent with this, the O'Higgins commission in 2016 expressed its surprise at the relatively short time superintendents remained in a district and expressed the view that:

"It is very doubtful that a tenure of eighteen months to two years at superintendent level is conducive to the stability, consistency, intimate local knowledge and leadership which is needed in a garda district and which may be legitimately expected by the communities being served by the force."

The issue of tenure for Superintendents and above was raised by Authority members in the wake of the O’Higgins Report, and since then in both public and private sessions but the current approach has never been satisfactorily explained. In the Authority’s view, when placement decisions are made, there should be a focus on ensuring that there is sufficient supervision and continuity. This should include a minimum period of tenure of a number of years for Superintendents and Chief Superintendents to facilitate continuity in the divisions and accountability of the officers.

Local commanders need to be empowered to change deployments within their division to suit local needs and not await an “order” from headquarters. From the Authority’s interaction with Garda representatives, there can sometimes be a reluctance to “own” their resources in order to be able to be truly responsive to local community and able to make and take responsibility for choices. For example, ensuring there are sergeants and inspectors in place and on duty in the right places and at the right time for appropriate supervision.

Work Culture and integration of new people

The Garda Síochána needs to build an organisation culture that ensures the proliferation of common purpose, shared values and behaviours which characterise the public service ethos, community values and a performance based, service delivery focus for the organisation. The sudden influx of large numbers of new recruits, both sworn members and civilians, exerts pressure on the quality of training, the level of supervision and succession planning.

Furthermore, the size and composition of the workforce will have limited impact unless both allocation practices, and rostering, undergo significant revisions to cater for geographic and temporal demands for resources. It is the Authority’s view that a more regular pattern of recruitment would alleviate such pressures and ensure a high calibre of new entrants to the organisation. As such, measures should be taken to shield recruitment from cyclical economic conditions.

Culture also remains a significant challenge. There is concern that the culture of the Garda Síochána may not facilitate the effective integration of civilian staff into non-operational roles, which have been traditionally performed by sworn member, and the subsequent redeployment of sworn members from these non-operational roles. A key statement from *“Changing Policing in Ireland”* specified:

“Civilianisation is more than filling necessary clerical positions; it is about recruiting skilled people for roles that do not require the use of sworn powers.”

It remains to be seen if there is confidence amongst sworn members in allocating and delegating more complex roles to qualified civilian staff. Furthermore, there would appear to be a lack of recognition of the new skills, which civilian staff could bring to the organisation, to facilitate more effective services and greater levels of professionalism. There is also a stark difference between the organisation’s approach to the induction of civilians and the elaborate (and very worthwhile) rituals around newly sworn members “passing out”. In addition, there are persistent reports of civilians receiving less favourable treatment across a range of workplace practices - for example, less favourable travel and subsistence allowances when attending training. Garda management will need to think creatively about how best to create a culture that respects the role of civilians and sworn members.

Garda Reserve

A final aspect of the composition of the workforce involves the Garda Reserve, which is also planned to increase significantly from its current level. Similar to civilian recruitment, the 2017 targets for recruitment were not achieved. However, of greater concern than headcount is the role of the Reserve. This was supposed to be established and expanded through a specific strategy document, which has yet to be delivered. Through an effective strategy, the Reserve has the capacity to contribute significantly to areas such as community policing and engagement. It also has the capacity to harness the enthusiasm and skills of volunteers who are active and concerned about crime in their communities. However, the Authority are keen to stress that such strategy must be closely aligned with the wider HR strategy and also more focused strategies involving areas such as diversity and inclusion.

2015 Audit report from the Commission for Public Service Appointments

In December 2015, the Commission for Public Service Appointments issued a report arising from its audit of Policies and Practices within An Garda Síochána relating to promotions to the Rank of Sergeant and Inspector¹⁶. The Commission considers that many of these legislative provisions for these recruitments and appointments are outdated and need to be changed and that the Garda Síochána must revise the manner in which it appoints its Sergeants and Inspectors. This report is not yet implemented and while some of the recommendations require legislative change, other recommendations do not. In the Authority's view, the audit report recommendations need to be fully implemented urgently, beginning with those that do not require primary legislation.

¹⁶ The report is available at <http://www.cpsa.ie/en/Publications/Audits-of-Recruitment-and-Selection-Activity/An-Garda-S%C3%ADoch%C3%A1na/An-Garda-S%C3%ADoch%C3%A1na.pdf>

9. Training and Professional Development

Key points

- The absence of a comprehensive modern training strategy for the Garda Síochána setting out how the training demands of the organisation will be met creates a real risk that the training effort is poorly focussed and its impact is diminished.
- Training capacity in the Garda Síochána needs to be increased, with innovative thinking on how and where it should be delivered, including the use of outsourcing and increased use of civilian trainers.
- Importance must be given to developing leadership and governance capacity which enhances the ability of the senior team to manage the organisation effectively and put in place succession planning to develop a cadre of experienced future leaders.
- Comprehensive Continuous Professional Development (CPD) for all employees in the Garda Síochána needs to be recommenced after an almost complete cessation over the past 10 years.
- The model chosen for foundation training in Templemore limits the capacity of the Garda College. Consideration should be given to modular education, which would allow for certain modules of the education to be outsourced to third level institutions or other accredited training providers.
- The existing concept, that all successful candidates to the Garda Síochána regardless of education or prior experience need to do the full prescribed BA programme in Templemore, could be challenged. It is the Authority's view that candidates with for example previous policing, military, legal experience could be given credits from certain modules and enter a more tailored training programme. This would free up capacity at Templemore to focus on police craft and essential skills training and for ongoing professional training and development of existing members of the service.
- The Authority has commented publicly on a number of occasions about its ongoing concern that trainee Gardaí continue to leave Templemore without driver training thus exacerbating the backlog of driver training to be completed. The Authority regards this as an area of risk for the Garda Síochána, which needs to be addressed without delay.
- A system needs to be developed in the college to learn from the findings of commissions of inquiry (e.g. the O' Higgins Report), court cases and the reports from the Garda Síochána Professional Standards Unit and Internal Audit reports and to feed these into the training programmes. In general, there needs to be a stronger emphasis on "learning from error" throughout the organisation.
- There should be a transparent system for access/assignment to funded academic courses and specialist training and there should be a clear corporate benefit.
- Once a comprehensive CPD programme is developed, it should be linked to the Performance Management System and eligibility for promotion should be linked to completion of CPD.

Introduction

The Garda Síochána has faced a challenge in rebuilding the training capacity in the Garda College after it was effectively shut down during the financial crisis. Both the Authority and the Garda Síochána recognise the urgent need to increase the capacity for training in the Garda Síochána in order to accommodate the many competing training demands that exist in the organisation. Many of the reform programmes that are central to the Garda Síochána Modernisation Programme cannot be delivered unless the necessary training capacity is put in place. Moreover, the roll out of the Performance Accountability and Learning Framework (PALF) will provide a formal structured setting to assess the individual training needs of all employees and is likely to further increase the demand for training.

In its Policing Plan 2017, the Garda Síochána committed to addressing the training and development needs of its employees to ensure that it has the right skills, equipment and infrastructure to effectively deliver the wide range of services expected of it. To underline the importance of this commitment, the Policing Authority held a meeting with then Commissioner O'Sullivan, members of her senior management team and members of staff from the Garda College in Templemore on 25 May 2017.

In its Policing Plan 2018, the Garda Síochána commit to focusing on the training of new recruits and the provision of training in the following key areas: the Performance Accountability and Learning Framework, Ethics, Diversity and Trafficking in Human Beings.

Training Strategy and Governance

In 2008, the Garda Síochána established a Training and Development Review Group that carried out a full examination of training and development available in the Garda Síochána and it produced *An Garda Síochána Training and Development Review Group Report 2009*. The review group had external members from industry and education as well as members from the Garda Síochána.

One of the overarching areas of concern identified in the 2009 report related to training strategy. The report states "*the evidence suggests that there is a need for a more structured and strategic alignment of training within the organisation*" and that "*the vision and direction of training planning is not clear*". The Garda Inspectorate report "Changing Policing in Ireland", also addressed the issue of training and emphasised that "training must be responsive to organisational needs".

The Authority has repeatedly expressed concern that notwithstanding these recommendations and the crucial importance of training for the Garda Síochána reform programme, there is still no training strategy document in existence.

The Authority has underlined the urgent need for a clear strategy in order to prioritise the many demands for training, and to ensure that capacity can be expanded to meet key skills and knowledge requirements of the organisation. At its May 2017 meeting, the Authority requested that a strategy be developed and provided to it as a matter of priority. This strategy document should also describe the governance of training in the Garda Síochána e.g. the respective roles of the Training and Capability Governance Board, the Executive Director of HRPD, the Chief Superintendent of the Garda College, and local management.

The Authority has sought information in relation to what steps are taken in the college to learn from the findings of commissions of inquiry (e.g. the O' Higgins Report), court cases and the reports from

the Garda Síochána Professional Standards Unit and Internal Audit reports. The Garda Síochána explained that all relevant third party reports are considered to identify any learning points and that a sergeant at the College was tasked with liaising with (amongst others) the Professional Standards Unit and GSOC to identify learning points to be incorporated in the training programme. The Garda Síochána has indicated that it intends to develop a Training and Development Unit in the College for doing this in a more structured way and for keeping under review the design and development of training courses.

While the Authority would urge that this be done without delay, without a comprehensive training strategy there is a real risk of unfocussed activity.

Training Delivery

The Authority acknowledges the very considerable work done by Garda College staff to scale up the training capacity of the college in order to meet the needs of the increased number of recruits in a short space of time. At its May 2017 meeting, Members also noted the obvious commitment of the staff and students whom they had spoken to during the trip to Templemore. However, in developing its training strategy, the Garda Síochána will need to consider all elements of training delivery to ensure that training capacity is increased as a matter of urgency to meet the training needs of the organisation.

There is a need and opportunity to involve more civilians in the delivery of the training programmes into the future. While acknowledging the benefit of input from experienced Garda members who have 'lived the job', the Authority recommend that consideration be given to replacing some of the serving Garda members with suitably qualified trainers in a range of disciplines. In addition, in light of the very significant level of training demands across a range of different areas, it will be necessary to outsource certain types of practical and academic training, subject to the availability of relevant skills in the market. It will be necessary to actively plan and budget for this.

As regards training accommodation, and the evident accommodation constraints at the Templemore campus, the Authority has asked whether consideration had been given to acquiring a second campus, perhaps closer to Dublin. Garda Síochána representatives explained that this was being actively considered but that it was proving challenging in the current property market. This issue also needs to be kept under active consideration.

The Authority would suggest that a more innovative and flexible solution would be to locate the training in existing third level colleges. Such an approach would also bring a richness and cultural diversity to the student Garda experience.

Foundation Training

The Authority welcome the very positive changes that were made to the curriculum for the Foundation Training programme in 2014. The creation of the Garda College Learning Management System (an e-learning online platform), which it understands is being incorporated into a number of training programmes, is a further important initiative.

The academic linkage between the Garda College and the University of Limerick (UL) provides course accreditation (the HETAC Level 7 BA in Applied Policing), and oversight of teaching quality. The

Authority has been informed by UL that it will conduct a review of the course by the end of 2018 and that the review will include a range of quality assurance mechanisms, including external examiners and student feedback surveys to help identify improvements in the programme. Such a review is important to ensure that course content remains up to date and that the delivery of the programme is to a high standard. The Authority looks forward to engaging with UL with a view to having some involvement in this review.

According to the information received from the Garda College in May 2017, the number of students who have left the Foundation Training programme without completing it since 2014 has been 21 out of 1,002 recruits since the College reopened. This represents a non-progression rate of 2%, which is significantly lower than the national non-progression rate of 15% and the University of Limerick's Full-time Undergraduate non-progression rate of 12%. (Based on figures from *A Study of Progression in Irish Higher Education 2013/14 to 2014/15*, by the Higher Education Authority). The Authority is not currently in a position to say whether this low non-progression rate is likely to arise because of the undoubtedly high level of commitment on the part of participants on this course, or whether consideration needs to be given to whether the assessment process is sufficiently rigorous, but this is a question to be explored.

The second and third phases of the Foundation Programme take place in designated stations. The Garda Síochána have reassured the Authority that all probationers are now assigned to "training stations" where there is sufficient capacity to ensure that the work of the probationers is meaningfully supervised. In addition, a Probationer Liaison Office in the College oversees these phases of the Foundation Programme. The way in which these phases are assessed will also be reviewed by UL in 2018 and the Authority will be keen to understand how comprehensive and effective such assessments are in practice.

Continuous Professional Development (CPD)

The Garda Síochána has explained that its professional development training programme is decided on the basis of an environmental analysis, an analysis of training needs, the MRP requirements, and feedback from key constituents (including CPD trainers, who are themselves Garda members) and reports. The training programme is then prioritised by the Garda Executive and the Training and Capability Development Governance Board. Chief Superintendents do the scheduling of the CPD training locally and CPD trainers are trained by trainers at the Garda College. The Authority understand that currently there is no centralised record kept of what CPD training is provided locally (i.e. outside of the College). In response to questions, the Garda Síochána has explained that it is seeking to remedy this by electronically collecting centrally details of all CPD provided at a district and divisional level.

In its 2015 report *"Changing Policing in Ireland"*, the Garda Inspectorate stated they were *"consistently informed by many units visited that CPD was limited in scope and availability and that many personnel had not been provided with any meaningful CPD for many years"*.

The Authority understand that the Core Programme has not taken place since 2014 but that training for Core Programme Trainers took place in 2017. At its May 2017 meeting in Templemore, the Authority raised concerns that there is currently insufficient capacity to deliver the required range of CPD programmes. Since then the Garda Síochána has committed to a challenging deadline of end June 2018 to roll out the Code of Ethics to all employees in the Garda Síochána. The Authority agrees with

the decision to prioritise the Code of Ethics training in this way and acknowledges that this will place a significant burden on the organisation's training capacity for the first half of 2018. However, the resumption of a mainstream CPD programme for the second half of 2018 must also be an urgent priority for the Garda Síochána.

Most professionals are required to complete a minimum amount of CPD every year and it is the responsibility of the individuals. These professional obligations are in recognition that in today's world knowledge quickly goes out of date. This is no less true for those who work in the Garda Síochána, who have extraordinary powers that are frequently the subject of legislative amendment, new case law or new knowledge about international best practice. The use of those powers, including the use of force and power to arrest and detain, can have profound implications on the lives of the public and members themselves, and must be the subject of ongoing training. In addition, there are very significant training demands arising from the roll out under the Modernisation and Renewal programme.

A new range of approaches are urgently needed to achieve a better balance between simply increasing the numbers of Gardaí, and ensuring that that Gardaí who are already in place are receiving the necessary training and professional development they need to effectively do their jobs.

As CPD becomes more accessible and normalised and once a full programme of properly designed and delivered professional development is in place, obtaining CPD should come to be seen as a necessary pre-requisite of continuing to work in the Garda Síochána and a pre-requisite for applying for promotion. This will be an important aspect of the professionalisation of the organisation.

Leadership and Management Development Training (LMD)

One of the Modernisation and Renewal Programme initiatives relating to staff development is that *"Mentoring, coaching and leadership development programmes to be introduced"*.

The Authority has been provided with information regarding the promotion courses provided to new sergeants, inspectors, superintendents and chief superintendents. The Garda College also informed the Authority that Assistant Principals within the Garda Síochána have been incorporated into Senior Management Development Programmes and that HEO and EO grades are due to be incorporated into Inspector and Sergeant programmes.

The Authority has decided to prioritise examining CPD during 2018 and as part of this it will need to understand more about the nature and quality of the LMD training in future years, including the availability and quality of executive leadership training for executive directors and Assistant Commissioners. In addition to formal executive leadership training, it is also important that the organisations senior managers are exposed to strategic leaders in other sectors and can avail of challenge and advice there as broad a network of peers as possible.

At the May 2017 meeting, Authority Members expressed concern that there is currently no formal system of identification of leadership potential and emphasised that the development of leadership and supervisory capabilities within the Garda Síochána should be a high priority for the organisation.

Access to fully funded and partially funded academic courses

In advance of the May 2017 meeting, the Garda College provided the Authority information in relation to the provision of funding for external academic courses. In 2016, 354 employees were successful in their applications to attend academic courses. 64 of these attended the BSc in Police Leadership, which is accredited to University College Dublin. Bearing in mind that in a closed organisation placements decisions and opportunities to build a portfolio of experience can be critical success factors in career advance, there is a critical need for transparency in relation to how participants are selected and whether the completion of courses is reflected in the subsequent deployment of employees.

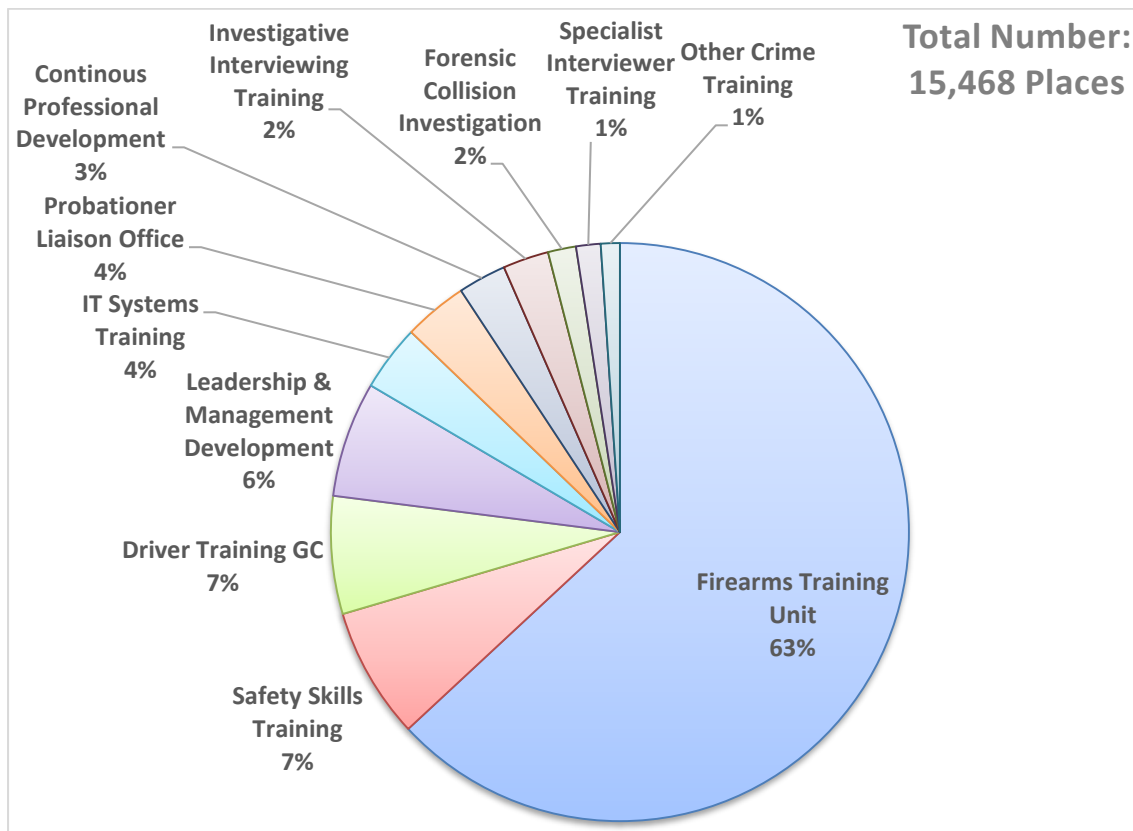
The Garda College coordinates the attendance of Garda staff members on courses provided by the European Union Agency for Law Enforcement Training ('CEPOL'). CEPOL programmes provide an opportunity to interact with other police and justice agencies and share best practice on policing issues. The Garda Síochána has provided some information about the process for applying for education funding and this is something that the Authority is likely to consider further as it deepens its understanding of the training and professional development in the Garda Síochána.

Crime and Specialist Training

The Authority would emphasise that access to training is an important enabler for career progression and it is important therefore that the system for providing training opportunities be fair and transparent. According to information received from the Garda College, the process for identifying who should receive training depends on the nature of the training. For example, if there is a shortage of patrol car drivers on a particular unit, the Chief Superintendent will decide who is to be nominated based on the members who have applied. In other cases, positions are advertised and staff may apply to be selected e.g. for the Armed Support Unit, the Emergency Support Unit.

The Garda College provided information about the numbers of course places in the college in 2016 over and above foundation course places. An analysis of this information shows a high proportion of firearms training relative to other training courses. At the May 2017 meeting, Garda Síochána representatives explained that this number appears high because it accounts for approximately 3,600 members who are required to undergo three firearms certifications each year. This seems exceptionally high for an unarmed police service.

Fig 1. Total Training Places in Garda College 2016 (excluding Foundation Training) ¹⁷



A particular area of concern for the Authority is access to driver training. This issue has been raised repeatedly in Garda Inspectorate reports. Following a needs analysis conducted by the Garda Síochána in 2016, it estimated that there is a need for a minimum of 2,000 additional members to be trained to CBD2 level and that this would take 4 years to complete with current resources. ('CBD2' is the name given to a three-week competency based driving course for frontline Garda Drivers.)

The Garda College has calculated that if this training were to be carried out while also training the estimated 2,350 Phase 3 Foundation Course Gardaí who are expected to be admitted up to 2020, an additional 30 instructors would be required.

In response to questions from the Authority, the Garda Síochána has indicated that consideration is being given to how best to increase the driver training capacity. The Garda Síochána acknowledge that the practice of outsourcing is common amongst other police services but that in all jurisdictions a proportion of serving officers is maintained to ensure the continuity and development of standards and the capacity to meet unique operational demands.

The Authority view is very clear; new recruits ought not be attested until they have received driver training.

¹⁷ *Note that these figures do not include any training courses that were carried out in the CPD Centres as this information is not currently collected by the Garda Síochána.*

10. Technology and Digital Innovation

Key points

- The effective deployment and use of digital tools, and constant innovation and investment in technology are fundamental to a modern policing service for the running of the organisation, for efficient service delivery and critically for crime prevention and investigation. In this regard, the existing technology in the Garda Síochána is significantly inadequate and the technical tools which are available are sometimes underutilised.
- In terms of future policing, it is not all about money. A strategy that can envision the technology needs of a future organisation and also risks to society of technologies for criminal purposes, and set out an agile and effective response is urgently needed.
- There needs to be a sharper focus by the Garda Síochána on prioritising important technically innovative projects.
- Greater professionalisation of the ICT function of the Garda Síochána is needed, with targeted external recruitment for key skills would enhance capacity to innovate and implement.
- There needs to be a clear strategy to reduce over time the current reliance by the organisation on external consultants.
- Beyond developing the infrastructure of the organisation, given that technology is becoming increasingly pervasive in how crimes are committed and detected, the Garda Síochána needs to recruit external technical expertise to prevent and detect such crimes. Examples include online exploitation of children, possession or distribution of child pornography, sexual exploitation, money laundering, etc.
- There are structural, governance, management and resourcing deficiencies in the Garda Síochána that are perpetuating the slow pace of technological change.

Management and Governance

There is no doubt but that both the development and deployment of modern technology to support the work of the Garda organisation and to be fit for purpose to investigate high risk crimes involving the use of technologies - some not yet invented - must be a priority for any modern police organisation. In this regard, strategic thinking, capacity development and forward planning are essential. The response needs move beyond the typical project-based or structural one. An integrated response which expands capacity must include investing in hiring skilled professionals as well as in the technologies. It must also contain a strong focus on benefits realisation, and governance to ensure value for investment.

The Garda Síochána has recognised the importance of technology in a modern and responsive police service and investment in ICT is a priority in the Modernisation and Renewal Programme ('MRP') which aspires for the organisation to be *"a highly connected police service using advanced technology to prevent and detect crime."* Indeed, 10% of the MRP objectives explicitly require an ICT solution and many other objectives dependent on a strong ICT structure and the high quality data it should provide.

The Garda Síochána has recognised the difficulties in achieving planned technological investment and development within the organisation and as part of the ongoing re-prioritisation of the Garda Modernisation and Renewal Programme (MRP) are therefore developing a new ICT strategy for publication in early 2018. While this commitment is welcomed by the Authority, its adequacy will still need to be assessed and in particular the Authority will want assurance that the strategy and any related reprioritisation will address the structural governance, management and resourcing deficiencies that are perpetuating the slow pace of technological change and which will be key to driving progress.

Underinvestment and not prioritising change

Some Garda Síochána systems are 20 years out of date and the infrastructure is suffering from a legacy of under-investment. The organisation has underinvested in existing and new systems and experienced a lack of innovative thinking at management levels to drive change and modernisation in systems and their deployment. Successive Garda Inspectorate Reports have discovered considerable deficiencies in ICT systems within the Garda Síochána, as well as wider deficiencies within the organisation that would be addressed in whole or in part by technological improvements. These range from the replacement of out-of-date dispatch systems which control operational policing; the requirement for mobile solutions to enable greater capacity for front-line policing; and the implementation of integrated HR information systems to allow for effective corporate services and feed into strategic resource planning. Within the Garda Inspectorate report, *Changing Policing in Ireland* (2015), specific ICT developments accounted for approximately 10% of the 244 recommendations and represented an enabler for a significant proportion of the remaining recommendations.

The context for the current direction of technology and digital innovation within the Garda Síochána has its roots in the 2015 ICT Vision. Within it, there were 24 initiatives that were key building blocks of the Modernisation and Renewal Programme (2016 to 2021). Through the MRP, 17 of the 24 initiatives have been commenced and are being developed, and €205m was allocated to these projects under the Government's Capital Framework 2016-21. These include projects such as Property and Exhibits Management, Mobile technology for front-line Gardaí, Computer Aided Dispatch, Enterprise Content Management System and Investigations Management System.

Skills shortage

Constraints on human resources have resulted in the de-prioritisation of technically innovative projects resulting in innovative ICT and modernisation projects being stalled, when with the right skills, the ICT division could be driving and implementing these initiatives. This in turn has resulted on the ICT division prioritising the maintenance of infrastructure and core systems over the development and implementation of new systems. Maintaining legacy systems, such as PULSE, and developing core infrastructure, such as networking stations, has also consumed the resources of the ICT division.

The shortage of ICT staff within the Garda Síochána has been addressed, in part, through the employment of external contractors. While this alleviates some of the capacity issues, it raises concerns about the permanency of such solutions in maintaining effective IT systems in the long term.

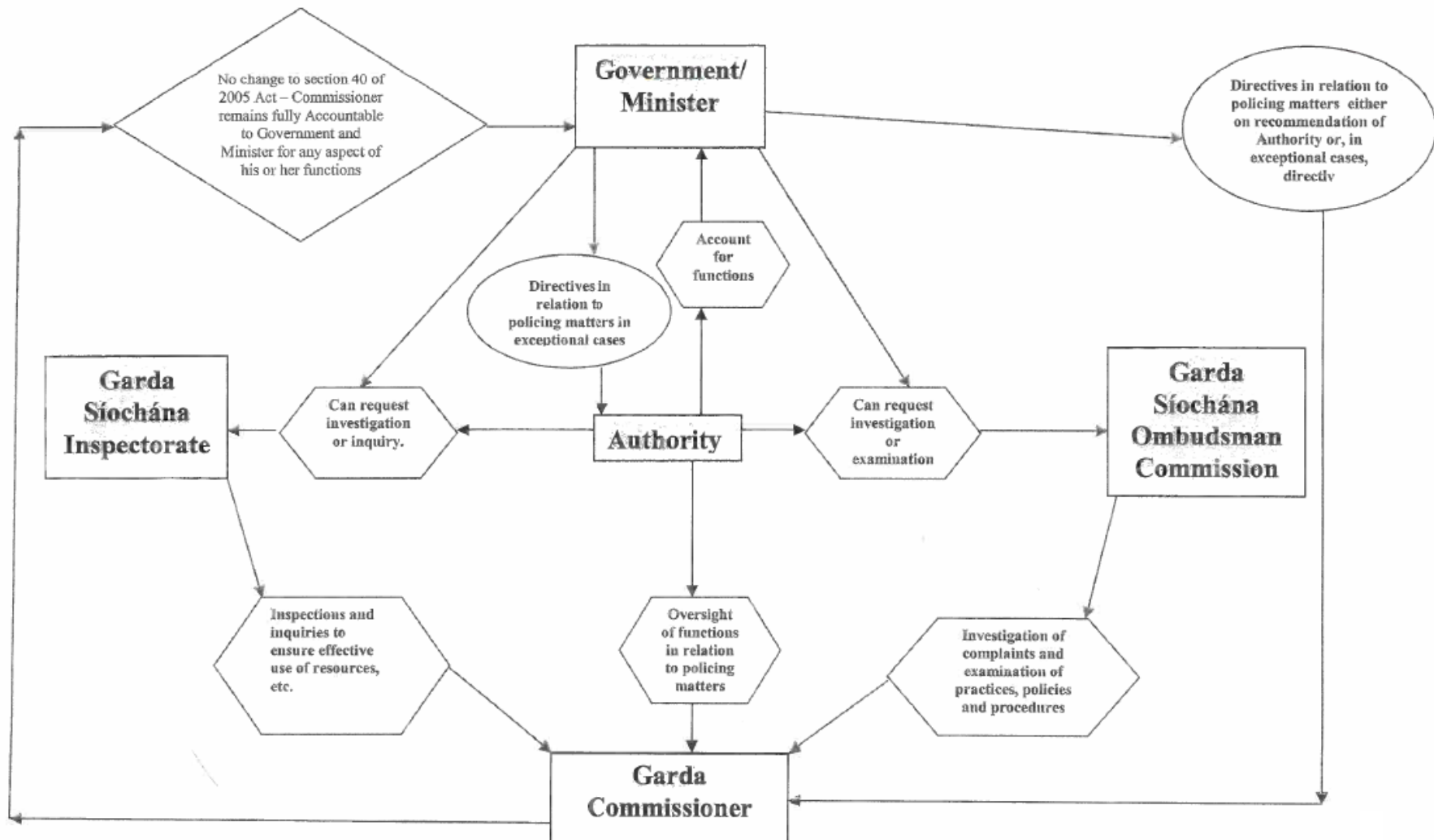
There is also a significant cost implication and there is no strategy to reduce this dependency over time.

In the context of all of this, it was surprising and of concern to the Authority when there was and remains a delay by the Garda Síochána in externally recruiting ICT professional that were sanctioned in 2015.

Using technology to prevent and detect crime

Beyond developing the infrastructure of the organisation, technology is becoming increasingly pervasive in how crimes are committed and how they are detected. This is particularly apparent in the area of online exploitation of children. Encouragingly, goals within the 2018 policing plan include increasing the number of suspects identified in relation to the possession or distribution of child pornography and identification of an increased number of victims of sexual exploitation on the internet. Beyond the area of child protection and sexual exploitation, technology is being employed by the Garda Síochána to identify money laundering through utilisation of GoAML software, as part of the wider objective of targeting organised crime. However, while capacity of the Garda Síochána to address this area is building, there are still severe limitations in the amount of resources dedicated to investigating the backlog of computer equipment, which has been seized for analysis across all categories of crime, relative to the level of demand for those services and a response beyond the traditional creation of a new unit and training of Gardaí will not be adequate. This is the future of crime and by extension the future of policing in Ireland and an integrated organisational response is required which must include hiring and deploying skilled professionals and building partnerships with stakeholders.

Appendix 1 – Oversight architecture map provided by the Department in 2015



Appendix 2 –Extract from the Garda Síochána Public Attitudes survey on levels of trust and satisfaction

The Garda Public Attitudes Survey, which is conducted by Amárach Research on behalf of An Garda Síochána, asks a nationally representative sample of 1,500 people each quarter about their views on a range of issues relating to An Garda Síochána.

The Q3 2017 survey was conducted between July and September last year.¹⁸

Trust in the Gardaí Síochána

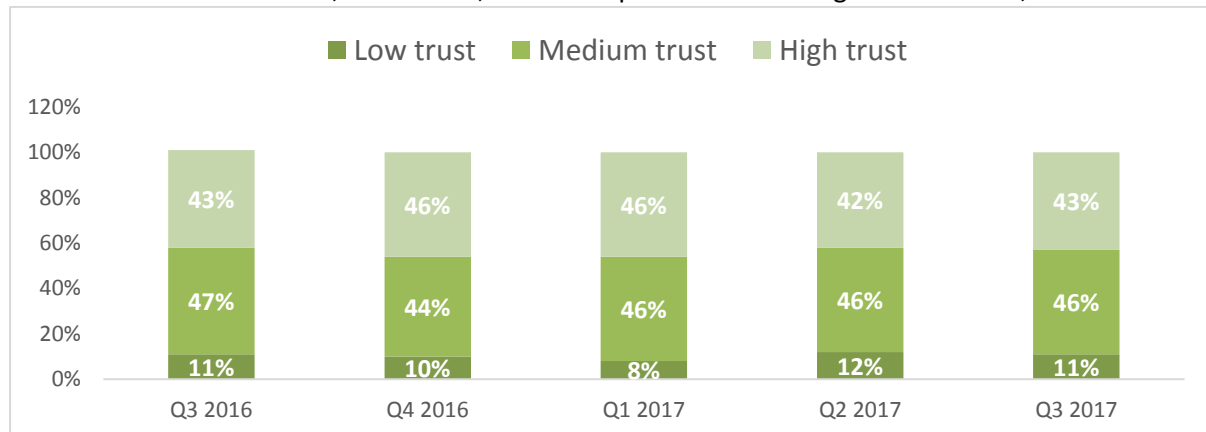
Amongst other questions, respondents are asked to quantify their level of trust in the Gardaí by assigning a number from 1 (low trust) to 10 (high trust).

Figure 1 below presents the findings in the previous five quarters by three categories, high, medium and low trust.¹⁹

Figure 1: Levels of trust in the Garda Síochána, breakdown by quarters, Q3 2016-Q3 2017

Source: *An Garda Síochána Public Attitudes Survey Bulletin, Q3 2017*

As can be seen in the chart, In Q3 2017, 43% of respondents had a high level of trust, 46% a medium



level, and 11% a low level.

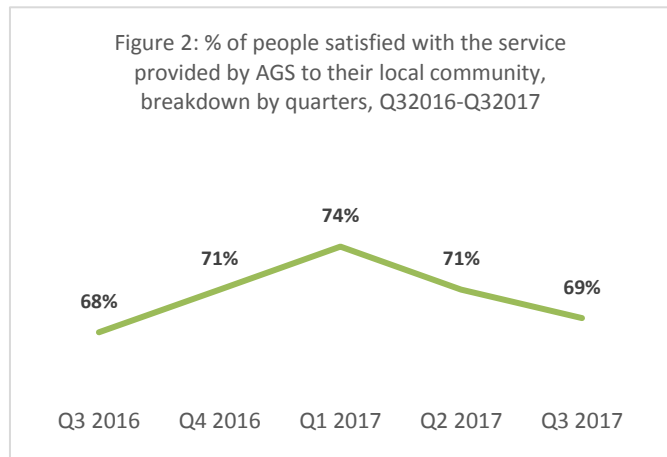
Satisfaction with the Garda Síochána

- All respondents, whether they had been in contact with the Gardaí or not, were asked how satisfied or dissatisfied they were with the level of service provided to the community by the Gardaí.

¹⁸ [Garda Síochána website](#), accessed 18/01/2018

¹⁹ Respondents were asked to assign a number between 1 and 10 to quantify their level of trust. The highest trust was assigned number 10 while the lowest trust was 1. These were then recoded to 'high trust' (ratings 10, 9, and 8), 'mid trust' (ratings 7, 6 and 5) and 'low trust' (ratings 1, 2, 3 and 4) (methodology as described in [An Garda Síochána Public Attitudes Survey 2016](#) p. 36).

- Figure 2 presents the percentages of people who reported they were ‘very satisfied’ and ‘satisfied’ during the previous five quarters.
- As can be seen from the chart, In Q3 2017, 69% said that they were satisfied (9% were ‘very satisfied’ and 60% were ‘satisfied’) with the service provided to their local community by the Garda Síochána. This figure is slightly lower than the one at the previous quarter (71%).
- Satisfaction among victims of crime who had reported their crime to Gardaí²⁰ was much lower, compared to the one in the general populations – 50% in Q32017 (compared to 69%).
- Respondents were also asked to agree or disagree with a range of statements, including whether the Gardaí were ‘community focused’. In Q3 2017, 63% agreed that the organisation was community focused.



²⁰ The small sample size of should be noted (N = 80) and the findings treated with caution