



GARDA REPRESENTATIVE ASSOCIATION

Submission to the Commission on the Future of
Policing in Ireland

December 2017

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EXECUTIVE SUMMARY

1. State Security, Community Safety and Immigration: The GRA is of the view that the current structure of managing community safety and state security, under the sole authority of An Garda Síochána should remain. In our view, there is no justification to move from this unitary structure.

2. Non-Core Activities: A snap-shot of current time-consuming activities, with little value-add including: dealing with drive-offs, material damage traffic accidents, licencing of premises, accidental alarm calls etc. These are advanced as the bases for a recommendation that a full review of Garda activities should be conducted with a view to streamlining and developing smarter ways of working.

3. Leadership and Management: The GRA appreciates the key role of leadership and management in the on-going development and sustainability of the Garda Organisation. The GRA are strongly opposed to the direct entry of senior officers to An Garda Síochána and the process of identifying leaders for the future should start at Garda rank. The GRA will consider proposals for a fair, transparent and equitable system for fast tracking. Currently, there is a distinct lack of career planning and development in An Garda Síochána.

4. Supervisors and Management: For Gardaí to be confident in performing their tasks they need access to an appropriately skilled supportive supervisor, when required, during their tour of duty. The fluctuation in the number of supervisors was the result of stop-start recruitment campaigns. There is an absolute imperative to have an adequate number of skilled supervisors accessible at all times.

5. Optimum Numbers: The GRA has long advanced the conducting of an optimum numbers analysis leading to an agreed model, based on core functions, service demand and delivery indicators to determine the overall, required strength of An Garda Síochána and its optimum deployment to service the needs of the communities in diverse locations throughout the State. Of particular interest to the GRA is the availability and maintenance of optimum numbers of front line police officers to respond effectively to everyday policing demands.

6. Garda Reserve: GRA questions the form of a voluntary group that will discharge public safety related tasks that do not require core-policing powers. GRA has strong views as to the unsuitability, as currently constituted and deployed, of the Garda Reserve to fulfil this function. The GRA suggests an independent review of the relevance, role and deployment of the Garda Reserve.

7. Civilianisation: The concept of recruiting civilian staff to provide technical and administrative support to the Gardaí at the strategic, central and operational level is acceptable to the GRA. We are concerned at the scope and scale of proposed re-deployments resulting from:

- (i) structural changes and civilianisation
- (ii) the uncertainty surrounding the overall civilianisation programme
- (iii) the lack of clear sight on the level of Garda/ Civilian integration on such matters as reporting structures, promotion, performance management, discipline and
- (iv) the potential impact of re-deployments on the welfare of Garda members who will be the subject of re-deployment.

8. Diversity: The GRA has long recognised the need for and benefit of, a multi cultured ethnically and socially diverse workforce. In this regard, our previous report to the Policing Authority is referenced where we outlined the solid progress since the 1990's made by our UK police colleagues in creating a diversified workforce. It is accepted that future policing in Ireland will be conducted in a more multi-national and ethnical diverse community environment and that An Garda Síochána needs to be ready to meet the challenge of dealing effectively with multiple cultures, languages, religions, value and belief systems.

9. Recruitment: The current selection and recruitment process, as operated by the Public Appointments Service (PAS) is open, transparent and ethical. Of major concern to the GRA however, is the lack of continuity in recruitment, generally driven by economic and political expediency. This approach has negatively impacted on several key areas, including, workforce and succession planning.

10. Training: The GRA has consistently called for training, development and competency building initiatives for our members. Training and development should be viewed as a continuous process where encouragement and support is provided throughout the service of the Garda, where an ethos of personal responsibility is encouraged, where experience and academic achievement is recognised and where every police officer has the opportunity to achieve a recognised professional qualification. There must also be recognition that policing is largely a craft and experiential based-unquantifiable combination of training, instincts, experience and mentoring on the job over the course of a career.

11. Alignment of Culture and Ethos: Before the alignment of ethos and culture can be considered, the current culture must be articulated, and decisions taken as to what needs to be supported and, if necessary, discouraged.

12. Culture: The cultural transformation requirement should be approached through a concerted drive to professionalise An Garda Síochána. This should be conducted through a coordinated integrated programme that seeks to advance the Garda organisation as a learning and development organisation.

13. Ethos: An Garda Síochána should, by committing to ongoing provision of training, knowledge, skills and supports to all employees, reinforce the principle that our collective purpose is to serve the public and must, at all times, act in the public interest- not our own and not those of Garda management.

14. Ethos Culture and Policing Values: These values should set the parameters for all Garda actions and behaviours in conjunction with those contained within the community policing

framework of the 'National Model of Community Policing' policy document. These statements serve to underpin service delivery in values and emphasise the social role of the Garda and the safeguarding of human rights. These values should be aligned to a revised Code of Ethics and advanced as the organisations strategic service delivery values.

15. Maintaining Valued elements of existing culture: Valued elements of existing Garda culture will be identified during the internal cultural audit. It is suggested that the public should also be included to gain their perspective on perceived strengths and weaknesses in Garda culture. Gardaí continue to receive an 80%+ public satisfaction rate and the public may provide further insight into out perceived strengths and weaknesses.

Examples of cultural traits that served us well in the past include: teamwork, community orientation, use of discretion where appropriate, philanthropic spirit, accessibility, commitment, courage and *esprit de corps*.

16. Front-line/Response Policing: Response policing is a priority for the GRA. An integrated approach to front-line policing of communities is suggested. The process should start with agreement as to what constitutes front- line policing and who is currently delivering this service. e.g. patrol/response officers , Roads Policing, dedicated community police officers, Juvenile Liaison Officers, Detectives etc. A review of the job descriptions of each front-line policing role should be conducted with a view to identifying opportunities for improved service delivery. Resourcing of front-line police officers should receive priority and continuous training should be provided to all front-line police officers on the new refocused service delivery model.

17. Community/Neighbourhood Policing: this should now be re-energised, re-branded, and advanced as the service delivery model for An Garda Síochána. This approach emphasises community engagement, accountability and a willingness to embrace diversity. Advanced as a style of policing, where *every* officer is a community police officer, community policing to manage crime and public safety in collaboration with communities, through law enforcement and solving community based problems.

18. Structures: The rationale for the merging of Regions, Divisions and or District is advanced in previous Inspectorate Reports and is advanced with a view to supporting effectiveness in service delivery. Divisional Boundary changes to facilitate management attendance at Joint Policing Committees established under the Garda Síochána Act 2005 resulted in service delivery issues affecting local communities.

19. Accountability: Accountability in An Garda Síochána must be examined from two perspectives: individual accountability, and organisational accountability. Individual accountability places an onus on each member of An Garda Síochána to take personal responsibility for their behaviour, actions and deeds while operating within the law and the behavioural standards set by the organisation. Organisational accountability concerns the development of transparent systems, processes, policies and procedures and the provision of professional ethical leadership that promotes officer safety and well-being thereby facilitating employees to perform at their optimum level.

20. Governance: Striking the balance between accountability and effectiveness is a difficult task. The GRA submits that An Garda Síochána clearly has a comprehensive governance framework with many discrete elements. The question for consideration is how cohesive are these independent elements when it comes to providing an all-encompassing governance framework that provides effective oversight. Accountability and effectiveness must be viewed as compatible objectives.

21. Clearly established Powers and Procedures Key elements of An Garda Síochána’s policy framework include the Garda Síochána Code and Finance Regulations, and numerous strategic policy documents that take the form of H.Q. Directives. This policy framework needs to be consolidated and made available in an accessible, searchable and user-friendly on-line repository. The Garda Code, HQ Directives and Policies are in urgent need of review and consolidation. A user-friendly and accessible set of Standard Operating Procedures must be developed.

22. Effective and Fair Discipline Procedures. The emphasis should move to “conduct” as opposed to “discipline” and an environment created in which behavioural standards and values are reinforced in clearly communicated, consistently and transparently applied policies. The current discipline system does not encourage learning; it is punitive rather than corrective in nature. Alternative resolutions, which would facilitate individual and/or organisational learning to address misconduct, must be explored.

The GRA recognises that a formal process to deal with breaches of discipline is necessary and again reiterate our view that discipline will only be acceptable if transparent and underpinned by the principles of due process, consistency, natural justice, fair procedures and proportionality. Instigating disciplinary procedures should be viewed as a last resort. The current discipline procedures are time consuming, expensive and a significant drain on Garda management.

In anticipation of this submission, the GRA has requested and received legal advice with regard to Discipline Regulations as they relate to our members. This is attached as “Appendix 2.” We respectfully ask the Commission to also consider this document in the light of our other comments on Discipline both here and in the body of the document.

23. Independent International Research - University of Birmingham on behalf of the GRA (Appendix 1): In preparation for this Submission, the GRA commissioned research in the form of a literature review, by the Centre for Crime, Justice & Police Studies at the University of Birmingham (“UoB”). The research direction was to focus on the Features & Challenges in 21st Century Policing, particularly in a common law jurisdiction such as Ireland. We respectfully ask the Commission to read this in connection with the GRA’s Executive Summary. It is contained at Appendix 1 at the close of this Submission.

Introduction

The Garda Representative Association (“GRA”) is the largest of the four staff associations and is mandated under Section 18 of An Garda Síochána Act 2005. Of the 13,376¹ sworn officers, 10,999 or 82% hold the rank of Garda and over 10,500 of these are members of the GRA. In terms of change and reform these members of the GRA represent the key stakeholder group, not solely because of their size, but because they represent the vast majority of front-line police officers and as such, they are the frontline ambassadors for the Garda Organisation.

The GRA welcomes the opportunity to make this submission on behalf of its general membership and reiterates its willingness to cooperate fully and engage constructively with the Commission in the advancement of their work on the future of policing in Ireland. In making this submission the GRA:

- Acknowledges the depth and scope of the Commission’s work as outlined in their terms of reference, and is particularly pleased to note that the Commission will, additionally, “address the implementation of its recommendations and the mechanisms required to oversee implementation”.
- Wholeheartedly concurs with the Commission’s assertion as to the ‘people of Ireland’s entitlement to an effective and professional police service they can trust and have confidence in’, and would like to emphasise that this assertion by the Commission remained at the forefront of our minds in the development of this submission.
- Appreciates that the work of the Commission will not hinder the work currently being undertaken within the (Garda Modernisation and Renewal Programme 2016 – 2021) on an enabling basis and once more like to emphasise that the GRA are actively engaging with the Garda Strategic Transformation Office on all discrete change improvement projects associated with this Programme. The GRA welcomes the understanding that, where productivity is being introduced it will be recorded and available for measurement and assessment in accordance with the Labour Court recommendation of November 2016. This transparency is important for the GRA as there may be cases that could substantiate future pay claims on behalf of our membership.
- Notes that accountability is a theme that is emphasised in the Commission’s Terms of Reference and is pleased with the Commission’s intended approach to engage with the full range of bodies that have a Garda oversight and accountability role. The GRA believes this holistic approach will drive out many issues both at the Garda, organisational and individual accountability level.

¹Figures from Garda HRM Section 1st November 2017

- Appreciates the necessity for this fundamental review in the current environment. In this submission, the GRA has focused its attention on the impact of change on the welfare and working conditions of current and future GRA members. Working on the basis that real change requires behavioural change and this can be achieved through collaborative engagement and win /win negotiation, the GRA is pleased to advance this submission in support of a better policing service for the people of Ireland.

The GRA wish to particularly emphasise the following key points at the outset:

1. *Response Policing:* Visible frontline response policing is the priority in terms of our members and the general public.
2. *Education:* In order to provide a professional service, our members need to have continuous and verifiable training and education.
3. *Equipment and Uniform:* The GRA membership requires modern and up to date equipment, uniform, transport, accommodation and IT facilities.
4. *Health & Welfare:* The GRA requires that its members are supported by management through innovative and modern occupational and well-being programmes that specifically focus on officers' mental health

Gardaí have assumed responsibilities for which we, in most cases, are neither trained nor equipped – especially in the areas of mental illness, social services and troubled youths. We have become the first responders for the mental health system without the necessary training, resources and supports. Frequently we are social workers; substance abuse, family and relationship counsellors, mediators in agrarian and neighbour disputes, all while still making ourselves available to respond to emergency and public safety calls.

Levels of service provision need to be clarified. For example, when members of the public call in person or telephone a Garda station do they continue to expect to meet/ speak to a member of An Garda Síochána at the outset or will they be satisfied with having their issue/query dealt with by a civilian member of staff? Do they and the State feel it is really necessary to have a public counter open 24/7 in every District Headquarters station and many non-District HQ stations in DMR? Demand on the service needs to be better managed.

There has been over emphasis on statistical gathering and collecting and performance quantification. Public confidence in An Garda Síochána is not determined by statistics which in any event and for various reasons have been shown to be unreliable. Public confidence is largely determined by individuals experiences during times of crisis in their lives- discovering their house has been burgled, car stolen, being a victim of a crime against the person or seeking Garda attention to deal with a "quality of life" issue such as anti-social behaviour or public disorder in their community –and our ability to effectively respond and proactively prevent. This is where reassurance is provided – not in compiling statistical reports for organisational assurance.

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GRA - Background

The GRA is the largest of the four staff associations and is mandated under Section 18 of An Garda Síochána Act 2005 to represent. “members of the Garda Síochána in all matters affecting their welfare and efficiency (including pay, pensions and conditions of service).” As already stated, our membership view themselves- and are viewed by the public - as frontline Ambassadors for the entire Garda organisation.

Of the 13,376² sworn officers, 10,999 or 82 % hold the rank of Garda and over 10,500 of these are members of the GRA. In terms of change and reform these members of the GRA represent the key stakeholder group, not solely because of their size, but because they represent the vast majority of front-line police officers and as such, they are the ambassadors for the Garda Organisation.

These are the men and women that interact and engage with the communities on a daily basis. Front-line police officers through their actions and deeds provide an ethical, professional policing service, nurture public support and confidence and support the legitimacy of the police. To achieve the overall objective of developing an effective and professional police service (that will meet and hopefully surpass, public expectations) there is obviously a requirement to develop a more highly motivated, confident and capable workforce. Factors that support motivation, confidence building and professionalism in front-line police officers and ensure their retention at the coal-face include:

- Optimum front-line policing numbers, precisely determined and vigorously protected particularly in times of contraction.
- Training and continuous professional development
- Supportive, skilled supervisors, accessible at the time of need
- Compensation for working unsociable shift patterns
- Acceptable physical working environment.
- Administrative support to facilitate maximum time on first responder duties
- Reliable, sustainable and fit-for -purpose transport, equipment and uniform.
- Effective Communications and the ability to capture and access information in real time at the point of need.

We have just emerged from the most difficult recession in our history and the organisation is still reeling from its effects. From 2011 overall staffing levels had been allowed to fall by 2,500, budgets were cut significantly, and numerous cost cutting initiatives were introduced. To-day, our members are more vulnerable than ever, assaults average three a day, anti-ballistic and stab vests are outdated and the job is emotionally dangerous. An increasingly high level of knowledge and skill is required to do the job. Discretion is essential and yet the organisation fails to provide timely training and effective support. Four in every five of our members have no promotion prospects and low morale is cause for concern. Consequently, we stress the need for an incremental change approach, partnering with our membership, supporting ownership and buy-in through engagement and consultation.

²Figures from Garda HRM Section 1st November 2017

In the current environment, marked with numerous controversies, change is not only inevitable but most welcome. From the GRA perspective, we intend to engage actively and constructively.

Our primary focus will be on safeguarding the welfare, safety and working conditions of our members while supporting the development of a more professional, community centric policing service.

It is the GRA's contention that future policing in Ireland may well be characterised by more streamlined organisational supports, integrated information communications technologies and smarter work methodologies. However, while this is most welcome we cannot ignore the fact that people make real change happen not support systems. In our view, the public's current demand for police visibility, accessibility, accountability and ethical behaviour will not change in the future. Furthermore, it will be our front-line Garda members that will be required to meet their expectations through their personal motivation, confidence and capabilities. Again, we stress the importance of understanding and responding positively to the legitimate needs of this key stakeholder group.

Overview

The remainder of this submission is structured under the following headings which mirrors the structure of the Commission's term of reference:

1. The structures and management arrangements required for the most effective delivery of policing (including all functions currently carried out by An Garda Síochána, community safety, state security and immigration).
2. The appropriate composition, recruitment and training of personnel.
3. The culture and ethos of policing.
4. The appropriate structures for governance, oversight and accountability.

In crafting this submission, the GRA have relied upon, the Commission's Terms of Reference, previous Garda Inspectorate Reports, the current Garda Change and Modernisation Programme 2016-2021 and our own research, including, archived documents and submissions received from our general membership. All issues advanced in this submission are relevant to the Commission's Terms of Reference and are articulated from a Garda safety and welfare perspective and with a view to constructively contributing to better policing for the future.

Service Delivery Structure: Community Safety, State Security & Immigration

Community Safety and State Security

The GRA is of the view that the current structure of managing community safety and state security, under the sole authority of An Garda Síochána should remain. In our view, there is no justification to move from this unitary structure. Ireland is different to the rest of Europe in policing terms, as we are an island, have a small population size, and have not experienced the same level of global threat (often explained by our traditional neutrality policy). All of this mitigates (we contend) against the establishment of separate structures.

Factors that support the status quo and merit consideration :

- An Garda Síochána has proved itself to be most capable of managing this dual function even in times of internal terrorist threats. In such times, the Irish Government supported the Garda organisation by providing emergency powers and establishing non-jury criminal courts. An Garda Síochána, for its part, pro-actively enforced the law and by means of community engagement, intelligence gathering, overt and covert operations, maintained the stability of the State and safe-guarded the rule of law.
- Over the last 40 years the main threat to law and order has been terrorism and organised crime. Since the Good Friday Agreement of 1998, the level and threat of terrorism has greatly diminished, however sporadic threats still remain from dissident groups. Since then, the Garda have shown that they are capable and able to disrupt and hinder these small dissident groups at every turn. The foundation of this success lies in the current structure of cooperation within Garda units and with the public, who at times, provide valuable information.
- There is strong evidence that subversives and organised criminal gangs in this country at times both facilitate and cooperate with each other in enforcement strategies and drug distribution. The present Garda structure of combating and investigating these groups combine well with everyone working in tandem. A decision to weaken the strength and momentum of the current structure of the An Garda Síochána by creating a separate agency would be detrimental. Security and Intelligence Section and the Special Detective Unit are among the cornerstones underpinning the present structures in combating subversion and organised crime.

An Garda Síochána's continued efforts and vigilance in the management of State Security against the threats of terrorism and organised crime through:

- The activities of our National Security and Intelligence Section, in such diverse areas as; International liaison and Cooperation, Information sharing, North/South policing, Anti-terrorist's operations, Intelligence gathering and Risk assessment.
 - Security and Intelligence Section comprises of three Divisions, Security and Intelligence, Special Detective Unit and Liaison and Protection. Collectively these discrete, but integrated Units - in terms of intelligence sharing and operational response - provide a cohesive structure to respond effectively to terrorist and organised crime threats.
 - The continued management of State Security strategic objectives, including key performance indicators in annual corporate policing plans.
 - The continued advancement of community based policing as our service delivery model facilitating information gathering for intelligence in the fight against terrorism and organised crime. Current international thinking, as heavily referenced at the recent Europol Conference, is that community based policing is strongly positioned to deliver real time and relevant information sources in tackling international terrorism carried out by extremists. Our proposal for further improvements in service delivery, as outlined in this submission will greatly enhance front-line policing and further support community integration and public confidence support.
 - The use of An Garda Síochána's centralised and integrated data-base supporting information capture, analysis, dissemination, and mitigating against the creation of information silos'.
 - Our unitary structure facilitates the rapid deployment of large quantities of resources to the point of need in emergency situations.

A unitary structure facilitates communications across all sectors in the Organisation thereby further supporting the concept of transparency and accountability.

While the GRA acknowledge the importance of the State security function and the special place it holds in the criminal justice system of the country, it must remain part of the broader Garda family for all the reasons outlined above and with all the associated benefits that accrue as a result of such membership.

Security & Intelligence

- There are close links between domestic terrorism and organised crime particularly regarding protection and illegal drugs. It is essential to keep a link in An Garda Síochána between those members who work in the Security sections, i.e. SDU and Crime & Security and other members in An Garda Síochána on the frontline. Any separation of these bodies will result in a loss in intelligence and effectiveness at all levels across the Force.
- By having both sections within An Garda Síochána a level of trust is developed and allows for the free sharing of information. Members attached to SDU freely enter Garda Stations around the country, as they are members of An Garda Síochána. The same courtesy may not be provided to a separate agency - except on a more formal basis.
- By separating the Security element away from An Garda Síochána, we believe that a culture will develop of retaining information, which may, unknowingly, have relevance to either terrorist activity or organised crime.
- One of the key findings after 9/11 was that information was not fully being shared amongst the agencies responsible for gathering intelligence and the recommendation was the appointment of a Director of National Intelligence with the task of changing this culture.
- Intelligence comes in many forms, some of which are meaningless in isolation yet when collated together, can form a pattern or picture to identify future threats to State Security or identify possible criminal activity and associations. When analysed it helps in the prevention and also in the detection of crime and terrorist activity. To analyse intelligence properly there needs to be an open sharing of information which is available by keeping it all within one organisation otherwise there are too many bodies with pieces of the jigsaw but no one can complete the puzzle which allows the criminal or terrorist to conduct their activity without possible intervention or detection.
- By having all the intelligence gathering capabilities within one organisation, as already is the case, there is no need to separate security from An Garda Síochána. Problems such as retaining information become personality issues but can be effectively neutralised by having all information gathered on a separate single IT based system, which is linked to the Garda Pulse System, the INIS system and the CHIS database. There is a need to modernise the IT system in An Garda Síochána to allow such a system to operate effectively.

Setting up a separate intelligence section would leave a potential vacuum in the gathering of intelligence for a number of years and could possibly place the State at risk or allow criminal elements to operate freely. Some of the issues we see initially are:

1. *Budgets:* There is a need for a completely separate and large budget for a separate agency . The last independent agency set up in respect of An Garda Síochána was the Garda Síochána Ombudsman Commission and they have not had enough funding to independently investigate complaints against Garda Members. The majority of investigations are handed back to An Garda Síochána to investigate. Any proposal to set up an independent unit for Intelligence and Security would have to be properly funded and resourced and would be an additional cost to the Exchequer.
2. *Location:* There would need to be a new secure purpose built building to house all the staff and equipment. Once more, this building would be separate from An Garda Síochána but would also require protection, placing an additional cost to the Exchequer.
3. *Personnel:* There is a need to have sufficient numbers of trained personnel with policing knowledge and expertise. This is not just a case of every member currently attached to those sections moving to an outside agency. These people are members of An Garda Síochána and have the same entitled employment rights as every other member of An Garda Síochána and cannot be forced to move away from a career in the Gardaí where there is scope for promotion and lateral movement to various different sections within the organisation.
4. *Recruitment:* There needs to be clarification as to how any agency separate from An Garda Síochána would recruit staff for the various positions and vacancies that would arise over the years. There is a need for training and only a certain type of individual would have the skills to be able to competently gather intelligence and also to carry out covert surveillance on serious criminals and terrorists. Also required is a level of awareness of policing knowledge and legislation. It cannot be taken for granted that recruits would only come from An Garda Síochána as members of An Garda Síochána would be restricting their career prospects.
5. *Legislation:* There would be a need to amend the current legislation to allow another body to carry out certain surveillance techniques. Some require warrants and some powers are required for electronic surveillance.
6. *Evidence in respect of membership of an unlawful organisation:* As it currently stands, evidence may only be given in Court by a Chief Superintendent of his belief that a person is a member of an unlawful organisation. This belief is based on the intelligence that the Chief is in possession of. By removing this intelligence from An Garda Síochána, it is limiting the ability to prosecute people in respect of terrorist offences and activity. This intelligence/evidence may be disclosed to the judiciary in the prosecutions of such cases.

Non-Core Functions

It is suggested that an organisational-wide audit should be conducted with a view to eliminating or streamlining practices in garda practices, thus developing a leaner, more focused policing service.

- The practice of deploying of Gardaí at minor road traffic accidents (resulting in material damage only) should be discontinued (except where there is a danger to road users as a result of the positions of the vehicles or type of vehicle or load, the free flow of traffic is obstructed, there are substantive allegations of driving offences or the parties have been unable to comply with the law in exchanging driver, vehicle and insurance details). This is a time-consuming activity when considered in terms of the annual volume of material damage traffic accidents. The obligations to exchange names and addresses and notify insurance companies could be explained to the drivers by a call taker without the necessity of Gardaí attending the scene.
- The continued deployment of valuable and scarce resources in investigating incidents that are almost 100% preventable has to be examined. An example being "Drive-offs". On each occasion that an incidence of an individual driving away from a forecourt without paying for fuel is reported a time consuming process commences with the attendance of a mobile patrol required to attend at the scene, the reviewing of CCTV, taking of statement(s), (in many cases CCTV is not ready or accessible for viewing and staff members unavailable for statement), contacting GISC to create incident, PULSE checks on vehicle registration, circulation of CCTV stills, creation of "Warnings" on vehicle registrations. Regularly there has been a genuine mistake on the part of the motorist who has forgotten to pay in which case we are simply debt collectors on behalf of corporations. Where it is established that an actual crime has taken place the vehicle usually has false or covered plates and the culprit takes care to disguise appearance. Many of these vehicles are later used in the commission of serious crime. Garda authorities, Government and the fuel retail industry should move to address the matter. The industry should be encouraged to move towards a prepay system. What other commodity is left in such large quantities outside a retail premises for customers to load up on a trust basis- would these same retailers leave crates of alcohol or cartons of cigarettes on their forecourts for members of the public to place in their vehicles and then enter the premises to pay. It is common throughout Europe and elsewhere to first pay for fuel.
- Responding to alarm calls on behalf of service providers. Householders here will pay an annual fee to these companies to remotely monitor their alarm. If the alarm is activated, phone watch rings the householder to ask for a previously agreed code. If the phone is not answered, the service provider calls the nearest Garda Station. Gardaí question the fact that service providers are operating an end-to-end commercial service supported by, but without payment to, the Garda organisation.

- The involvement of Gardaí with people suffering from mental illness and in need of psychiatric care or with vulnerable young people in need of social services needs to be reviewed. The detention of such people carries significant risk and Gardaí do not have the training or in most cases the proper station or transport facilities. The continued practice of Gardaí taking such people to a Garda station to contact and await the intervention of the appropriate services should be reviewed including the current memorandum between the HSE and An Garda Síochána. There is need for a policy with clear lines of responsibility to be developed from a risk management perspective.
- The recording of missing persons is a time consuming if important policing function. The procedure must be meticulously attended to as such cases have the potential of being upgraded to a murder enquiry. However, in Districts where residential child care homes are located there tends to be a significant workload placed on the local station from continuous reports, often about the same person, of young people who have run away or failed to return having been released on a curfew arrangement. In complying with the missing person Directive, the lengthy procedure is meticulously followed in each case only to be cancelled when the person returns a few days later.
- The development of custody suites at appropriate centres for the safe custody and end to end processing of detainees in line with international best practice. The objective is to manage detentions in a more professional manner, reduce risk and free up front-line police officers to return immediately to front-line policing as soon as possible.
- Finally, in the context of resource utilisation, the subject of outsourcing merits mention. An Garda Síochána is the subject of a significant governance framework and is currently moving towards further transparency and accountability. We need to be mindful that when entering into contracts with potential partnering groups who are not be subject to the same level of scrutiny, such as, as An Garda Síochána. This needs to be considered from a risk assessment perspective and with a view to developing mitigating solutions.

Immigration

The GRA appreciate the importance of the immigration function at the point of access and accept that the routine processing of immigrants is an administrative function that does not require the exercise of Garda powers. Dissociating An Garda Síochána from the immigration function may help Garda Ethnic Liaison Officers (ELOs) in their efforts to integrate with these new communities to build trust and confidence.

Immigration - Points of Entry

- The role of manning the booths at Immigration points of entry has recently been civilianised at Dublin Airport and is expected to roll out nationwide in the future when resources allow. Civilian staff manning these booths, are attached to Irish National Immigration Services (INIS). With a properly structured IT system, the potential to track terrorist suspects and gather intelligence in respect of their movements, would be an important asset in preventing terrorist activity. Although members attached to Garda Immigration Bureau can access some of the Data on the INIS system by bringing INIS into An Garda Síochána, it allows for such information to be under the control of one body and assists in protecting the security of the State.
- Profiling of passenger manifests is already done by a different state organisation re the movement and illegal importation of illegal drugs into the state. Similar profiling could be done in respect of known terrorists both domestically and internationally and serious criminals. It is suggested that such a unit be created in the Garda National Immigration Bureau.
- We would recommend that The Garda National Immigration Bureau be under the Control of Assistant Commissioner, Crime & Security Intelligence. It is currently under Assistant Commissioner, Special Crime Operations, and until recently most resource deployment was in respect of manning the immigration booths. With civilianisation, Immigration Officers can put more time into the investigation and detection of Immigration Offences and the prevention of international criminal and terrorist movements.

Leadership and Management Capacity

The GRA appreciates the key role of leadership and management in the on-going development, sustainability of the Garda Organisation. The GRA, acknowledge and supports the necessity for building leadership and management competency and agrees with the long- term orientation, mentioned in previous reports, associated with the early identification of leaders, talent and career path management.

Current Leadership Issues

- As employees, our members deserve to be treated with fairness, dignity and respect.
- Management decisions should be transparent, consistent, delivered clearly and with explanation.
- Input to decision-making processes should be encouraged.
- No transparent proactive steps have been taken to identify members with leadership potential- and manage and develop them.
- Appraisal is inadequate and lacks transparency.
- Leadership should be encouraged at all levels and not just in higher ranks.
- Encourage innovation and informed, calculated risk taking.
- Management should set the standard of the required knowledge and skills that members need in order to perform their role at any level.
- Management should enable, support and develop those they lead in professional requirements.

The following is now submitted for consideration:

- That appropriate leadership and management capacity must maintain an equivalent and proportional balance of civilian and sworn members. To deliver effective policing there must be knowledge in management based on experiential learning in the Garda policing role.
- The current style of leadership and management needs to be addressed. The Garda Organisation needs the benefit of a supportive management and leadership style. This is required if the perceived and collective benefits of the overall “Modernisation and Renewal” programme are to be realised. A more collaborative and consultative approach is essential. It is important to align the leadership style with the vision and desired culture of the organisation. Feedback from our members suggest that our leaders should be:
 - Competent, inspirational and possess excellent communication and effective listening skills.

- Willing to empower Gardaí and to create learning opportunities for them.
 - Respectful, and treat all employees fairly, with respect for the dignity of the person.
 - Provide feedback to facilitate further learning and development.
 - Tolerant of genuine mistakes.
 - Encourage calculated and informed risk taking.
 - Provide encouragement and promote creativity by involving Gardaí in planning and decision-making activities.
- Traditionally, about 80% of the GRA membership, retire at the rank of Garda. Many of these members had aspirations for promotion. At present 4,350 serving members of Garda rank have successfully undertaken the Sergeants Class 111B promotion exam. Others are content to remain at Garda rank, choosing to position in an area of work that matches their skills and interest. Consequently, in managing the welfare needs of the majority of our membership, the safeguarding of opportunities for lateral career path movement is of the utmost importance to the GRA. Garda leadership and management should recognise this and appreciate that civilianisation poses a new way of collaborative working and so needs to be managed sensitively. It should be emphasised, that for the majority of our membership, lateral movement supports motivation and a mandatory requirement for high performance. Also, in developing Gardaí for future leadership roles, the importance of exposing them to as many functions and sections within the organisations cannot be over emphasised. A broad base of experience serves to create a solid foundation and a wealth of experience to draw from in a future leadership role.
- The GRA are strongly opposed to direct entry to An Garda Síochána at senior officer level. We remain confident that we have sufficient talent within An Garda Síochána, who, with guidance, coaching and nurturing will be most capable of managing and leading in the future. We believe that, heretofore, in An Garda Síochána, the ‘best and brightest’ were (and are) recruited but these individuals are not always recognised, encouraged or rewarded. Direct entry at senior officer level would send out a stark signal and have a negative impact on the morale of serving members, as promotion and career development opportunities are already seriously limited. Direct entry without attempting to identify the talent within our own ranks would be a damning reflection on the entire organisation. For credibility, accumulated experience must be valued.
 - Independent leadership audits should be conducted to commence the process of identifying leaders for the future.
 - The process should start at Garda rank. Our basic training programme is conducted over a sixty-eight (68) week period. During this time there is a significant focus on assessment, both self-assessment and supervisory

assessment. There is a wealth of information available to assist in the identification of Gardaí who display the potential to become leaders of the future. Following the two-year training and probationary period the Garda will spend, on average, seven further years applying knowledge and accumulating operational experience before, if successful, being promoted to the rank of Sergeant. It is our contention that if the correct support, coaching and training were provided there would be no difficulty in developing a continuous supply of leaders and managers for the future. Also, notwithstanding the fact that only 20% of Gardaí will advance to the rank of Sergeant there is still enormous interest in career progression amongst our members. In the current promotion campaign for the rank of sergeant almost 1,500 qualified Gardaí have expressed interest in competing for the 250 places on offer.

- The GRA will consider proposals for a fair, transparent and equitable system for fast tracking. Every member should have the opportunity to apply for entry to a fast-track programme where entry level is designed on a 'level playing field' basis. We strongly suggest that if such a programme materialises, the entry criteria should include a mix of experiential learning, professionalism, and academic achievement. We are recruiting a sufficient cadre of talented people. The challenge is to identify them and bring them along a structured, learning and development path, in a fair, equitable and transparent manner. It should be remembered that promotion opportunities in An Garda Síochána are relatively few, particularly at senior ranks. This may mitigate against fast-tracking and certainly emphasises the need for the management of career expectations.
- There is lack of career progression in An Garda Síochána. The best talent should be identified, nurtured and developed. Progression should be based on competence and performance within a fully transparent merit-based system. Leaders and managers must create learning opportunities for Gardaí. (For example, the opportunity for secondments to other police organisations or relevant industries as part of a structured accredited programme should be considered).

Management and Supervisory Systems

- For Gardaí to be confident in performing their tasks they must have access to a supportive supervisor, when required as a Garda is essentially on duty at all times – not just when he/she is rostered. This includes both the physical presence of the supervisor at the scene as well as continuous remote access for guidance and advice. Traditionally, this role was discharged by a Section Sergeant in the DMR and Unit Sergeant elsewhere.

- In recent years, the fluctuation in numbers was the result of stop-start recruitment campaigns. This was fuelled by political and or economic expediencies and had the knock-on effect of delaying promotion competitions. Additionally, the problem is further compounded by the practice of extracting Sergeants and Inspectors from front-line supervisory duties to fulfil other functions. Efforts to remedy the situation by having supervisors rostered to work hours that partially covered a number of shifts, does not provide an adequate solution.
- There is an absolute imperative to have an adequate number of skilled supervisors accessible at the time of need. These supervisors should be skilled in decision-making and have a supportive supervisory orientation. Their job is to facilitate performance through guidance and support.
- Traditionally, the Garda organisation enjoyed a 1:5 ratio of supervisors to Gardaí. The maintenance of this ratio for frontline policing has been neglected and today we have a situation where ratios, vary significantly between all business units and tend to fluctuate within individual units for short, medium and extended periods. A ratio of 1:5 is today an acceptable ratio. The challenge is to ensure it is maintained once achieved.

Suggestions for improvement include:

- Visiting the roles and responsibilities of supervisors so that they dedicate agreed time to solely supervisory duties.
- Prioritise supervision at the front-line and ensure that there are sufficient Sergeants assigned to each unit allowing for “backfilling” contingencies.
- Implementing the previous Inspectorate recommendation of allowing Gardaí to assume the role of ‘acting’. This would be a career enhancing opportunity for Gardaí and should be managed as an integral element of a talent management programme.

The GRA appreciates the benefits of effective supervision. It allows for better decision making, facilitates quality control, instils confidence and creates opportunities for growth and development.

In Northern Ireland the PSNI operate a “gatekeeper system” where a patrol Inspector is available at all time to answer procedural and legal questions. This has resulted in improved performance in arrest, investigation and prosecution procedures.

Appropriate Information Systems

- PULSE is a centralised, integrated service delivery system. It facilitates data capture, analysis and retrieval for crime and non-crime incidents, generates management reports and provides a one stop shop for multiple user roles, including investigators, analysts, managers and Gardaí. Built as a platform to allow for the development and integration of future system areas it is today regarded as the backbone for information management in An Garda Síochána. However, for optimum use and

return on investment users must have confidence in the system, or more correctly confidence in the integrity of the data within the system. In this regard the management of data quality, including: data capture, supervisory review, storage, analysis, retrieval and use must be regarded as a mission critical task. We suggest that a complete review of all aspects of data management be conducted.

- There should be sufficient management confidence in new IT systems and methods to eliminate the necessity for duplication via hand written paper records. PULSE was introduced in late 1990s Garda management's stated aims and objectives for PULSE were to:

Contribute to morale and job satisfaction, enhance core-policing activities, streamline and eliminate non value added activities...reduce paperwork as records need only be entered once . . .reduce manual processes . . .reduce overall time spent on administration. . .provide better management information through the automatic generation of statistics and quick analysis of crime trends.

- Crime incidents have been recorded on the system since its introduction. Garda management continued to insist on a pen and paper record. We raised objections to the practice at local and national management level. In the last year a facility has become available on PULSE to create a printable Crime Report record in the layout apparently sought by management though certain managers, continue to require a wasteful, manual record.
- Our members have always embraced and bought in to new technology and IT systems which have contributed to greater efficiencies to service and many have IT skills beyond those required of them within the organisation. We all have an interest in the efficient use of resources and the thorough investigation of reported crime. The continued requirement to complete paper based duplicated records adds unnecessarily to the workload of members, decreases visibility, is seen as archaic and has a negative effect on morale.
- Greater management commitment is essential in the provision and upgrade of ICT technologies. A review of budgetary arrangements should be conducted to ensure that sufficient finances are available to meet on-going requirements. Mobile technologies are in their infancy and many years behind what has been available in other jurisdictions for a decade. More involvement of front-line end users is required and the lengthy lead-time between the identification of user needs and the implementation of the on-line solution needs to be addressed.
- The GRA submits that, as part of the data management review, as mentioned above, consideration must be given to identifying weaknesses where data quality could be compromised and the development of system solutions to further support the overall integrity of the data. [The *O'Sullivan & Crow Howarth Reports* refer as does

the Acting Commissioner's Response to the latter in late 2017]. If protocols are breached, the source of the problem should be identifiable. It would be far more beneficial to An Garda Síochána and its key stakeholders, especially the public, if the above general statement had been more focused, in identifying the scope of the problem and the users involved.

- Among the new developments, which is currently on the ICT radar, is remote data capture and retrieval. This will take the form of hand-held units for data access and entry or units designed to fit into patrol cars. This will be a welcome addition as information will be available to our members in a more timely manner, and at the point of need.

However, we have certain issues for consideration.

- The drive towards providing Gardaí with real time information at the point of need must also be considered from the user's perspective. Supporting procedures and training will ensure a seamless transition to this new working methodology. Responsibility to act on the information received should not interfere with the member's use of discretion.
- Once further administrative system areas come on stream, their further integration with operational systems, for reasons of officer safety and welfare, should be considered. For example:
 - Where crime trend analysis indicates high risk times and locations, this information could be linked to deployment practice enabling better decision making as to the number and type of officers to patrol the locality, or highlight locations that require special vigilance. etc.
 - Service demand trends and patterns could be used to create greater flexibility, benefiting staff and the organisation by forecasting service demand peaks and valleys and meeting these demands through flexible, employee-friendly mechanisms. However, all such proposals will have to be advanced within the established, Working Time Agreement as alluded to under, 'Front-line service delivery' below. It is appreciated that several related H.R. system areas are currently being advanced within in the ICT strategy including, a Roster and Duty Management System.
- Many Garda members see much of the IT development being centred around producing statistical reports for Garda Management as opposed to being of operational use on the ground. Areas such as CCTV evidence collection and storage, AFIS fingerprinting, electronic custody records, video identification parade technology, digital transfer and analysis of phone record data for investigations, are examples of IT solutions where we are behind – viz., other jurisdictions.

- Currently, many Garda Stations have yet to be networked. PULSE is now operational for almost twenty years and the on-line information needs for members at these stations has yet to be managed effectively.
- Summons are generated from the PULSE system and distributed to Garda summons servers for service. There is a high rate of non-service due to defendants vacating their residence, generally rented accommodation, to avoid service. The unserved summonses are then returned to the issuing Garda. Members have suggested that in such cases a record should be created on PULSE so that, in the future, if the defendant encounters the Gardaí they have a record to alert them of the outstanding summons. This approach may result in increased rates of summons service.
- The GRA has previously indicated its willingness to trial the use of body worn cameras as a tool to gather evidence and enhance Garda safety. The correct balance between the use of the equipment and intrusiveness should be managed through agreed protocols on the activation of the system by the operating Garda.

Composition: Optimum Numbers

- The depletion of overall Garda numbers and the internal movement of Gardaí from front-line policing duties is a major concern for the GRA which has impacted directly on our members safety and welfare. Safety is compromised by a lack of support at the time of need and in an unpredictable environment. Welfare is compromised by increased workloads, longer work hours, shorter rest periods.
- All negatively impacting on emotional health and stress levels. The GRA have long being an advocate for the creation of an optimum numbers policy i.e. an agreed policy on:
 - the overall, required strength of An Garda Síochána to effectively discharge its functions and
 - the optimum deployment of organisational resources, particularly at the front-line policing level, to ensure that sufficient numbers of police officers are available to respond effectively and professionally to public service demands.
- It is our view that the development of a non-economic sensitive, optimum numbers model, would provide a strong level of stability, facilitate long-term planning, instil confidence and promote buy-in to a new culture that is seen to emphasises the welfare and safety of its members.
- Once the overall composition, Gardaí, civilian support staff, voluntary support group is determined, and the agreed figures are arrived at, they should be given legislative protection.
- The developments of an optimum numbers policy will be a significant, enterprise-wide task. However, if completed comprehensively it will provide an on-going framework for the optimum deployment and distribution of resources across all levels of the organisation. In this regard, this suggestion needs to be considered in the context of the current proposal for structural changes at Regional, Divisional and District level and, the future national roll-out of the CAD system that will further facilitate the measurement of service demand data.

- The task of determining the optimum numbers for front-line policing must be designed to cater for service demands and unique differences at the individual Divisional and District level.
- We need to define, ‘front-line policing’ and identify the members who, by current role, are delivering a front-line policing function. The following is a working definition provided from HMIC-2011, and referenced in a previous Inspectorate Report. *“Those who are in everyday contact with the public and who directly intervene to keep people safe and enforce the law.”* We accept this working definition and draw attention to the fact that these are also the members who receive the most abuse, suffer the most assaults and are the subject of most complaints.
- In learning from the mistakes of the past it is suggested that once optimum numbers for front-line policing are determined it is an absolute imperative that front-line staffing levels are maintained. The safeguarding of staffing levels must be managed at the basic unit level so that individual shifts always maintain their required strength.

Optimum Numbers: The Future

- Government in consultation with the GRA and other Garda organisations must establish minimum standards of service - and so numbers, which are required. Determining what these numbers might be depends on what service the State and its citizens expect.
- “Response Policing” is at the forefront of creating a public perception of the capabilities of An Garda Síochána - it is where service failure can have serious and immediate consequences. Local policing presence must be therefore protected and strengthened.
- The ability to respond to emergency calls or danger to the public’s safety is at the fundamental core of policing. When resources have been made available (by means of overtime or increased numbers it has been demonstrated that an efficient service can be provided.
- “Frontline” policing must therefore be defined and an accurate measurement of primary response capability determined.
- The HMC Report of 2011 stated that, at maximum efficiency, it takes 5-6 members to ensure 1 is on duty 24/7. (i.e. frontline members)
- Medium to large-sized towns with large surrounding Districts are frequently policed by two members.
- One person crewing of patrol cars is a regular occurrence thereby increasing the risk of assaults and/or complaints against Gardaí. Single crewing should therefore only be undertaken when safe to do so. A single crewing policy is required which should

make clear under what circumstances it is acceptable to deploy, what the risks are, and how will they be eliminated or reduced.

- Regular frontline units in District Headquarters stations should have a set minimum number of members (at least 6) and be ring-fenced against borrowing to supplement other specialist units.
- Every new or existing specialist unit requiring members means drawing members from the frontline thus creating risks to safety of the public and GRA members.
- “Stop, start” and “accelerated” recruitment must never be repeated. Ceasing recruitment and encouraging attrition has had a devastating and detrimental effect on the ability of An Garda Síochána from which it will take years to recover.
- The GRA has long called for an Optimum Numbers Survey to be carried out.

Composition: Garda Reserve

The GRA has strong views as to the unsuitability of the Garda Reserve as currently constituted, to fulfil this function and strongly suggest that the Garda Reserve be discontinued and an alternative model be considered.

The following statements merit consideration:

- The first Garda Reserves, (36), commenced training on the 30th September 2006 and took up duty on the 16th December 2006. From the start they received limited training, the total training package comprises of 120 hours completed over 5 phases. Consequently, Gardaí immediately felt that their safety was compromised.
- The structure of the Garda Reserve model necessitates that a member of the Garda Reserve must always be accompanied in public by a sworn Garda. This placed an additional burden on the Garda. The Garda must exercise a duty of care towards the Reserve, communicate his intended actions and direct the Reserves supporting actions. If a Reserve Garda makes an arrest they must hand over the prisoner to the Garda who is obliged to conduct the prosecutions on their behalf.
- Following training Reserve Gardaí are required to work a minimum of 16 hours a roster or 4 hours a week. This limited availability and the fact that most reserves are in full-time employment often raises difficulties when court cases scheduled for hearing require the Garda Reserve’s presence as a witness.
- The GRA continue to be strongly opposed to any extension of powers for the Garda Reserve due to their limited training.
- The Garda Reserve uniform is not sufficiently distinguished from sworn Garda members. This regularly causes confusion resulting in direct approaches to Reserves

for assistance while the Garda is busily engaged. Explanations from the relevant Reserve member, generally does little to appease the situations.

✚ A cost benefit analysis should be conducted before any decision is taken as to the future of the Garda Reserve. Consideration should be given to the number of candidates who were interviewed, selected and trained to date vis-a-vis the number currently available for deployment. Current figures indicate that the total strength of the Garda Reserve is 603³ despite the original, more optimistic statements. Furthermore, feedback from our members indicates that the number of Reserves currently utilised is far fewer than the official figure.

Garda Reserve: The Future

- The true cost of the Garda Reserve “project” to date should be established to include the cost of training, equipping and uniform versus the rate of attrition.
- A examination of how, when and where Reserve members have been and are being deployed to date.
- The limited role of Reserve should be more clearly defined with demarcation of responsibilities thereby resulting in reduction of any frictions/tensions with Garda members.
- There should be no further expansion of Reserve powers.
- There is great risk in expanding the use of their limited powers to perform duties traditionally carried out by trained and experienced members.
- There must be no compromise on public, our members or indeed Reserve members’ safety for short term financial or appearances considerations.
- Any danger which materialised as a result would have long term negative implications.
- Reserve are not equipped or trained to deal with frontline risk.
- Misused or badly deployed Reserve leads to public expectations which the organisation will be unable to meet in reality.
- The flexibility and experience that our members have and will continue to provide in response to major incidents cannot be matched.
- Greater concentration on the provision of training , equipping and resourcing frontline members will obviate necessity for expansion of Reserve.

³ Figures from Garda HRM Section on the 1st November 2017

Composition: Civilianisation

Civilianisation

There are 'core' functions best carried out by sworn police who are appropriately trained and publicly accountable. All positions should be the result of a process of appropriate notice and negotiation. Civilianisation, in our view should meet the following criteria:

- the position does not require the use of police powers and authority usually associated with the office of a sworn member, nor the application of specific police knowledge and training or the giving of evidence in relation to such issues; and
- there is no requirement under any statute or regulatory provision for the position to be occupied by a Garda; and
- the principle purpose of the position is not based upon expertise which can only be acquired through actual experience as a Garda;
- the position is not one where occupancy by a sworn member is in the best interests of policing or the police service.
- 'permanently or temporarily restricted' members (those on work cover arrangements for example where operational policing is not an option) should have the right to perform administrative jobs.

The basic concept of recruiting civilian staff to provide technical and administrative support at the strategic, central and operational level of police organisations is an acknowledged established policing practice. The inherent advantage of immediate access to technical expertise and administrative support, the associated cost saving, and the release of police officers for core policing functions is generally advanced as the drivers for this initiative. The GRA in recognising that civilianisation, as well as the recruitment of additional sworn Garda members, will be a key element of the future modernisation and renewal programme would like to raise the following concerns:

- The uncertainty surrounding the scope of re-deployments resulting from both structural changes and civilianisation. Currently, the GRA has no clear idea of the scale of re-deployments. Figures vary from, "over 1,000⁴ Gardaí for front-line duties" to 2,055 jobs⁵, "suitable for consideration with a view to possible civilisation". The manner in which these posts are identified must be open and transparent and allow for proper consultation before final decisions are made. For example, in An Garda

⁴ Report of the Garda Inspectorate, Changing Policing in Ireland

⁵ Irish Times, Saturday October 28th, 2017.

Síochána there are a significant number of administrative posts occupied by Gardaí that are protected due to their official designation.

- The uncertainty surrounding the scope of the overall civilianisation programme. Currently, An Garda Síochána has 1999⁶ civilian support staff representing 15% of the workforce. Previous Inspectorate reports indicate that civilianisation is under developed in An Garda Síochána and that some police services have as such as 40% civilian support staff. However, there has yet to be a decision as to the optimum numbers of civilian support staff for An Garda Síochána.
- The lack of clear sight on the level of Garda/Civilian integration on such topics as reporting structures, promotion, performance management and discipline etc.
- The potential impact of re-deployments on the welfare of Garda members, and the knock-on effect on their families, who will be the subject of re-deployment resulting from the civilianisation of their current post.

The GRA is keen to engage constructively on all of these issues with a view to positively influence the outcome from a Garda welfare perspective. This final point above merits further elaboration.

Civilianisation must be managed sensitively, as this is potentially the most contentious issue facing individual Gardaí in the Modernisation and Renewal Programme. It must be managed with due regard to the welfare needs and career aspirations of the post holder. Our nearest police neighbours, the PSNI paid particular attention to this issue in The Patten Report of September 1999. Our suggested approach, as follows, is in line with the successful approach adopted by the PSNI.

- A three-month lead-time is designated to identify the most suitable post for the member being displaced (job holder) and to manage the transition in a seamless manner.
- The job-holder is consulted on his career aspirations and on the identification of the new post from the vacancies on offer.
- A number of initiatives are used to find the best job holder/vacancy fit, including each employee opting for first, second and third choice from a list of potential vacancies, on the understanding that everybody may not be facilitated. Or, the development of a matrix for re-deployment based on the performance of each job holders where highest performers get first preference.
- Preference is given to re-deployment transfers over ordinary transfer applications, and transfers on promotion.

⁶ Figures from An Garda Síochána, Annual Report 2016.

- The job-holder's supervisor liaises with his supervisor at the new station and organises a smooth transfer, including pre-transfer visits to the new station to meet the new work colleagues.
- Re-training is provided to equip the job-holder with the skills and knowledge necessary to fulfil the new role.

It must be remembered that Gardaí are being displaced from positions that they originally filled as a result of an organisational requirement, including Gardaí who competed for the position when advertised, Gardaí who responded to an 'expression of interest', Gardaí who had been 'head hunted' due to a particular skill set and those who were facilitated with the appointment for personal domestic or welfare reasons.

Composition: Diversity

The GRA has long recognised the need for and benefit of, a multi cultured ethnically and socially diverse workforce. Our support for diversity is evidenced in our earlier submission to the Police Authority where by way of conclusion we said, "In the light of the above, the GRA now respectfully submits, that ethnic diversity in recruitment needs to become one of *the* most important focuses of the members of the Commission on the Future of Policing in Ireland". In that submission we outlined the progress our policing neighbours in the UK had made since the 1990's when they made a conscious decision to create a diverse workforce. We reported on the current situation in the UK and Wales as follows:

- "While certain police forces in the U.K. still have a road to travel on recruitment from their ethnic communities, much has been done since the *Scarman Report* of some 30 years ago. A U.K. Home Office Report of March 2017 states that 14% of the population of England and Wales is "BME" (Black, Minority, Ethnic). Currently, some 6% of all officers are BME in English & Welsh police forces - the highest proportion since records began. Over 2017, 11% of joiners were BME, compared with 5% of leavers. 29% of all officers were female (again the highest proportion on record) and a further 33% of joiners were female. Challenges still remain. 32 out of the 45 territorial police forces in the UK appoint a greater proportion of white applicants than those who identify as BME, with the London Met and Gwent Forces having the poorest record in this regard. However, much has improved, and the trajectory appears to favor long term sustainable representation from the BME communities in the U.K. more properly reflecting ethnic divisions within their population."

We then outlined as follows, the 'facts on the ground' in Ireland by way of comparison, "Garda Ethnic Numbers from August 2017 suggest however that a mere 63 Gardaí (and 37 reserve) are from Non-Irish backgrounds. Recruitment to An Garda Síochána from the Black or Asian Minority Ethnic ("BAME") community is conspicuous by its absence - albeit there are a few exceptions from other minority ethnic groups. For example, there is currently no member with African or Caribbean origin. Almost 1 in 5 Members of AGS *should* be outside

the White Irish category if recruitment parity (relative to ethnicity) is to be achieved. However, currently it sits at one in every 240 - or a mere 0.4% of the population.

In terms of diversity An Garda Síochána has much to do. Interestingly, we do have a good record on gender mainstreaming where currently almost 25% of Garda strength comprise of female Gardaí.

We strongly believe that the alignment of the composition of the organisations workforce with the diverse nature of the communities will place An Garda Síochána in a position of strength to deliver an effective, professional policing service. The creation of a diverse workforce is in our members' interest as it will further support transparency, accountability, cultural change and consequently, the overall legitimacy of An Garda Síochána.

It is accepted that future policing in Ireland will be conducted in a more multi-national and ethnical diverse community environment and that An Garda Síochána needs to be ready to meet the challenge of dealing effectively with multiple cultures, languages, religions, value and belief systems. This is evidenced in our most recent population census which indicates that:

1. 535,475⁷ non-Irish Nationals are recorded as living in Ireland, representing 200 different countries with Polish, Lithuanian, Romanian, Latvian and Brazilian citizens among the top groups.
2. The number of people with dual-Irish nationality, who were recorded as 'Irish' in the 2016 census increased by 87.4 per cent to 104,784 persons. Split by gender was almost even with 267,088 male and 268,387 females and nearly half were aged between 25 and 42.
3. In terms of trends, the figures show that the number of Muslims, 63,443 was up 28.9% while orthodox Christians were up 37.5% to 62,187. In terms of ethnicity, figures were collated under eight distinct groups and for religion, nine categories were utilised.
4. Additionally, figures from the Irish Prison Service, for 2016 indicate that of the 12,579 persons committed 10,359 were Irish Nationals with the remaining 2,220 persons comprised of, 'Other EU nationals (excluding Irish)', African, Asian and Central/South American nationals.

Currently, the challenges associated with managing diversity rest mainly within the communities. However, as concerted efforts are made to develop a diversified workforce the management of diversity will require, both an internal and external focus.

⁷ Figures from the Central Statistics Office, Census of Population 2016, Profile 7 Migration and Diversity.

Appointments from Abroad

It is anticipated that there will be a concerted effort to attract and retain serving police officers and citizens from other countries to support the policing of multi-cultured and ethnically diverse communities in Ireland. It is also anticipated that such an initiative may require a change to entry requirements, the provision of financial incentives and, for serving police officers, a tailored induction training programme. The GRA has no objection to the recruitment and appointment of police officers in this manner provided:

1. All such appointments to An Garda Síochána are confined to the rank of Garda. As outlined under 'Leadership and Management' above, the GRA is strongly opposed to direct entry appointments above the rank of Garda as such appointments would impact negatively on existing career paths and spread dissention among our members.
2. The appointment and induction is managed within a structured programme that includes training and job orientation.
3. There is no preference or advantage given to police officers recruited under a direct entry scheme in terms of future career paths. In our view if this were allowed to happen it would cause major dissention within the service.

Concerted efforts to recruit non-Irish nationals (and those from socially and economically deprived backgrounds) to support the development of a more diverse police service must be conducted in an open, transparent and equitable manner. The pre-entry requirements must not create a barrier to potential candidates from socially deprived areas, ethnic groups or with limited academic qualifications. In crafting entry requirements, we should be mindful that policing is a highly practical, applied craft developed and fine-tuned from many years of accumulative experiential learning.

Those efforts to attract culturally diverse groups should concentrate on the continuously expanding population group of dual-nationality Irish residents. These are people who have made Ireland their home and are already integrated into Irish society and cultural norms. Targeting this group through schools and colleges should produce favorable results and will meet the requirements of the Garda organisation and the acceptance of the communities.

Management of diversity, both internally and externally should be approached strategically and within the framework of a comprehensive training, development and competency building strategy. This is to ensure that Gardaí will be armed with the skills, knowledge and capabilities to operate effectively within a diverse policing environment.

A needs assessment should be conducted to determine skill set deficits and to facilitate a more targeted recruitment drive. This could be run in parallel to routine recruitment efforts but focussed on places where such skill set maybe available. i.e. other police organisations, universities relevant industries etc.

Recruitment

Comments on recruitment for the development of a diverse workforce are outlined under 'Composition: Diversity' above. Note however as a generality:

- A wide representation of skills, social and ethnic backgrounds have and will continue to be an important dimension of the legitimacy of An Garda Síochána.
- The skills required to become an effective member are not exclusively academic.
- Any requirement for a pre entry qualification would create a barrier to those from more socially deprived areas and/or those without an academic leaning.
- Policing is a highly practical, applied craft based and experiential occupation.

On recruitment in general the GRA submits:

- The current selection and recruitment process, as operated by the Public Appointments Service (PAS) is sufficiently open, transparent and ethical.
- Of major concern to the GRA is the lack of continuity in recruitment, generally driven by economic and political expediency. This approach has negatively impacted on several key areas, including, workforce planning, supervision, promotions, transfers, workload scheduling, training, morale and welfare. Obviously, this has a negative impact on service delivery. The effects can be evidenced from a review of the current age profile which indicates that the average age of the Garda is 38 years and the average service is 14 years.
- The 'experience gap' will be significant and the projected loss of vast experience within a contracted timeframe will have dire consequences for the organisation. Creative ways to organise a more controlled and gradual loss of experience needs to be considered. For example, retention of members who have reached retirement age and pensionable status, by enhanced pension entitlements, lower pension contributions, payment of gratuity entitlement on reaching the retirement and pensionable milestone.
- It is our contention that recruitment should be a continuous process and associated budgets should, once agreed, be protected for rolling periods to facilitate long-term planning. As previously mentioned persons with dual-citizenship currently living in Ireland should be pro-actively targeted.

- Related to recruitment is the necessity for contingency plans to manage extraction from the workplace for various reasons, including: temporary transfers, long-term sick maternity leave, secondments on foreign service etc. This is an on-going problem and is perpetuated by the rigidity of our HR systems that insist on counting members on the strength of their permanent station, even though they are unavailable for duty.
- Difficulties can be caused by accelerated recruitment as quite often less than optimum staff can be employed when the process is pressurised to deliver numbers as opposed to results, this must be avoided at all costs.
- The requirement for aggressive recruitment presents an opportunity to nurture community support and support our community engagement and integration objectives. An effective advertising campaign on national television where clear sound bites that emphasise our re-energised community centric approach to policing would endear public support and support confidence building.

Recruitment – Detectives

- It is essential that recruitment for Specialist Units be maintained and filled by operational frontline Gardaí. This is especially essential for the Security and Intelligence element of the Division I represent. Domestic Terrorism is closely linked with Organised Crime and an awareness and knowledge of local and up and coming criminals from a local level brings a desired skill set for new applicants into the Special Detective Unit and also to other undercover frontline units such as Drugs & Organised Crime.
- Some of the Units (Cyber Crime Investigation & Protective Services Bureau) deal with the most horrific and heinous of crimes involving sexual predators and paedophiles. The Divisional Committee believe that there should be some psychometric evaluation of all candidates to this role prior to taking up appointment and a continual monitoring or assessment of all employees in these sections whilst they are attached to there.
- That recruitment competitions should be Section specific rather than across the spectrum of the region like the last competition and each division should have its own competition rather than wait for a generic competition into Special Crime Operations.

Training

GRA have continuously called for training, development and competency building initiatives for their general membership. Increased skills, knowledge and competencies supports safety, career development and wellbeing at the individual level and consequently facilitates organisational growth and development. Attrition from An Garda Síochána is almost zero. In essence, the Garda organisation enjoys the benefit of a thirty-year plus Garda employee retention period.

However, in terms of training and development this advantage is not being exploited. Training and development should be viewed as a continuous process where encouragement and support are provided throughout the service of the Garda, where an ethos of personal responsibility is promoted, where experience and academic achievement is rewarded and where every police officer has the opportunity to achieve a recognized professional qualification.

Training will be the critical success factor in cultural transformation, service delivery and the management of public expectations.

The GRA submits:

- An integrated approach to training and development needs to be adopted. At the strategic level, all training needs to be provided within the framework of an integrated strategic human resource management strategy aligned to the organisation's business plan. Gardaí attending training should always be informed of, the context within which training is being delivered, and where the training supports the strategic direction that the organisation has embarked upon. At the more detailed level training should be effectively linked to relevant HR policies including, talent management, performance management and promotion. Training records should be kept and maintained as live records for this purpose.
- The training ethos should encourage individual Gardaí to take responsibility for their own development and should be supported in their efforts to do so. This ethos would be further supported where prior pre-entry qualifications were formally acknowledged, thereby encouraging potential trainees to take responsibility for their development from the start. Additionally, Gardaí should be rewarded for personal development achievements and both academic and experiential learning. Rewards should take the form of career credits and/or financial rewards. For example, financial re-imbursment for achieving academic qualifications or a senior Garda allowance for reaching a service milestone.

- More and more police organisations are moving towards accredited training and development programmes for basic training and with facilities to allow serving members to enter the programme through assessment and prior learning. New Zealand police are working towards this, Sweden and Norway currently offer degree qualifications, UK moving towards it with 2018 as a target date. The GRA suggests that this is a route we should also consider. Every Garda should have the opportunity to achieve a third level accredited qualification - in addition to the current Level 7 Award earned during training. Professionalising An Garda Síochána is our recommended approach for cultural change.
- A strategic Professional Development Model needs to be developed that brings the Garda on a professional development journey through the various ranks with appropriate opportunities provided for experiential learning and formal qualifications to enable the Garda to reach each milestone. The model should also cater for members who wish to move from general policing to more specialists' roles. Managing our talent in this manner allows for a more strategic focus and facilitates the identification and nurturing of leaders for the future.
- The importance of including Ethics and Professional standards in all career development and assessment programmes should not be underestimated. The objective is to support a culture of ethical behaviour and professional standards in all operational, management and leadership practices.
- The current Tutor Garda course should be reviewed and put on a more formal career path structure. Mentoring of trainees should be a requirement for Gardaí who have expressed a desire to operate at higher levels within the service or to pursue a career in training.
- Training in An Garda Síochána was traditionally centralised, with the Garda College positioned as the nucleus of curriculum development and policy formulation. In view of the new imperative for cultural transformation it is suggested that the Garda organisation would benefit from the influence of a more 'open' learning environment. In this regard, it is suggested that going forward the possibility of achieving a balance between in-house and external learning environments should be explored. This suggestion further supports our proposal to professionalise the service through accreditation.
- The current basic student-probationer training programme is not sufficiently embedded in the organisation to merit a detailed review at this point in time. This programme is a reduced version of its predecessor and was developed following concerns from management on the length of time it took for Student Probationer Gardaí to become fully operational. While the change was successful in achieving the immediate organisational imperative, the programme needs to be reviewed, at an

opportune time, to ensure that it now meets the organisations more long-term requirements.

Training – Detectives

- People who are placed into Detective Roles should receive training as Detectives. Whether that is the basic CID course, Incident Room Co-ordinators or other specialised training in the positions they are allocated to. A lot of members attached to the National Specialist Units have received little or no training since appointment.
- Members working in specialised areas have to continually self-train in order to keep up with any changes in technology. This is particularly prevalent in the Cyber Crime Bureau where every member has achieved their qualifications without assistance from An Garda Síochána and continue to up skill with little or no support from the employer.
- National Units are used to support local Divisions in the investigation of serious crime yet very few members in the National Units have received level 3 or level 4 interview training.
- There is a cultural belief that every plain clothes Garda is armed and that is a position that this Division believes should remain but there is a need to train every person who carries a firearm a level of tactical training or tactical awareness so that they can protect themselves as well as be competent to fire a lethal weapon. There's no point in being able to hit a wooden target from 5 meters unless you are also trained how to duck.
- Legislation is constantly amended by the Dail and Garda Management find it acceptable that once the legislation is published on the Garda Portal then every member should be aware of the changes and be familiar with them. This is not acceptable in a modern Police Force. There is a need to train every member in new legislation and internal Policies.
- There is a need to separate the Training Budget in An Garda Síochána from the frontline Operational Budget. Training needs to be completely independent to ensure that every member in every division gets the same opportunity to attend training. In some divisions training is not provided due to budget overruns on frontline policing.
- The funding for further education needs to be more transparent. Members of An Garda Síochána should be openly encouraged to up skill by further education and levels of funding should be listed prior to applications and the distribution of funding should be fair, transparent and equitable.

Continuing Professional Development

- As previously alluded to, Garda members once appointed tend to spend most of their working lives in policing. This immediately stresses the need for on-going refresher training if Gardaí are to stay abreast of the constant changes in the policing environment. The current level of refresher training or Continuous Professional Development (CPD) provided to Gardaí is a major concern of the GRA.
- CPD needs to be more responsive to the needs of the Garda organisation. CPD needs to be part of a strategic professional development model as outlined above and advanced as a process of continued development that supports Gardaí and civilian support staff through-out their careers. CPD should be presented as a key element of an overall learning and development journey where Gardaí and support staff can accumulate credits and advance to new learning levels and opportunities. In this manner CPD would be recognised as a key element of a serious attempt to develop a learning organisation.
- There are a number of important areas that currently require refresher training. Examples include: incapacitant spray, ASP baton, and firearms. Also, there are a number of subjects that many have yet to be trained on such as, interview techniques, the Code of Ethics and road-side Impairment testing. Such a list is indicative of the constant struggle to provide CPD training in a timely manner and of lengthy time spans where Gardaí must operate without the benefit of training.
- The lack of training instructors is often advanced as a reason for these delays. It has been suggested, that the feasibility of employing suitable civilian instructors should be explored to alleviate this situation. The GRA has no objection in principle to this approach, provided a mix of Garda and civilian instructors is maintained and instructors are selected for subjects that match their skill set.
- In the policing environment there are few substitutes for classroom, face to face training. In this forum the Garda can question the lecturer, share and learn from the experience of others. However, the Garda organisation, for various reasons, has continuously struggled to respond effectively to the learning needs of the organisation. The GRA acknowledges that classroom training is a significant draw from the operational pool and suggests that other methods be explored to

complement classroom training. On-line training at station level where adequate time and appropriate facilities are provided is a possibility.

- This approach has been successfully used previously however, in a limited manner and not to its full potential. Using the current PULSE network, station level, on-line learning programmes would reduce the burden for classroom training and provide a cost-effective complement. On-line training programmes on subjects such as Health and Safety, Code of Ethics, etc. could be developed once to the client's requirements and subsequently use by multiple-users
- In view of the move towards increased civilianisation and integration, it is suggested that joint training for Gardaí and Civilian support staff be considered for selected relevant courses. This approach would support relationship building for teamwork.

CPD: Future Needs

1. CPD is essential in maintaining and nurturing knowledge and skills over the course of a career. It will enhance the status of policing as a profession. The embedding of good practice has been absent to date in this area.
2. There must now be investment in best evidence and practice in policing. Accreditation/certification systems need to be established to ensure members can adapt to meet the skills challenge.
3. Research capacity is required which will enhance a consistent approach to gathering, storing sharing information will build the body of knowledge and inform reliable consistent and uniform practices. To develop as a profession standards of qualification and competence need to be established and maintained.
4. An Garda Síochána must therefore examine partnering with 3rd Level Institutions to build, provide and deliver research rather than just accreditation. In this regard, the GRA has already led the way. In partnership with University of Limerick we have developed a Level 8 BA in Applied Policing and Criminal Justice which commenced with 50 Gardaí in September 2017. We also have a research association with the internationally regarded, Centre for Crime, Justice & Policing at the University of Birmingham (Russell Group University) in the U.K.
5. Along with staff, current CPD facilities are inadequate. Core CPD should now be separated from Probationer training and an adequate CPD budget should be provided to every Division and ring-fenced.

Policing is largely craft and experiential based on an unquantifiable combination of training, instincts, experience and mentoring on the job over the course of a career. Skills continue to be acquired mostly through learning of the craft-this is not easily recognisable or standardised in professional qualifications. Any professional model must recognise this.

Specifically we recommend the following:

- Members on regular frontline units from two years on should be a priority
- We must be enabled with necessary skill sets to tackle modern cyber crime
- There must be training in threat evaluation-defensive tactics and weapons ability to be able to respond to incidents swiftly, decisively with the right action. Also, encouragement and incentivise members to partake in their own professional development & finally, training in best practices for dealing with mentally ill persons.

The Culture and Ethos of Policing

Alignment of Culture and Ethos

Frontline Members are Ambassadors for the Garda Organisation

Before the alignment of ethos and culture can be considered, the current culture must be articulated, and decisions taken as to what needs to be, supported and discouraged going forward. Once we have created a 'best fit' between the ethos and the newly desired culture we can then develop and implement strategies to support and internalise the new culture. The cultural audit currently being undertaken in the organisation should inform this process. It is suggested that the public's perspective should also be sought as part of this audit. It would be most beneficial to have an insight into public opinion on what we are doing right and what we need to change. The importance of retaining the cultural traits that continuously serve to support public satisfaction survey results⁸ cannot be over emphasised. e.g.

1. In Q2 2017, 85% of respondents stated they had a mid-high level of trust in An Garda Síochána and
2. 85% of respondents agreed that members of An Garda Síochána were friendly or helpful.

Community policing is the style of policing and ethos that An Garda Síochána has been traditionally associated with and long regarded as our main strength. As a service delivery model, community policing should draw upon from the traditional style of policing and incorporate core policing functions with a more community focused, collaborative partnership approach. It is the GRA's contention that community policing has been neglected and has now lost its focus. It is suggested that community policing needs to be re-energised and re-focused and a concerted effort made to mainstream the community policing ethos across the organisation, particularly across all frontline policing units so that a more integrated community policing, service delivery approach can be adopted.

Culture

⁸ An Garda Síochána Public Attitude Survey Q2 2017 undertaken by Amárach Research.

The cultural transformation requirement should be approached through a concerted drive to professionalise the Garda organisation. This should be conducted through a coordinated integrated programme that seeks to advance the Garda organisation as a learning organisation. Delivery methods should include a mixture of:

Communications and Engagement: including seminars, workshops and information seminars that aim to discuss and debate cultural traits, diversity, individual differences, perceptions, community expectations, respect and associated legal issues, including discrimination in the work place etc. Among the objectives should be the achievement of a common understanding of the impact of culture in the workplace and individual responsibility while operating in a diverse environment.

Training and Development: Delivered within a strategic framework where structured training programmes, based on a detailed needs analysis and designed and delivery in accordance with clear objectives and learning outcomes.

The mainstreaming of a revised Code of Ethics will feed into the cultural transformation proposition. Again, the need for scenario-based training is emphasised.

Ethos

An Garda Síochána should, by committing to ongoing provision of training, knowledge, skills and supports to all employees, reinforce the principle that our collective purpose is to serve the public and must, at all times, act in the public interest- not our own and not those of Garda management.

Community Policing should now be re-energised, re-branded, and advanced as the service delivery model for An Garda Síochána. This approach emphasises community engagement, accountability, a willingness to embrace diversity, a collaborative partnership style of policing and has being with us since the foundation of An Garda Síochána. Advanced as a style of policing, where every officer is a community police officer, community policing seeks to manage crime and public safety in collaboration with the communities, through law enforcement and the solving of community based problems

A detailed review of current community policing practices should be completed. Roles and responsibilities of all front-line police officers should be reviewed so that a more integrated approach can be developed. It is envisaged that very little adjustments to the national model of community policing will be necessary. The problem is more to do with how current practices have been allowed to evolve. The focus must be clearly on community engagement, problem solving, crime prevention and law enforcement all practiced within a collaborative partnership framework. Under this proposal it is essential that all Gardaí

discharge their core policing functions, as outlined under section 7 of An Garda Síochána Act 2005. The public need to see all Gardaí enforcing the law. Community policing must not be seen as a soft option.

Training should be provided to all front-line police officers on the National Model of Community Policing with emphasis placed on the models enabling principles including: accountability, accessibility, visibility, community engagement, law enforcement, partnerships, crime prevention and problem solving etc. A module on a newly revamped and drafted Code of Ethics should also be included. Information seminars should be conducted throughout the remainder of the organisation to support mainstreaming and promote ownership and buy-in to the newly, integrated service delivery model. The ambition is that everyone has a role to play in supporting front-line officers deliver a professional and ethical service.

Guidelines should be developed for the establishment and management of formal community partnerships and include procedures for the management of information flows from the public, including: capture, storage, analysis and use of information and the provision of feedback.

A policy that empowers Gardaí to engage with local media should be developed.

The crime prevention aspect of front-line policing is most important and should be approached from multiple angles and as a continuous process with victims of crime included as a key stakeholder group. The GRA suggests that consideration be given to crime prevention initiatives that have a long-term orientation and involve mobilising the communities to share in the responsibility for crime prevention. For example, the Risk, Needs, a Responsivity Model, used in Canada by the RCMP involves a multi-agency partnership approach where the police identify the young 'at risk' person who is then subjected to a detailed assessment using a series of indicators. The appropriate community services are then mobilised to intervene with a tailored support and rehabilitation programme. This approach has met with considerable success and there is no reason why it would not work equally well in Ireland.

Front-line Service/Response-Policing Delivery

As outlined above, an integrated approach to front-line policing is suggested. Indeed Response-Policing is a GRA priority. The process should start with an agreement as to what constitutes frontline policing and who is currently delivering this service. e.g. patrol/response officers, roads policing, community police, Juvenile Liaison Officers, Detectives etc. (Note, we are broadly in agreement with the HMIC definition of the "Frontline.")

Resourcing of front-line police officers should receive priority. This includes, adequate, fit-for-purpose transport, accommodation, effective communications devices, user-friendly

information systems, fit-for-purpose equipment and uniform, supportive supervisors and administrative support to allow for maximum time on front-line duties.

A review of the job descriptions of each front-line policing role should be conducted. The objective is to develop a more integrated approach by identifying opportunities for teamwork, and 'hand-over' to ensure continuity for improved service delivery. e.g. patrol car crew as first responders 'hand-over' to Detective to investigate further, community police officer to manage victim support.

Divisional and District Service level agreements on call handling and response times, victim support, etc, should be developed and published.

Training on a new re-focused community based delivery model, should be provided to all front-line police officers.

An Garda Síochána and the public would benefit from a guaranteed, consistent level of front-line policing service. Comments on optimum numbers and the need to safeguard these numbers have been provided earlier. A related issue is the retention of officers on front-line policing duties. Front-line members should be incentivised to remain for a protracted period at the coal-face on shift patterns that cover week-ends and unsocial hours. Incentives are justified to retain experienced officers and ensure stability and guidance to younger members. A long service shift allowance, a senior Garda allowance, an 'acting' allowance in cases where supervisors are absent are among the options to be explored. Ensuring an agreed number of promotions each year for front-line police officers will strongly support retention and further support manpower planning.

The challenge at the front-line is not only to retain and supply the right number of police officers but also to ensure that, around the clock, the supply matches the demand. We expect that there will be discussions on the feasibility of multiple shift patterns. The GRA are most willing to enter discussions on any proposal that will benefit our members. However, it must be stressed, that:

1. The rostering of front-line police officers to deliver a round-the-clock service has already been the subject of much debate in the recent past. After lengthy discussion and negotiation over a protracted period a collective agreement was reached between the Garda Commissioner and the four Garda Associations. This agreement is comprehensively outlined in the Working Time Agreement (WTA). It provides for agreed rosters and states that only rosters agreed through the Westmanstown process, or as provided for in Section 12,13, or 24 of this WTA shall operate in An Garda Síochána.
2. Any proposals for changes to working rosters must be considered within the provisions of the WTA. It must be emphasised that significant time, energy and expense was invested by all stakeholders in the development of agreed rosters that

would satisfy both the organisations requirements and the health and welfare requirements of the Gardaí. Strict protections and safeguards were included to meet all stakeholder requirements. Consequently, proposed changes could only be conducted within the parameters of this previously agreed framework.

Accommodation

Few, in any, employees in the State, endure the working conditions of many of our members. There are numerous Garda stations currently requiring immediate upgrade, many just to bring them up to satisfactory Health and Safety standards. The following is an example of stations which require immediate works, the worrying trend is that they are all District or Divisional Headquarters with some being condemned by independent reports recommending that they be vacated immediately or urgent works be carried out:

- (i) **Macroom**: This District Headquarters in the West Cork Division is an old RIC building. It is currently unfit for purpose, with breaches of the Fire Safety Regulations - effectively a fire-trap. Hallways are cramped with lockers. There is one toilet for approximately 18 females and no recreational area. The members have been promised a new station for many years and have persevered in the belief that this will be provided.
- (ii) **Newcastlewest** : Prisoners are brought through the station through the public office, there is no designated custody area which is a serious risk to our members. There is, as elsewhere, no facilities for pregnant, post-natal or breast-feeding employees to rest under Health & Safety Regulations. Overcrowding, lack of dining facilities and locker space further all contribute to a stressful environment.
- (iii) **Sligo**: Sligo Garda Station can only be described as completely unsuitable, outdated and not fit for purpose and has numerous Health and Safety breaches. Independent consulting engineers - as recently as 2015 and again in 2017 - have stated on H&S grounds alone use of this building should be discontinued with immediate effect. On the 20th November 2017, 101 GRA members have had to vacate the station and use a temporary building so dangerous were the health and safety issues there. A new station, or suitable semi-permanent work place, is needed urgently, or members will be unable to return to the original station.
- (iv) **Clonmel** : This outdated District Headquarters has again been condemned by both H&S reports and independent engineers. Our members are forced to work in third world conditions including overcrowding, lack of facilities for dealing with prisoners, rat infestations and once more, lack of facilities for members.
- (v) **Bailieboro Garda Station**: Bailieboro Garda station has all the same issues as the above. Our members are forced to work in poor conditions, with no

parking, outdated amenities and a severe lack of concern for members Health and Safety. Again a new station has been promised and a site identified. Only the good will of the members - whose morale is rock bottom - is keeping the station opened.

Many other stations have similar issues to those above. If we are to deliver a modern policing service to the public the Gardaí who provide this service must have the facilities and working environment. Urgent investment is needed. Appropriate custody areas, interview rooms, public reception areas, dining facilities, locker rooms, rest rooms, showering facilities and clean and safe toilet facilities are basic requirements.

Ethos, Culture and Policing Values

The values that set the parameters for all Garda actions and behaviours under the community policing framework are outlined in the organisations, 'National Model of Community Policing' policy document as follows:

1. Having respect for people and their needs
2. Protecting human rights
3. Being a courteous and caring public service
4. Maintaining partnerships with the community
5. Accepting individual responsibility
6. Ensuring transparent public accountability
7. Providing ethical leadership
8. Practising disciplined professionalism
9. Being honest and truthful and adhering to the principles of
10. fairness and justice
11. Promoting and accepting diversity in all its forms
12. Continuously learning, and embracing change

These value statements were extracted from the Garda Corporate Strategy 2007-2009 policy document to ensure that the values in the strategic business plan were aligned to the values in the then newly developed national service delivery model. These statements serve to ground service delivery in values and emphasis the social role of the Garda and the safeguarding of human rights. These values can be aligned to a revised Code of Ethics and could be advanced as the organisations strategic service delivery values.

Maintaining valued elements of existing culture

Valued elements of existing culture will be highlighted during the cultural audit. However, this audit amounts to a self - assessment only and it is our contention that the same or similar audit should be conducted with the public to gain their perspective on perceived strengths and weaknesses in Garda culture. Gardaí continue to receive an 80%+ public

satisfaction rate and the public may provide further insight into our perceived strengths and weaknesses.

The following are examples of existing cultural traits that have served us well in the past and should be retained and promoted going forward:

Teamwork. Our evolution from an era of political unrest, instability and civil war necessitated a strong reliance on teamwork for safety and security of the newly established unarmed police service. Up to the 1950's Gardaí were still being billeted together in police stations. Our continued deployment in teams thereafter, two-man beat and mobile patrols, unit rostering and the fact that we remained unarmed, served to support this strong sense of team dependence. The advancement of team performance management in our new performance management system PALF will serve to further re-enforce teamwork and collaborative partnership going forward.

Evidence of Garda team work and mutual support can also be seen in off duty pursuits that were designed to cater for the welfare, social and recreation needs of Gardaí. The establishment of Credit Unions, a Medical Aid Society, a Benevolent Association, Sports Centres, and numerous sport and recreation clubs, including; Gaelic, football, soccer, judo, shooting, fishing, cricket, and rowing are tangible examples.

Community orientation. Our sense of community orientation, including integration and engagement has traditionally been one of our main strengths, facilitating the accumulation of local knowledge as our main weapon. It evolved from the fact that, at the foundation of the State An Garda Síochána was the first, and for a considerable time thereafter, the only public institution that provided a 24/7 x 365 service. The public came to us for everything and we responded positively and sensitively. The stability that followed right up to the 50's ensured that the seeds of community policing would be nurtured and developed.

Today, the basic principle of partnership remains, however, in our continued search for smarter ways of working we have allowed ourselves to be dragged into a series of organisational change transitions and in the process, we have diverted much attention away from our traditional community centric approach. The GRA submits, that we should now re-focus and work towards the advancement of the more integrated, front-line, service delivery approach as emphasised above.

Use of Discretion. The use of discretion in the application of the law and in resolving community-based problems is a strength that has long been associated with An Garda Síochána. Our ability to exercise sound judgement in applying knowledge and gravitate towards optimum solutions comes from vast experience gained over lengthy, thirty-year employment contracts. The GRA submits that the effectiveness of police interventions is generally measured in terms of the appropriateness of the action, the problem to be addressed and the prevailing circumstances. In this regard Gardaí must continue to be empowered to use their discretion. Consequently, the use of discretion is a behavioural trait that should be nurtured and supported.

Philanthropic Spirit. An Garda Síochána has long been associated with charitable and voluntary work in the community. This philanthropic spirit transcends duty obligations and is exercised by individual members on their own time and at their own expense. Voluntary work at local community events, participation on residence committee, school boards, church committees, and participation in sports clubs as organisers, coaches, and managers are but a few of a more extensive list of activities. Collections for charity organised at unit, station and organisation level for victims of international disasters, or national charities such as Conquer Cancer, Crumlin Children's hospital etc. are not uncommon.

Accessible. Gardaí are deployed throughout the country and deliver their policing service from Garda Stations strategically placed in the centre of towns and villages. Police stations at District and Divisional level offer a twenty-four-hour service and sub-stations are opened for set hours in accordance with local needs. It has long been a feature of rural policing that the local Sergeant or Garda would reside in 'official accommodation' attached or near the local Garda Station. In this arrangement the Garda Station was effectively opened twenty-four hours as callers would routinely go to the residence, if the station was closed. Unfortunately, with the closure of stations, as part of a rationalisation programme we lost much of this personal service. For a considerable length of time and in the not too distant past we delivered our community policing service from 704 police stations.

During the period 2009-2016 a total of 139 Garda Stations were closed resulting in reduced resources and a significant loss of local knowledge and intelligence. We need to urgently address this situation. Creative thinking is required to develop a viable alternative structure that allows us to re-engage with the communities and to again create a visible presence in our towns and villages. While our physical presence in the form of Garda Stations has diminished our willingness to pro-actively engage with the communities (on or off duty) remains as strong as ever and should be continuously nurtured.

Commitment and Courage: Our commitment to the job and willingness to go that extra mile even at personal risk has long been associated with An Garda Síochána. The evidence is available in internal commendations, public recognition at awarding ceremonies, medals for bravery, including posthumous. Commitment and tenacity to get the job done are cultural traits that need to be protected.

Appropriate Structures for Governance, Oversight and Accountability

Governance Accountability and Structures

Structures

The rationale for merging of Regions, Divisions and or District is advanced in previous Inspectorate Reports and is advanced with a view to supporting effectiveness in service delivery. Previous structural changes that led to the existing number of Divisions was undertaken with a view to facilitating the management of the Joint Policing Committees established under, An Garda Síochána Act 2005 resulted in a number of major service delivery difficulties and have yet to be resolved:

In summary:

In 2006-07 Garda management conducted a review of existing Divisional boundaries with a view to bringing all areas within a county into a division thereby facilitating the attendance of local management at Joint Policing committee meetings. Divisional boundaries would therefore mirror county boundaries. This resulted in the splitting of a number of Divisions e.g. Louth/Meath (which included parts of north Dublin), Wexford (which included parts of Wicklow), Longford/Westmeath, Carlow/Kildare, Waterford/Kilkenny etc. A number of new/extra Divisions were created –Louth, Meath, Westmeath, Kildare, Waterford etc. Included in this redrawing of boundaries was the assimilation of areas adjacent to county borders that had previously been served by a nearby Garda station in the neighbouring county. For example:

- Kilcock Co. Kildare was formerly in the Louth/Meath Division (Ashbourne District). Just north of Kilcock is County Meath and many townlands here have a Kilcock postal address. Some are less than a mile from Kilcock Garda station. These townlands were in the Kilcock sub-district. Under the revised boundaries all but a small portion of road were annexed to the Dunboyne sub district in the new Meath Division. Dunboyne is over 10 miles from some of these locations.
- On the other side of Meath is the Donore Retail Park with several large and busy retail outlets. It is in County Meath. It was formerly in the Drogheda sub- district- Drogheda station being less than 2 miles away. Under the revised arrangements this area now falls within the Laytown sub district. Laytown station is over 8 miles distant –patrol cars required at this location frequently pass through Drogheda sub district as the quickest route.

While some boundary changes made sense it appears that there are many that do not. The people living in a particular county in the hinterlands of towns or villages with a Garda station in a neighbouring county now find that their “local” Garda station is not in fact their station and have to travel long distances to their designated station. These residents shop, attend school, church, post-office and socialise in their local villages and towns regardless of the fact that they may be in another county.

The areas are infrequently patrolled as they are at the outer reaches of their new sub-districts. When members do have to go to these areas to attend to calls they are travelling long distances, sometimes even passing the Garda station in the neighbouring county en route and leaving their own urban areas bereft of Garda presence to make these journeys.

This policy of realignments is more about efficient political accountability by Garda management to JPCs than efficient and practical delivery of a policing service.

Having engaged actively to date with the pilot team for the Structural changes ‘Hybrid/Functional model’ now retitled Divisional Model we have raised the following concerns:

- a. The necessity for displacements, and how the re-deployments will be managed.
- b. Lack of resources in the pilot Divisions and Districts
- c. The merging of districts and the likelihood of members having to work away from their parent station to backfill vacant posts.
- d. Lack of clarity on reporting structures
- e. Various Division and District specific accommodation issues.

To re-emphasise, the matter that concerns us most is the scope of the displacement and re-deployment of Gardaí resulting from the overall Modernisation and Renewal Programme and how these re-deployments will be managed. Our views on how this, potential controversial issue should be managed have been outlined previously, under the heading ‘Civilianisation’ above.

Accountability

Accountability in An Garda Síochána must be examined from two perspectives:

1. Individual Accountability, and
 2. Organisational Accountability
- **Individual Accountability** places an onus on each member of An Garda Síochána to take personal responsibility for their behaviour, actions and deeds while operating within the law and the behavioural standards set by the organisation. The standards of behaviour must be clearly outlined and communicated to each member.
 - The GRA has previously made two submissions to the Policing Authority on the then draft Code of Ethics. We expressed our disappointment with the scrutiny, oversight, and punitive orientation of the draft Code, identified several concepts that were

vague, ambiguous and open to interpretation and outlined concerns on potential conflicts between the draft Code and current legal obligations. The GRA is available and most willing to engage further with the Commission on a new Code of Ethics. We still hold the view that the Code of Ethics was a missed opportunity to inspire a proper modernisation process that considers the employee as well as the employer. We have previously emphasised in this submission the need for training on the application of a new Code of Ethics to everyday policing incidents.

- If citizens, including Gardaí operate outside the law, they are subject to the same legal consequences and enjoy the same legal protections. Further protection, afforded to the citizen from Gardaí operating outside the law, takes the form of a legally mandated, independent complaints system⁹ for adjudicating on complaints made by the public against the Gardaí. This independent system affords the citizen the facility of lodging a complaint directly to the Ombudsman Commission.
- For behavioural breaches, the organisation has an established process for adjudicating upon such cases and where justified imposing sanctions. In An Garda Síochána this process takes the form of, An Garda Síochána (Discipline) Regulations 2007/2011 (Statutory Instrument Nos. 214 of 2007 and 620 of 2011). This is effectively the organisations Code of Conduct. The GRA, in accepting the necessity for Discipline Regulations have continuously emphasise that such an instrument will only be acceptable if, transparent and underpinned by the principles of due process, fair procedure and proportionality.
- **Organisational Accountability** is concerned with the development of transparent systems, processes, policies and procedures and the provision of professional ethical leadership that promotes officer safety and well-being thereby facilitating employees to perform at their optimum level. Areas of particular concern to the GRA are:
 - Lack of urgency and commitment to the management of Garda welfare issues and concerns. This matter is expanded upon under a separate heading below.
 - Lack of transparency in the Garda internal promotion system resulting in continuous complaints from our membership and a lack of trust in the integrity of this system. A meritocracy based on individual competency and previous performance is required. It is suggested that consideration should be given to the removal of the promotion process from An Garda Síochána and assigning this function to independent assessment.
 - Lack of urgency in the provision of CPD training resulting in Gardaí being exposed to unnecessary risk.

⁹ An Garda Síochána Ombudsman Commission, Sec.64 of An Garda Síochána Act refers.

- Lack of urgency in the provision of driving and refresher courses for cars and motor cycles.
- Lack of supportive supervision for Gardaí at the time of need.
- Failure to safeguard front-line policing numbers resulting in increased workload and exposure to risk. The number of assaults on Gardaí is currently, on average, three per day.
- Reluctance to examine change initiatives from a risk assessment perspective and act upon the findings. e.g. providing sub-standard patrol cars and motorcycles.
- Lack of, pro-active, attention to health and safety regulations and failure to maintain an effective advisory system. Reluctance to engage with external oversight bodies, for example Health and Safety Authority. The general lack of engagement with Gardaí does not promote a workplace safety culture.
- As previously stated regarding deployment of one-person patrol/response cars we are particularly concerned as to how the increased risk to the driver acting alone will be managed.
- Lack of transparency in Divisional and District financial management and accountancy practices. For greater visibility it is suggested that all budgets should be published with a breakdown across all sectors, personnel and offices. Expenditure on outside contractors and OPW for station repairs should also be included.
- Lack of urgency in concluding the review of the bullying and harassment policy.
- Lack of commitment to replace the Garda uniform with a modern design and fabrics.

Garda Welfare

- Gardaí provide a 24x7, 365-day service in an emotionally and physically challenging role, yet we do not have an out of hours Employee Assistance Officer Service. We acknowledge and express our appreciation for the dedication and valiant efforts of our Employee Assistance Officers and welcome the fact that their number will soon increase. However, the out of -hours requirement needs to be addressed as a matter of urgency.
- Amidst the on-going discussion and reform in An Garda Síochána there has been little mention of Garda victims. We recognise that victims of crime and others

coming into contact with our organisation must be properly and professionally considered and that persons in Garda custody have their rights, however our member's welfare and well-being must not be forgotten or taken for granted in the midst of change.

- The introduction, in 2016, of a 24/7 external counselling service facility has been a welcome development. Greater awareness of its existence, via the Garda Portal homepage for instance, as we have suggested, would be welcome.
- Policing is widely recognised as one of the most stressful occupations with organisational stressors frequently cited as being more significant than the nature of the work. Internationally police forces have recognised this and have moved to address the problems with mental health strategies, proactive programmes and easily accessible information.
- In 2007 in the Netherlands, the cost of workplace interventions targeting psychosocial risks in the Police over a period of 4 years was calculated at €3 million. As a result the number of risks decreased. A 3% reduction in absenteeism was observed with savings estimated at €40 million.
- Twenty-four years ago in 1993, the Belgian Federal Police put in force a stress management policy with a team in charge of its implementation – including post-traumatic stress management, stress prevention information and training. Apart from the inherent risks in the job of being a police officer it was recognised that because there was large scale reform and radical changes taking place in the Belgian Police that there were additional stresses and uncertainties for their members and management considered that something had to be done to enable its personnel to be able to manage difficult situations and “show an example.” The actions of the stress teams led to the return to work of many officers who had been on long-term sick leave and a decline in the rate of suicide was observed.
- We have called for the conducting of a wellbeing/stress survey or audit in collaboration the Health and Safety Authority and the State Claims Agency. This audit would give us the ‘facts on the ground’ and inform future strategy development for general health and wellbeing. To date we have not been successful in advancing this proposal. It should be noted that the last workplace stress related survey¹⁰ was commissioned by the GRA and conducted in 1998. The results indicated that 32% of respondents were experiencing above average levels of stress and 20% showed levels sufficient to suggest a need for professional intervention. It was noted in the Executive Summary of this study :

“An examination of stress in occupations such as policing seems particularly important. In any organisation, high levels of stress would be a source for concern, but it seems all the more important given that the work of police officers may impinge on the safety, wellbeing, liberty and even life of other individuals in society.”

¹⁰ Stress and Coping among Members of the Garda Síochána at Garda Rank- UCC, 1998

- There is a legal imperative on all employers to monitor risks and to take reasonable steps to address them. A risk assessment tool is freely available that enables identification of the potential causes of work related stress and to then prioritise actions to reduce them. We are particularly concerned with those working in high-risk roles. e.g. Specialist Interviewers for Children and Computer Crime Investigation Unit employees.
- A Stress Policy and a People Strategy should be developed with participation of all stakeholders to improve the quality of our working lives and promote support and manage mental and physical health in An Garda Síochána.
- Tackling stress will benefit this organisation with improved commitment from members, attendance levels, complaint reduction, less internal frictions, boost morale and a feeling of being valued leading to improved image and reputation.
- We have called repeatedly for An Garda Síochána to meet the standard of Critical Incident Stress Management (CISM) Network Ireland. Organisations who do meet the standard include Defence Forces, Prison Service, National Ambulance Service, Dublin Fire Brigade and Irish Coast Guard.
- CISM is an intervention protocol developed specifically for dealing with traumatic events. It is a formal, highly structured and professionally recognised process for helping those involved in a critical incident to share their experiences, vent emotions, and learn about stress reactions and symptoms. Referral for further assistance is arranged if required. It is not psychotherapy. It is a confidential, voluntary and educative process, sometimes called 'psychological first aid'. An Garda Síochána is not a member of CISM Network Ireland at this time. The Garda organization continues to seek outside assistance when such intervention is required. There is no clearly defined protocol and an overly bureaucratic inconsistent approach.
- We have called for a Well-being section on the Garda Portal. This could provide advice and information on the hazards of work related stress, shift work, diet, nutrition, exercise, substance abuse, addiction, sleep, general health and mindfulness. Links to other relevant agencies websites could be included. This type of support is available to many employees in the private and public sector many of whom are involved in much lower risk related employments than our members.
- There needs to be a more proactive and enthusiastic approach to health, wellbeing and safety in An Garda Síochána. The focus should be on prevention where measurable benefits in the form of: reduced sickness and sick benefit costs, higher performance, reduced public complaints and associated investigations could be accrued.

Governance

The Garda organisation is open to more public independent scrutiny than any other public service organisation. Since the passing of the Garda Síochána Act in 2005 the Governance framework has been extended significantly. Current elements of the Governance framework include:

- Garda Policing Authority: to oversee performance in An Garda Síochána
- Garda Audit Committee: Independent financial advisor
- Code of Ethics: behavioural framework

Garda Inspectorate: to oversee the effective and efficient use of resources in An Garda Síochána.

An Garda Síochána Ombudsman Commission: Independent public complaints mandated body.

Numerous provisions of An Garda Síochána Act 2005, designed to support transparency and accountability, including: Sections 21,22,23 reporting to the Minister; Section 39 duty of Gardaí to account; Section 42 conduct independent enquires; Section 43,44 financial accountability, Section 24 Establishment of a Professional standards unit. Also, our Parliamentary Committees exercise an oversight role when they deem it necessary.

Additionally, to further support transparency and accountability An Garda Síochána has:

- Established a Discipline Section under Internal Affairs to manage all breaches of discipline within An Garda Síochána.
- Established an Internal audits unit to conduct financial audits on behalf of the organisation.
- Developed a victim's support charter, and established victim's services office in each Garda Division
- Committed to and published call handling and response times.

Striking the balance between accountability and effectiveness is a difficult task. The GRA submits that An Garda Síochána clearly has a comprehensive governance framework with many discrete elements. The question for consideration is, how cohesive are these independent elements when it comes to providing an all-encompassing governance framework that provides effective oversight with measured disruption to the day-to-day performance of the organisation. Accountability and effectiveness must be viewed as compatible objectives.

Clearly established Powers and Procedures

Key elements of An Garda Síochána's policy framework include, An Garda Síochána Code Volume 1, Code Volume 2, Finance Regulation, (Code) and numerous H.Q. Directives many of which incorporate voluminous policy documents. The Garda Code is a *comprehensive* document comprising of regulations on *all* aspects of the structure, composition, resourcing, management and administration of An Garda Síochána. Historically, once published it is updated, amended etc by the subsequent publication of H.Q. Directive that reference the appropriate section impacted. Approximately every ten years a new edition of the Code was published to 'codify' all H.Q Directives subsequently issued since its original publication.

The GRA submits that this framework has long passed its usefulness. The volume of information is so vast that it is impossible to decipher. The Garda powers and procedures framework should be viewed as a resource to complement training and development and a reference repository that is continuously available in a unified, accessible, searchable and user-friendly format. The loading of large volumes of information on to the Garda Portal and expecting the Garda to trawl through them during busy shifts is not satisfactory and does little to promote continuous learning.

Policies that our members have raised concerns about include Grievance Procedures, Bullying, Harassment, Discrimination and categorisation of illness related absences (work related stress). The main complaints being that policies are ambiguous, open to interpretation and inconsistently applied.

The establishment of the new policy unit at H.Q. level should impact positively on this area. It is proposed that the unit will develop a policy governance structure and ownership matrix and that policies will be more streamlined and coherent for the organisation.

As a matter of urgency the Garda Code, HQ Directives and Policies require review and consolidation. A user friendly set of Standard Operating Procedures should be constructed and made available to all including members of the public.

Effective and Fair Discipline Procedures

The GRA, as previously alluded to recognises the need for a process that deals with breaches of discipline and again reiterates its view that discipline will only be acceptable if, transparent and underpinned by the principles of due process and fair procedure and proportionality.

The GRA submits:

- The emphasis should be on "conduct" rather than "discipline" and new regulations should be titled "Conduct Regulations".
- The most effective disciplinary systems are those that combine the reinforcement of values with behavioural standards that are established in clear policies, procedures and rules that are effectively communicated and consistently, transparently and fairly applied.

- An environment must be created in which members understand the expectations of the organisation and enable members to make prompt informed decisions within their area of responsibility.
- Access to alternative resolutions -counselling, mentoring, education, mediation, supervision-coaching, motivating, reviewing and education based discipline-remedial plans-education, training or other option to address misconduct.
- The current system does not facilitate learning (at an organisational or individual level) from error, mistake or misconduct. Organisational factors are not addressed or remedied. The above alternatives to Discipline must be the first consideration in influencing behaviour.
- A “Discipline Matrix” is required to achieve consistency and eliminate disparities of sanction for similar breaches- no matter what rank or position.

✚ Instigating discipline procedures should be viewed as a last resort. Lengthy discipline procedures are time consuming, expensive and a significant drain on Garda management. The current discipline system does not encourage learning, it is punitive in nature only. Punishment breeds resentment and consequently the system is self-defeating in terms of promoting increased performance.

✚ Our experience of the operation of the current Regulations is that they are not conducted in a consistent, fair and transparent manner. The fact that the Regulations allow for the imposition of a sanction, including a reduction in pay or dismissal places an onus of utmost importance that the Regulations be operated fairly.

Part 2 of the Garda Síochána Discipline Regulations deals with less serious breaches of discipline and allows for the appointment of a “deciding officer”. Where the Garda is found to be in breach the “deciding officer” imposes the sanction. The member concerned is afforded the opportunity to make submissions either himself or through his GRA representative. However, the member has no opportunity to cross-examine his accusers or any of the witnesses identified in the material. There is a real sense on the part of the member concerned that the matter is predetermined he is not afforded fair procedures. Investigators of alleged breaches of discipline (Deciding Officer), on foot of a complaint are acting on behalf of a complainant. This is not independent investigation-it is advocacy.

Furthermore, an adverse finding remains on the member’s record for a period of three years. Matters are finally compounded when it comes to an appeal. The appeal is made to the Chief Superintendent who is responsible for the appointment of the Deciding Officer.

Part 3 of the Garda Síochána Discipline Regulations deals with serious breach of discipline. When an investigation commences under Part 3 of the Regulations everyone involved is conscious of the serious nature of the investigation and the potential implications for the member concerned. The one glaring omission is that under part 3 there is no provision to allow for the transfer of a matter to be dealt with under Part 2 of the Regulations if at the

conclusion of the investigation the Investigating Officer considers that a breach of discipline may have occurred but that it is not a serious breach in all of the circumstances.

The unfortunate outcome of this glaring omission is that relatively minor matters come before a Board of Inquiry. The stress involved for the member concerned is wholly disproportionate to the allegation which he or she faces. Furthermore, the cost involved in empanelling a Board, requiring the attendance of a number of Senior Officers is wholly unwarranted. This matter needs to be remedied immediately.

The length of time it takes to bring a disciplinary case to a complete conclusion is a matter of major concern. This also applies to cases being pursued by GSOC. During this time the life of the member concerned is effectively on hold and must contend with the stress for lengthy protracted periods. It is strongly suggested that an end-to-end review be conducted where current timelines associated with each step of the process would be identified and remedial steps taking with a view to improvement.

There is a very real perception that the complaint/allegation is not what is investigated-it is the member who is being investigated.

Effective Management of Resources

The management of physical resources is not an issue for the GRA.

The culture of managing performance needs to evolve into a supportive process whereby managers take personal responsibility for the management of low performance through, coaching, mentoring and supportive supervision. The GRA has engaged actively on the development of a performance management system, PALF. This system allows for the measurement of team performance and is linked to our teamwork culture and tradition. When adopted and if managed effectively through training and support, the system should radically reduce the necessity for formal discipline proceedings.

To promote ownership and buy-in to the performance management system, managers must respond effectively and in a timely manner to requests for support that will facilitate higher performance. Requests for refresher training is a typical example. We must all aim to collaborate effectively in the service of the communities and towards a situation where behaviour and performance is 'policed' not only by managers and supervisors but also by peers.

Independent Professional Scrutiny

This subject has already been commented under the heading 'Governance' above.

Legislative Framework

As a matter of tradition, An Garda Síochána does not seek legislation to fulfil its role. However, An Garda Síochána is regularly asked to provide feedback on primary legislation that has been enacted by the legislators in response to societal issues. Generally, the purpose of the feedback is to assess the effectiveness of the primary legislation and to assess the necessity for amendments etc. in the form of secondary legislation.

However, recently this Association has democratically voted for policy to demand tougher legislation and minimum sentences for assailants who attack members of the emergency services. Currently, there are, on average three (3) assaults on our members per day.

Policing in the future will no doubt see the introduction of new technologies some of which may impact on current legislation or require a legislative basis in their own right. One such example is the growing use of Drone technology. This may need to be examined in terms of privacy legislation.

Conclusion

- GRA represents over 10,500 Gardaí representing almost 82% of An Garda Síochána. There are the men and women who work around the clock providing the front-line policing service throughout the country. These Gardaí now represent the key stakeholder group in what can only be described as the most significant change journey in the history of An Garda Síochána. Our membership welcome change and are keen to play their part in developing a fit-for-purpose organisation that will meet the expectations of all stakeholder groups going forward.
- Our members are keen to establish themselves in a position of strength so that they can contribute effectively in meeting the policing challenges of the future. They ask that they be considered holistically so that all issues that have the potential to impact negatively on their working lives be examined with a view to facilitating optimum performance and increased quality of life.
- The GRA have, on behalf of their membership, advanced several issues in this submission for consideration. We are now available to work with Garda Management and all stakeholder groups for the advancement of policing and increased quality of life for all our communities and members.

The GRA extends its best wishes to the Commission and our assurance of continued co-operation.

Appendix 1

Executive Summary Post Script - Research

On behalf of the GRA, UoB reviewed a number of academic articles, specific reports on modernising the police and certain UK and international forces' internal documents. They collated the most important characteristics mentioned as being important for a modern police force to tackle. Further, the review revealed some important recommendations for a 21st century police force, together with some challenges and barriers that stand in the way.

Important recommendations stemming from the review were:

1. Improved trust and legitimacy through accountability, transparency, being procedurally just and an honest evaluation of past and present problems.
2. Strategic oversight and evidence based practices, with the agility to respond to the changing and uncertain nature of threats
3. Using community policing for crime reduction as also to improve trust and legitimacy (as in 1 above), with preventative policing becoming more important
4. Modernisation and use of technology, including strategic collaborations with private and public partners and better data sharing across agencies
5. Training and education to make the force capable of delivering on 21st century policing
6. Active steps to ensure wellbeing of force personnel

Challenges/Barriers

1. Criminal sophistication and advanced technology, borderless crime
2. Lack of resources, with most law enforcement agencies facing budget cuts
3. Bureaucratic structures make it difficult to be agile and responsive to new threats
4. Traditional police culture is hierarchical and does not embrace evidence based approaches
5. Inter-agency cooperation difficult, different ways of working, as well differences in aim and culture makes information sharing difficult
6. Mission creep - police are not social workers but are asked to take on roles far beyond their core capabilities and often without any appropriate training.

Like other countries, Irish policing faces many new challenges. An Garda Síochána need to develop and modernise accordingly, while maintaining high standards in its core principles; detecting and preventing crime, ensuring the nation's security, reducing KSI injuries through improving road safety, preventing anti-social behaviour and promoting inter-agency approaches to problem solving and improving overall quality of life. The Garda Commissioner is responsible for a nationally unified police service and the Garda's responsibilities include national security, which is independently executed in some other countries.

Appendix 2

Introduction

The experience of GRA Membership in the operation of the law is summarised as follows:-

- (i) Proportionality
- (ii) Adult Caution
- (iii) Informal resolution
- (iv) Employer / Employee Situation
- (v) Data Protection
- (vi) Lack of Trust

(i) Proportionality

(a) Putting the complaint within a context

Gardaí who seek legal advice are concerned at how quickly matters escalate once a complaint is admitted by GSOC. All complaints arise out of an interaction between a member/members of the public and the Garda. It is our experience that this leads to the following disproportionate outcome:-

- A garda who is following his career path becomes very concerned – a concern which is often wholly disproportionate to the complaint.
- The member sees the experience of his/her colleagues and how quickly a complaint escalates to a criminal investigation and the majority of those files are sent to the DPP¹¹.
- Even if the member is not prosecuted he/she is advised that a fresh investigation is taking place into whether or not the member acted in breach of discipline.
- The process hangs over the member for over a year. For example, the median time for informal resolution in 2016 was almost three and a half months.
- GSOC employs practices of taking statements from members after caution if the complaint is admitted pursuant to Section 98 of the Act. There is no apparent thought given to whether or not any suspicion of criminal misbehaviour occurred. This heightens the incident for the member under investigation.

(b) GSOC's desire to appear independent

¹¹ The GSOC annual report 2016 indicates that the percentage of files sent to the DPP is extremely low vis a vis the number of complaints received. However, generally speaking this office will only be involved if a criminal investigation is conducted under section 98 and our experience relates to those matters.

- Practically all complaints can at one level appear to be criminal in nature. This may be because of the application form and the manner in which it is filled in or it may be the difficulty experienced by the pre-admissibility team in putting a formal structure on that complaint. Whatever is the source of the problem, it leads to a criminal investigation once past the pre-admissibility team.
- This appears to be an over-intensification in many instances and it is our experience that proportionality is lost in the effort by GSOC to appear independent and sympathetic to the complainant.
- The perception of impartiality is further undermined by how GSOC presents information. GSOC Annual Report 2016 discusses how it ensures it meets its obligations in relation to Directive 2012/29/EU regarding the victims of crime, as well as ECHR in relation to deaths following police contact. This is an acceptable and vital component of GSOC's work. However, the report does not outline, at any point, the measures GSOC takes to protect the accused Garda's right to fair procedures; to natural justice; to a good name etc.

This may well feed into the lack of trust discussed below.

(c) Abuse of process

Sufficient consideration is not given as to whether the complaint in question is a valid complaint or an abuse of process or an attempt by a disgruntled member of the public to utilise the 2005 Act as a vehicle for malice or revenge against a specific member of An Garda Síochána. The GRA has had to make this very submission to GSOC.

An issue also arises out of the lack of transparency as to how GSOC makes its decisions in this regard. For example, 2% of complaints in 2016 were deemed inadmissible due to being frivolous or vexatious. However, there is no indication of how GSOC makes that assessment in some cases and not others. Gardaí who dispute an allegation of misbehaviour may perceive this lack of transparency as a bias towards admitting a complaint in their case.

In order for GSOC to maintain a perception of impartiality on all sides, there is a need for the utmost transparency.

(ii) Adult Caution

- The GRA is of the opinion that there is a category of complaint which would lend itself to the exercise of an Adult Caution in keeping with the principle of proportionality.
- This is distinguished from Informal Resolution which is enshrined in the current legislation. It is the practice of GSOC not to deal with any complaint concerning conduct that may be criminal in nature under the Informal Resolution process.

- When the Act was framed it wasn't envisaged that the Informal Resolution mechanism would be so underutilised, nor that the principles of proportionality would be so heavily weighted against the member.
- However, due to the manner in which the Act is being operated it now appears to this office that an adult caution would be preferable to the lengthy investigative process over relatively minor offences and the time it takes to have the complaint finalised not just through the criminal process but also through the discipline process.
- The member remains conviction free and the minor offence is dealt with expeditiously.
- GSOC officers should have the power to recommend to the Commissioner that an Adult Caution would be an appropriate in certain circumstances.
- It is submitted that this is a more appropriate discipline to deal with minor offences. It is to be borne in mind that the alleged injured party would be aware that the member concerned was adopting this course of action and, therefore, admitting responsibility. In our view this would allow for much greater accountability to the injured party.
- The 2016 GSOC annual report states that 11 members received an adult caution following an investigation by the Garda Síochána Ombudsman Commission. We are not aware of this case and on previous occasions when we suggested that an adult caution would be appropriate were told that it was not possible. It is not expressly dealt with in the Act.

Section 98

Currently GSOC will channel a complaint through the criminal investigation process under Section 98 and the member concerned has no option but to remain silent and make "no comment" after being cautioned. Both the complainant and the member might well be satisfied with an Adult Caution and the removal of the jeopardy of a criminal conviction.

(iii) Informal Resolution

- The decision that a complaint can be dealt with by way of informal resolution is made by the "Pre-admissibility Team" within the Casework Unit in GSOC. Thereafter the complainant and the member concerned must consent to the complaint being dealt with under the procedure.
- An essential element of the informal resolution mechanism is that it is a "no fault" procedure the purpose of which is to deal with relatively minor matters expeditiously and to the satisfaction of all parties.

- It is the GRA proposition that the informal resolution mechanism is both underutilised and misunderstood¹². In theory one can see the benefit of such a scheme.
- A mechanism should be put in place to see if these misunderstandings could be cleared.
- A review is also needed of the effectiveness of the operation of the process. This office notes that 110 cases of informal resolution were opened in 2016, but of cases closed in 2016 only 8 were informally resolved. It is unclear whether there is a high rate of conversion to other types of investigation; however it remains clear that a disappointingly low number of cases closed were informally resolved.
- It seems that many members refuse to engage in this process because they claim that they did nothing wrong and have a complete answer to it. There is nothing inconsistent with this position and agreeing to informal resolution. There are significant safeguards built into the section for the benefit of the member.
- In Northern Ireland the Ombudsman can impose informal resolution. We are aware that the former Ombudsman for Northern Ireland has addressed the Committee to share her experience.

(iv) The Employer/Employee situation

- The problems experienced in our view are exacerbated by the failure to recognise that the Gardaí are employees and that GSOC by its very nature is an intermeddling mechanism between the proper relations between employer and employee.
- It follows that every effort should be made to restore good employer employee relations and where possible the statutory functions of GSOC should have an overriding principal of fair procedures as has been well established in the industrial relations sphere.
- Another way of looking at this is the success of discipline proceedings under the Garda legislation and regulations. It is the experience of the GRA that disciplinary proceedings when brought often lead to a plea situation and an element of bargaining to ameliorate the worst aspects of the discipline.
- The counterpoint to that with GSOC is that it is almost 100% the opposite. The members are not happy with discipline but are prepared to put their hands up and admit the fault because of their experience of the punishment likely to be meted out, which in their opinion is fair and proportional. An experienced representative or legal adviser can work with confidence with presenting officers or Boards of Inquiry.

¹² The GSOC annual report 2016 indicates that of 1,704 cases which were closed in 2016 only 8 were resolved by informal resolution.

- The difficulty which the Gardaí face with GSOC arises from their employment. Unlike other employees it is immediately heightened if there is a prima facie case to be answered. The members are treated more like an individual facing prosecution than an employee being answerable to his employer.
- Aside from the laudable aim of maintaining good employment relations, it is vital for GSOC to appreciate the obligations An Garda Síochána has towards its employees, including fair procedures, protection from harm, a safe system of work etc. Where procedures are over-intensified, and accused Gardaí have investigations hanging over their heads, there is potential for liability to arise where such a Garda develops mental health issues such as depression or anxiety.
- The GRA notes the Inquiry led by Mr Justice Frank Clarke in 2016 into the death of a Garda under a GSOC investigation which was described by his widow in the media as “horrendous”. It is clear that there is a need for greater appreciation of the impact of such investigations on Gardaí and their families, and consideration of how that impact can be managed.

(v) Data Protection

- GSOC Annual Report 2016 notes a number of training sessions on the issue of data protection attended by its staff in 2016.
- Protection of the data of all parties involved is of vital and unwavering importance and should be given priority in all matters. This office notes the practice of contacting Superintendents directly for information where response times for the dedicated e-mail address are too long. While this may be a more efficient system, it equally means that personal data of an accused Garda is being shared more widely, potentially impacting on such a Garda’s Constitutional right to a good name.
- This office also has experience of one case in which a Garda’s personal details were allegedly not adequately redacted before documentation was provided to a Complainant’s Solicitor. While unproven, any such breach of data protection would seriously undermine Garda confidence in GSOC.

(vii) Lack of trust

- We have referred to a lack of trust in various ways in the previous submissions as it is the significant emotion which the member experiences. THE GRA realises the tremendous pressure that a GSOC investigation places on the member. The stress that a member is under in carrying out his day-to-day duties should be recognised and factored in to how the GSOC officers’ conduct themselves.
- There is a perception amongst the members that they are not given the benefit of a presumption of innocence but rather the reverse.

- This GRA would recommend that when the protocols are reviewed they should take account of this because it is significant and militates against co-operation and accountability.
- In light of the designation of 3 members of GSOC as “prescribed persons” under the Protected Disclosures Act 2014, this co-operation and trust has become imperative for the effective operation of that Act.
- We note the work undertaken by GSOC in 2016 to disseminate clearer information about how GSOC operates, through workshops, booklets, leaflets etc. These materials have not been viewed by this office and as such we cannot comment on the effectiveness of same.

The current status of the protocols

There exists a protocol between GSOC and the organisation of An Garda Síochána. It is aspirational in nature. This office has often quoted from the protocol in making submissions on behalf of members and pleading for proportionality.

The Garda Síochána (Discipline) Regulations 2007, as amended

- The disciplined force is regulated by Statute.
- One of the principle complaints heard about the operation of the Regulations is that they are not operated in a consistent, fair and transparent manner.
- Given that the Regulations allow for the imposition of a sanction, including a reduction in pay and may even result in dismissal, it is of the utmost importance that the Regulations be operated fairly.

Part 2 of the Regulations – Less Serious breach of discipline

Part 2 of the Regulations allows for the appointment of a “deciding officer”. In reality the Garda Commissioner has delegated the authority to make appointments under the Regulations to the various Chief Superintendent’s around the country. On appointment the individual must:-

- (i) conduct an investigation;
- (ii) gather whatever evidence and statements he or she feels are relevant;
- (iii) formulate the allegations which the member is to answer;
- (iv) serve the member concerned with the evidence gathered together with a list of the allegations
- (v) decide whether or not the member concerned acted in breach of discipline. If he or she decides that the member did breach discipline then the individual decides what the appropriate sanction is.

- The member concerned is afforded the opportunity to make submissions either himself or through his GRA representative.
- However, the member has no opportunity to cross-examine his accusers or any of the witnesses identified in the material.
- The deciding officer makes a decision by applying the lower standard of the balance of probability.
- As a result of the foregoing there is a real sense on the part of the member concerned that the matter is predetermined he is not afforded fair procedures. Given that the deciding officer has the power to impose a fine of up to two weeks wages but without the safeguards associated with any other process in which a penal sanction can arise.
- Calling this section “Less Serious” belies the seriousness of the implications of this section. Furthermore, an adverse finding remains on the member’s record for a period of three years.
- Matters are finally compounded when it comes to an appeal. The appeal is made to the Chief Superintendent who is responsible for the appointment of the Deciding Officer.

Part 3 of the Regulations – Serious breach of discipline

- It is accepted that there must be a forum to deal with serious breaches of discipline with serious sanctions involved up to and including dismissal from the ranks.
- When an investigation commences under Part 3 of the Regulations everyone involved is conscious of the serious nature of the investigation and the potential implications for the member concerned.
- The Regulations determine the manner in which the investigation is to be conducted, who may take investigative steps and ultimately the fact that the investigator is to prepare a report recommending the appointment of a Board of Inquiry or not, depending on the outcome of his or her investigation.
- In the GRA’s experience, the Regulations suffer from a glaring omission. They do not allow for the transfer of a matter to be dealt with under Part 2 of the Regulations if at the conclusion of the investigation the Investigating Officer considers that a breach of discipline may have occurred but that it is not a serious breach in all of the circumstances.
- The unfortunate outcome of this glaring omission is that relatively minor matters come before a Board of Inquiry. The stress involved for the member concerned is wholly disproportionate to the allegation, which he or she faces. Furthermore, the cost involved in empanelling a Board, requiring the attendance of a number of Senior Officers is wholly unwarranted.

