

Submission to the Commission on the future of Policing in Ireland

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1 Introduction

- 1.1 Fianna Fáil welcomes the opportunity to make a submission to the Commission on the Future of Policing in Ireland (“**the Commission**”) on reform of the police service in Ireland.
- 1.2 Accountable, principled and effective policing is an essential element of a properly functioning state.
- 1.3 Public confidence in An Garda Síochána has been eroded to a significant degree. Fundamental change is necessary to ensure that the people of Ireland have available to them a functioning, effective and modern police force.
- 1.4 Fianna Fáil firmly believes that national dialogue on the future of policing is much needed. The public have a right not only to be consulted about the future of policing in Ireland but should also have a role in re-shaping An Garda Síochána.
- 1.5 Since coming to power in 2011, the Fine Gael led Government has failed to tackle the systemic and endemic problems within An Garda Síochána. Numerous media statements about reform of An Garda Síochána have been published by the Government. It has also established various bodies and launched a number of reviews to examine and make recommendations on garda reform.
- 1.6 Fianna Fáil views the Commission as an opportunity for real and substantive change to be effected. One of the negative consequences of the many and varied inquiries and reports into An Garda Síochána is that rather than acting as a catalyst for substantive change, they often lead to short term solutions addressing only the specific issue raised.
- 1.7 The public has a strong and palpable desire for real and substantive change to the basic functioning and operation of An Garda Síochána. They want a properly functioning Garda force of which they can be proud. The public want a transparent force; an accountable one but also a force that is properly resourced to carry out the basic function of providing front-line policing services. Indeed, the most recent report of the Garda Inspectorate, *Changing Policing in Ireland* (“**the Garda Inspectorate Report**”), contains a series of recommendations aimed at modernising and restructuring An Garda Síochána to ensure that the greatest proportion of personnel would be deployed on front-line policing services.

1.8 Unfortunately, many of the recommendations contained in this report have not been implemented. Therein lies a key problem: for substantive change to be effected, the recommendations of this Commission, together with the recommendations of the Garda Inspectorate, need to be actioned. At a basic level, this requires the full support of both Garda management and Government. It also requires the provision of adequate funding to ensure these recommendations can be actioned. There is a need for substantial cultural change and this has to be accepted at all levels of the Force. It is clear that advice from change management experts is needed.

1.9 It is worth recalling that the resignation of Conor Brady from the Commission was due to a lack of support for the Commission from Government. Similarly, in January 2018 the Policing Authority expressed its view that there was, as yet, “no evidence” that Garda management is making any real effort to deliver on its commitment to redeploy 1,500 Gardaí to frontline duties, as recommended. Only 14 members have been redeployed so far. The Authority also found that a “significant” number of obligations under the Garda 2017 Policing Plan are “off target” and may not be realised.

1.10 These are matters of deep concern to Fianna Fáil. However, repeated scandals and the failure to address the root cause of these issues have resulted in a situation where the time is now ripe for real and substantive change to be effected to the very basic structures of An Garda Síochána. This opportunity should not be missed.

2 The role and function of An Garda Síochána

2.1 Ireland is one of the only countries in Western Europe with a single agency with responsibility for policing, state security and immigration. The question that must be posed is whether An Garda Síochána should be a purely civil police force.

Immigration

2.2 Responsibility for immigration rests primarily with An Garda Síochána (Garda National Immigration Bureau (GNIB)). Registration of immigration permission for people living in Dublin has been transferred to the Irish Naturalisation and Immigration Service (INIS). People living in the rest of the country must register with their local GNIB (this takes place at approximately 75 Garda districts and is carried out in the most part by sworn Gardaí).

2.3 Responsibility for border control functions at Dublin airport has also been transferred to INIS.

2.4 The GNIB has responsibility for carrying out deportations and investigations relating to illegal immigration.

2.5 In other jurisdictions (such as Australia, the US and the UK) the role of monitoring, identifying, locating and removing foreign nationals who are in the State illegally or who breach conditions attached to their permission to be in the state, is carried out by agencies other than the police force. It is submitted that all administrative issues to do with immigration should be transferred to INIS but that the law enforcement aspects should remain under the control of An Garda Síochána.

State security

2.6 The security of the state is of paramount importance.

2.7 There are limitations of the current structure whereby An Garda Síochána is responsible for state security. This structure results in limitations on the powers and functions of Garda oversight bodies and creates difficulties in recruiting staff from other jurisdictions to fill senior positions within An Garda Síochána. Notwithstanding these issues, Fianna Fáil firmly believes that responsibility for state security should remain within the remit of An Garda Síochána.

3 The need for change of the culture within An Garda Síochána

3.1 An examination of the culture of any organisation is important in understanding the ability of that organisation to adopt to change. If organisational change is to be implemented, a culture which supports that change must exist within the organisation. The Garda Inspectorate Report recounted how a police service in the UK, which has undergone significant structural change, informed the Inspectorate that the first stage of their reform programme was unsuccessful because they had overemphasised the structure and process of the reform programme, without addressing the culture.¹

3.2 Organisational change efforts will continue to fail if they fail to shift policing culture, not just its design and individual practices. Expert advice from change management experts should be considered to ensure implementation. There is an appetite for modernisation amongst the majority of Gardaí.

3.3 There is much to be celebrated about the culture of An Garda Síochána. It is often described as having a “can do” attitude and there is a real sense of duty amongst the vast majority of the force. The public still retains very high level of confidence in force notwithstanding recent scandals.

3.4 The multitude of tribunals of inquiry and reports into the conduct of An Garda Síochána has however presented an organisation that is insular and defensive. Members of the force have highlighted the blame culture that exists, resulting in

¹ Garda Inspectorate Report, “*Changing Policing in Ireland*” (November 2015) at p. 171.

people being afraid to make decisions or to speak up. In July 2014 the then Acting Garda Commissioner, Noirín O’Sullivan, pointed to some of the negative elements of current Garda culture, citing “our insularity, our deafness to external criticism, and our instinctive rejection of internal dissent”.²

3.5 Achieving cultural change is difficult in all organisations, not only in a police force. It will not happen overnight. It is a continuous process that requires an internal desire for reform of culture. Members must be provided with clear direction, effective supervision, proper management, ample motivation and a supportive environment for the change.

3.6 There are practical changes that can be made which will assist this process. The much awaited publication of the Garda Code of Ethics is welcomed and is important in that it provides a set of principles to inspire and guide members. Strong management and leadership, with a commitment to reform, will be a key tool in achieving cultural change. It may also be worthwhile introducing a module on change management in Garda training programmes. There should be a renewed emphasis on continuing professional education.

3.7 It is hoped some of the recommendations made in this report will assist in helping to create an open, transparent and accountable police force.

4 Structure of An Garda Síochána

4.1 First and foremost, An Garda Síochána is an organisation providing a public service. Its primary aim should be to serve the public and, as an organisation, it should be structured in such a way that best serves the public.

4.2 Fianna Fáil believes that a number of key changes are required to the structure and management of An Garda Síochána if it is to truly and effectively serve the public.

A more visible police force

4.3 Arguably the most common complaint against An Garda Síochána is the reduction in the visibility of uniformed Gardaí on the streets and in the community. This engenders fear among members of the public and is unhelpful in terms of building relationships between An Garda Síochána and the public they serve. If An Garda Síochána is to best serve the public, structural change ought to be implemented to increase and maximise the number of Gardaí available for front line duty.

4.4 We must work to ensure that all ranks of An Garda Síochána are engaged in front line policing. Sergeants and inspectors must join rank and file members on front-

² Noirín O’Sullivan, “*Becoming a world class police force*” MacGill Summer School 2014

line operational duties. The physical presence of a sergeant or inspector is necessary to attend crime scenes and to provide guidance and support to inexperienced Gardaí.

4.5 Increasing the number of Gardaí available for front line duty ought to be readily achievable both through increased Garda resources and by evaluating and tweaking the structure and mix of staffing in order to achieve this goal.

(i) *Increased civilianisation*

4.6 The Garda Inspectorate Report contained several initiatives designed to release Gardaí to front line duties in the short term. This included the identification of a large number of positions that do not require sworn powers that are held by Garda members; the potential for reassignment of these roles to suitable civilian staff and the immediate hiring of large numbers of civilian staff to fill clerical and non-operational positions. To achieve this aim, the Garda Inspectorate Report (in 2015) set a target figure of 1,500 roles to be civilianised. We learned recently that by the end of 2017 only 14 members had been redeployed to front line duties. That is a very poor sign of progress and needs to be rapidly expedited.

4.7 In the longer term, the Garda Inspectorate Report recommended that all future recruitment of officers should be linked towards achieving an initial minimum target ratio of one member of civilian Garda staff for every three serving police officers. Notably, a similar recommendation was made twenty years ago by the Garda Deployment Inter-Departmental Group Report. This target has not yet been achieved. It is an enormous waste of resources to have sworn members stamping passports etc. The public is best served by redeploying these members to the front line.

4.8 The need for increased civilianisation (and the wider benefits beyond freeing up sworn members for front line duties) is discussed further in this submission under the heading “Recruitment”.

(ii) *The Garda Reserve*

4.9 The Garda Reserve was established with a view to increasing the links between An Garda Síochána and local communities. They are volunteer members who have been provided with significant training and provide uniformed support for An Garda Síochána.

4.10 Their role is to provide local patrols and participate in crime prevention initiatives targeted at specific local problem areas. They are also used for policing major events. The greatest asset of the Reserve is the visible presence uniformed members can provide through engaging with local communities.

- 4.11 As of 31 December 2016, there were 695 reservists. Of these, only 44% claimed the allowance (of €1000) which is only payable to reservists who complete a minimum of 208 hours annually. It is clear from these statistics that the Garda Reserve is not being used to optimum effect. The reserves provide a cost effective means of generating greater operational efficiencies and, importantly, of improving the overall visibility of An Garda Síochána.
- 4.12 The duties and powers of the Reserve are dictated by the Garda Commissioner.³ There does not seem to be any difficulty with the scope of powers afforded to the Reserve. Rather, the problem is with the inconsistent and underuse of the reserve.
- 4.13 Currently, a reserve may only be assigned duties by, or on behalf of, the Superintendent for the district where the reserve is stationed. The use of the reserve is therefore heavily reliant on the attitude of each Superintendent. The role of the Garda Reserve needs to be articulated more clearly to An Garda Síochána.
- 4.14 Anecdotal evidence suggests that there is a need for a culture change in the attitude of sworn members towards Reservists. This was reflected in the Garda Inspectorate Report which noted that “some reserve members expressed concerns that they have not been fully accepted within the organisation”.⁴ The true value of the reserve will not be realised until such time as reserve members are fully embraced as an important part of the force.
- 4.15 The Garda Inspectorate Report noted that “there was no identified champion for the [reserve] programme”.⁵ The Garda Inspectorate recommended the establishment of a centralised oversight office to direct policy and to provide support for reserves. This recommendation is adopted by Fianna Fáil.
- 4.16 The benefits of the reserve, beyond increasing garda visibility (for example in terms of increased diversity) is discussed further under the section in this submission on “Recruitment”.

(iii) *Community policing*

- 4.17 The value of community policing cannot be understated. Whilst arguably every member of An Garda Síochána should be a community policing officer, there is a strong case for a specific rank within the force for a “Community Officer”. There is undoubtedly a level of specialism and specific traits/characteristics needed for such a role. The public needs someone within the force with whom they can build strong, personal relationships.

³ Section 15(5) of the Garda Síochána Act, 2005.

⁴ Garda Inspectorate Report, “*Changing Policing in Ireland*” (November 2015) at p.296.

⁵ Garda Inspectorate Report, “*Changing Policing in Ireland*” (November 2015) at p.296.

4.18 The public cannot be served solely by response policing. An Garda Síochána must engage with the public in a non-enforcement capacity. The community officer must play a proactive role in the community in which he/she serves by engaging with local community groups, schools etc in order to build strong relationships. That officer would be charged with control of Neighbourhood watch and the Text Alert scheme. Ideally the officer should live in the district which he/she serves. The Community Officer should engage with the Juvenile Liaison Officer with a view to assisting young people or have or are at risk of offending.

4.19 As a matter of policy there should be a minimum of one full time community policing officer in every Garda district.

(iv) Engagement

4.20 Social media provides an important and underutilised mechanism of strengthening the “visibility” of An Garda Síochána by increasing connection with the community. It provides a means of keeping the public informed and can be a tool to re-assure the public and make them feel safe.

4.21 An Garda Síochána has a twitter account for advising the public on “traffic & major events”. The page advises that it is “not monitored 24/7 & not suitable to report a crime”. This is an important tool and is submitted that An Garda Síochána is not utilising social media platforms to their full potential. There are undoubtedly challenges related to the use of social media for policing activity, but it is submitted that consideration should be given as to how social media can be used to improve trust and understanding between An Garda Síochána and the public they serve. Garda operational districts should also establish social media accounts for specific communities within those districts.

Change in the rostering system

4.22 The current rostering arrangements within An Garda Síochána are no longer fit for purpose. Six consecutive ten hour days, followed by four days off, does not represent an efficient allocation of resources and negatively impacts on crime investigation. Given the variety of roles within the force, a “one size fits all” roster system simply does not work. It is bizarre to require those members in detective and investigative roles to abide by the same rostering arrangements as those in office based positions.

4.23 Reform of current rostering arrangements is not a novel or revolutionary idea. A number of reports have recommended change in this area. Police officers in other jurisdictions work a shorter number of consecutive days with shorter periods of rest days. Rostering arrangements should be role specific.

Deployment of Gardaí

- 4.24 The Garda Inspectorate has noted that there is an imbalance of allocation of members across the whole organisation that has caused many areas of the country to be understaffed. Deployment of Gardaí must be based on population.
- 4.25 Without accurate systems for recording demands for Garda services, it is difficult to determine the staffing levels needed to provide a fully effective and efficient policing service across the country. A long term technological solution to manage resources has been agreed and funding is in place.
- 4.26 Without accurate call demand and crime data it is very difficult to say how many Gardaí are required. A key finding in the Crime Investigation report (Garda Inspectorate) was the fact that not all 999 calls made by the public were actually recorded and not all crimes reported to Gardaí were entered on the Garda crime recording system. Inaccurate crime data affects resource allocation and deployment choices. The Garda Síochána must ensure that all incidents and crimes are accurately recorded in order to understand the demands for service.

Promotion

- 4.27 An Garda Síochána is an extremely “bottom heavy”, flat organisational structure. There are only 8 ranks within the force (Garda, Sergeant, Inspector, Superintendent, Chief Superintendent, Assistant Commissioner, Deputy Commissioner and Commissioner) and the vast majority of members are rank and file Gardaí. The lack of opportunity for professional growth causes low morale within any organisation, and An Garda Síochána is no different.
- 4.28 It is submitted that members must feel that there is an opportunity for advancement and development. Consideration must be given to how this can be achieved, whether through the creation of additional ranks, or additional posts within ranks.
- 4.29 There must also be clear opportunities and paths for career advancement for non-sworn members.

National Units

- 4.30 The National Units provide specialist services on a national level. Given the relatively small size of Ireland (both in terms of population and geography) this model is appropriate.

4.31 The recommendations of the Garda Inspectorate Report for the restructuring, expanding and renaming of the National Units are welcomed and Fianna Fáil adopts the call for the model advocated in that report.⁶

4.32 A concern has developed however that these units are becoming increasingly Dublin focused. Fianna Fáil supports the deployment of national units outside of Dublin. Outside of the capital much of the force suffers from a lack of expertise and resources in investigating serious crimes. Proximity to Dublin should never be a factor in the available expertise in investigating criminal activity. The recent decision to open Protective Services Units in Dundalk and Cork is welcomed. Fianna Fáil submits that continued efforts should be made to ensure that Gardaí outside of Dublin have the appropriate supports for solving crimes.

5 Recruitment of personnel

5.1 As a starting point, it is worth pointing out that the current recruitment processes is highly inefficient and there are long delays. This results in a number of applicants withdrawing as they have taken up other offers of employment.

5.2 There is an urgent need to develop a more strategic and dynamic recruitment process for all positions within An Garda Síochána: sworn members, civilians (unsworn members) and the Garda Reserve. Changes in the recruitment process must be implemented to attract a diverse range of high quality candidates.

Civilianisation

5.3 The benefits of increased civilianisation of An Garda Síochána have been cited in report after report. Nonetheless, An Garda Síochána has a remarkably low proportion of garda staff. Today the number of civilian staff is around 2,000. This percentage of the overall force does not conform to international best practice.

5.4 The Garda Inspectorate report identified a huge number of clerical positions that do not require sworn powers and could be assigned to garda staff. It remains the position that valuable Garda time is taken up with administrative tasks such as serving summonses or stamping passport applications. These are functions which are capable of being properly and efficiently conducted by non-sworn staff or by Garda reserves, thereby freeing up members for front line policing.

5.5 Civilianisation cannot be limited to clerical support roles. Beyond administrative roles, there is a need to expedite the creation of new civil posts at senior level. This

⁶ Garda Inspectorate Report, “*Changing Policing in Ireland*” (November 2015) Figure 1.3 at p.60.

is dealt with in more detail under the heading ‘targeted recruitment of people with specialist skills’.

- 5.6 If civilianisation is to succeed, the perception of “them and us” cannot be allowed to persist. Currently, new recruits receive 32 weeks’ induction training at the Garda College. There is no induction training in place for garda staff. Consideration should be given to introducing some training for garda staff. This may assist in changing the culture whereby civilian staff members are considered not to be “real” members of the force.

Targeted recruitment of people with specialist skills

- 5.7 An Garda Síochána must respond to the changing nature of crime. Recruitment needs to be focussed on particular skill sets to ensure that An Garda Síochána has the ability to successfully apprehend, charge and prosecute modern criminals. By way of example, white collar crime, in certain instances, has become so sophisticated that Gardaí need significant expertise in forensic accounting and company law. It would be unfair to expect the force, as it is currently resourced, to provide the appropriate level of training required for such investigations. Consequently, Ireland has remarkably low levels of successful prosecutions of white collar criminals. Similarly, a high degree of computer and information technology expertise is required given the growth in the use of the internet by criminals.

- 5.8 Recruitment processes must reflect the needs of the organisation in terms of the gaps in knowledge and expertise.

- 5.9 Similarly, there is a need for recruitment of persons with business management skills. Great Gardai do not necessarily make great managers. We believe there should be a mixture of lay people in management to add to the skills already there. The management team must be one that can run both a police operation and a business of 16,000 personnel and a budget of over €1 billion. In order to do this, it must comprise of sworn members together with persons from various professions with experience and expertise in these areas. In addition, if the force is to modernise structurally, properly trained managers need to be recruited to achieve such aims. There is little point in setting aspirational goals for re-structuring the force without equipping the force with the necessary personnel to bring about such change.

Graduate recruitment

- 5.10 A method of improving collective knowledge and expertise in the force would be through allowing graduate recruitment into An Garda Síochána. There are many

highly qualified people who have gone through third level education, qualifying in relevant disciplines, who are interested in employment in An Garda Síochána. They are deterred when they become aware that the degrees they have earned are of no real advantage when it comes to their recruitment and prospective promotion through the force.

- 5.11 Any programme of graduate recruitment would need to be compatible with and not offensive to the traditional forms of recruitment. Consequently, new recruits should be encouraged to pursue further studies whilst in An Garda Síochána. Furthermore, graduates recruited from outside the force should have to start at the same level as all other non-graduate entrants but the degrees they possess would, if they satisfactorily completed the training at the Garda College, enable them (as in Britain) to secure fast-track promotion into those areas of the Garda Síochána which would benefit from their academic and practical expertise.

Introduce Automatic Transfer from other jurisdictions

- 5.12 There is no process for An Garda Síochána to recruit fully trained police officers from other jurisdictions. The Garda Inspectorate Report acknowledged that this type of recruitment would bring high skill levels and fully trained officers into the force. It also noted that it would add diversity to the force.⁷ The Garda Inspectorate's Report also noted that a significant number of Irish citizens and some ex-Gardaí have emigrated and joined police services overseas. It is recommended that those officers should be able to transfer directly into An Garda Síochána without the need for full training or entry as a probationer Garda, if they apply to return.

Garda Reserve experience should be recognised

- 5.13 The Garda Inspectorate's report also noted that there is no recruitment process which takes account of experience as a member of the Garda reserve. Reserve members will have gone through 120 hours of initial training and have already been tested and trained in many of the powers and skills that are required to be effective member of An Garda Síochána.

- 5.14 There should be an accelerated training programme for reserve members to become fully sworn members. This would act to both accelerate the increase in the number of sworn members in the short term, as well as acting as an incentive for individuals to join the Reserve.

Garda Reserve recruitment

⁷ Garda Inspectorate Report, "*Changing Policing in Ireland*" (November 2015) at p.26.

5.15 The Garda Inspectorate noted that “despite being authorised under law and having received considerable training, reserves are not consistently or strategically utilised for operational purposes...there is no identified champion for the programme”.

5.16 There needs to be a more proactive approach to recruiting Garda Reserve members. Until recently, recruitment was passive. A drive announced in March 2017 was open for only three weeks.

The need for diversity

5.17 Another issue facing the Gardaí in relation to recruitment is the need for recruitment policies that ensure greater diversity amongst the force. As Ireland continues to develop into a multi-ethnic and diverse society, it is essential that the make-up of the national police force reflects that diversity. To this end, it is essential that positive steps are taken to ensure that minority groups are adequately represented at all levels of An Garda Síochána. Efforts should also be made to recruit Gardaí from urban areas that traditionally do not provide recruits to the force. Female representation within An Garda Síochána has improved over recent years and efforts to increase female recruitment should continue.

5.18 An effective police force is delivered by officers applying their taught knowledge with what they know from their own background. For that reason, the force must be reflective of the community it serves. The more representative the force is, the more efficient it will be.

6 Training at the Garda College

6.1 A new training programme for recruits was introduced in September 2014. All new members obtain a third-level degree in applied policing (accredited by the University of Limerick) as part of the recruit programme. The programme is based on problem based learning.

6.2 The Garda Inspectorate Report compared the recruit training programme with that of other police forces (US, Queensland, PSNI, Scotland and UK) and found that the Garda Síochána invests the most time in the academic phase of a recruit’s training programme. This is presumably linked to the accreditation of the course by University of Limerick. It is submitted that there should be no change that would jeopardise the accreditation. It is unfortunate that the academic programme does not include an ethics module. This should be introduced.

6.3 The Irish training programme involved shorter operational training periods than the PSNI, Scotland and the U.K. Consideration should be given to whether a longer period of operational training is required for new recruits.

6.4 As is discussed under the heading ‘Recruitment’ earlier in this submission, consideration should be given to introducing basic induction recruitment to civilian non-sworn recruits. Whilst they will not need to undergo the entire training programme of a sworn recruit, they should be given introductory courses that will be applicable to them as members of An Garda Síochána.

7 Continuous professional development

7.1 The Garda Inspectorate Report noted that it “was consistently informed by many units visited that CPD was limited in scope and availability and that many personnel had not been provided with any meaningful CPD for many years”.⁸

7.2 Investment in CPD, and access to it, needs to be prioritised if the police service is to be effective. There must be a properly administered system of continuous professional development (CPD). The current ad-hoc system of CPD within An Garda Síochána is no longer fit for purpose. Members are required to have a detailed knowledge of large swathes of legislation which is subject to regular amendment. The impact the lack of proper/effective training on new legislation has on prosecuting crime is impossible to measure but surely the increased costs on providing proper CPD would be justified by the more effective prosecution of criminal charges.

7.3 Gardaí should be contractually obliged to complete a minimum number of CPD hours per annum. A centralised CPD unit is required which not only monitors compliance but also ensures that the ongoing training and development of members is effective.

7.4 The Crowe Horwath report⁹ found that a fundamental cause of errors in the issuing of summonses was the lack of appropriate, timely and effective training for Garda members in the processing of road traffic offences. The report highlighted the difficulties with the manner in which CPD was delivered. The report concluded that the current online methods of disseminating information is seen as inappropriate and inefficient by operational Garda members, due to the limited time available within a busy policing environment and given the complexity of the material involved. The report stated that changes in legislation were frequently set out in large documents without any “particular signposting” to the issues of relevance to

⁸ Garda Inspectorate Report, “*Changing Policing in Ireland*” (November 2015) at p.340.

⁹ Crowe Horwath, “*Review of Matters Related to Mandatory Intoxicant Testing and the Issue of Summonses by the Garda Síochána*” (October 2017).

frontline Gardaí. The absence of any allocated time to allow members to properly engage with the portal was criticised. Additionally, given that not all Garda members have regular access to computers in Garda stations, relying on online means to provide training is insufficient to ensure consistent and up-to-date practice.

7.5 As is clear from the foregoing, very serious consideration must be given as to how best CPD can be delivered. The classroom training model (provided in Templemore) is inappropriate as it limits the number of people who can attend and is too disruptive to operational policing. The difficulties with the current online system were highlighted by Crowe Horwath (as reported above). Review and subsequent investment in IT must include consideration of how best technology based learning can be advanced.

7.6 CPD should be provided for both sworn and unsworn members of the force.

7.7 Efforts should be made to identify gaps in the skills of members so that programmes can be developed to specifically address the gaps.

8 Structures for governance, oversight and accountability of An Garda Síochána

8.1 An Garda Síochána must be accountable to the public.

8.2 International experience has shown that public confidence in a State's police force is improved by a combination of civilian oversight of the force and minimal political involvement in the day to day running of police services.

8.3 The need for oversight is beyond controversy. However, recent demand for greater accountability and oversight has resulted in the creation of a number of different bodies charged with overseeing the performance of An Garda Síochána, together with the remit of other agencies being extended to monitor An Garda Síochána. Consequently, we now have a situation where there is a surfeit of bodies or agencies to whom An Garda Síochána and its members are answerable. These bodies include:

- The Government;
- The Minister for Justice and Equality (“the Minister”);
- The Department of Justice (“the Department”);
- Joint policing committees;
- The Public Accounts Committee;
- The Joint and Select Oireachtas Committees on Justice and Equality;
- The Garda Inspectorate (“the Inspectorate”);
- The Garda Síochána Ombudsman Commission (GSOC);
- The Policing Authority; and

- The Commission on the Future of Policing in Ireland.

8.4 While each of these agencies / bodies plays an important role in engendering confidence in the force and the reform agenda, it is nonetheless readily apparent that there is an unnecessary cross-over of functions amongst these bodies and the potential for public confusion regarding the precise role of each body.

8.5 Experience is proving that reform is being stymied by recommendations coming from multiple sources. It is almost impossible to know where progress is being made and what recommendations are yet to be implemented.

8.6 Furthermore, An Garda Síochána finds itself answerable to a number of different bodies, often in relation to many of the same issues. It is also the case that the requirement on members of the force to engage with each of these bodies is a considerable drain on Garda time and resources.

8.7 In the circumstances, Fianna Fáil believes that a number of these bodies should be streamlined for administrative efficiency. However, any such streamlined body must have the necessary powers, resources and tools available to it to ensure it can singularly perform the task of proper oversight and accountability, currently performed by the aforementioned multiplicity of bodies.

The Government, the Minister for Justice and Equality and the Department of Justice

8.8 The role of the Government, the Minister for Justice and Equality and the Department of Justice in the day-to-day operation of An Garda Síochána must be kept to a minimum.

8.9 While there is an undoubted need for a general reporting relationship obliging An Garda Síochána to account to Government, if the proper steps are taken to ensure that the appropriate statutory body (or bodies) is empowered to ensure proper oversight and accountability, Governmental oversight should be kept to a minimum.

8.10 Recent events involving Sergeant Maurice McCabe serve to highlight the dangers of close interaction between senior Garda management, the Department and the Minister for Justice. This close relationship is both unnecessary and unhealthy. If the appropriate streamlined statutory body is properly empowered, then all engagement and contact between senior Garda management, the Department and the Minister for Justice should necessarily be limited to official contact through transparent channels (such as the joint policing or public accounts committees).

8.11 GSOC was established by the Garda Síochána Act 2005 and has been operational since 2007. GSOC is charged with dealing with matters involving alleged misconduct by members of the Garda Síochána.

8.12 In order to be properly effective, GSOC must be resourced and empowered not only to investigate but also to sanction members of the force who are found to have been guilty of misconduct. GSOC must be thoroughly independent in exercising its functions so that public confidence is maintained.

8.13 The Ombudsman Commission has commented that “the current Act prescribes processes that are too complicated and should be replaced with a stand-alone piece of legislation setting out revised processes for the exercise of GSOC’s statutory functions”.¹⁰ There is an acute need for standalone legislation to properly empower GSOC such that can effectively investigate all manner of complaints made against members of An Garda Síochána and properly sanction any member found to be in breach of a disciplinary code.

8.14 As matters stand, the 2005 Act provides for three types of investigation:

8.14.1 Disciplinary complaints can be investigated by the Garda Síochána (either supervised by GSOC or not supervised);

8.14.2 Disciplinary complaints can be investigated by GSCO;

8.14.3 Criminal complaints are investigated by GSOC.

8.15 All complaints against members of An Garda Síochána should be investigated by GSOC except those which are minor and could be described as “service level” complaints. These should be dealt with by the Garda’s superiors. Members found guilty of wrongdoing of a disciplinary nature by GSOC should then face sanction imposed by GSOC (and not by reference to the Garda Síochána Discipline Regulations as is currently the position). This will necessarily require the establishment of a distinct GSOC disciplinary code with appropriate sanctions on a statutory footing. This is no different than the powers afforded to any number of regulatory bodies, such as the Medical Council, the Veterinary Council or the Legal Services Regulatory Authority.

8.16 Where GSOC makes findings of wrongdoing of a criminal nature, these should continue to be forwarded to the DPP for a decision on whether to criminally prosecute the member or members concerned.

¹⁰ Garda Síochána Ombudsman Commission, *Proposal for Legislation Change Submission to the Department of Justice and Equality*, December 2017 at p.4.

- 8.17 There is currently no statutory obligation for members of An Garda Síochána to cooperate with GSOC. Amending or new legislation must ensure that GSOC has all powers necessary for the effective investigation of complaints, including the power to compel members to attend before the commission with appropriate sanctions should they fail or refuse to do so.
- 8.18 Amending or new legislation should also ensure that GSOC is entirely independent. The current oversight function exercised by the Department of Justice should be brought to an end. In order to restore public confidence, GSOC needs to be entirely independent of central government and should be subject to oversight by the Joint Oireachtas Committee on Justice and Equality or the Policing Authority. Like An Garda Síochána, GSOC is performing a public service for and on behalf of the public. It must be properly empowered to enable it achieve this aim and serve the public, as opposed to serving Government.
- 8.19 Currently:
- 8.19.1 GSOC must report to the Department;
 - 8.19.2 The financing of GSOC is a matter for the Minister for Justice and Equality;
 - 8.19.3 The accounting officer of GSOC is the Secretary General of the Department;
 - 8.19.4 The Minister and Government must consent before GSOC can investigate the conduct of the Garda Commissioner;
 - 8.19.5 GSOC must notify the Garda Commissioner in advance of conducting any search in a garda station.
- 8.20 This high degree of Government oversight and interference serves to fetter GSOC's ability to carry out its primary function for and on behalf of the public.
- 8.21 GSOC cannot be a body answerable to no one. Consideration should be given to the possibility of the oversight functions of GSOC currently exercised by the Department and the Minister being transferred to the Oireachtas Committee on Justice and Equality and/or to the Policing Authority.

The Garda Inspectorate

- 8.22 The Garda Inspectorate was established in 2006 and carries out inspections on the operation and administration of the Garda Síochána to ensure that resources are used to achieve the highest levels of effectiveness and efficiency.
- 8.23 The Inspectorate produces reports on various issues affecting An Garda Síochána. The 2015 report, *Changing Policing in Ireland*, involved a root and branch review of the operations of An Garda Síochána. The recommendations

contained therein were positive, original and most welcome. Many of the issues covered by that report and now being looked at in the context of the review the subject matter of this submission.

The Policing Authority

8.24 The Policing Authority is charged with oversight of the force, promoting public awareness of the policing matters and promoting and supporting the continuous improvement of policing. By law, the Policing Authority is required to have amongst its members, expertise in policing, equality and human rights, public administration, governance and community engagement.

8.25 The Policing Authority oversees and reports on the implementation of the recommendations contained in the Garda Inspectorate reports.

8.26 The Authority meets the Commissioner and his/her senior team every month (except August) to ask questions. Many of these meetings are held in public. This is mandated by legislation.

8.27 The Authority should receive regular reports from GSOC on complaints, how those complaints are dealt with and outcomes. The Commission should consider whether the Minister's current powers and functions with respect to GSOC should vest in the Joint Oireachtas Committee on Justice and Equality or the Policing Authority.

Streamlining

8.28 There is no apparent good reason why the functions of the Garda Inspectorate and the Policing Authority could not be carried out by a single body. It seems unnecessary and cumbersome to charge one body with the responsibility for recommending change within An Garda Síochána, but giving another body responsibility for ensure those changes are implemented. A single streamlined body should be empowered to inspect, review, recommended changes and to ensure those changes are fully implemented.

9 The availability of appropriate information systems

9.1 It is vital that the Gardaí are equipped with the resources and technology necessary to combat crime. The development of Computer Aided Dispatch remains critical so that Gardaí can electronically record all calls from the public and to provide vital management information on the use of garda resources.

9.2 There is an urgent need to develop crime recording and case management systems. From this, there is huge potential to improve on the ground policing through data

analysis. We need a more accurate image of crime trends in order to direct Garda manpower in the most efficient way possible.

9.3 The use of CCTV is an effective tool in combating crime. In the wake of the spate of serious crimes the Government is encouraging local communities to apply for funding under a community based CCTV grant aid scheme. Under the scheme, eligible community groups can apply for grant-aid of up to 60% of the total capital cost of a proposed CCTV system, up to a maximum grant of €40,000. The Government has budgeted €1million for this scheme in budget 2017 and budget 2018. The application procedure is extremely laborious and the amount of paperwork involved is undoubtedly deterring community groups for applying for funding under the scheme. This scheme was launched in April 2017. To date there have only been 6 applications – all of which have been unsuccessful. If CCTV is ever going to be effective in assisting as a crime deterrent and in apprehending criminals, it must be operated by an Garda Síochána and/or the State. There have long been reports of organised criminals using the motorway networks to target rural areas and make speedy getaways. The technology needs to be made available to combat this.

10 Conclusion

10.1 Despite the number of scandals to have shook An Garda Síochána, the relationship between the public and the force is very good. The Commission is faced with the huge task of providing a “blueprint” for the future of policing in the State. It is to be commended on its work in meeting with the public, members of an Garda Síochána, victims of crime and public representatives. This work can not be wasted: the recommended reforms must be implemented.