



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

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

January 2018



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## Introduction

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

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

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

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

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

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

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

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

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

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

## Overview

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

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

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

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

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

### Structure

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

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

### **Oversight and Accountability**

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

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

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

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

### **Performance**

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

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

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

### **Recruitment, Training and Workforce Composition**

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

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

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

### **Internal investigation and discipline**

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

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

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

### **Transparency**

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

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

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

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

### **Culture, Ethics and Human Rights**

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

### **Conclusion**

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



# 1. Oversight and Accountability architecture

## Key points

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

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

## **Introduction**

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

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

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

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

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

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<sup>2</sup> Section 40 of the Garda Síochána Act 2005

What is important is that:

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

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

### **Democratic Accountability and Political Context**

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

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

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

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

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

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

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

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

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

### **Oversight by the Department of Justice and Equality**

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

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

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

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

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

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

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

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

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

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

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

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<sup>3</sup> *“Working Group on Industrial Relations Structures for An Garda Síochána*, which reported in July 2017, [http://www.justice.ie/en/JELR/First\\_Report\\_of\\_the\\_Working\\_Group\\_on\\_Industrial\\_Relations\\_Structures\\_for\\_An\\_Garda\\_Siochana.pdf/Files/First\\_Report\\_of\\_the\\_Working\\_Group\\_on\\_Industrial\\_Relations\\_Structures\\_for\\_An\\_Garda\\_Siochana.pdf](http://www.justice.ie/en/JELR/First_Report_of_the_Working_Group_on_Industrial_Relations_Structures_for_An_Garda_Siochana.pdf/Files/First_Report_of_the_Working_Group_on_Industrial_Relations_Structures_for_An_Garda_Siochana.pdf)

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

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

## Community Context

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

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

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

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

“...*policing services are to be provided:*

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

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

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<sup>5</sup> Section 3B (b) of the Garda Síochána Act 2005

<sup>6</sup> Public Attitudes Survey, Q3 2017 – available on Garda Síochána website.

<sup>7</sup> Section 3B (a) of the Garda Síochána Act 2005

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

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

### **Inquiries Examinations and on-site inspections**

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

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

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

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

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

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

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

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

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



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

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

### **Conclusion: Future Oversight arrangements**

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

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

## 2. Security Services

### Key points

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

### Introduction

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

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

### Transparency

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

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

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

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

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

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

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

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

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

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

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

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

#### **Key points**

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

#### **Role as Accounting Officer/Chief Executive of the Garda Síochána**

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

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

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

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

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

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

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

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

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

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

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

### **Operational independence**

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

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

## 4. Integrity, Culture, Ethics and Human Rights

### Key points

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

### Mainstreaming Ethics and Human Rights

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

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

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

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

### **Garda Síochána Code of Ethics**

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

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

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

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



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

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

### **Protected Disclosures Policy and Procedures**

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

### **Human Rights**

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

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

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<sup>11</sup> Available at: [www.per.gov.ie/wp-content/uploads/Policing-Authority.pdf](http://www.per.gov.ie/wp-content/uploads/Policing-Authority.pdf)

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

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

## 5. Corporate Governance and Performance Management in the Garda Síochána

### Key points

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

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

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

### **Accountability and structure**

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

### **Mechanisms of oversight**

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

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

### **Performance management**

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

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

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

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

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

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

## 6. Complaints handling

### Key points

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

### Introduction

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

### Investigation of “service level” complaints

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

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

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

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

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

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

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

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

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

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

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<sup>12</sup> GSOC submission to Oireachtas Committee May 2014

<sup>13</sup> GSOC Proposal for Legislative Change, December 2017, available on the GSOC website

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

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

### **Need for a review of the legislation regarding complaints**

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

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

### **Complaints about civilians**

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

### **Responding to feedback from complaints**

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



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

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

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

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

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

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

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

## 7. Disciplinary process

### Key points

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

### Introduction

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

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

Recently, Judge Charleton concurred with those concerns stating:

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

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

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

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

### **Deficiencies in the current system for discipline**

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

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

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

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

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

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

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

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

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

## 8. Composition and capacity of workforce

### Key points

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

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

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

## **Introduction**

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

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

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

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

## **Human resource strategy and Workforce planning**

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

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

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

This will require:

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

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

### **Increasing Civilian positions**

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

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

### **Entry Routes and Levels**

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

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

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

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

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

## **Recruitment**

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

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

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



### **Information Systems to support planning and management of the workforce**

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

### **Diversity and Inclusion**

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

### **Placement/deployment decisions**

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

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

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

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

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

### **Work Culture and integration of new people**

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

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

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

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

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

## **Garda Reserve**

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

## **2015 Audit report from the Commission for Public Service Appointments**

In December 2015, the Commission for Public Service Appointments issued a report arising from its audit of Policies and Practices within An Garda Síochána relating to promotions to the Rank of Sergeant and Inspector<sup>16</sup>. The Commission considers that many of these legislative provisions for these recruitments and appointments are outdated and need to be changed and that the Garda Síochána must revise the manner in which it appoints its Sergeants and Inspectors. This report is not yet implemented and while some of the recommendations require legislative change, other recommendations do not. In the Authority's view, the audit report recommendations need to be fully implemented urgently, beginning with those that do not require primary legislation.

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

## 9. Training and Professional Development

### Key points

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

## **Introduction**

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

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

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

## **Training Strategy and Governance**

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

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

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

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

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

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

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

### **Training Delivery**

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

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

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

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

### **Foundation Training**

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

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

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

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

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

### **Continuous Professional Development (CPD)**

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

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

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

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

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

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

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

### **Leadership and Management Development Training (LMD)**

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

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

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

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



### **Access to fully funded and partially funded academic courses**

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

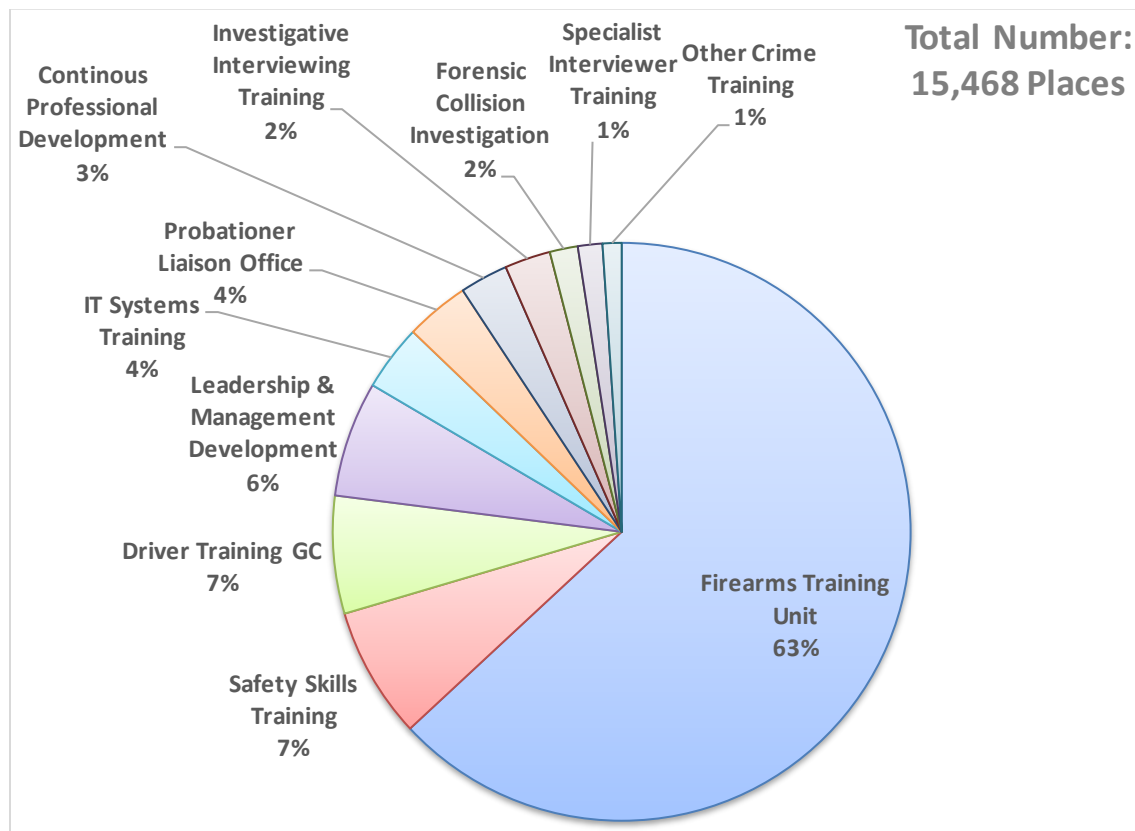
The Garda College coordinates the attendance of Garda staff members on courses provided by the European Union Agency for Law Enforcement Training ('CEPOL'). CEPOL programmes provide an opportunity to interact with other police and justice agencies and share best practice on policing issues. The Garda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

### **Crime and Specialist Training**

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

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

*Fig 1. Total Training Places in Garda College 2016 (excluding Foundation Training) <sup>17</sup>*



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

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

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

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

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

## 10. Technology and Digital Innovation

### Key points

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

### Management and Governance

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

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

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

### **Underinvestment and not prioritising change**

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

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

### **Skills shortage**

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

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

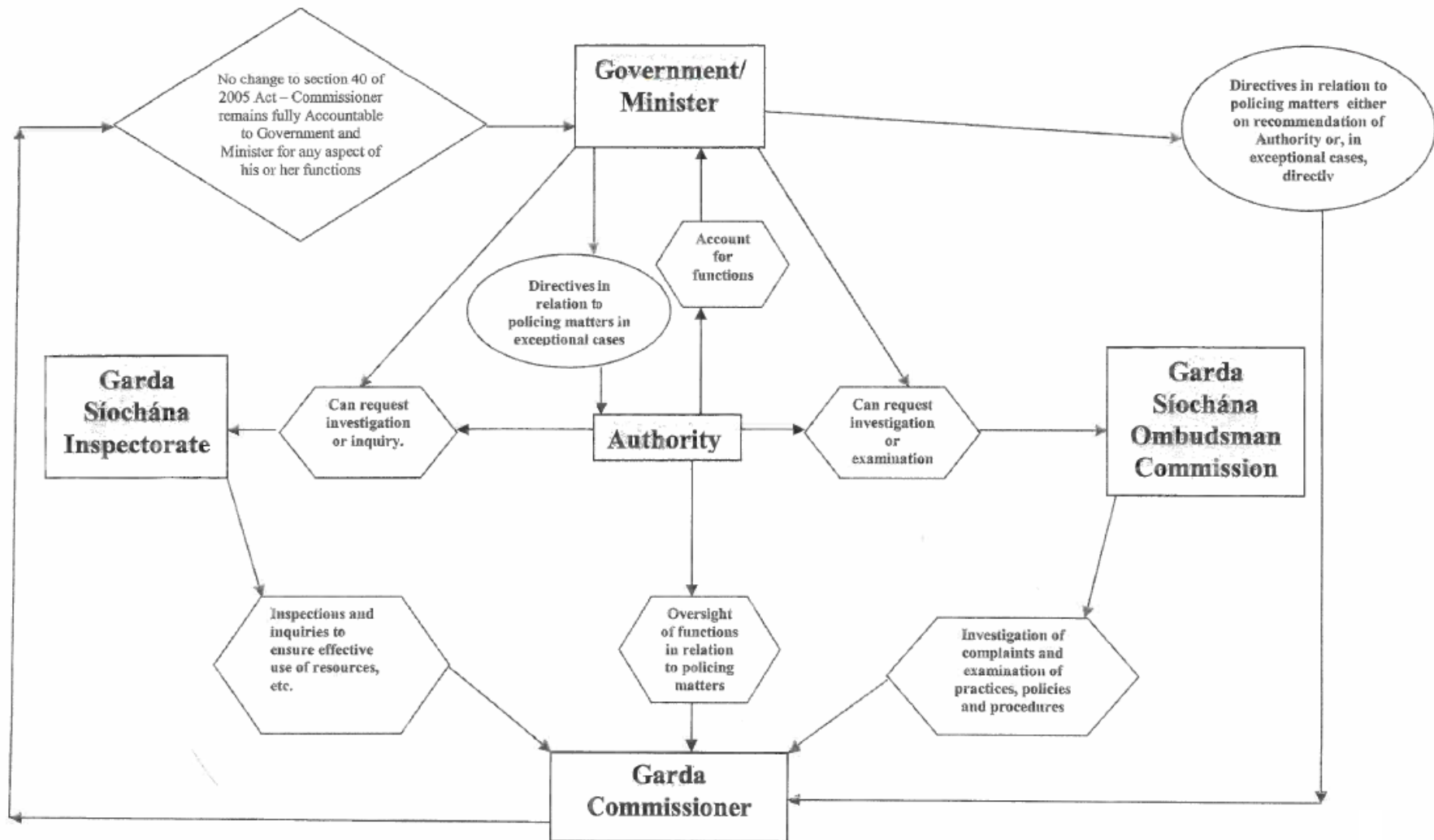
There is also a significant cost implication and there is no strategy to reduce this dependency over time.

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

### **Using technology to prevent and detect crime**

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

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



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

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

The Q3 2017 survey was conducted between July and September last year.<sup>18</sup>

### **Trust in the Gardaí Síochána**

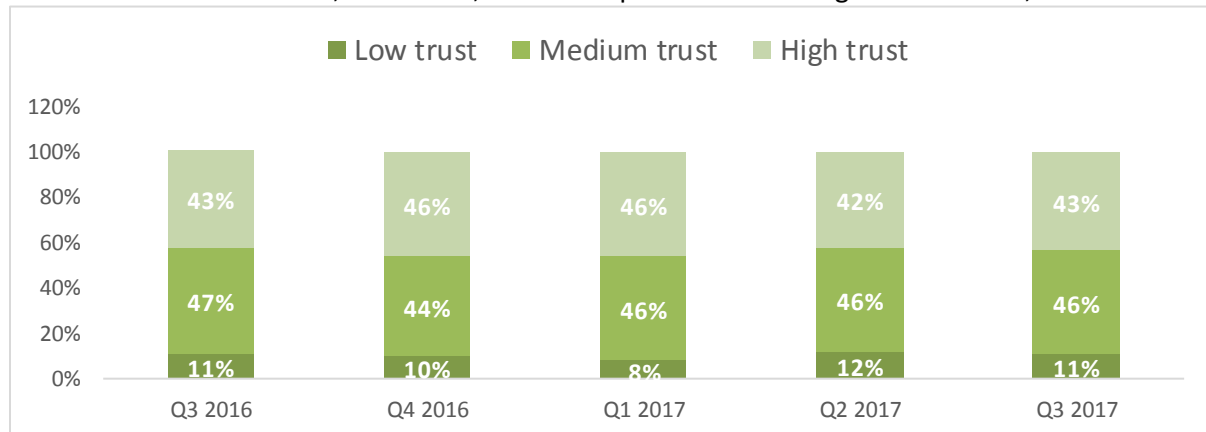
Amongst other questions, respondents are asked to quantify their level of trust in the Gardaí by assigning a number from 1 (low trust) to 10 (high trust).

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

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

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

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



level, and 11% a low level.

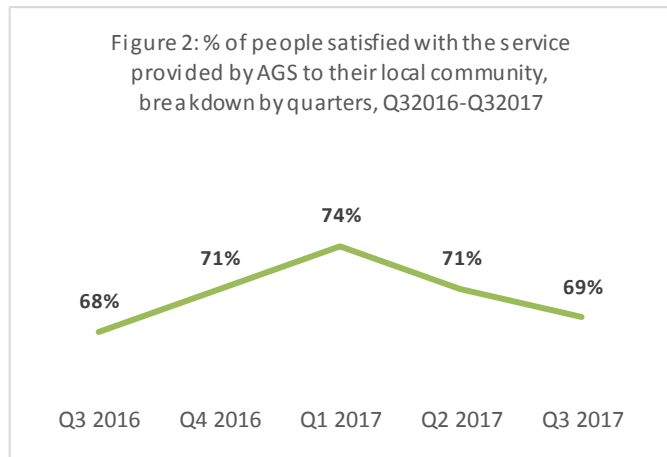
### **Satisfaction with the Garda Síochána**

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

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

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

- Figure 2 presents the percentages of people who reported they were ‘very satisfied’ and ‘satisfied’ during the previous five quarters.
- As can be seen from the chart, In Q3 2017, 69% said that they were satisfied (9% were ‘very satisfied’ and 60% were ‘satisfied’) with the service provided to their local community by the Garda Síochána. This figure is slightly lower than the one at the previous quarter (71%).
- Satisfaction among victims of crime who had reported their crime to Gardaí<sup>20</sup> was much lower, compared to the one in the general populations – 50% in Q3 2017 (compared to 69%).
- Respondents were also asked to agree or disagree with a range of statements, including whether the Gardaí were ‘community focused’. In Q3 2017, 63% agreed that the organisation was community focused.



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





AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

**Annex 1 - Report in accordance with section 62(O) of the  
Garda Síochána Act 2005**

**December 2017**

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## Chairperson's reflection on the effectiveness of the Policing Authority

It is very welcome that the Oireachtas obliges the Policing Authority to submit this Report on its effectiveness and the adequacy of its functions. In many ways, the two are intertwined, and the Authority's achievements and views are set out in some detail in this document. A fully researched assessment of the Authority's effectiveness is beyond the scope of this report. In any event, it is too soon, and is best left to others. However, the Authority has considered its own effectiveness, and has received ongoing spontaneous comments and feedback. On that basis this reflection and report on our effectiveness as an Authority of nine (now eight) people, which has been endorsed by my colleagues, is offered.

### **Overall assessment**

Overall, the Authority considers that it has been a positive disrupter in the Justice/Garda realm and has made a difference. In particular, in bringing transparency, independent challenge, a growing rigour and persistence to performance oversight, we consider that we have been effective. In a short timeframe, we have established a performance framework to oversee the functions of the Garda Síochána, and ensured that this oversight is subject to public scrutiny. We have put in place a Code of Ethics, a system for appointing senior Garda members and civilians, and provided a range of reports to the Minister for Justice and Equality. However, as this report acknowledges, there is quite a way to go. The Authority will not be in a position to assess itself as truly effective until such time as it can deepen its assessment of Garda performance, and see evidence of substantial progress by the Garda Síochána in implementing its reform programme.

As to the adequacy of our functions: they are broadly adequate for the tasks assigned to the Authority in the Act, although frequently cumbersome, over circumscribed and inefficient. However, partly due to the compartmentalised set of bodies, and to the limited remit that the Authority has in relation to resources, they are not adequate to oversee and assess performance in all of its dimensions. Although not scientific, a scan of our correspondence and of public comment also suggests that our functions are not adequate to meet public expectations.

### **Clarity of role and functions**

A broad range of stakeholders had called for the establishment of a Policing or "Garda" Authority in recent years, but there is no settled view in Ireland as to the appropriate form of independent policing oversight. Few commentators appear to appreciate the form that was provided for in legislation, and assess the Policing Authority's performance against their perception of what *ought to be* the role of an Authority from their particular perspective. That suggests that the Authority has not yet been as effective as it might be at explaining and publicising its particular role and remit.

The spontaneous feedback from correspondence and commentators includes the following themes:

- The Authority is not as effective or searching as it should be in its questioning in public session;
- The Authority is slowly making a difference;
- The Authority doesn't understand policing, or policing in Ireland, because of the Members' backgrounds;
- The Authority should dismiss and/or discipline certain people in the Garda Síochána;
- The Authority should include elected representatives;

- The Authority is changing the context for Garda Síochána oversight in positive way;
- The Authority’s job, which it is not doing, is to advocate for additional resources for the Garda Síochána;
- The Authority is holding the Commissioner and senior team to account; and
- The Authority should have a budget to support the work of JPCs.

In the context of these valid perspectives, it may be helpful to summarise that the model of Authority provided for in legislation is one:

- that is *appointed* rather than elected;
- with a *specified mix of professions and expertise*;
- that is an *oversight body with a significant operational reach into another organisation* but not an accountability body;
- with *very narrow circumscribed* roles in relation to Garda resources which we consider to be a particular weakness; and
- with many of its powers requiring *Ministerial consent or Government approval*, (it should be said this has not proven to be a difficulty – in many ways this is about perception).

One of the challenges posed by the current oversight architecture has been the ambiguity inherent in the respective statutory roles of the Authority and the Minister when it comes to overseeing the performance of the Garda Síochána in relation to policing services. Linked to this, has been the challenge of overseeing the performance of the Garda Síochána as an organisation while the head of that organisation, the Garda Commissioner, is accountable to the Minister. While the proposition of making the Garda Commissioner accountable to the Authority may seem on the face of it, to be a simple solution to this ambiguity, it cannot be considered in isolation from a broad range of key policy and legal questions. The questions include the role to be provided for the Minister and the Secretary General of the Department of Justice and Equality, and the exclusion of the Authority from oversight of security matters. The Authority will develop these points further in its submission to the Commission on the Future of Policing in Ireland. For the purpose of this report, it is sufficient to state that the manner in which the ambiguity has played out has at least contributed to the creation of a crowded, confused and inefficient oversight regime, and impacted the Authority’s effectiveness.

**The Authority’s view is that the uncertainty among stakeholders about its role and functions, while understandable, has the potential to affect public confidence in its effectiveness. It has also impacted on the manner in which some stakeholders and groups – including the Garda Síochána and the Department of Justice and Equality - engage with the Authority. This is largely as a result of a cumbersome legislative scheme.**

**Many functions but only one job**

The Authority has a broad range of functions, which are commented on in some detail in this Report. However, we consider that we have only one job, which is set out clearly in the long title of our founding statute, i.e. to oversee - which in our view includes assessing – the performance of the Garda Síochána in relation to their policing functions. **After two years, the Authority is convinced that such oversight is very necessary and believes it has added valuable, transparent oversight, which was missing.**

We have developed constructive working arrangements with the Garda Síochána Inspectorate and the Garda Síochána Ombudsman Commission. However, we are convinced that greater clarity is necessary between the various bodies in the Garda realm, including the Department of Justice and Equality, as to which body is expected to do what. Duplication of effort is wasteful and is frustrating for the Authority, the Garda Síochána and, as our correspondence shows, for the public.

### **Practical matters**

It was recommended that the Authority be established on a shadow basis before commencement of the legislation. This would have been hugely helpful, but did not prove possible. Members were advised of their appointment days before the Authority went “live” on 1 January 2016. This initiation was managed well by a very small team but was not optimal. The Authority quickly established its own governance processes, developed its strategy and values, identified its corporate priorities and set about implementing them in a methodical considered way. It set up a number of important committees to drive specific aspects of our business and began to build an executive team.

The Authority has reviewed its procedures and performance, including as required by the Code of Practice for the Governance of State Bodies, and will do so again. In all the circumstances, the Authority considers it has been effective in establishing itself. This has required a very significant time commitment from members, which will need to be borne in mind when next the Minister seeks to make appointments to the Authority.

**The Authority also considers that for the future, nine members is not enough. We have added non-members to our Committees to mitigate this risk, but to ensure that a broad range of applicants can make the necessary time commitment some additional members would be welcome.**

### **A Garda performance framework and Code of Ethics – work in progress**

The essential building block of a framework through which the Authority can oversee and assess performance is now in place. The assessment of performance happens at both official level and Authority level. This provides the basis for reports to the Minister, for questioning at public meetings and for the development of the Authority’s own work programme. The twin planks of our approach – persistence and transparency – have been key to our effectiveness.

Nonetheless, the Authority’s assessment is that while it provides a sound foundation, considerable further work is needed to broaden the range of performance indicators and to deepen the quality of performance information available from the Garda Síochána. **In particular, the Authority has not been able to be as effective as it would like in understanding and then challenging deployment of resources; both people and money.** The Authority will make this a priority in 2018 and 2019, but improvements in Garda Síochána management information will also need to be addressed.

Likewise, the Authority was effective and timely in developing and introducing a Code of Ethics for the Garda Síochána. Our targeted oversight approach will need to persist longer than we expected in order to ensure that the Code will be mainstreamed in all aspects of Garda Síochána work, both internal and outward facing. **The Authority considers that the establishment of the Code of Ethics was particularly timely given broader concerns about integrity aspects of Garda performance.**

### **Meetings in public – the Authority’s own accountability**

In many ways, the meetings in public with the Garda Commissioner capture the whole point of the establishment of the Authority. They have proven to be something of a challenge for Authority members who are not necessarily accustomed to public appearances. They have also proven to be a challenge for the Garda Síochána who, initially at least, did not seem to appreciate that the Authority’s own accountability to the community, as well as theirs, is exercised through the lens of those meetings. The Authority is in no doubt that those meetings are central to the effectiveness of Garda oversight. Optimally they are agenda based, scheduled and planned in good time to allow both parties to prepare. Five a year, with provision for extra meetings if required is about right. **Within this framework, events have required the Authority to be agile, and our assessment is that for a “new” body we have been reasonably effective in public and are improving with experience.** We seek to balance our agendas between policing and management topics, and provide opportunities for the Garda Síochána to be more transparent about the way they do their work and reassuring to the community.

### **Senior Appointments**

The functions relating to appointments – both Garda and civilian - are among those which have the greatest capacity to impact on culture, and they are commented on in some detail in this report. It continues to be our view that, it is desirable to follow the example set by Government for the top Garda positions by opening ranks from superintendent upwards to direct entry.

**We consider that one key change is urgent. Before the next round of competitions for senior Garda ranks, provision needs to be made so that all appointments include a probation period.**

### **Access to information and scope**

Spontaneous submission of information is critical to the effectiveness of oversight bodies generally. Notwithstanding quite strong provisions in the Act, the Authority has experienced some difficulty in getting access to information and the spontaneous submission of information, as foreseen in the Act, on matters relevant to the Authority’s functions is evolving very slowly. In this regard, the Authority may need stronger powers to compel performance, but would prefer to work collaboratively because, in the final analysis, powers are ineffectual if we don’t know that something we should ask for exists.

### **Conclusion**

It has been an honour and a challenge to establish this fledgling Policing Authority. We believe that the Authority has been a positive force for change. Drawing on our assessment, the views of other stakeholders and the work of the Commission on the Future of Policing in Ireland, I am in no doubt that the oversight framework will change. Until then, the Authority will continue to enhance our capacity and our effectiveness to the extent possible within the existing statutory framework.



**Josephine Feehily**

**Chairperson**

## Some Key Milestones and Achievements 2016 – 2017

<b>January 2016</b>	<ul style="list-style-type: none"> <li>• The Policing Authority established and holds its first meeting</li> </ul>
<b>February 2016</b>	<ul style="list-style-type: none"> <li>• First meetings of the Code of Ethics Committee, the Appointments Committee, and the Policing Strategy and Performance Committee</li> </ul>
<b>April 2016</b>	<ul style="list-style-type: none"> <li>• First meeting with the Garda Commissioner in public</li> </ul>
<b>June 2016</b>	<ul style="list-style-type: none"> <li>• Authority makes first senior civilian appointment</li> </ul>
<b>July 2016</b>	<ul style="list-style-type: none"> <li>• Policing Authority Strategy Statement 2016 – 2018 published</li> <li>• Garda Síochána Strategy Statement 2016 – 2018 approved</li> <li>• First national meeting with the Chairs of the Joint Policing Committees</li> </ul>
<b>September 2016</b>	<ul style="list-style-type: none"> <li>• National consultation event in relation to the development of the Code of Ethics</li> </ul>
<b>October 2016</b>	<ul style="list-style-type: none"> <li>• Policing Priorities for 2017 submitted to the Minister for approval</li> </ul>
<b>November 2016</b>	<ul style="list-style-type: none"> <li>• Report on the Garda Síochána Protected Disclosures Policy sent to the Minister and published</li> <li>• Policing Plan 2017 sent to the Minister for consent</li> </ul>
<b>December 2016</b>	<ul style="list-style-type: none"> <li>• Code of Ethics for the Garda Síochána established</li> </ul>
<b>January 2017</b>	<ul style="list-style-type: none"> <li>• First Quarterly Report to the Minister on the implementation of the recommendations of the Garda Inspectorate in <i>“Changing Policing in Ireland”</i></li> <li>• Functions relating to Garda Appointments commenced and first Assistant Commissioner competition advertised</li> </ul>
<b>March 2017</b>	<ul style="list-style-type: none"> <li>• First Panel established for Assistant Commissioner appointments and first appointment made by the Authority</li> </ul>
<b>April 2017</b>	<ul style="list-style-type: none"> <li>• Second Quarterly Report to the Minister on the implementation of the recommendations of the Garda Inspectorate in <i>“Changing Policing in Ireland”</i></li> <li>• Submission to the Garda Inspectorate on entry routes to the Garda Síochána</li> <li>• Policing Authority Annual Report 2016 published</li> </ul>
<b>June 2017</b>	<ul style="list-style-type: none"> <li>• Panel established for Chief Superintendent appointments</li> </ul>

<p><b>July 2017</b></p>	<ul style="list-style-type: none"> <li>• Third Quarterly Report to the Minister on the implementation of the recommendations of the Garda Inspectorate in <i>“Changing Policing in Ireland”</i></li> <li>• Report to the Minister on the implementation of the recommendations in the Interim Internal Audit Report in relation to the Garda Training College.</li> <li>• Panel established for Superintendent appointments and first appointments made of Chief Superintendents and Superintendents</li> </ul>
<p><b>October 2017</b></p>	<ul style="list-style-type: none"> <li>• Report published on <i>the Review of Matters Related to Mandatory Intoxicant Testing and the Incorrect Issuing of Summonses by the Garda Síochána Instead of Fixed Charged Notices</i></li> <li>• Report to the Minister on the Garda Síochána response to the Report of the Fennelly Commission of Investigation.</li> <li>• Second Report to the Minister on the implementation of the recommendations in the Interim Internal Audit Report in relation to the Garda Training College</li> </ul>
<p><b>November 2017</b></p>	<ul style="list-style-type: none"> <li>• First appointment by the Authority of a PSNI candidate to the rank of Superintendent in the Garda Síochána</li> </ul>
<p><b>December 2017</b></p>	<ul style="list-style-type: none"> <li>• Fourth quarterly report to the Minister on the implementation of the recommendations of the Garda Inspectorate in <i>“Changing Policing in Ireland.”</i></li> </ul>



## 1. Introduction and approach

The Policing Authority is an independent agency established on 1 January 2016. Its fundamental role is to oversee the performance by the Garda Síochána of its functions relating to policing services. The Authority is somewhat unusual being an oversight body that also has a deep operational reach into the organisation it oversees in relation to certain functions.

The Authority was established by the enactment of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015. This amended the Garda Síochána Act 2005 (the ‘Act’) and provided for an extensive range of functions for the Authority, some of which were previously the responsibility of Government or the Minister for Justice and Equality.

Section 62(O) (2) of the Act requires that the Authority report to the Minister on

- The effectiveness of the Authority; and
- the adequacy of the functions assigned to it by the Act.

The section also states *“the report under subsection (2) may contain recommendations for improving the effectiveness of the Authority”*.

In preparing this report for the Minister, the Authority has been mindful of the ongoing work of the Commission for the Future of Policing (the “Commission”). The terms of reference of the Commission include a requirement to consider the overall framework within which policing operates, including whether the policing is supported by coherent structures for governance, oversight and accountability. As a result, the Authority has sought to consider not just its own functions but how those functions fit into the overall oversight architecture and what changes might be needed in that overall architecture.

In addition to preparing this report in accordance with section 62(O)(2), the Authority will also be making a submission to the Commission for the Future of Policing by 31 January 2018 on certain matters set out in the Commission’s Terms of Reference and the overall oversight structures. The Authority will also continue to interact with, and assist, the Commission over the course of 2018 as required.

## 2. Establishing the Authority and how it worked

Beginning with a team of just three on 1 January 2016, the Authority has built a small but growing team of thirty at the time of writing. It has put in place sound governance, processes and procedures to manage its own work and has met all its statutory deadlines to date. As with all new organisations, its early work was about putting solid foundations in to form the building blocks for future years. By mid-2016, our Strategy Statement for the three years from 2016 to 2018, was published and it clearly set out the Authority's Mission, Values and Strategic objectives.

Our **Vision** is of a society served by a professional, impartial, constantly improving police organisation, which deserves and enjoys the trust and support of the people

Our **Mission** is to drive excellent policing through valued and effective oversight and governance.

Our **Values** go to the core of how we have worked over the past two years, and are:

- Acting in the public interest;
- Listening;
- Integrity;
- Transparency;
- Independence;
- Courage;
- Fairness; and
- Respect.

### **Governance**

As set out in the Authority's Governance Framework, the Authority operates in accordance with Corporate Governance for State Bodies and the Corporate Governance Standards for the Civil Service. Along with the Framework, the following publications<sup>1</sup> have been put in place and contain further detail surrounding governance:

- Governance Framework;
- Code of Conduct;
- Standing Orders; and
- Schedule of Delegations.

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<sup>1</sup> These documents are available on the Authority website at <http://www.policingauthority.ie/website/PA/PolicingAuthorityWeb.nsf/page/About-en>

## Authority Meetings

The Authority has, to date, planned for an ordinary daylong plenary meeting each month, except in the month of August. Each meeting includes a meeting with the Garda Commissioner and the senior team. The Authority is required by the Act to hold no less than four meetings in public with the Garda Commissioner annually. The schedule of meetings for the year is published well in advance, including indicating which meetings will be held in public with the Commissioner. From time to time, the Authority will hold additional or exceptional meetings on a needs basis, which may include meetings with the Garda Síochána.

The table below provides an overview of meetings in 2016/2017.

Period	Planned Meetings	Actual Meetings	Of which Held in Public
2016	11	13	5
2017	11	19	5

Meetings with the Commissioner in public are held in a central venue to facilitate the public and media attending and observing. These meetings are advertised in advance on the Authority's website. They are live streamed via the Authority's website, are available to broadcast by the media and archived recordings are available to view on the Authority's YouTube channel.

The Authority publishes the draft agenda for meetings on its website one week in advance and approved minutes are also published on the website. Since January 2017, the Garda Commissioner has provided the Authority with a monthly report, which is published on the Garda Síochána and Authority's website.

## Committees of the Authority

The Authority has established a number of Committees, supported by the Executive, to oversee the governance and progress the work of the Authority in relation to its statutory priorities. Each Committee has been established under terms of reference, which set out their purpose and guides their work. Terms of Reference for each Committee and the approved minutes of their meetings are available on the Policing Authority website.

Committee	Function
Code of Ethics	The Authority set up a Special Committee of the Authority, initially to develop the Code of Ethics and now, following the establishment of the Code, to oversee the

Committee	Function
	Garda Commissioner’s work to embed the Code of Ethics throughout the Garda Síochána.
<b>Garda Organisation Development</b>	This Committee was established to monitor and assess reform progress in the Garda Síochána. In particular, it oversees implementation the Organisation Development and Capacity Improvement Chapter of the Policing Plan, and monitors and assesses measures taken by the Garda Síochána to implement the recommendations of “Changing Policing in Ireland” on the basis set out in Government Decision S20193F.
<b>Policing Strategy and Performance</b>	<p>Taking account of the statutory responsibilities of the Authority in determining policing priorities and approving the Garda Commissioner’s Annual Policing Plan, the Committee makes proposals to the Authority on the approach and timelines to be adopted in each case.</p> <p>This Committee reviews monthly reports from the Garda Síochána on the implementation of the annual Policing Plan and advises the Authority in its ongoing approach to oversight of policing strategy and performance.</p>
<b>Garda Appointments Quality Assurance &amp; Selection Governance</b>	This Committee was established as a Special Committee of the Authority to provide governance and quality assurance in the senior Garda appointments process for the period until the first competitions under the Authority’s remit to appointment Assistant Commissioner, Chief Superintendent and Superintendent in the Garda Síochána have been completed.
<b>Audit and Risk</b>	The Audit and Risk Committee is part of the control environment, tasked with providing independent advice to the Accounting Officer and the Authority including; the suitability and robustness of the organisation’s internal control, internal audit, risk management and governance systems and procedures.

### Executive Team

The role of the Executive, led by the Chief Executive, is to implement the policies and decisions of the Authority. The Executive supports the Authority’s work by engaging with the Garda Síochána and other stakeholders, and providing the relevant information and expertise in relation to governance and policy development at both Authority and Committee level.

### Values

In the course of its oversight of the Garda Síochána the Authority has emphasised the importance of Garda Senior management demonstrating, in a visible way, commitment to its values and to the Code

of Ethics established by the Authority in December 2016. The Authority has therefore been conscious from the beginning that it is important that the Authority itself also demonstrate a tangible and visible commitment to its own values. It also holds itself to the standards set down in the Code of Ethics.

### **Transparency**

The Authority took an early decision that to the extent possible, its work would be done in a transparent way. In addition to holding five meetings in public, the Authority:

- publishes detailed minutes of all of its meetings and of its Committee meetings;
- publishes all of its reports on its website within a short period of time of the reports being finalised; and
- responds to media queries and queries from members of the public in as fulsome and timely a manner as possible.

By being as open as possible about its work, the Authority has sought to ensure that it is accountable to the public, and that it provides the Garda Síochána with the opportunity to be accountable to the public for the performance of its functions.

### **Independence**

In the course of debates on its establishment, the independence of the Authority was given considerable emphasis. For the Authority, ensuring that it is independent of both the Department of Justice and Equality ('Department') and the Garda Síochána is fundamental to its purpose and credibility. In order to demonstrate independence as a core value, it has sought to:

- be honest and independent minded in its assessment of the performance of the Garda Síochána and in any public or private communications it has had;
- challenge relationship norms which may impact on its independence and ensure that there is a degree of formality around its relationship with both the Garda Síochána and the Department of Justice and Equality;
- conduct its work in a transparent and open manner to allow for others to challenge its independence;
- keep an appropriate distance from the day-to-day work of the Garda Síochána, recognising the operational independence of the Garda Commissioner.

### **Listening**

Since it was established, the Authority has sought to identify a diverse range of sources of information about how different communities and individuals experience policing in Ireland. The Authority has met with various NGOs and state agencies, as well as visiting Garda stations to meet with the members and staff who are in direct contact with members of the public and attending JPC meetings. The Authority considers that it has made good progress at developing relationships with a diverse range of agencies and organisations to understand how certain communities experience policing. These groups include representatives from the LGBT community, racial and ethnic minorities, groups that

represent victims of domestic or sexual violence. A key focus for 2017 was to better understand how Joint Policing Committees around the country work.

The purpose of this engagement work is to better understand the context for the Garda Síochána's work and on occasion to verify the information that has been received from the Garda Síochána.

**Authority's assessment:**

The Authority considers that it has established the Authority with sound governance, processes and procedures to manage its work. However, as part of its annual consideration of its effectiveness, it continues to challenge and enhance its way of working. It does consider that having a slightly larger number of Authority members, say from 9 to 12 would expand its capacity both in terms of the range of expertise, but also the time commitment for Authority members to service the detailed oversight work that its committees do.

It is the Authority's view that working openly has been very effective from an oversight perspective and that this transparency is the reason, either directly or indirectly, that many issues have been aired in the public domain during the last two years. When all parties (including the Authority) know that information on their performance will be in the public domain, this inherently causes improvement.

The Authority is too new to have conducted any public attitudes survey that might assess how the public or other stakeholders perceive it. It does however receive feedback from members of the public, some of which is critical of the Authority for being too close to the Garda Síochána and "too soft" on the Commissioner in public, and other feedback to the effect that the Authority is overly critical and negative of the Garda Síochána. The Authority is conscious, therefore, that there are mixed views in the eyes of the public and other stakeholders about how independent (and indeed effective) the Authority is.

On balance, the Authority considers that it has established an independent relationship with the Garda Síochána, but intends that as its oversight role becomes more embedded, the Garda Síochána will be in a position to provide documents in a format that do not require substantial input from the Authority and that its independence will be enhanced.

The Authority considers that it has established an appropriately independent and effective working relationship with the Department of Justice and Equality. The way the relationship is framed in legislation has posed a number of challenges and these are set out in Section 3 below.

In the area of listening and engaging, the Authority considers it could do more and in 2018 it intends to continue and enhance its programme of listening, engagement and learning with civil society, Gardaí, statutory bodies and JPCs.

### 3. Oversight of performance of the Garda Síochána of its functions relating to Policing Services

The long title of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 provides that the Authority was established “*for the purpose of overseeing the performance by the Garda Síochána of its functions relating to policing services*”.

At its most basic, overseeing performance involves establishing a performance framework, and monitoring and evaluating progress against that framework.

Broadly speaking, the Authority has been assessing performance based on a performance framework that has the following components:

- the Garda Síochána Strategy Statement;
- the Garda Síochána Annual Policing Plan;
- the Garda Inspectorate Reports and the Modernisation and renewal plan;
- other reviews and third party reports (including GSOC reports); and
- its own research.

#### 3.1. Overseeing the implementation of the Annual Policing Plan

The Authority has placed the Policing Plan at the centre of the performance framework, which it has developed. Progress is assessed, and the Authority’s Policing Strategy and Performance Committee challenge the Garda Síochána at its regular meetings, and again at the monthly Authority meeting.

##### *Development of the Policing Plan and related performance targets*

The Policing Plan is developed by the Garda Síochána in accordance with Section 22 of the Act and approved by the Authority, with the consent of the Minister. In preparing this Plan the Garda Commissioner must have regard, amongst other things, to the overall strategy of the Garda Síochána. The most recent Garda Síochána Strategy (2016 – 2018) was approved by the Authority and the Minister in accordance with section 21 of Act.

The Policing Plan contains the performance targets established by the Authority under section 20 of the Act. The process of developing the Policing Plan by necessity requires that the two organisations consult and work on the document using an iterative process. The legislation conceives of the development of the Plan and the Performance Targets as being two separate processes, but this is not practical given the need for any targets set by the Authority to have accompanying actions and initiatives within the Plan to give them practical effect.

A key priority for the Authority during its first two years has been to ensure that the Policing Plan would contain specific measurable targets - be that percentage increases in reporting of crime, increases in detections, decreases across crime areas, time frames for completion of particular actions and percentage increases or decreases in the results of the public attitudes survey. The 2017 Policing

Plan included more specific measurable targets than plans developed prior to the Authority's establishment, and the 2018 Plan builds on this with yet more specific measurable targets.

In advance of preparing the 2017 Policing Plan, consultation took place with (amongst others) the chairpersons of Joint Policing Committees, Chief Executives of Local Authorities, the Garda Commissioner and the Department of Justice and Equality. The process for developing the 2018 plan was similar but also involved an additional step of targeted consultation with a range of stakeholders. Following from the 2017 consultation, four new policing priorities were identified for 2018, namely:

- Domestic Violence;
- Brexit Preparedness;
- Major Incident Planning; and
- Data Governance and Stewardship.

### **Monthly assessment and challenge**

The Authority's Policing Strategy and Performance Committee examines in detail the performance of the Garda Síochána against the Policing Plan on a monthly basis. This facilitates further oversight and challenges to the Garda Commissioner at the monthly Authority meeting. In advance of those meetings, the Committee receives a report, which sets out all the actions and targets in the Plan with a RAG status as against the progress being made. The report is required to set out the reasons for any target going off course and the remedial action proposed.

As of November 2017, the Garda Síochána reported the successful completion of 40 of the 84 policing initiatives set down in the 2017 Plan. Some achievements of the 2017 Plan include success in targeting organised crime, increased detection and reporting of sexual crimes in the latter part of the year, publication of a National Crime Prevention and Reduction strategy, and the roll out of Protective Service Units in three divisions. Some disappointments include:

- the lack of progress on civilianisation;
- the continuing downward trend in detection levels across a number of crime types;
- failure to deliver a strategy on diversity and inclusion and a new community policing framework;
- the slow pace at which the Performance Management and Accountability Framework has been implemented, and the continued lack of performance management for civilian staff.

In addition to the information provided by the Garda Síochána to support the assessment of its performance, the Authority has recourse to its own research, drawing on publicly available data, the Inspectorate reports and engagement with a range of relevant stakeholder organisations. The stakeholder meetings allow the Authority to garner a sense of how Garda Síochána performance is being experienced by members of the public. This work is evolving, and it is intended to deepen the Authority's engagement with other agencies and NGOs in 2018, as well as developing the research capability of the Authority.



### 3.2. Overseeing the Reform Programme - the Inspectorate Reports and the Modernisation and Renewal Programme (“MRP”)

In November 2015, the Garda Inspectorate published its report *“Changing Policing in Ireland”*. This report contained 80 recommendations of which 77 were accepted (some with amendments) in the Government Decision on 16 July 2016. The focus of that report was on modernising and restructuring the Garda Síochána. Following on from this, the Garda Síochána published a Modernisation and Renewal Programme (2016 – 2021) in June 2016. The purpose of this 5-year programme was *“to professionalise, modernise and renew the organisation to ensure it can meet present and future policing and security challenges.”* It is an ambitious change programme covering key areas such as the structure, composition of the workforce, culture, supervision and resources.

In July 2016, the Tánaiste and Minister for Justice requested that the Authority monitor and assess the measures being taken by the Garda Síochána to implement the recommendations of *“Changing Policing in Ireland”* noting that in many instances the vehicle for implementation of this Inspectorate Report is the MRP. In the course of 2017, the Authority established a framework against which it tracks progress on the various projects in the MRP. It also identified those recommendations in *“Changing Policing in Ireland”* that were not covered by the initial 133 projects being undertaken within in the MRP.

Progress in relation to the MRP is evaluated by the Organisation Development Committee of the Authority, which meets with Garda Representatives to discuss progress on a monthly basis. The Authority has sought to bring focus to particular priority themes that in its view are key enablers of change. These themes are grouped into the following oversight priorities that are now examined explicitly:

- Composition and structure of the workforce;
- Garda Resource deployment;
- Supervision;
- Data Quality;
- Victims; and
- Culture

The Authority has also focused on the areas of IT, HR and training which support and enable the achievement of the Inspectorate recommendations. At the Authority meeting on 23 November last, the Garda Commissioner acknowledged the need for prioritisation and this exercise is currently underway.

As part of this oversight work, the Authority produce quarterly reports for the Minister reporting on progress. These reports are subsequently published and made accessible to the public. These reports are based on quarterly submissions from the Garda Síochána, but the value added by the Authority is that it interrogates, rather than accepts, these submissions and seeks supporting documentation to evidence progress.

To date, three reports have been published (January, April and July 2017) and a fourth is being submitted to the Minister on 22 December 2017. These have raised concerns about the pace of

implementation. The July report stated that although the Garda Síochána had indicated that 20 % were completed, on further investigation the Authority found that many of those, which had been marked as complete, had in fact not met the intent of the relevant recommendation in *Changing Policing in Ireland*.

The Authority is mindful that in addition to *“Changing Policing in Ireland”*, which is the most recent report of the Inspectorate, the Inspectorate has previously published well researched and evidenced reports in accordance with its statutory remit. A focus during 2018 is likely to include some assessment of the progress and status of other Inspectorate reports.

### 3.3. Other scrutiny work: Reviews and oversight of implementation of recommendations in other third party recommendations

Since the Authority was established in 2016, there have been a number of reports from third parties that have contained recommendations relating to the performance of the Garda Síochána. In addition, the Authority itself has conducted or commissioned reviews in relation to specific issues.

A brief summary of the work done by the Authority in relation to those reports is set out below.

#### **The O’Higgins report (May 2016)**

*The Report of the Commission of Investigation (Certain Matters relative to the Cavan/Monaghan Division of An Garda Síochána)* (“the O’Higgins report”), published in May 2016, raised very specific questions about the Garda Síochána performance, which the Authority took very seriously. The report contained recommendations relating to service to victims, management and supervision and culture in the Garda Síochána. The Authority requested detailed responses from Garda management on what steps it was taking to address the problems highlighted. These issues were the subject of specific questioning at 4 separate meetings with the Garda Commissioner throughout 2016, and the Authority continues to focus on a number of the issues that were highlighted in that report including the urgent need for a system of performance management.

#### **The review of the Garda Síochána Protected Disclosures Policy (November 2016)**

The Authority completed a report on the Garda Síochána Protected Disclosures Policy in November 2016 and this is published on the Policing Authority’s website. This review was prompted by a request in June 2016 from the Tánaiste and Minister for Justice and Equality. Following this report, the Garda Síochána revised its policy and committed to doing a review of that revised policy in one year.

The Authority is concerned about progress made by the Garda Síochána in relation to the conduct of this review and it was discussed with the Commissioner at the Authority’s 2017 meeting.

### **The Fennelly report**

The *Report of the Fennelly Commission (Commission of Investigation) Certain Matters Relevant to An Garda Síochána and other Persons* was formally referred to the Policing Authority by the Tánaiste on 12 April 2017, under S62(O)(6) of the Act, for the Authority to oversee those recommendations in the report that were outside of the Department's remit. The Authority provided a report to the Minister on its oversight of the implementation of the recommendations on 1 November 2017. This report is published on the Authority's website.

### **The interim internal audit reports on the Garda College in Templemore**

In March 2017, the Tánaiste and Minister for Justice and Equality referred the "*Interim Audit Report - Financial Procedures in the Garda College Templemore, February 2017*" to the Authority under S62(O)(6) of the Act. This audit uncovered a number of irregularities concerning the financial controls and governance arrangements in place at the Garda College.

The Authority reported to the Minister on what progress the Garda Síochána were making in August 2017, and again in November 2017, and these reports are available on the Authority's website. In its first report the Authority expressed its disappointment that only 3 of the 19 recommendations could be assessed as "Complete", but was pleased to note in its second report that 11 of the 19 recommendations could now be considered as "Complete / Closed". In the Authority's view, this is an example of where progress was made by the Garda Síochána because of the oversight of the Authority and specifically as a result of knowing that progress, or lack thereof, will be transparently available to the public.

### **Crowe Horwath report (October 2017)**

In October 2017, the Authority published a report prepared on its behalf by a consultancy firm, Crowe Horwath. The report was commissioned in July 2017, after the Garda Síochána drew attention to a huge overstatement of the number of mandatory intoxicant tests carried out at checkpoints over a number of years and the prosecution and wrongful conviction of persons in respect of offences which should have been disposed of by the Garda Síochána by way of a fixed charge notice. Apart from the behavioural and ethical issues arising, the report raised a large number of issues relating to organisational culture, supervision, data quality, technology, and training and professional development. In November 2017, the report was discussed with the Garda Commissioner at a public meeting of the Authority and the Commissioner has agreed to report on progress in respect of the recommendations contained in that report on a monthly basis.

### 3.4. Activities that have not yet been the subject of Authority scrutiny

Of necessity, the Authority has had to prioritise certain areas since it was established. In 2016, it focused on putting its own organisation and governance fundamentals in place, developing a performance framework to support its engagement with the Garda Síochána and meeting certain statutory deadlines. In 2017, it has sought to prioritise work on key enablers that would affect the entire Garda organisation e.g. supervision, workforce planning, and training.

The Authority is conscious that there are a large number of areas of operational policing in respect of which the Authority has not to date brought detailed scrutiny to bear. For example, the Authority has not yet brought any focus on the exercise of specific policing powers such as: stop and search, the treatment of detained persons in custody, intelligence gathering or handling of covert human intelligence sources, to name but a few. Some of these activities are already the subject of specific statutory regimes in place, for example, a number of High Court Judges have oversight functions in respect of certain surveillance and data retention legislation. Also other national and international agencies perform relevant oversight functions such as: the Data Protection Commissioner, Irish Human Rights Commission, European Committee for the Prevention of Torture, and the Council of Europe Group of States against Corruptions (“GRECO”). Early in 2018, the Authority intends to map out the various oversight regimes that apply to the Garda Síochána to assist in identifying what areas should be the for specific scrutiny by the Authority during its next strategy cycle (2019 – 2021), bearing in mind the many possible competing priorities that exist and the avoidance of duplication.

### 3.5. Assessment of effectiveness and barriers to effectiveness

#### **Authority's assessment:**

The Authority considers that it has been effective at:

- ensuring that the important statutory tasks of setting strategy, priorities and plans for policing are done within the statutory timelines;
- ensuring that the Garda Síochána Strategy and Policing Plan contain clearly articulated goals and targets that make it possible to meaningfully measure performance;
- bringing a sharpened focus on implementation by ensuring that reporting on performance happens at regular intervals, is the subject of checking and verification and is published;
- persuading the Garda Síochána to prioritise key projects and activities
- ensuring that there is greater transparency around the progress of implementation of the reform programme.

In this regard, there are a number of important areas where the Authority is disappointed that more progress has not been made by the Garda Síochána in certain key areas, for example:

- the lack of a finalised workforce plan and the failure to develop a comprehensive HR strategy which would publicly signpost the direction of the organisation as it builds its numbers from 16,000 to 21,000 by 2021 in line with the 2016 Government decision;
- real gaps in practical training and the continued absence of a training strategy, including a strategy around resourcing a comprehensive programme of continuous professional development; and
- the failure to make meaningful progress with regard to civilianisation and the redeployment of Garda members back to front-line duties. As of December 2017, it has been confirmed to the Authority that 14 Garda members have been re-deployed.

#### **Barriers to effectiveness**

The Authority has experienced a number of challenges in its oversight of policing performance over the past 2 years, four of which are highlighted here, namely:

- poor data availability and quality in the Garda Síochána;
- weak governance in the Garda Síochána;

- the oversight architecture; and
- access to information.

### **Poor data availability and quality in the Garda Síochána**

The Authority has been unable to access key information that would inform its oversight functions. In the main, the reason for this is that the Garda Síochána have not, in the past, gathered certain data (e.g. how and where staff are deployed) centrally. In addition, there is an ongoing concern about the quality and accuracy of the key data that is gathered (e.g. crime statistics). The Authority and the Garda Síochána have agreed that key MRP projects that would improve data quality and internal management process will be prioritised in 2018.

### **Weak governance in the Garda Síochána**

Clarity about authority and responsibility for decision-making, as well as robust structures to effectively assess organisational performance are essential for good governance, and for the development of a productive oversight relationship between the Authority and the Garda Síochána. The Authority has concerns in relation to many governance aspects of the Garda Síochána and in autumn 2017, it commissioned a review of the current governance arrangements at the senior management level. The results of this review will be followed up in early 2018 and, during next year, the theme of governance will cross-cut all of its oversight work and form a basis for continuing to press for change and improvement.

### **Oversight architecture**

One of the challenges for the Authority has been to establish its authority in circumstances where there is almost a century of close working and corporate relationship between the Garda Síochána and the Minister for Justice and Equality and the Garda Síochána maintains a close reporting relationship to the Minister and by extension the Department. This was made more challenging by virtue of the fact that when the Authority was established, the Department may not have conceived that its role had changed in any way following the establishment of the Authority and the flow of information between the Garda Síochána and the Department continued as before. We have experienced situations across a range of the Department's functions, where the Authority ought to have been briefed or consulted. Sometimes the reason for this may be the way in which the Department itself is organised.

In the view of the Authority, the current structures are inefficient, have created confusion around responsibility, and blurred the lines of accountability. Examples of issues that contribute to the potential for such confusion include:

- Accountability of the Garda Commissioner: although the Authority is responsible for overseeing the organisational performance of the Garda Síochána of its policing service functions, the Garda Commissioner is accountable to the Minister in respect of all of his or her functions;
- There is a lack of clarity around what falls under the definition of “security services” and “policing services” and a lack of information around the provision of security services and transparency about how these functions are overseen;

- The division between “Crime” and “Policing” within the Department may at times obscure who in the Department has responsibility for liaising with the Authority in respect of matters relating to the oversight of policing services.

In addition to the potential for confusion that exists as between the Authority and the Minister, the Authority is conscious that there is considerable public confusion regarding what it is the Authority, the Garda Inspectorate and GSOC do. Given that new bodies have been created at different times, it is not surprising that there are certain gaps and overlaps in the functions of the three bodies. The Authority enjoys very good working relationships with the Inspectorate and GSOC and we will discuss further the broader oversight architecture in the context of our submission to the Commission.

In summary, the Authority would express the view that it is crucial that, in any reconfiguration of the oversight architecture, there should be clarity around the responsibilities of each of the various oversight bodies and that duplication in functions and work is avoided. The reason for this is not only that duplication and overlap is inefficient, but because it creates confusion about lines of accountability.

### **Access to information**

In order to perform effective oversight it is important that the Authority is provided:

- on a timely basis with information it requests; and
- proactively with information about issues or risks in the Garda Síochána that the Authority does not have visibility over, but are central to its remit.

The Authority has, in general been provided with information that it requests but sometimes there have been long delays and in some instances a reluctance to provide information because of a concern in the Garda Síochána that it would become the subject of an Freedom of Information (FOI) request to the Authority.

On occasion, the Authority has been concerned that there has been a slowness on the part of the Garda Síochána to proactively inform the Authority about problems and risks related to the Authority’s functions, sometimes because of lack of appreciation about the scope of its functions. The Authority acknowledges that this has improved over the two years. For example, the decision of the Garda Commissioner to inform the Authority, and then the public, about the problems identified in relation to numbers of intoxicant tests and wrongful prosecutions was welcome.

### **3.6. Recommendations**

The Authority will set out its views on the overall oversight structures in its submission to the Commission. In summary, it recommends that the following be considered in any amended oversight architecture:

- that it would be made clear that the nature of the Authority’s functions vis-à-vis the Garda Síochána are akin to those of “a non-executive board”, with the Garda Commissioner effectively performing the role of a Chief Executive of the police service with direct accountability to the Board, i.e. the Authority;

- that the ambit of the Minister’s oversight responsibility and the ambit of the Authority’s responsibility would be clearly identified such that the overlap and duplication of functions are minimised to the greatest degree possible;
- that the Authority’s accountability to the Minister, the Oireachtas and/or the Government for the performance of its functions be made clear;
- if a decision is made to retain the Garda Síochána as a unitary service:
  - consider what the appropriate role is for the Authority in the oversight of security service functions to ensure that there are no gaps in the assessment of performance;
  - ensure that there is greater clarity around what falls under the oversight of “security services” and that all other functions of the Garda Síochána fall under the remit of “policing services”;
  - ensure that the Authority has access to enough information about the activities of the Garda Síochána with respect to “security services” to allow it understand how this is resourced and the extent to which these function overlap with policing services.
- that the Government consider extending the application of the Freedom of Information Act to the Garda Síochána so that much more of the organisation’s work is subject to the provisions of that Act. This will assist in changing the culture of the organisation to become more open and transparent;
- that the legislation be amended to make the obligation to provide information to the Authority in response to a request (Sections 40(2A)) and the obligation to provide information pro-actively (section 41A) stronger;
- that the Department be obliged to proactively provide information to the Authority where it has information relevant to the performance of the Authority’s functions.



## 4. Functions of the Authority which reach operationally into the Garda Síochána

In addition to the overarching function of overseeing performance the Authority has certain functions that reach operationally into the Garda Síochána and that are important enablers of Garda performance. These are:

- Establishment of a Code of Ethics
- Functions in relation to keeping under review and providing advice on Garda Síochána resourcing.
- Approval of numbers and grades of civilians
- Appointment of senior Garda members and senior civilians
- Appointment of members of the Audit Committee

### 4.1. Establishment of a Code of Ethics for the Garda Síochána

Having a Code of Ethics to guide and inspire is a badge of most professions whose members are required to exercise judgement. The Act was amended in 2015 to task the Authority with establishing a Code of Ethics for the Garda Síochána within 12 months i.e. by 31 December 2016. The Authority considered this to be one of its most important functions in 2016, and established a Committee of the Authority to develop the Code. This deadline was met and the Code was established on 14 December 2016, and officially launched on 27 January 2017.

The process of development was an iterative one and involved a high level of engagement from civil society and other organisations. The final product was markedly different from where it started, in large measure due to the value of the process and the quality of the contributions. The final approach chosen by the Authority was to set out guiding principles to inform and guide the actions of everyone who works in the Garda Síochána at every level. This approach is not without its critics. However, after very detailed research and consideration and taking account of the contributions received, a Code, which seeks to inspire and secure commitment, was chosen over a Code with a focus on control or punishment.

Establishing the Code, although important, is only the first step. The Authority attaches particular importance and urgency to the work necessary to embed the Code in all aspects of Garda work. Since the Code was launched, the Code of Ethics Committee of the Authority has continued its work in 2017 to drive and oversee the work in the Garda Síochána of rolling out and embedding the Code, which is the responsibility of the Garda Commissioner. On a number of occasions in 2017, the Committee expressed frustration with the slow pace in developing and finalising the plan to roll out the Code. In June 2017, the Authority wrote to the Garda Commissioner expressing concerns at the absence of a satisfactory plan for the roll out of the Code.

A project team is now in place in the Garda Síochána to roll out the Code, and progress is being made in this regard. In December 2017, the first of the regional launches of the Code commenced. It has

been agreed that the 2018 Policing Plan will contain specific measurable commitments relating to this work. The fact that from September 2017 onwards, all newly attested Gardaí are signing the Code of Ethics when they take the oath is a major positive step.

#### **Authority's assessment of its effectiveness**

The Authority considers that it was effective at:

- developing a robust process for developing the Code of Ethics, which allowed for considerable engagement with the public, civil society, other state agencies, and the Garda Síochána;
- finalising the Code within the 12 month statutory deadline and publishing and launching it in January 2017;
- prompting the Garda Síochána decision to have new Garda members sign a Code of Ethics declaration at attestation.

The Authority has been less effective at ensuring the rollout of the Code by the Garda Commissioner in a timely manner. For example, it is disappointing that a full year on from the launch of the Code only a small number of managers have received training. However, it acknowledges that progress is now being made and that the Garda Síochána have agreed to specific measures in the 2018 Policing Plan regarding the embedding of the Code across the organisation.

The Authority was also effective in pressing the Garda Síochána to carry out a culture audit, which is now underway. The outcome of that audit will give a clear “as is” assessment which will inform the Authority's oversight of ethics generally and the Code of Ethics in particular.

## **4.2.Oversight of resources of the Garda Síochána**

In accordance with the Act, the Authority has limited functions in relation to oversight of the deployment of resources by the Garda Síochána. These are:

- keeping under review *“the arrangements for managing and deploying the resources available to the Garda Síochána so as to ensure the most beneficial, effective and efficient use of those resources.”* (Section 62 H (2)(a)(iv));
- providing advice to the Minister before each financial year with regard to the resources that are likely to be required by the Garda Síochána to perform its functions in that financial year. (section 62 H (2)(b)); and
- approving (with the consent of the Minister and Minister for Finance) the number and grades of civilian staff to be appointed by the Garda Commissioner (Section 19).

### **Current approach to resource deployment in the Garda Síochána**

The Garda Síochána is funded through an Exchequer Vote for which the Garda Commissioner is the Accounting Officer. Funding is allocated through the Annual Estimates Process, which is negotiated by the Department with the Department of Public Expenditure and Reform ('DPER') without in-depth involvement in these negotiations by the Garda Síochána. The Authority does not have a role or function in relation to the Estimates Process for the Garda Vote and this limits its ability to gain a full understanding of the resource requirements so as to have a fully informed opinion on the adequacy of the provision in order to fulfil its statutory responsibility to advise the Minister.

In order to address this gap, the Authority requested in 2016 that a Resources Group comprising senior representatives from the Garda Síochána, the Department, DPER and the Authority meet to oversee matters relating to Garda Síochána resources. The Authority's rationale for this group was to ensure that all the parties with a role in Garda Síochána resources would have a line of sight on all relevant issues and decisions. Further to this request, a Resources Group was formed and meets quarterly to provide a forum for regular structured engagement between the Garda Síochána, the Department and the Authority in relation to the resources available to the Garda authorities, with attendant by DPER at one meeting per annum.

Separately, a joint Garda Síochána and Departmental resources oversight group has been set up since the establishment of the Authority. The Authority understands that this group meets monthly in parallel to the Resources Group, and it is understood that it oversees all aspects of Garda Síochána resources. More recently (November 2017) the Minister for PER, in correspondence to the Minister for Justice and Equality has requested that a *Garda Reform and Resources Group* be established with representatives from the Department, DPER, Garda Síochána and the Authority to provide greater clarity in this area.

### **Workforce Expenditure**

By far the most significant aspect of the Garda Síochána budget is its workforce. In 2018, payroll and related costs accounted for over 1 billion and approximately 68% of the total funding allocation for the Garda Síochána in 2018. In accordance with Government policy, it is intended that additional resources be provided to the Garda Síochána in the period to 2021 to bring the Garda Workforce to 21,000. It is planned that this will comprise 15,000 Garda members, 4,000 civilians and 2,000 Reserve members. Furthermore, it is envisaged that the increase in civilian staff will allow for the redeployment of approximately 1,500 Garda members from administrative to front line policing duties. The Authority has been requesting that the Garda Síochána provide a plan to set out clearly how its workforce is currently deployed in addition to plans for the recruitment and deployment of these resources over this period.

In 2017, the Authority established a regular, multi-party Workforce Planning group ('WFP group') in 2017, to include all of the parties that have a role in increases in the Garda Síochána workforce. The Garda Síochána, the Department, DPER, the Public Appointments Service (PAS) and the Authority are represented on this group, which meets approximately every fortnight to review progress with workforce planning and the civilianisation project. While the Garda Síochána have developed an initial Workforce Plan to address immediate workforce requirements in 2017, much work is still needed to achieve the objective of a multi-annual plan that addresses the challenges that the Garda Síochána will face in reaching 21,000 staff by 2021, and the redeployment of 1,500 Garda members to frontline duties. This plan will need to take account of (amongst other things) associated recruitment, Industrial Relations and budgetary issues.

The WFP group is also used as a forum to build shared understanding of the staff resource requirements of the Garda Síochána and to keep abreast of progress on and to facilitate an efficient decision making process in relation to the civilianisation and redeployment projects.

The Authority has a more direct statutory role in relation to approvals and appointments of certain Garda staff and the details of this function are set out separately in sections 4.3 and 4.4 below.

### **Capital and Current Expenditure**

The total estimate provision for Vote 20 includes funding for capital and current expenditure on the basis of which the Garda Síochána develops an operating budget. The Authority currently has no role in oversight of this budget or in the allocation of resources to various activities including, crucially, to achievement of objectives in the annual Policing Plan or the funding of projects as part of the Modernisation and Renewal Programme. In the Authority's view, in order to effectively oversee policing performance and make an assessment of the adequacy of resources, there needs to be an explicit link between plans for activity and projects on the one hand and the resources to achieve them on the other. Specifically, the prioritisation of activities must take account of the availability of resources. Moreover, reporting of performance against strategic objectives must be linked to the effective and efficient use of public money.

### Assessment of Effectiveness

In July 2016 and again in August 2017, the Authority wrote to the Minister in accordance with the statutory requirement to advise the Minister annually on the resources that the Garda Síochána are likely to require to fulfil its functions. In these letters it is highlighted to the Minister, what the Authority saw as the key priorities in relation to capital expenditure and both pay-related and non-pay related current expenditure. It drew attention (amongst other things) to structural weaknesses in the Garda Vote, and emphasised a need for evidence based resource planning. There has been no evidence of change as a result of the Authority's advice, and the Authority's function, in this regard ends with the provision of the advice.

While the Authority has been making progress in gaining an understanding of the resource requirements of the Garda Síochána, full familiarity with the complexity of the issues concerned to inform a full view of the adequacy of resources will take time, and will require close engagement with the processes of resource allocation and management. From Autumn 2017, the Authority recruited a dedicated qualified accountant to support the Authority in considering the performance of the Garda Síochána in delivery of the targets in the policing plan with specific reference to assessing the adequacy and indeed the optimum deployment of the resources available. However, a key challenge for the Authority continues to be the lack of visibility on detailed information on the planning and performance framework and the lack of input into key expenditure decisions.

Although the Authority has not yet developed a good understanding of the overall deployment of resources in the Garda Síochána, it has focused on the deployment of resources in specific areas such as HR, ICT and the implementation of the Divisional model, through the work it has done in overseeing the MRP. This has raised a number of significant concerns around the lack of a comprehensive Human Resource Strategy for the organisation, and around the wider approach to prioritisation – whether in relation to prioritising roles for recruitment or redeployment, or whether in the initiation and commissioning of ICT projects.

### Recommendations

The Authority recommends that:

- the Garda Commissioner should remain as the Accounting Officer for the Garda Síochána, as it is critical that the most senior official of the organisation that spends the money should be accountable for how it is spent;
- the Garda Commissioner or his/her senior representatives should be more directly involved with the Department and DPER when the estimates for the Garda Vote are being discussed and negotiated;
- consistent with its role in overseeing performance, the Authority should have a role at a high level in overseeing the allocation of the Garda Síochána operating budget;
- the Authority should have a role in approving significant proposed capital/project expenditure by the Garda Síochána; and
- consistent with the suggestion by DPER for establishment of a *Garda Reform and Resources Group*, that **one** group should be established to discuss and oversee the resources of the Garda Síochána with them on a monthly basis. This group should have representatives from

the Garda Síochána, the Department, the Authority and DPER and replace all other existing groups or resource oversight fora.

### 4.3. Approval of numbers and grades of Civilian staff

The Authority has certain functions relating to approving the numbers and grades of civilians. Section 19(1) and (2) of the 2005 Act provide as follows:

19. *(1) Subject to subsection (2A), the Garda Commissioner may appoint such numbers of persons as civilian staff of the Garda Síochána as may be approved by the Authority with the consent of the Minister and the Minister for Finance.*

*(2) The Garda Commissioner shall determine the grades of civilian staff and the numbers in each grade in the categories of professional, administrative and specialist staff, as may be approved by the Authority with the consent of the Minister and the Minister for Finance.*

Civilianisation and the redeployment of Garda members to frontline policing duties was a key element of the Government decision in July 2016 to increase the workforce of the Garda Síochána and these are priority issues for the Authority. Given that this decision will result in an increase of approximately 2000 in the civilian staffing complement by 2021, there is an important opportunity to ensure that the make-up of this new cohort of staff is correct in order to build capacity within the Garda Síochána and free up policing resources from administrative duties.

In the Authority's view, the current process for making a decision to approve a new civilian post in the Garda Síochána under section 19 of the Act is cumbersome and unnecessarily bureaucratic. There are a number of steps and separate parties involved in each decision, resulting in a long lead in time and duplication of decision-making, as follows:

- the Garda Síochána put forward a business case for each position or group of positions;
- the Authority considers the justification for the request and decides whether to approve the position(s) and under what conditions;
- the Minister for Justice and Equality is required to consent to the Authority's approval;
- the Minister for Public Expenditure and Reform is required to consent to the Authority's approval and to approve relevant terms and conditions for the position;
- communication of these consents and approvals cascades back through all parties to the Garda Síochána;
- the Garda Síochána, or the Public Appointments Service on its behalf, then recruits a candidate(s) for the position(s), a process which may require a number of months to complete.

The Authority has, with the agreement of the other parties, sought to streamline the process for approvals/consents so that delays are minimised. The preparation by the Garda Síochána of a comprehensive multi-annual workforce plan is a crucial element in improving this process. Notwithstanding this, the approach envisaged by the legislation involves too many parties and is

bureaucratic, resource intensive and unnecessarily time consuming as it involves sequencing of decisions across a large number of organisations.

#### **Assessment of Effectiveness**

The process set out in legislation is not efficient or effective. Against that, the Authority has been reasonably effective in supporting collaborative working among the relevant parties. However, the Authority considers that process needs significant rationalisation.

#### **4.4.Appointments of senior personnel**

The Authority has certain statutory functions to appoint persons to the rank of Assistant Commissioner, Chief Superintendent and Superintendent and senior civilians at the grade of Principal Officer and above. However, there is a lack of overall consistency in relation to those functions at present, as follows:

- the Authority makes appointments to the rank of Assistant Commissioner, Chief Superintendent and Superintendent but only appoints civilians at the grade of Principal Officer (equivalent to Chief Superintendent) and above;
- the Authority makes the appointments to the senior Garda ranks having undertaken a selection competition for the purpose. The legislation is drafted in such a manner that the Authority itself must undertake this process and it may not outsource it to PAS or any other external provider;
- the Garda Commissioner is responsible for the recruitment of the senior civilians, who are then be appointed by the Authority (with no role for the Authority in the selection process);
- the legislation requires that the Authority nominate a person to the Government for appointment to the rank of Commissioner and Deputy Commissioner and the selection process for these positions must be undertaken by PAS.

#### **Appointment to senior Garda roles (Superintendent, Chief Superintendent and Assistant Commissioner).**

In accordance with section 13 of the Act the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine the number of persons who may be appointed to the ranks of Assistant Commissioner, Chief Superintendent and Superintendent. The section also provides that *“the Authority may, in accordance with the regulations and having undertaken a selection competition for that purpose, appoint a person to any of those ranks.”*

Because section 13 makes specific reference to the Authority *“having undertaken a selection competition”*, the Department prepared the relevant regulations on the basis that the Authority is required to undertake all steps in the selection competition itself and cannot avail of the services of the Public Appointment Service or any other external service providers. As a result, the Authority has had to develop expertise and capacity in recruitment so as to run selection competitions.

This was done as quickly as possible following the coming into force on 1 January 2017 of the Garda Síochána 2005 (Appointment to the ranks of Assistant Garda Commissioner, chief superintendent and superintendent) Regulations 2016.

### **Nomination to the Government for appointment of Commissioner and Deputy Commissioner**

In accordance with Section 9 of the Act, *“the appointment of a person to be the Commissioner of the Garda Síochána shall, upon the nomination of the Authority, be made by the Government.”* The section also provides that the Authority shall not nominate a person to be Garda Commissioner *“unless it has, with the prior approval of the Government, invited the Service to undertake a selection competition for that purpose and the Service has undertaken such a competition.”*

Following the retirement of the Garda Commissioner in September 2017, the Authority has commenced work on the recruitment of a new Commissioner. It has now received formal prior approval from Government and it is envisaged that the position will be advertised early in 2018. The Authority has a strong working relationship with PAS, but it considers that at present there is too much prescription in the legislation regarding the process. In common with other aspects of the Act, the Authority is given the responsibility for a task (in this case the nomination) but the legislation limits our capacity to perform it.

### **Appointment to Senior Civilian roles**

The Authority has the function of appointing civilian staff of grades that are equivalent to or above Chief Superintendent. This effectively means to the grade of Principal Officer or higher.

Section 19(2A) provides that:

*(2A) The civilian staff of the Garda Síochána of grades that are equivalent to or above that of chief superintendent in the Garda Síochána shall be appointed by the Authority.*

The Garda Commissioner is responsible for the recruitment for civilians and the Authority has no statutory function in this regard. It is the Authority’s view that the process for the recruitment and appointment of senior civilians should be equivalent to the process for recruiting to the senior ranks, where the Authority is responsible for recruitment. The Authority is most uncomfortable with having the statutory responsibility for making appointments without having any real role in the process of selection.

### **Appointment of Sergeants and Inspectors**

The Garda Síochána (Promotion Amendment) Regulations 2006 were amended in 2016 to provide that the Authority have certain functions in relation to the process for the promotion of sergeants and inspectors by the Garda Síochána. The Authority considers that those regulations should be reviewed in their entirety, with a view to modernising the processes involved in accordance with the 2015



recommendations of the CPSA, and other recent developments in recruitment and selection processes.

#### Senior Appointments made by the Authority

Since the relevant functions were conferred on the Authority in May 2016 (Civilians) and January 2017 (Garda ranks), the appointments as set out in the table below have been made.

<b>Policing Authority appointments in the Garda Síochána</b>			
<b>Rank/Grade</b>	<b>Applicants</b>	<b>Date Advertised</b>	<b>Appointments made as at 01/12/2017</b>
<b>Assistant Commissioner</b>	31	25/01/2017	4
<b>Chief Superintendent</b>	79	10/03/2017	7
<b>Superintendent</b>	96	10/05/2017	17
<b>Chief Administrative Officer (Deputy Secretary level)</b>	n/a PAS run competitions		1
<b>Executive Directors (Assistant Secretary level)</b>			3
<b>Principal Officer</b>			4
<b>Total</b>			<b>36</b>

#### Assessment of Effectiveness

The Authority considers that it has been effective putting in place processes, and running three competitions within six months of the Regulations coming into force, and that this has been done in an efficient and effective manner.

Nonetheless, the differing approaches to Garda and civilian appointments are confusing and not appropriate.

## Recommendations

In relation to Appointments, the Authority recommends that consideration be given to amending the legislation (i.e. the 2005 Act and the 2016 Regulations) to provide for the following:

- the Authority should have the same functions in relation to Garda numbers and grades as it does in relation to civilian numbers and grades;
- the appointments process should be the same for senior civilians and senior Garda ranks;
- it should not be prescribed that the Authority itself or the Public Appointments service must run selection competitions. The Authority considers that the legislation should be sufficiently flexible to allow for a range of approaches – insourced and outsourced. This would provide for the possibility of using external service providers to conduct all or some aspects of the recruitment process (i.e. PAS or other external providers). This would allow the Authority to avail of the expertise of specialist recruitment service providers such as PAS and also to avail of their expertise;
- the selection process for the Garda Commissioner and the Deputy Commissioners as prescribed in the legislation should be much simpler and allow greater flexibility;
- all new appointees are the subject of clearly stated terms and conditions of employment (either set down in a contract or regulations) and that these terms of employment should include a period of probation;
- the Authority can also hold a competition for an individual post (i.e. not for a rank);
- the life of panels in the event that it is necessary to delay the making of an appointment;
- selection competitions for all ranks and grades appointed by the Authority should fall under the Public Service Management Act 2004 and be subject to the oversight of the Commission of Public Service Appointments;
- over time, the question of what appointments should be done by the Authority and which should become the responsibility of the Garda Commissioner should be kept under review, to ensure that the role of the Garda Commissioner, as Chief Executive, is respected and is in line with international norms;
- the Garda Síochána (Promotion) Regulations 2006 be reviewed in light of the 2015 recommendations of the CPSA<sup>2</sup>. The current functions of the Authority as set down in the current Regulations of appointing members and chairs of promoting boards and of approving the syllabus for sergeant and inspector exams, are of limited, if any, value.

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<sup>2</sup> This document is available here: <http://www.cpsa.ie/en/Publications/Audits-of-Recruitment-and-Selection-Activity/An-Garda-S%C3%ADoch%C3%A1na/An-Garda-S%C3%ADoch%C3%A1na.pdf>

#### 4.5. Role in relation to the Garda Síochána Audit Committee

The Audit Committee is a fundamental control in any organisation. Section 45 of the 2005 spells out the functions of the Audit Committee for the Garda Síochána.

Section 45(1) states:

*The audit committee shall –*

- (a) advise the Garda Commissioner on governance and financial matters relating to his or her functions.*
- (b) report in writing at least once a year to the Commissioner on those matters and on its activities in the previous year, and*
- (c) provide the Authority and the Minister with a copy of each report.*

In accordance with section 44 (2) the Authority is responsible appointing all members of the Audit Committee. This is an important function to ensure that appropriate and suitably qualified and independent persons are appointed to undertake this role as required by the Act, Public Financial Procedures and the Corporate Governance Frameworks applicable to the Garda Síochána.

The Charter of the Garda Síochána audit Committee was revised in November 2017 to provide that:

- copies of the minutes of each meeting will be provided to the Authority;
- the Audit Committee will meet with the Authority once a year following the publication of its annual report; and
- for the Chair of the Audit Committee will meet with the Authority and the Chairperson of the Authority at least twice a year.

#### **Assessment of Effectiveness**

The Authority assesses that it has been effective at identifying and appointing suitable people to serve on the Audit Committee. The Authority is also satisfied that there is appropriate interaction and information sharing between the Authority and the Audit Committee given their distinct roles.

#### **Recommendations**

It is not clear that it is necessary to have such specificity regarding composition and functions of the Audit Committee as is contained in the Act. There are well established models in industry and in the public sector and extensive literature around best practice for an audit function. Overall, the Authority recommends that a simpler provision should be considered that would require the Authority to establish an independently composed Audit Committee and that, notwithstanding its function of advising the Accounting officer, it would also have the statutory responsibility of advising the Authority in certain circumstances.

If the current prescriptive legislation is maintained, it is recommended that:

- the legislation specify a clearer reporting relationship between the Audit Committee and the Authority, including a requirement to advise the Authority on governance and financial matters on a periodic basis, provide the Authority with a copy of the audit plan at the start of each year and to advise the Authority on any matters of concern arising which in their opinion should be brought to the attention of the Authority in its oversight role;
- increase the functions of the Audit Committee to also include oversight of and input to the work of the Garda Síochána Professional Standards Unit and to all aspects of expenditure, financial management, internal controls and the achievement of value for money across the Garda Síochána; and
- extend the range of office holders from whom the Garda Commissioner may chose a nominee to the Audit Committee, by perhaps allowing for the nomination of an Assistant Commissioner or Executive Director for appointment by the Authority.

## Appendix 1 – Schedule of proposed legislative change

Section of the Act	Commentary on possible legislative change
<b>3A - Security services</b>	<p>In the event that a unitary police service is retained, the Authority recommends that the definition of what constitutes “security services” should be reviewed. For example, much of the activity that is proscribed by the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 has nothing to do with “security” in the sense of “national security”. Similarly, there are a number of areas where, although there may sometimes be a connection with “national security”, for the most part this police activity is effectively “normal” police work that should be the subject of a transparent system of oversight, e.g. organised crime or major incident planning.</p> <p>The Authority would also refer more generally to the observations in this report about the potential for blurred responsibility and accountability gaps in the current system due to the overlap between the oversight of policing services and of security.</p>
<b>7 - Functions of the Garda Síochána</b>	<p>The Authority recommends that consideration be given to making specific reference here to the services that the Garda Síochána must give to victims of crime.</p>
<b>9 - Appointment of Garda Commissioner</b>	<p>It should not be prescribed that the Authority itself or the Public Appointments Service (PAS) must run selection competitions. The Authority considers that the legislation should be sufficiently flexible to allow for a range of approaches – insourced and outsourced. Similarly, the provision regarding the appointment of an Acting Commissioner should be less prescriptive.</p>
<b>10 - Appointment of Deputy Garda Commissioners</b>	<p>Same point as above – i.e. the Authority recommends that the requirement that the PAS undertake the competition should be removed from this section.</p>

Section of the Act	Commentary on possible legislative change
<b>11 - Removal of Garda Commissioner, Deputy Garda Commissioner and members of certain other ranks from office</b>	The Authority recommends that this provision clarifies the basis and process to be followed in making a recommendation to the Government to commence a removal process.
<b>12 - Steps to be taken before the removal of office holder</b>	The Authority recommends that consideration be given as to whether the level of process contained in section 12 is necessary, and whether it may instead be sufficient to provide an opportunity for a Commissioner to be told the basis for the proposal to remove, and be given an opportunity to respond. This is more in line with the process for dismissal set down in section 14 of the Act, for example.
<b>13 - Appointment of members to ranks of Assistant Garda Commissioner, chief Superintendent and superintendent</b>	The Authority recommends that this provision be amended to allow for greater flexibility in relation in how the Authority recruits these ranks (i.e. so that it is not mandatory that it undertake all aspects of the competition itself).
<b>13A - Steps to be taken before removal from office by Authority of members of certain ranks</b>	The Authority recommends that consideration be given to making the process set down in Section 13A simpler, having due regard to the right of members to fair procedures. In addition, consideration should be given to the application of other possible sanctions, e.g. reduction in rank.
<b>14 - Appointment of members to other ranks and summary dismissal of such members</b>	The Authority would welcome the opportunity to discuss why it has a role in this process.
<b>16 - Solemn Declaration</b>	<p>The Garda Síochána have suggested that the Solemn Declaration should be amended to also include reference to the Code of Ethics, and the Authority agrees.</p> <p>The Authority recommends that consideration be given to providing that the Oath be signed as well as stated.</p> <p>It has also been suggested that consideration should be given to removing the reference to “God”, in the context of an emerging policy shift across the public sector.</p>

Section of the Act	Commentary on possible legislative change
<b>19 - Civilian staff</b>	The Authority recommends that consideration be given to the points made in section 4.4 of this Report.
<b>20 - Setting of Priorities by Authority for policing services</b>	The Authority recommends that consideration be given to combining this section with the section 22 on the Policing Plan because in practice the priorities and the performance targets are contained in the annual Policing Plan.
<b>20A - Setting of Priorities by Minister for security services</b>	The Authority recommends that consideration be given to requiring the Minister to provide the Authority with the agreed priorities and performance targets that apply to security services in confidence to assist it in overseeing the development of the Policing Plan. This would assist the Authority in relation to its function of approving the Policing Plan, which deals with both security services and policing services.
<b>21 - Strategy Statement</b>	The Authority recommends that consideration be given to the drafting in section 21. The requirement that the Authority “approve with the consent of the Minister” has caused some confusion as it is not clear what the sequencing should be in finalising the strategy statement, and what party is ultimately responsible for approving/consenting the strategy statement.
<b>22 - Annual policing plan</b>	The Authority recommends that the drafting in section 22 also be considered for the same reason as set out above in relation to section 21. In addition, the reference in section 22(5)(b) to “the consent of the Minister” seems unnecessary because the requirement to obtain the “consent of the Minister” to the overall plan (either amended or not) is already in section 22(5).
<b>24 - Professional Standards Unit</b>	The Authority wonders whether this provision is necessary. If it is, the Authority recommends that it should be less prescriptive in relation to how the Unit is led. Consideration should also be given to how the Professional Standard Unit’s role fits in with the role of Internal Audit and the Audit Committee.

Section of the Act	Commentary on possible legislative change
<b>26 - Functions of the Garda Commissioner</b>	The Authority recommends that consideration be given to the points made in this report regarding the functions of the Garda Commissioner and accountability. In particular the function of the Garda Commissioner “to assist and cooperate with the Authority” needs to be strengthened.
<b>31 - Delegation of Garda Commissioner’s functions</b>	The Authority recommends that there should be an obligation to notify the Authority in advance when it is intended that the Garda Commissioner’s functions will be delegated.
<b>35 and 36 - establishment of Joint Policing Committees and Guidelines</b>	The Authority recommends that further consideration be given to the powers, duties and resourcing of Joint Policing Committees to ensure that they can be an effective forum for local accountability. The Authority will address this further in its submission to the Commission.
<b>38 - Security in public places.</b>	<p>The Authority recommends that this provision be revised in light of the below observations and having regard also to what are the appropriate overall mechanisms for overseeing the operation of CCTV.</p> <ul style="list-style-type: none"> <li>– At present, section 38 (5) provides that the Authority shall , by order, establish criteria for certain persons (such as local community groups) who may be authorised by the Garda Commissioner to install and operate CCTV. It is not clear what the rationale was for the 2015 Act moving this function from the Minister to the Authority. The Minister continues to play a role in this area and this year put in place criteria for local groups to apply for funding for community based CCTV. Given that the Authority’s main function is to oversee the performance by the Garda Síochána of its functions, it is not clear that it is useful for it to be involved in setting criteria for local community groups, particularly when this involves a large degree of overlap with the work of the Department in setting criteria for grant funding.</li> <li>– Section 38(7)(b) provides that the Garda Commissioner may revoke the authorisation of a certain category of persons (such as local community groups) with the consent of the Authority. Again, this does not appear to be an appropriate function for the Authority for the same reasons as outlined above.</li> </ul>



Section of the Act	Commentary on possible legislative change
	<p>– Section 38(11)(b) was amended in 2015 so that it now provides that the Authority, with the consent of the Minister “shall issue guidelines to the Garda Commissioner concerning the supervision and control by the Commissioner of the monitoring of CCTV by authorised persons”. However, section 38(13) goes on to provide that “authorised person” in this provision refers only to persons covered by section 38(3)(b) and (c). We have received confirmation that the Garda Commissioner has not authorised any persons in accordance with section 38(3)(b). Therefore, what is in practice involved here is that the Authority would prepare guidelines for the Garda Commissioner to supervise and control local community groups in “monitoring” CCTV.</p> <p>It is not clear what “monitoring” means in this context but if it effectively means “watching” then it should be noted that in practice - to the extent that these CCTV systems are watched live (as distinct from being recorded) - then this is done by either the relevant local authority (who is usually the data controller) or the Garda Síochána. The Authority notes that in the 10 years since the Garda Síochána Act 2005 was enacted, and before the Authority was established, section 38(11) made provision for the establishment of these guidelines but they were not put in place. The reason for this may be that the provision itself is unclear about the purpose of such guidelines.</p>
<p><b>40 - Duty of Garda Commissioner to account to Government and provide material to Attorney General</b></p>	<p>The Authority recommends that consideration be given to revising this provision having regard to the observations made in this report about the need for greater clarity around lines of accountability. At present, the obligation to report to the Authority under section (1A) and (2A) is weaker than the equivalent reporting requirement to the Minister in this Section.</p>
<p><b>41 A - Duty of Duty of Garda Commissioner to provide information to Minister</b></p>	<p>The Authority recommends that consideration be given to revising this provision and section 41, having regard to the observations made in this report about the need for greater clarity around the respective responsibilities of the Minister and the Authority. At a minimum, the Garda Commissioner should be obliged to keep the Authority informed of the same matters as he or she is obliged to keep the Minister informed of, with the exception of matters outside of the Authority’s statutory remit (i.e. security services).</p>

Section of the Act	Commentary on possible legislative change
<b>42 - Special Inquiries relating to Garda Síochána</b>	<p>The Authority recommends that consideration be given to the role of the Authority in this section, although section 38(3A) – which provides that the Minister is to consult with the Authority on Terms of Reference – should be retained.</p> <p>In order to conduct a meaningful consultation the Authority needs to be able to review relevant information about the issue for inquiry. However, the extent of the information that will be needed will vary depending on the issue or the case, and it does not seem to the Authority that it is necessary to make specific statutory provision for this.</p> <p>In addition, consideration should be given to amending section 42 (4), (5), (6) and (7) to simply refer to “any person” rather than “a member of the Garda Síochána, a member of the Authority nominated for the purpose by the Authority or any other person”.</p>
<b>44 - Audit committee: appointment of members, etc. and 45 - Functions of the Audit Committee</b>	<p>The Authority recommends that consideration be given to revising these sections having regard to the observations made in this report about the functions of the Audit Committee and its relationship with the Authority.</p>
<b>81 - Confidentiality of information obtained by Ombudsman Commission</b>	<p>The Authority recommends that the Authority should be listed in section 81(4)(a) to facilitate information being sent from the Ombudsman Commission to the Authority. The equivalent confidentiality provision for the Authority (Section 62(M)(4)(a)) makes reference to the Ombudsman Commission.</p>
<b>102(4A) and 102 (7) - other investigations by Ombudsman Commission</b>	<p>The Authority would highlight that it has been advised of potential legal risks that attach to the use of section 102(4A) in circumstances where a member has already been the subject of an investigation by GSOC that the Authority may be unaware of.</p> <p>The Authority considers that, although there may be instances where it will be appropriate to refer a matter to the Ombudsman Commission in accordance with section 102(7), generally speaking, the legislation does not envisage that the Authority is an appeals mechanism for individuals who wish to</p>

Section of the Act	Commentary on possible legislative change
	<p>complain about a decision of the Ombudsman Commission. The Authority recommends that consideration be given to providing individuals who wish to complain about a decision by the Ombudsman Commission with a clear route to do so (e.g. by means of a statutory review mechanism).</p>
<p><b>103 - Duty to keep certain persons informed</b></p>	<p>The Authority recommends that consideration be given to providing that the Authority be informed by the Ombudsman Commission of the results of every section 102 investigation.</p>
<p><b>106 - Examination of certain practices, policies and procedures of Garda Síochána</b></p>	<p>The Authority recommends that consideration be given to providing that the Authority be informed of the results of every section 106 investigation.</p>
<p><b>117 - Recommendations in Inspectorate Report</b></p>	<p>The Authority considers that there may be potential to eliminate certain inefficiencies in the current oversight architecture if the statutory relationship between the Inspectorate and the Authority was closer, or alternatively if the respective remits of the two bodies were clearly delineated to ensure there is no duplication of function. This will be considered further in the Authority’s submission to the Commission for the Future of Policing in Ireland.</p> <p>The Authority suggests removing the reference to “as may be appropriate” in section 117A(1) as it is confusing and unnecessary.</p>



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

**Annex 2 - Submission to the Garda Inspectorate on entry routes to the  
Garda Síochána 3 April 2017**

## **Introduction and Overview**

The Government Decision of 19 July approving a Five Year Reform and High-level Workforce Plan states the Tánaiste and Minister for Justice and Equality's intention *"to request the Garda Inspectorate to examine entry routes to An Garda Síochána for police officers from other police services and the opening up of promotion opportunities for Garda members to persons outside An Garda Síochána."* In that context, pursuant to section 117(2) of the Garda Síochána Act 2005, the Tánaiste requested that the Inspectorate carry out such an examination and make such recommendations as it considered appropriate.

The Policing Authority has considered the question set out in the terms of reference provided by the Minister and has decided to make this submission to support the proposition that a broad range of entry routes and entry levels to the Garda Síochána has the potential to contribute significantly to the modernisation of the Garda Síochána. In the preparation of this review, the Authority has had regard to:

- previous reports of the Garda Inspectorate;
- information regarding opening up entry to police services in other jurisdictions;
- reports from relevant tribunals and commissions of inquiry;
- Garda Síochána Human Rights Audit, June 2004;<sup>1</sup>
- the work already underway as part of the Garda Síochána Modernisation and Renewal Programme;
- the collective professional experience of members of the Authority.

The Authority has formed the view that current arrangements for recruitment of Gardaí are manifestly inappropriate for the needs of the modern Garda organisation and are not suitable for attracting the widest possible range of experience and talent. In common with other policing services the traditional entry route at trainee Garda level, and the traditional internal career path will continue to be appropriate for a large proportion of Garda sworn members. However, for a number of reasons including culture change, openness to a broad range of skills and experience, diversity and agility - which are elaborated on below – the Authority is of the view that there is significant merit in broadening the range of entry routes to the police ranks in the Garda Síochána. In this regard, the Authority would emphasise that reform of entry routes to the Garda ranks is not an end in itself.

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<sup>1</sup> An Garda Síochána Human Rights Audit, Ionann Management Consultants, 2009

The Authority recommends that a number of different options be examined, implemented and evaluated. The Authority is happy to develop the ideas set out below with the Garda Inspectorate, including in the context of, and in response to, the proposals made by the Inspectorate once it has had the opportunity to conduct its research and set out its views.

The Authority emphasise that such reforms as are recommended by the Garda Inspectorate in due course need a strong implementation focus.

It is important to emphasise that any move to open up the entry routes into the Garda Síochána complements the work underway to implement the Government policy of “civilian by default”. In this regard, the Garda Síochána have committed to ensuring that civilian staff take up posts that are suitable to be filled by civilians. It is worth noting that many positions which require specialist skills (e.g. finance or IT skills) are suitable for civilianisation. Therefore, in most cases where a position requires specialist skills, it may be appropriate to assign a civilian to the role rather than a sworn member (either from within the Garda Síochána or by means of any future direct entry).

The Authority acknowledges that the introduction of direct entry schemes is a sensitive one for serving Garda members of all ranks who understandably will be concerned about their hopes of career progression. It will be important to listen to those views and to provide that any direct entry scheme also facilitates the progression of talent from within the Garda Síochána. In this regard, the Authority would make the following points:

- With a Government commitment to a 21,000 person Garda organisation by 2021, (15,000 sworn members, 4,000 civilian members and 2,000 reserves), the time is particularly opportune to implement recruitment reform because it is likely that there will also be significant advancement opportunities for existing members.
- The recommendations of the Commission for Public Service Appointments Audit of promotions to Garda Sergeant and Inspector need to be advanced.

### Culture and Diversity

The culture of the Garda Síochána has been the subject of critical comment for very many years and in many reports and reviews. Mr Justice Morris referred to the “*monolithic origin of personnel within An Garda Síochána*” in a number of his reports, and suggested that this may have contributed to “*the situation of obstruction involving as is colloquially said ‘a circling of the wagons’*”.<sup>2</sup>

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<sup>2</sup> “The Report on Explosive “Finds” in Donegal, 15 July 2004”, paras 13.123 - 13.125; Report on the Investigation into the Death of Richard Barron and the Extortion Calls to Michael and Charlotte Peoples”, paras 9.20 – 9.22.

The Smithwick Tribunal also highlighted a problem of “a prioritisation of the protection of the good name of the force over the protection of those who seek to tell the truth” and a culture where loyalty is prized above honesty.<sup>3</sup>

More recently, in 2015 the Garda Inspectorate referred to the need for the Garda Síochána to shift from an organisation where there is a perception of:

- *Slowness to change*
- *A blame culture*
- *Unfair processes*
- *Insularity and defensiveness*

to an organisation where:

- *All staff implement the values and behaviours of HARP and the Code of Ethics*
- *That embraces and drives change*
- *That delivers a customer-centric service*
- *All staff feel valued and internal processes are viewed as open, fair and transparent<sup>4</sup>*

The Garda Síochána Human Rights Audit, 2004 found that “Tackling institutional discrimination is clearly a key concern at present for the organisation. Despite recognition of diversity and the changing nature of Irish Society, many members reported negative and stereotypical views of certain communities, which were based on their own experiences and perceptions rather than any hard statistical evidence”. That report recommended improved contacts with, and understanding of, diverse groups including recruiting more minority Gardaí.<sup>5</sup>

Commentary of this nature about culture is not in any way confined to the Garda Síochána or to policing organisations. For example,

*“The Review Group found the culture of the Department to be closed and unnecessarily secretive (even taking into account the important and confidential nature of some of the work). This has resulted in an inward looking organisation with limited learning capacity and reduced openness to new ideas – the Review Group found that although there has been a challenging expansion of work, the overall Departmental culture has not changed or adapted to the world in which it now operates.*

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<sup>3</sup> Smithwick, Report of the tribunal of inquiry into suggestions that members of An Garda Síochána or other employees of the state colluded in the fatal shootings of RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan on the 20<sup>th</sup> March 1989; at para 10.6.11

<sup>4</sup> Report of the Garda Inspectorate, Changing Policing in Ireland, November 2015 at p179

<sup>5</sup> An Garda Síochána Human Rights Audit, Ionann Management Consultants, 2009, p119 and p115

Report of the Independent Review Group on the Department of Justice and  
Equality, July 2014

Closed organisation cultures have strengths, including stability, appropriate loyalty and strong identification with the values and philosophy of the organisation. However, overly closed organisations and cultures bring risks of groupthink, inappropriate loyalty and resistance to/suspicion of external actors. Closed cultures are often hallmarked by a high degree of homogeneity whether by reference to gender, ethnicity, or social background.

Training, external challenge, exposure to other ideas, diversity of a workforce and transparency are among the tools which may be used to change and renew cultures. Not to exploit the possibilities offered by recruitment in this regard would be a missed opportunity.

### **Agility**

Large organisations with unpredictable demand cycles typically need to build agility into their resourcing model. The Garda Síochána has faced, and will inevitably from time to time again face, the need to “ramp up” resources quickly to meet a policing challenge or to respond to unexpected staff shortages.

Frequently, temporary reassignment or overtime are the appropriate response but sometimes they are not, including when a new unit is being established, for example, or when there are an atypical number of vacancies. Recruitment options with shorter cycles have the potential to add agility.

### **Options and proposals for consideration**

We have set out below a range of options for consideration. The Authority is aware that a number of these approaches have previously been referenced by the Garda Inspectorate in its report “Changing Policing in Ireland” or are currently under consideration by it, but they are included here for completeness in representing the Authority’s position. The Authority would emphasise that the options are not mutually exclusive, and several could be advanced in parallel. Whatever option is favoured, the Authority considers that it is crucial that entry be opened up to allow direct entry to different levels of the organisation, particularly leadership ranks.

New approaches to recruitment will also require new approaches to training, including perhaps establishing a second campus, outsourcing, modular training, credits for previous education, and



partnerships with other agencies. The Authority is aware that the College of Policing in the UK has some experience of the value of pre-joining courses and considers that its experience could be drawn on to develop this proposal further: see also the section on targeted recruitment below.

The Authority recognises that to be effective, new approaches to recruitment may also require thought to be given to terms and conditions of appointment, including pension arrangements.

- *Entry at all levels by trained and qualified police officers from other policing services without having to begin as an untrained student Garda.*

This option has the potential to address issues both of culture and agility. It will require the development of shorter tailored training options perhaps on a modular basis which would enable appropriate differentiation depending on prior experience. It would seem sensible to begin by including policing services in other common law jurisdictions. As part of this option, specific provision should be made for re-entry by previously trained Gardaí.

In this regard, it should be noted that the Authority has previously recommended to the Department of Justice and Equality that the relevant regulations<sup>6</sup> for promotion to the senior ranks should provide for open recruitment to these ranks, continuing the practice established by Government whereby the most recent selection competitions for Garda Commissioner and Deputy Commissioner were open to candidates with appropriate experience.

- *Direct entry at Inspector and Superintendent levels.*

Changing and renewing Garda culture, which has been acknowledged to need specific attention, is a key responsibility of leadership and of the senior management ranks. In any organisation, it is arguably more difficult to generate pace and depth around change and modernisation when all the leaders are a product of the existing culture and are, by definition, immersed in it.

The Superintendent and Inspector ranks require a mix of policing knowledge with management and leadership skills. The current Garda model is built on the premise that on promotion, the policing knowledge/experience is a given and training in management and leadership is required. There is much to be offered by reversing this principle in appropriate cases by recruiting skilled managers and leaders, and giving them the necessary training in policing.

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<sup>6</sup> Garda Síochána Act 2005 (Appointments to the ranks of Assistant Garda Commissioner, Chief Superintendent and Superintendent) Regulations 2016

Direct entry schemes can help bring skills and experience which those wanting to embark on a second career will have. Moreover, such schemes serve to widen the talent pool from which leaders can be selected and allow a focus on the need for excellent leadership skills.

- *Accelerated progression.*

Two approaches are suggested for consideration. It would be important that for either model, candidates undertake rigorous assessment in advance of acceptance onto any such fast-track programme and carefully designed probationary processes.

- The Authority recommends that consideration be given to putting in place a Cadet model similar to the Defence Forces whereby a cadre of trainee leaders are recruited with a view to their appointment as Inspectors and/or Superintendents on completion of a specific training and education programme with strong focus on strategic leadership. The experience/education profile of recent intakes of student Gardaí suggest that a potential pool of candidates for such a programme exists.
- In addition, leadership talent should be identified from within the ranks of trainee Gardaí and sergeant for enrolment in a specific accelerated progression programme for speedy appointment to senior ranks.

- *Targeted recruitment to increase diversity including gender and ethnic diversity.*

It is important that the Garda Síochána is representative of the communities it serves. The existing “single front door” recruitment is unlikely to provide a diverse mix of recruits in line with the increasingly diverse Irish community for a very long time. The Authority recommends the development of a programme of positive action to actively encourage a more diverse applicant pool – including, for example, more candidates from ethnic minorities and under-represented socio-economic groups and more women. Such a programme would include targeting marketing, visiting schools and communities and auditing existing recruitment tools to ensure that there are no inappropriate barriers to entry.

An approach which includes targeted “pre-joining” training or education opportunities for minority communities would seem to be particularly worthy of consideration.

In addition, introducing members with experience of working in more diverse professions could further change the culture in a way that will help talented officers from under-represented groups to fulfil their potential.

- *Garda Reserve as “Apprentice”*

The Garda Reserve is an underdeveloped cadre with acknowledged potential to make a stronger contribution to the efficiency and effectiveness of the Garda Síochána, and to enhance diversity and deepen community engagement. The Garda Síochána Modernisation and Renewal Programme 2016 - 2021 notes that many reserves come from minority communities and have a wide range of skills and experience in areas such as technology, finance and training.

The Authority agrees with the view of the Inspectorate expressed in “Changing Policing in Ireland”, November 2015, that there is room to develop a more strategic process for recruiting Garda Reserve members as a means to engage diverse communities in policing .

Recent changes to Garda recruitment to give a degree of recognition to Garda Reserve service is welcome. In the context of the Government decision to double the approved strength of the Reserve, an opportunity arises to build on those changes to provide a career path for suitable members of the Reserve and at the same time enhance the agility of the Garda recruitment model for example by having a Garda recruitment competition confined to the Reserve.

The current recruitment model can take up to 12 months from advertisement to entry to the Garda College which is understandable given the typical scale of applications to be processed and the necessary rigour in selection. A competition confined to existing Reserve members with a much reduced number to be processed, and which built on prior documented vetting and performance management /assessment of Reserve Gardaí would significantly shorten the timespan that currently applies to the large-scale Garda recruitment competitions.

Combined with training credits for prior reserve training and experience, this would have the potential to significantly enhance the agility and responsiveness of the Garda recruitment model if additional resources are required quickly. Furthermore, a specific opportunity for reserve service to be a potential career pathway, subject to good performance, could enhance its attractiveness to applicants.

## **Conclusion**

Policing today is more complex and demanding than ever. In addition to policing skills, police leaders need skills and expertise that are similar in some respects to other sectors. The Garda

Síochána also needs to reflect the communities it serves in order to be able to support the policing needs of those communities

The Authority acknowledges that there are many examples of men and women working within the Garda Síochána who have come in through the traditional entry routes and gone on to demonstrate excellent leadership capability. However, when all or most of the senior leaders in an organisation have had minimal or no exposure to other working cultures and do not fully reflect the diversity of the communities they serve, it can lead to a relatively insular and closed culture. Many other public and private sector organisations use sophisticated and effective systems and programmes to identify and quickly develop individuals from inside and outside their organisations to leadership positions. The Authority believes that this should also be the ambition of the Garda Síochána.

The proposed expansion of the Garda organisation to 21,000 by 2021 represents a once in a generation opportunity to develop and implement new entry paths and new advancement paths. Not to avail of such an opportunity would be regrettable.

The Authority will be happy to develop any aspect of this submission in further discussions with the Inspectorate if that would be considered useful.