

RE: Status of An Garda Síochána's Response to Report of the Tribunal of Inquiry set up pursuant to the Tribunal of Inquiry (Evidence) Act 1921-2002 into certain Gardaí in the Donegal Division.

Background

Following the publication of the First Morris Tribunal Report in July 2004, the Garda Commissioner Mr Noel Conroy accepted the findings of the Tribunal and requested Deputy Commissioner Fitzgerald to examine the report, review the findings of the Tribunal and prepare a report on its implications for An Garda Síochána.

This review entailed a dual approach of immediate and medium term actions.

The Immediate Actions consisted of the following:

- Review the Report of the Tribunal of Inquiry
- Synthesis of the findings into nine categories
- Reintroduction of the Officers' Journal (effective from 1st September 2004)
- Resignations of members
- Retirement of members
- Dismissal of members

Medium-Term Actions

In order to comprehensively consider the implications and recommendations of Mr. Justice Morris's Report, Deputy Commissioner Fitzgerald established nine working groups as follows;

- Management development
- Migration management and policy of tenure
- Internal audit
- Religious and ethnic minorities

- Review of the Role of Assistant Commissioner
- Performance and Accountability Framework
- Erosion of discipline
- Issues arising involving personnel
- Informant management

A full list of the Chairperson of each Working Group is attached at Appendix (1).

MANAGEMENT DEVELOPMENT

The First Report of the Morris Tribunal relating to Garda management development and training, basically considers the implications of the Tribunal's findings with a view to understanding how the training and development of Garda supervisors and officers can contribute to the effective implementation of the Tribunal's recommendations, and also how to enhance the effective and efficient management and performance of An Garda Síochána.

The working group noted that the Report of the Tribunal is significantly influenced by contemporary political, public policy and legal theory/practice, while less rigorous emphasis is placed on organisational structure/strategy and managerial/leadership theory and practice.

The report of the working group concluded that at the core of the Tribunal's inquiry, findings and recommendations lie three key public policy imperatives, namely:

1. Moral conduct, imperative
2. The personal responsibility
3. The transparent accountability.

The Tribunal found evidence of significant weaknesses in each of the afore-mentioned imperatives. These identified weaknesses contributed significantly to the circumstances, behaviours, actions and outcomes, which led to the establishment of the Tribunal in the first place. Also, it concluded, rather worryingly, that ongoing breaches of the three imperatives listed above were exhibited consistently throughout the working of the Tribunal.

Judge Morris's query, "Could it ever happen again?" identifies two distinct challenges for Garda training and development:

1. Role and rank professional training and development, touching on managerial and leadership knowledge, skills and competencies
2. Appropriate moral, intellectual and practical training and development touching on the public duty imperative. This conclusion points at the critical need to implement integrated management structures/systems and to provide appropriate development of intellectual/practical skills and competencies and to ensure that they are professionally deployed, implemented and reviewed with a view to continuous improvement.

Garda Supervisory and Management Development Framework

Two distinct yet connected training and development needs have been identified for members moving on promotion from rank to rank. The immediate needs are classed as 'vocational' training requirements and these refer to the specific policing/managerial knowledge, skills and abilities the newly promoted person requires to effectively perform in the new role. In addition, there is a clear requirement to provide broad professional learning and development opportunities for staff of Inspector rank and above which is designed to build on existing knowledge and skills and expose participants to a range of core environmental and organisational factors which impinge on and influence the effective management of the Garda organisation going forward.

Sergeants

The recently revised Sergeants Development Programme, currently being piloted, offers continuous professional and personal development and places the primary responsibility for learning with the individual. Supervisory principles, processes and procedures are developed and linked directly to real-life experiences in the rank of Sergeant. The learning programme is divided into a core programme of four thematic modules, preceded by an orientation seminar, which is undertaken directly on the publication of the promotion list, and proceeded by a Capstone Seminar.

Inspectors

At Inspector rank, staff will be required to undergo training at two levels – professional and vocational. The professional requirement will be addressed by participation in the Bachelor of Arts in Police Management Programme (or its equivalent). A new Inspectors' Development Programme is being developed using the same philosophy and approach used for the Sergeants' programme and incorporating a series of seminars to address key operational/managerial areas such as financial and budgetary management, disciplinary procedures, court presentation procedures and project management.

Superintendents

The current Superintendents' Development Programme will require radical restructuring to meet the training and personal development criteria contained in the programme for other ranks. As the BA in Police Management (or its equivalent) will be viewed as the desirable educational requirement for promotion to the rank of Superintendent, it will remove the necessity to include certain managerial inputs which are currently delivered in the Superintendents' programme. The development of this new course will take cognisance of the competency set identified for the rank and prepare participants to manage and lead the delivery of a substantial policing service within a geographical district or a substantive service area. The Superintendents need to understand the strategic aspects of their work. The new development programme will be action-learning oriented and comprise short residential seminars, guided reading, private study, work-based assignments and web-based learning. A personal development plan will be drawn up for the duration of the programme and can form part of the final course evaluation. Each participant will establish a learning relationship with an experienced member of the same rank who can guide, coach and provide feedback to assist rapid development in the new role.

Chief Superintendents

Ongoing training and personal development programmes will be available for Chief Superintendents at two levels. The first level will address the developmental requirements of participants to adequately discharge their responsibilities as Divisional Officers. The second level will be a strategic executive leadership programme to prepare participants to assume the responsibilities of the Commissioner ranks. The training strategy for Chief Superintendents will include 360-degree assessment and feedback to establish the particular needs of each newly promoted Chief Superintendent. Once the individual's training needs are established, a personal development programme will be devised in consultation with the Director of Training and Development. The training programme will include participation in suitable courses in private training establishments at home and abroad, one-on-one coaching by experienced Chief Superintendents, and web-based learning co-ordinated by staff at the Garda College.

Commissioner level ranks

In order to facilitate the personal growth and professional development of senior Garda Officers for the rank of Assistant Commissioner and above a comprehensive proposal for an Executive Leadership Development Programme has been developed. The proposal adopts a developmental approach from the first moment of engagement right throughout the whole learning journey. The developmental effort which is in three stages –

1. Identification and Selection
2. Leader and Leadership Challenge and

Stage 1: candidates will go forward to a developmental-focused Executive Development Centre (E.D.C), thereby assuring that they are afforded every opportunity to identify their individual strengths and areas for improvement. The combined process goes to ensure that only the very best and most suitable candidates go forward to the second part of the programme.

Stage 2: 'Leader and Leadership Challenge' consists of a ten month learning and developmental journey, which focuses on leader and leadership development.

The '*leader*' aspect concentrates on the personal and professional development of the individual Officers and places significant emphasis on a team-based approach to that endeavour.

The '*leadership*' aspect concentrates on building the leadership capability of An Garda Síochána.

The overall aim of the programme is to provide structured, integrated and focused leader and leadership development opportunities for Garda Officers with potential for promotion to the rank and role of Assistant Commissioner and above.

Implications and resource requirements

The estimated cost of the Executive Leadership Programme has been roughly estimated at €0.75m. There will also be a cost associated with the development of the Executive Development Centre.

Key Recommendations of the Working Group

The following are the key recommendations which are numbered for reference purposes only:

1. That Management and Supervisory Development programmes focus on the key public policy imperatives of moral conduct, personal responsibility and transparent accountability.
2. That training/development programmes deliver proper role and rank professional training and development touching on managerial and leadership knowledge, skills and competencies, appropriate moral, intellectual and practical training and development, touching on the public duty imperative, that is, to act and decide for the cause of the common good.
3. That the appropriate and professional management of goal focused professional relationships become a core value and strategic guide for Supervisory and Management Development Programmes.
4. That the Garda Síochána Mission Framework and the Declaration of Professional Values and Ethical Standards become an integral part of each training/development programme in order to guide values and standards.
5. That the Supervisory Management Development Framework be adopted as a framework to guide the overall training/development of supervisors and managers.
6. That the onus of responsibility for personal and professional development rests with the individual supervisor and manager supported by developmental relationships and the training and development function.
7. The Bachelor of Arts Degree Programme in Police Management or equivalent qualification should be adopted as desirable for promotion to the rank of Superintendent.
8. The Garda Executive Leadership Programme should be adopted as a pre-requisite for progression to Assistant Commissioner rank.
9. The approach to delivery of training/education/development be facilitated by the development of an e-learning portal.
10. Obtain approval in principle from the Department of Justice, Equality and Law Reform for the Executive Development Programme, the establishment of an Executive Development Centre and associated costs.

11. Following approval in principle from the Department of Justice, Equality and Law Reform, Assistant Commissioner, Human Resource Management should develop an implementation plan for the within recommendations.
12. I also recommend that consultations should be commenced with a suitable “Learning/Academic Institution” to ensure that the “Executive Leadership Programme” is suitably accredited by an external body. This would allow participants to use qualifications as credits for further personal development.
13. I also recommend that the views of all Assistant Commissioners should be canvassed in relation to this report prior to final submission to the Department of Justice, Equality and Law Reform.

Action Plan and Timeframes

Number	Action	Timeframe	Current Status
1	Review Report	July/ 2004 August	Completed
2	Establish Working Group	September 2004	Completed
3	Report from Working Group	November 2004	Completed
4	Review by Assistant Commissioners	December 2004	Completed
5	Presentation to Commissioners Management Meeting	February 2005	Completed
6	Decisions Taken to Implement Recommendations of Working Group	May 2005	Completed
7	Seek Approval of DJELR	May 2005	In Progress
8	Next Steps- <ul style="list-style-type: none"> • Obtain Funding • Establish Project Implementation Group • Commence negotiations with Education Institutions to accredit Garda Educational Courses • Commence negotiations with Education Institutions to accredit Executive Leadership Programme • Implement Executive Leadership Programme • Implement Revised Management and Supervisory Development Programmes for all promoted ranks 	June – December 2005	In Progress
9	Review Progress	January – June 2007	Not yet started

(2) MIGRATION MANAGEMENT AND POLICY OF TENURE

This Working Group examined the extent of which the movement of managerial personnel within An Garda Síochána was an issue in the overall context of the allocation of personnel and also considered best practice in similar large organisations both public and private.

In the course of evidence given to the tribunal, reference was made to the frequent turnover of personnel, especially those in key positions, e.g. Inspector, Superintendents and Chief Superintendents.

Examination of the Movement of Senior Management

Overall the analysis shows that while there may be some movement by Officers upon initial allocation the overall trend has been that personnel tend to occupy a more permanent posting within a short period of time. A detailed breakdown of the allocation of the personnel promoted in 2000 is set out in Appendices A, B and C of the main report.

Migration management in selected divisions

Another aspect of policy examined was the extent to which the movement of managerial personnel is concentrated in particular locations.

In the context of the Donegal Division the following tables set out the position regarding the posting of Chief Superintendents and Superintendents since 1990 (Appendix E of main report refers). Analysis of the period covered by the Morris Report shows regular movement in respect of border Superintendents **but** it does not indicate continuous movement in relation to the tenure of either the Divisional or District Officers.

CHIEF SUPERINTENDENTS	
NAME	PERIOD OF ALLOCATION
S Ginty	July 1987 to June 1994
D Fitzpatrick	August 1994 to August 2000
W I Rice	August 2000 to December 2001
C Clancy	January 2002 to September 2003
N White	October 2003 to date

MANAGERIAL BREAKDOWN BY DISTRICT 1990 TO DATE		
	DIST. OFFICERS	D/SUPTS.
Buncrana	10	N/A
Ballyshannon	5	N/A
Glenties	9	N/A
Letterkenny	4	8
Milford	8	N/A

Position in other organisations

As part of the review, Human Resource personnel from organisations within the State and from the Police Service of Northern Ireland were consulted to establish how they approach this issue.

Allied Irish Banks and the Bank of Ireland experience difficulty in filling vacancies in particular locations. The Customs Service also experiences some difficulty in assigning staff to particular locations. There is a requirement for a candidate to remain in a post for a minimum of 2 years and between 3 to 5 years for positions involving a high level of training. Within the Probation Service, promotion panel members sometimes refuse vacancies offered on geographical considerations but not usually from Assistant Principal rank upwards. The Department of Foreign Affairs while in a somewhat different category also experiences difficulties filling out-of-the-way posts such as Lago Dar-es-Salaam and Tehran. The Police Service of Northern Ireland (P.S.N.I.) even with its confined geographical area and initiatives undertaken during training also experience continuing difficulties in retaining staff. This has been most notable in the ranks of Sergeant and Inspector particularly within the Foyle and Strabane Districts.

Overall the evidence suggests that most if not all comparable organisations experience similar difficulties to An Garda Síochána in permanently filling vacancies at out of the way locations.

Examination of management selection and appointment process

The working group also examined possibilities concerning the selection processes relating to issues of pre notification of vacancies and the publication of an order of merit. The Group feels that the publication of an order of merit listing for successful candidates in promotion competitions may not be the best option. Other organisations most notably the P.S.N.I. publish an alphabetical as opposed to an order of merit list. The advantage of this procedure is that successful candidates are selected to fill the most suitable vacancies as they arise. This provides for additional flexibility within the system. The Group examined the promotion Regulations and can see no obstacle to the adoption of the proposal.

Financial supports

The working group also examined the area of financial incentives for a number of reasons.

Recommendations

The overriding conclusion drawn from an examination of migration management is that the issue is common to all organisations both in the public and private sectors in this country.

- It is recommended that An Garda Síochána publish promotion lists of successful candidates in alphabetical format as opposed to an order of merit list
- The working group believes that there should be a **principle** of a minimum period of tenure for personnel on their first allocation subsequent to promotion. This will enable the office holder to acquaint themselves with the required roles and responsibilities whilst at the same time providing a reasonable level of managerial consistency.
- The working group recommends a stated principle of tenure as opposed to a distinct policy should be adopted as there are factors, which may from time to time necessitate a deviation from this principle in respect of particular posts. This deviation however should where possible be kept to a minimum.
- In terms of the duration of the period of allocation the working group recommends that a period of 2 years would be the very minimum period of tenure.
- A formal procedure for the transfer of responsibility including the use of a “Checklist of Responsibilities” between office holders should be put in place for senior management when handing over responsibility to replacements.
- The working group do not recommend any extra remuneration or incentives to facilitate tenure of office holders.

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5	Presentation to Commissioners Management Meeting	February 2005	Completed
6	Decisions Taken to Implement Recommendations of Working Group	May 2005	Completed
7	Advise DJELR of proposals	May 2005	Completed
8	Next Steps- <ul style="list-style-type: none">• Present to Promotion Advisory Council on 07/06/2005 Present Alphabetical Promotion list	June – December 2005	In Progress

	<p>to Conciliation and Arbitration Council</p> <p>Timeframe of tenure of position to be included in HQ Directives advertising Promotion Competition</p> <p>Prepare Responsibilities Handover Checklist for all Superintendents, Chief Superintendents and Assistant Commissioners</p>		
9	Review Progress	January – June 2007	Not yet started

(3) INTERNAL AUDIT

This working group chaired by Assistant Commissioner McHugh, DMR, undertook a review of the internal control environment in An Garda Síochána. The terms of reference centered on expanding the role of the Garda Internal Audit Section and the development of a more robust audit system to address the identified weaknesses arising from the Morris Report and to ensure procedures for corporate governance comply with best practice.

Current situation

The working group identified weaknesses from an auditing perspective as follows;

- The existing audit function does not focus strongly enough on leadership competence.
- There is a lack of standardised performance indicators.
- Management training in strategic policy formulation and evaluation is inadequate.
- Culture relating to audits is to get over them rather than learning from them.
- There is no consolidated database of information – it is fragmented.
- There is no mechanism for members to report suspected corruption.

The study also noted limitations in respect of the current Garda Internal Audit Section as follows;

- Inadequate staffing.
- Inadequate mix of skills.
- Accommodation is inadequate.
- Access to data is problematic.
- The audit methodology is not deep enough to factor in investigations.

This report also identified a number of emerging issues, which must be considered in the context of a revised GIAS function. These are the implications for An Garda Síochána of the;

- The Garda Síochána Bill, 2004.
- The Mullarkey Report.
- The Inspectorate function versus the Internal Audit function.
- S.M.I. Report on An Garda Síochána.
- Anti Corruption and Whistle-blowing Charters.
- Risk Management.

U.K. Perspective

Members of the working group visited Her Majesty's Inspectorate of Constabulary and the Thames Valley Police Service and noted that UK Police Forces have since 2004 adopted a system known as Baseline Assessment. The main features of the new Baseline Assessment approach are:

- Assessment of 23 police functions and activities – page 22 of main report.
- More use of self-assessment by police forces.
- Assessment of strengths and areas for improvement.
- A customised internal inspection programme to meet the needs of each force and integrated with its strategic plan.

Emerging Situation

The Mullarkey Report sets out a series of recommendations on Internal Audit functions for public bodies, the functions of Audit Committees as well as risk management. The provisions of the Garda Síochána Bill, 2004 at Sections 16, 35, 36 & 37 will also include issues relating to audit function. The working group recommend that the name of the Garda Internal Audit Section be changed to the Garda Inspectorate and Audit Section. In this section of the report, the group note that Risk management is a key element of corporate governance and therefore it must go hand in hand with the internal control environment operative within An Garda Síochána.

Proposed Audit and Inspection Framework

It is recommended by the group that An Garda Síochána adopt the Baseline Assessment model similar to the U.K. and they set out the framework for its implementation in An Garda Síochána. The working group further recommends that Audits/Inspections be conducted at District as opposed to Divisional level. The most effective way is to compare like with like on a national basis i.e. inner-city District with inner-city District and rural with rural etc.

To satisfy the above, the group propose that the 109 Garda Districts together with the accompanying Specialist and Functional areas, which now total 196 unique locations be classified as Area Command Units (ACU's) and be grouped into 10 distinct 'Comparative Command Groups' of most similar types based on uniqueness, workloads as well as social and demographic factors.

15 Unique Garda Functions & Activities		
Leadership & Direction	Operational Performance	People Management
Leadership	Serious Investigations	Human Resource Management
Strategic Management	Crime Management	Health & Safety Management
Performance Management	Traffic Policing	Standards & Ethics
Financial Resource Management	Incident Response	Discipline & Complaints
Community Consultation	Public Order	
	Custody Management	

Staffing of Expanded Audit Unit

In order to carryout the attributes of the framework, the expanded Garda Inspectorate & Audit Section the GIAS should have a full time staff of 22 people (apart from five civil servants and four civilian auditors, the remainder should be Garda members). This is because the focus of the work will be, to a large extent, on operational policing issues. The 22 permanent staff will be supplemented by four Inspectors (on Superintendent's Promotion Lists) on secondment. This secondment would be for a period of four to six weeks. *A period of secondment to the GIAS should be seen as an essential part of career development for a senior Garda Manager.* It is recommended that a Chief Superintendent head the G.I.A.S.

The proposed audit framework will encompass considerable cultural change for the organisation, particularly from the level of Superintendent and above. Senior officers will be required to actively demonstrate accountability for the performance and utilisation of resources under their command. A preliminary examination at this stage estimates that the annual staffing cost of the Section would rise to €1.5m as opposed to the current cost of €0.43m.

Recommendations

The working group puts forward the following specific recommendations and is of the view that the outcomes drawn will be of benefit to the organisation both in the short term and well into the future.

1. *That An Garda Síochána adopts the HMIC Baseline Assessment model, with appropriate modifications. The model will be known as the Garda Audit and Inspection Framework (sec. 5.2).*

2. That the Audit and Inspection Framework will involve the assessment of 15 police activities and functions (sec. 5.2).
3. That the organisation be divided into 196 Area Command Units covering 10 separate categories. (sec. 5.3)
4. That an inspection should be conducted on a biennial basis at each Area Command Unit. (sec. 5.5)
5. That the audit and inspection methodology follow an eight-stage process (sec. 5.5)
6. That a Whistle-blowing Charter be introduced to provide a forum for the reporting of corruption and malpractice within the organisation. (sec. 5.8)
7. That the staff complement of the revamped GIAS be increased from five to 26. This will increase the annual cost of the GIAS from €0.43 to €1.5m. (sec. 6.10)
8. That a Chief Superintendent, who should be supported by two Superintendents, heads the expanded GIAS. (sec. 6.2)
9. That staff competencies in the GIAS should incorporate a wide mix of skills including human resource management, strategic management and policy analysis (sec. 6.4)
10. That the GIAS should report to an independent Audit Committee on financial probity and to a Standards Committee on operational and administrative matters. (sec. 4.7)
11. That Inspector's on Superintendents' Promotion lists should be required to spend a short secondment with the audit Unit (sec. 6.3).
12. *That the title of the new audit Unit should be the Garda Inspectorate & Audit Section. (Section 6.9).*
13. That the services of the HMIC be utilised to train/equip the Garda Inspectorate & Audit Section in the initial stages. (Section 6.5)
14. That a Performance Management Framework be adopted for An Garda Síochána. (Section 6.7)
15. That the benefits of the central sourcing of information be examined leading to the creation of a Statistics Bureau within the organisation. (Section 6.7)
16. That the current working group or another oversees the implementation of the recommendations contained in this report.

Deputy Commissioner Fitzgerald in agreement with the above recommendations from the working group except in relation to nos. 7, 8 and 12.

He recommended that a Chief Superintendent should be appointed to the Garda Internal Audit Section and that the first task for the Chief Superintendent should be to analyse and establish the exact staffing complement required to support the unit. He did not agree with recommendation no. 12 and believes that the title of the Unit should remain as the Garda Internal Audit Section to avoid confusion with the Minister's proposal relating to a Garda Inspectorate. These revised recommendations were accepted At the Commissioners Management Meeting of the 6th May 2005.

Action Plan and Timeframes

Number	Action	Timeframe	Current Status
1	Review Report	July / 2004 August	Completed
2	Establish Working Group	September 2004	Completed
3	Report from Working Group	November 2004	Completed
4	Review by Assistant Commissioners	December 2004	Completed
5	Appoint Chief Superintendent to GIAS ¹	February	Completed
6	Presentation of Report to Commissioners Management Meeting	February 2005	Completed
7	Decisions Taken to accept recommendations of Working Group in principle	May 2005	In Progress
8	Chief Superintendent GIAS to prepare business case for expanded unit from a resource, accommodation and financial perspective	May 2005	In Progress
9	Next Steps- Review and assess business case Prepare checklist of common identified control weaknesses Identify and source suitable accommodation Identify and source suitable new staff both Garda and civilian	June – December May – June 2005	In Progress Completed In Progress
10	Review Progress	January – June 2007	Not yet started

(4) RELIGIOUS and ETHNIC MINORITIES

The First Report of the Morris Tribunal, paragraph 13.123 observed that An Garda Síochána has “not yet made any effort to recruit from religious or ethnic minorities”.

The report of the Working Group acknowledges that An Garda Síochána needs to be representative of the population it serves. The Rotterdam Charter of 1997 on policing for a multi-ethnic society recognises this and states: *“In order to recruit people from ethnic minority communities, it is essential to develop good relations with ethnic minorities and to establish a positive image of police work. People of all ethnic groups should be encouraged to take an interest in becoming a police officer, regardless of their ethnic background. Where nationality is a barrier, efforts should be made to overcome this for established residents.”*

The policing service in Ireland needs to be representative of the plural population it serves if ethnic minorities are to have confidence that they share parity in service delivery. As a result, the next step for An Garda Síochána as an evolving organisation must be to encourage members from ethnic and religious minority groups to play a role in the policing of the country. An Garda Síochána needs to be in a position where the sight of a member of one of Ireland's new ethnic and religious communities in a Garda uniform patrolling our streets is no more unusual than seeing them as a nurse or doctor in our hospitals or staff in a local shop or working on a construction site. Representation must also include the indigenous minority of the travelling community, and traditional ethnic Irish who have converted to a new religion not traditionally associated with Ireland's history, e.g. Muslim, Mormon or Buddhist.

¹ GIAS is the Garda Internal Audit Section

Demographics

The figures from the Central Statistics Office in 2002 indicate that 6% of the population living in Ireland is non-Irish. This includes 23,105 people from European countries, 21,779 Asians, 20,981 Africans and 11,384 from the U.S.A. The Garda National Immigration Bureau calculated in 2003 that there were approximately 192 different nationalities living in Ireland, and the number of people of non-EEA nationality registered in the state was 127,956. The Chinese Information Centre based in Dublin estimates there are at least 45 000 ethnic Chinese living in the Republic of Ireland. Any attempt to set targets numbers of what ethnic and religious groups representation for recruitment for An Garda Síochána should be resisted at this point. There are important reasons for not doing so which revolve around problems of positive discrimination and tokenism. The above factors also demonstrate that any policies aimed at recruitment of ethnic and religious minorities should not focus on a short-term analysis of the issue. The rushed recruitment of newly arrived immigrants is unlikely to deliver a body of professionals that understand the nuances of policing Irish society and culture. Taking a longer-term strategy will allow the organization to take account of the problems of identification and allow a more rounded transparent and sustainable policy to emerge. A longer term strategy could revolve around trying to remove many of the barriers to recruitment and creating a workplace in which ethnic and religious minorities can feel respected.

Work to-date: Garda Racial and Intercultural Office

While it is certainly true to say the organization has not successfully recruited from these communities, this would not reflect the efforts that the organization has made through the creation and function of the Garda Racial and Intercultural Office in recent years. The only research of its kind (McInerney 2004) has found that at present new communities have a generally positive attitude to the Gardaí. A British Home Office publication, entitled “*Update on Winning the Race*” (2003) reported that success of the police service in attracting ethnic minority candidates is intrinsically bound with the service delivery those communities experience. The putting in place of the Ethnic Liaison Officer system (E.L.O.'s) and providing training and support for their work including the 145 Garda ethnic liaison officers around the state is a positive indicator of this. Indeed the Minister for Justice, Equality and Law Reform, Mr McDowell noted this very fact in “Ireland’s First Report under the United Nations Convention on the elimination of all forms of racial discrimination.”

Barriers to recruitment

The barriers to recruitment for religious and ethnic minorities fall in two broad categories, constitutional/legal and regulatory/cultural.

Constitutional/Legal

An applicant to An Garda Síochána does not have to be a citizen of Ireland unlike many other common law jurisdictions. One does not have to be a citizen but must meet the requirements of residency and employment legislation as stipulated by the Public Appointments Service (formerly the Civil Service Commission) and the Department of Justice, Equality and Law Reform. An Garda Síochána does not have full control over recruitment policy or implementation and therefore there is a limit to what the organisation can do given the constraints under which it operates.

Regulatory/Cultural

The regulations pertaining to educational requirements required pose two separate barriers - equivalence and the Irish language requirement.

1. Equivalence

Firstly there is the problem of equivalence of overseas examinations. Applicants for An Garda Síochána are required to reach certain academic qualifications in the Irish Leaving Certificate or have attained the same standard in another overseas examination as defined by the Minister.

2. Irish Educational Requirement

In a recent statement, the Minister for Justice, Equality and Law Reform spoke of an intention to remove the Irish language requirement for Garda entrants. However many second generation children of immigrant communities face difficulty in reaching the required standards of Irish. Depending on the changes in the regulations, requirements for a knowledge of Irish for operational reasons, could be met

by allowing some flexibility into the system by permitting recruits to come up to the required standard over a period of time within their probation. This is already the practice for teachers from Northern Ireland who have come to work in the south as a result of the Belfast Agreement.

Recommendations and implementation

The following are the primary recommendations of this framework document and suggested implementations should focus on these three barriers to recruitment.

Linguistic

- Assume that the Irish language requirement for entry into An Garda Síochána will be removed.
- In the event of it remaining, recruits should be allowed to enter without the Irish educational requirement but should be required to reach the required standard over a period of time.
- (a) Irish born applicants must have English and Irish.
- (b) Non-Irish born applicants must have English and one other language.

Religion/culture

- Not all aspects of all cultures and religions can be facilitated in the organisation but where possible and within the exigencies of the service, cultural diversity should be accommodated.
- The appointment of religious chaplains from a variety of faiths, Muslim, Sikh, Buddhist etc on an honorary basis for the time being should be considered.
- Changes to the uniform to reflect diversity would require consideration ie to cater for Sikh Muslim headwear etc.
- Recognition of religious holidays, prayer time and work, within the exigencies of the service.

Experience of policing and fear of racism

- Fear of racism and negative ethnic experience of the police can be addressed as follows. Use this report as the basis for the development of a framework to facilitate recruitment from ethnic and religious minorities
- Inviting representatives of the key ethnic and religious minorities to a press launch, along with personnel from the Equality Authority, the National Consultative Committee on Racism and Interculturalism and the Minister for Justice Equality and Law Reform, to introduce a complete package tailored to facilitate recruitment from ethnic and religious minorities.
- Build on the work of Garda Racial Intercultural Office and mainstreaming anti-racism and diversity training within the organisation.
- Develop the capability within the Garda Racial and Intercultural Office to facilitate a mediation role in situations where greater diversity in the organisation may lead to transitional teething problems.
- A further development for the Garda Racial Intercultural Office may involve an evaluative role for initiatives to improve diversity within the organization.
- Finally, the language skills and cultural specific competencies of Garda staff in the wider organisation in the area of policing a multicultural society should be enhanced.

Action Plan and Timeframes

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1	Review Report	July/ 2004 August	Completed
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6	Decisions Taken to accept recommendations of Working Group in principle	May 2005	Completed
7	Asst. Commissioner HRM consult with	May 2005	In Progress

	DJELR on two strand approach concerning requirement for Irish language for admission to An Garda Síochána		
8	Next Steps- Awaiting response from DJELR HQ Directive to all Divisional and District Officers concerning need to raise organisation's awareness concerning Religious and Ethnic minority issues.	June 2005	In Progress
9	Review Progress	January - June 2007	Not yet started

(5) ROLE OF ASSISTANT COMMISSIONER RANK

Introduction

This working group was established under the Chairmanship of Assistant Commissioner C. Clancy, to review (a) the role and strategic contribution of Assistant Commissioner rank to An Garda Síochána.

Terms of Reference

1. Identify critical areas of strategic management,
2. Establish clarity in relationship management, internal and external,
3. Identify reporting structures within areas of responsibility (templates),
4. Develop a Strategic Performance and Accountability Framework for management and measurement purposes
5. Develop a system of reviewing management capability and corporate governance
6. Examine support structures.

Role of Assistant Commissioner Rank

The Assistant Commissioner role in An Garda Síochána represents a key part of the senior management layer.

1. The Assistant Commissioner, as a member of the Garda Commissioner's Governance Board is a key strategic influencer and driver of the development, implementation and evaluation of Garda Corporate Strategy and associated operational Policing Plans and Performance and Achievement Strategies.
2. Each Assistant Commissioner is the primary managerial strategist for his/her domain of responsibility, and is individually (and in the case of matrix managerial responsibilities collectively) accountable for delivering on the strategy for that area, reporting to the Deputy Commissioners and Commissioner.

It is the primary managerial responsibility of Officers of Assistant Commissioner Rank (individually and collectively) to identify, form and action those Priority performance and improvement policing strategies which add value at this strategic level. The history of the Assistant Commissioner role, and in particular, its recent insertion into the regional management structure has led to some confusion about the relevance of the role, and as the surveys included in Appendices 'A' and 'B' of the main report show, it is sometimes perceived by some as an obstruction between the Chief Superintendent and Commissioner layer.

Morris Tribunal Issues Arising

In 2003 the Morris Tribunal, chaired by the Honourable Mr. Justice F.R. Morris identified a number of shortcomings in Garda management and organisation structures.

The following shortcomings were raised in the findings of the tribunal:

1. The absence of structural command, along with defective local management.
(Ref. 13.14)
2. A lack of leadership.
(Ref. 12.110)
3. The failure of management to exercise proper control, with Garda policies and directions not being observed.
(Ref. 12.132)
4. Failure to report important information about serious incidents to Garda Headquarters and neglecting to confirm the accuracy of other reports.
(Ref. 13.17)
5. The culture of silence and not listening, where members were unable to raise legitimate concerns about the conduct of fellow Officers.
(Ref.12.118)
6. The appointment of staff to positions without the appropriate training and experience.
(Ref.13.122)

Historic Overview

In 1995, regionalisation was introduced to An Garda Síochána when six regions were identified including the Dublin Metropolitan Region. This was the biggest restructuring of An Garda Síochána, since its establishment in 1922.

Survey of Assistant Commissioners and Chief Superintendents:

In order to ensure that this report is grounded in the realities of the organisation, a survey was conducted across all of the Assistant Commissioners and Chief Superintendents.

Chief Superintendents

Chief Superintendents surveyed for this report did not consistently recognise a strategic role for the Assistant Commissioner. This is the overwhelming conclusion of this particular survey, and is indicative of a need for a definitive and rejuvenated statement of the role and function of the Assistant Commissioner.

Assistant Commissioners

There is broad agreement amongst Assistant Commissioners that the role and function of Assistant Commissioner needs to be re-appraised, and that a clash exists between the operational *raison d'être* as stated in the Headquarters Directive circulated in 1996 when the rank was initially introduced, and the increasing manifestly administrative day-to-day workload now borne by the Assistant Commissioner. It would appear that both the Assistant Commissioners with functional responsibility, and those engaged as regional Assistant Commissioners agree that the role and functions of the functional Assistant Commissioner are much better defined.

Strategic Management and Leadership

Critical Influencers of Performance and Achievement

The following structural, systems and competency issues are identified as critical to managerial performance and achievement at Assistant Commissioner Rank:

1. No value is derived by drawing conceptual and practical distinctions between Assistant Commissioners who are stationed at Headquarters and those who are geographically dispersed across the regions.
2. Officeholder character, professional competence and strategic managerial performance, in the context of An Garda Síochána's policing philosophy², strategic policing imperatives - *public safety and public confidence* - provide the critical focus.
3. Where managerial responsibilities for delineating direction, capability building, resource deployment (including staff), core process management, performance quality and managerial accountability for action, results and outcomes is shared among different Assistant Commissioners (most often occurring between Headquarters based Officers and regionally based Officers), then a matrix management approach involving shared responsibilities and a team-based approach offers best value opportunities.
4. In the case of Regional Assistant Commissioners, geographical dispersion has the value adding effect of bringing the Headquarters' remit and Commissioner level moral influence closer to operational policing reality, thereby, potentially improving mutual understanding, communication flow, relationship management, achievement focus and strategic operational leadership.
5. A Senior Manager's Performance and Accountability Framework, informed by An Garda Síochána's strategy map³ incorporating leading and lagging performance indicator measures focused on the strategic goals and strategic initiatives of An Garda Síochána, should guide and benchmark the performance quality and achievement progression of Assistant Commissioners' Business Strategy. Such frameworks should be cascaded to manage the performance and achievement quality of Assistant Commissioners' reporting tactical managerial staff.

Therefore, it is asserted here that, regardless of portfolio, it is an Officers' character⁴ and professional managerial competence⁵, combined with their business strategy planning and execution acumen, that empowers and enables Assistant Commissioner level Officers to make wise judgements, encourage trustworthiness in relationships and execute target driven priority strategic initiatives commensurate with their senior managerial role and rank responsibilities.

This is the critical strategic value adding managerial contribution not achievable at any other level.

Corporate Governance

Broadly speaking Assistant Commissioners will be required to:

1. Deliberate with the Garda Commissioner, Deputy Commissioners and colleagues, with a view to clarifying and gaining understanding and consensus on corporate values, strategic imperatives and challenges, and strategic opportunities and risks,
2. Deploy the moral authority and formal rank and role authority⁶ to protect, preserve and enhance the key public safety and public confidence influence which An Garda Síochána delivers for citizens, communities and the state,
3. Communicate strategic concerns relating to their operational portfolios including risks and opportunities for information, action and accountability purposes,

² It is proposed here that the greatness of An Garda Síochána is grounded firstly, and primarily, in our moral authority as servants of the people – our public service ethic – underpinned by the honesty, truthfulness, integrity, pride in the uniform and civic spiritedness, which through the day to day contributions, interactions and behaviours of our members earn and maintain the trust and support of the community; and secondly, our instrumental authority, that is, our formal public safety role as publicly empowered law enforcers and skilled ethical investigators – our safety and enforcement ethic – underpinned by committed and balanced deployment of public power, enforcement of the law and our developed capability to challenge and control law breakers and attackers of people's rights and sense of uninhibited freedom.

³ Garda Corporate Strategy 2005 -2007, p.6

⁴ Character, in the long run, is the decisive factor in the life of the individual Officer and An Garda Síochána alike. Character, here, refers to integrity in catering for public needs over personal wants; the ability to deal with tough issues professionally and compassionately; and supportive enablement of others to achieve to their full potential in our world of unbounded challenge and opportunity.

⁵ Refers to personal mastery of the technical, conceptual, political and interdependence domains of executive level management in the Garda environment.

⁶ Formal position powers and legal powers.

4. Review the performance of core strategic management processes and mission critical Assistant Commissioner level strategic initiatives against performance milestones, objectives and targets,
5. Determine ongoing Garda effectiveness in terms of public safety and public confidence,
6. Actively seek out 360° feedback on their performance and contribution with a view to continuous improvement.

Reflecting the reporting and accounting imperative which the Morris Tribunal highlighted as critical for Garda Corporate Governance including timely, truthful and transparent accountability to the Garda Commissioner, the government and the people of Ireland, Figure 5.1 accurately depicts the critical *strategic linking role* in terms of communication, accounting, interdependence and strategic performance progression which Assistant Commissioners must excel. (See main Report p21 for figure 5.1).

Senior Managerial Strategists

Assistant Commissioner effectiveness in the twin roles of corporate governance and senior managerial strategy requires them to:

- Communicate strategic priorities and corporate governance boundaries through visioning, role modelling, action planning and impact assessment feedback,
- Identify, display and action a range of high level *mission critical strategic priority initiatives* which are informed and bounded by the Commissioner's Corporate Strategy and creates an integrating focus and strategic level pull for the progression of Chief Superintendent and Superintendent's Policing Plans,
- Performance manage the vital strategic success indicators⁷ for each Assistant Commissioner level strategic initiative prioritised and auctioned,
- Maintain a strategic focus in relation to key external and internal environmental shifts which may impact on the quality and relevance of the Commissioner's strategy,
- Network with key internal and external stakeholders to gain broad consensus and commitment for active pursuit of key operational policing initiatives,
- Influence and direct allocation of resources and effort, for strategic goal prioritisation and achievement,
- Provide strategic co-ordination and integration in the development and delivery of effective operational policing strategies in terms of capability building, process improvement and results achievement,
- Support, guide, mentor and develop operational managers to enhance their capability, performance quality and results achievements,
- Review and evaluate the implementation of strategic goals and strategic initiatives as envisaged by the Garda Corporate Strategy and Annual Policing Plans, and
- Intervene proactively to realign performance, behavioural or ethical deviations from governance or performance standards and targets,

Deployment of Capability

Performance and achievement in the critical strategic value-adding role cannot hope to approach an excellent benchmark unless Assistant Commissioners can *demonstrate with absolute clarity*, to tactical operational leadership teams:

- What is strategically important?
- What ought to be valued?
- What ought to be prioritised?
- What ought to be resourced?

⁷ For example: Are road fatalities decreasing in line with targets; Is the budget spend on overtime delivering projected strategic results; Is the trend on the management of absences from duty equal to or exceeding targets. The prevailing Corporate Strategy 2005 – 2007 and relevant national Policing Plan provides guidance in relation to critical success factors and strategic success indicators.

- What ought to be rewarded? and
- What ought to be avoided?

Performance and Accountability

To deliver on their strategic performance and accountability responsibilities, set out above, Assistant Commissioners are required to identify and cater for the many strategic tensions and paradoxes which arise when they move, as they must, to ensure strategic prioritisation and strategic integration of the energy and resources of An Garda Síochána in the effective and efficient pursuit of our public mission.

Each Assistant Commissioner must take personal responsibility for identifying, agreeing and delivering on the goals and actions of each priority strategic initiative against agreed measures and targets. Each Assistant Commissioner must be held to account for his/her managerial performance in terms of the progression of each priority strategic initiative, by the Deputy Commissioner who approved such priority initiative.

Action Plan and Timeframes

Number	Action	Timeframe	Current Status
1	Review Report	July/ 2004 August	Completed
2	Establish Working Group chaired by Assistant Commissioner Clancy	September 2004	Completed
3	Report from Working Group	February 2005	Completed
4	Review by Assistant Commissioners	April 2005	Completed
5	Presentation of Report to Commissioners Management Meeting	May 2005	Completed
6	Decisions taken to refer Report back to Working Group for refinement	May 2005	In Progress
7	Next Steps Re-consider revised Report	June 2005	Not Yet Started

(6) Performance and Accountability Framework

This working group was chaired by Assistant Commissioner P Crummey, Strategy and Services, Garda H.Q.

Performance and Accountability in An Garda Síochána is strongly influenced by the functional hierarchical structure of the organisation, on the one hand, and the natural flow of our core processes on the other.

- Identify barriers and challenges to Performance and Accountability
- Identify options for a Performance and Accountability Framework
- Identify Priority projects needed to support the implementation of an Performance and Accountability Framework
- Push Performance and Accountability within An Garda Síochána

Leadership is considered vital for the Framework to be successful; consequentially the process must be actively endorsed and led from the top.

Benefits of a Performance and Accountability Framework

Performance and Accountability includes the collection, collation and reporting of information about how an organisation is performing on specified criteria. Performance and Accountability has to be about improvement, not blame. It should be about getting Districts and Units working together to improve efficiency and effectiveness. Listed below are five important benefits, which can be gained from the operation of a robust Performance and Accountability Framework:

It can identify whether An Garda Síochána is providing an efficient and effective service to the Public. How do we know that we are providing the services that the Public require?

It helps us identify and understand problems; it can confirm what we know or reveal what we don't know.

It can show where improvements need to be made. Where can we do better? How can we improve? They can also show if improvements actually happened.

It can ensure decisions are based on fact, not on emotion. It can assist in revealing problems that bias, emotion, and longevity cover up. If we have been doing our job for a long time without Performance and Accountability, we might assume incorrectly that things are going well.

Best Police Practice, Performance and Accountability

Three models have been examined for examples of best Police practice with regard to Performance and Accountability. The Compstat Model in North American Police Forces, the National Intelligence Model in the UK (including Northern Ireland) and the best practice currently in operation in An Garda Síochána.

The Compstat Model

There are four key principles underlying the Compstat model:

1. Accurate and timely intelligence (Statistics)
2. Rapid deployment
3. Effective tactics
4. Relentless follow-up and assessment

The aim is to reduce crime; therefore Police Departments have to know what kinds of crime are being committed, where, when and why it is being committed. This results in Precinct Commanders regularly and directly addressing the crime trends in their area and defending their police responses.

The forum for operation of the Compstat Model consists of a Weekly meeting attended by the Police Commissioner, supplemented by additional Crime Strategy Meetings, which are held twice per week. Pin mapping is utilised to display crime, arrests and quality of life data – locate “hot spots”.

The National Intelligence Model

The National Intelligence Model (NIM) used by all Police Forces in the UK and the Police Service of Northern Ireland is ‘A Model for Policing’ that ensures that information is fully researched, developed and analysed to provide intelligence that senior Police Managers can use. Its purpose is to:

- ***Provides greater consistency of policing across the UK***
- ***Allows operational strategies to focus on key priorities***
- ***Allows more Officers to focus on solving priority problems and targeting the most active offenders***
- ***Achieves greater compliance with human rights legislation and the Regulation of Investigation Powers Act (RIPA)***
- ***Informs the management of risk***
- ***Provides more informed business planning and a greater link to operational policing issues***
- ***Improves direction and briefing of patrols***
- ***Reduces rates of persistent offenders through targeting the most prolific***
- ***Improves integration with partner agencies***

An Garda Síochána

Within An Garda Síochána there are some Districts with a focused approach to Policing where persistent Offenders are identified and targeted. Individual Sergeants and some Gardai are tasked with drawing up strategies for tackling particular crimes and given responsibility for implementing the strategy. Performance targets are set for each crime area. New Crime Prevention Units, Resource Units and Drug Units have been established.

The monthly District conference are being reorganised as a monthly crime conference chaired by the Superintendent. Crime is discussed and results are analysed. All participants are encouraged to offer suggestions and solutions. Despite this there is a lack of a systematic approach to Performance and Accountability across all Districts.

Obstacles to Development of an Effective Performance and Accountability Framework:

From interviews conducted during the course of this review, obstacles to the development of an effective Performance and Accountability Framework were identified. These are listed under the following broad headings:

Performance Management

To date there is no integrated Personnel Management System that has at its core a comprehensive all ranks Appraisal System.

Human Resource Management

Local management require improved guidelines and support on how best to tackle Human Resource or Industrial Relations problems.

Realistic Objectives

Objectives have to be set against a realistic resource capability; they must be both relevant and realistic. The Organisations High Goal objectives should be translated to practical achievable District objectives. Views were expressed that there are too many operational initiatives across all areas of operations with reports and returns being duplicated, and managers and their staff spending more time submitting them rather than evaluating them.

Lack of Autonomy

There is a perception that Superintendents, have very little real autonomy when organisational initiatives and objectives are established remotely, i.e. from Headquarters or Regional HQ, are evaluated anonymously and for which there is a perception that there is little or no reward system for results.

Annual Policing Plans

The Commissioner's Annual Garda Policing Plan should be at the core of the Performance and Accountability System. Well developed and prepared Divisional and District Policing Plans should give effect to the Annual Garda Policing Plan. Preparation of the Divisional and District Policing Plans is a four stage process which should take place in the last quarter of the year October / November for the following year. The four stages are as follows:

Stage One – External Consultation

The Annual Garda Policing Plan must exist prior to the commencement of the Divisional / District Policing Planning Process. Divisional / District Policing Plans are based on the Annual Garda Plan, the Garda Corporate Strategy Document, consultations with Local Groups i.e. Victim Support Chamber of Commerce etc, local Elected Representatives and consultation with the public through local Public Attitude Surveys.

Stage Two – Policing Plan Conference

The Divisional Officer chairs a Divisional Conference with the purpose of preparing the Divisional Policing Plan. This will involve drawing from the Aims and Objectives contained in the Annual Garda Policing Plan and the Divisional Objectives.

The District Officer chairs a similar conference and draws from the Aims and Objectives contained in the Divisional Policing Plan and the District Objectives.

Stage Three – Drafting Stage

Policing Plan sub committee will draw up the Divisional / District Policing Plan based on recommendations and views expressed during stage one and two.

Stage Four – Presentation

Once completed the Divisional Policing Plan is presented to the Assistant Commissioner in charge of the Region and the District Policing Plan is presented to the Divisional Officer.

Policing Plan Conferences

Preparation of the Divisional and District Policing Plans is a key activity and should include the following:

- Yearly Divisional / District Policing Plan Conferences (October / November)
- Yearly District Tasking / Targeting Conferences (November / December)
- Quarterly Review of Divisional and District Policing Plans.

Divisional/District Policing Plan Conference

The Divisional / District Policing Plan Conferences are Yearly Conference Chaired by the Chief Superintendent and the Superintendent respectively. They should take place in the last quarter of the year October / November.

The Divisional Policing Plan Conference should be attended by all Superintendents in the Division, plus the heads of all Divisional Support Units e.g. Criminal Intelligence Officer, Scene of Crimes etc, and the Divisional Clerk. The purpose of the Divisional Policing Plan Conference should be to determine the Aims and Objectives for Policing the Division in line with the Aims and Objectives contained in the Annual Policing Plan.

The District Policing Plan Conference should be attended by all Patrol Officers, Sergeants in Charge, Station House Officers, Detective Inspectors, Detective Sergeants, Criminal Intelligence Officer, Specialist Unit Sergeants, and District Clerk. The purpose of the District Policing Plan Conference should be to determine the Aims and Objectives for Policing the District in line with the Divisional Policing Plan.

District Tasking Conference

A District Tasking Conference should follow closely on from the District Policing Plan Conference to allow individuals with responsibility for carrying out Tasks, present strategies and implementation Plans for achieving completion of Tasks, agreed in the District Policing Plan. The Conference is chaired by the Superintendent and should be attended by all Supervisors District / Divisional Support and some Gardai in District.

Proposed Performance and Accountability Framework

A pragmatic system of Accountability at District, Divisional, Regional and Strategic level can be formulated, which can bring a greater focus to Divisional and District Policing. Accountability Review involves structured conferences held Quarterly, Monthly, Fortnightly and Daily. Chaired by Deputy Commissioner, Regional Assistant Commissioner, Chief Superintendent and Superintendent respectively. The purpose of the Conferences will be to focus attention on a variety of different categories identified in Annual Garda Policing Plan and explicitly expressed in Divisional / District Policing Plans i.e. Operational Performance, Human Resource Management and Leadership and Direction.

The focus of these meetings should be the well developed and prepared Divisional and District Policing Plans, which should determine the goals and objectives the Division and District Forces are trying to achieve.

Performance and Accountability Review

The Performance and Accountability Review process involves a series of Conferences, which are designed to formalise Performance and Accountability for all sections within An Garda Síochána. The process includes the following:

- District Performance and Accountability
- Divisional Performance and Accountability
- Regional Performance and Accountability
- Strategic Performance and Accountability

The Performance and Accountability Framework is outlined in Figure 6.3 and can be viewed in the main Report at (p 42).

District Performance and Accountability

District Performance and Accountability should take the form of:

- Daily Briefing Meeting
- Weekly Performance and Accountability Conference

Daily Briefing Meeting

Daily briefing meeting (chaired by Superintendent / Inspector). In attendance Patrol Officers, Sergeant In Charge, Duty Station House Officer, Detective Inspector, Detective Sergeant, Criminal Intelligence Officer, Specialist Unit Sergeants, District Clerk. Review previous 24 hours occurrences / crimes.

Agenda:

- What kind of incident occurred
- Where it happening (what areas or type of areas)
- When it happening (Date, Day, Time)
- Why it happening (drug related crime, public order after local event etc)
- Should also discuss resource issues i.e. sickness / absence, rosters, etc.

Suggested duration of meeting – ½ hour. Minutes will be taken, stored and circulated to all District personnel.

Weekly Performance and Accountability Conference

District Conference - Format as follows:

Chaired by the Superintendent. In attendance all Supervisors in District. This should include Inspectors / Patrol Officers, Sergeant in Charge, Duty Station House Officer, Detective Inspector, Detective Sergeant, Criminal Intelligence Officer, Specialist Unit Sergeants, District Clerk. Garda rank should be represented. Divisional Support Unit Heads will provide support by way of statistical information and special reports i.e. Drug Unit, Traffic etc. Each Supervisor will make a formal presentation to the Conference on their allocated Task and on their area of responsibility. Open forum for comments and suggestions. Actions agreed must be followed through with a focus on the goals / objectives of the District Policing Plan.

The District Performance and Accountability Framework Diagram can be viewed at page 43 of Main Report.

Divisional Performance and Accountability Conference

Weekly Conference with all Superintendents in Division chaired by the Chief Superintendent and attended by all Superintendents in Division, who can have Inspector or Sergeants present, if required? Also in attendance will be all Divisional Support Unit Heads i.e. Drug Unit, Criminal Intelligence Officer etc and Divisional Clerk. Each Superintendent makes a formal presentation to the Conference. Open forum for comments and suggestions. Actions agreed must be followed through.

Figure 6.5: The Divisional Performance and Accountability Framework Diagram can be viewed at page 44 of Main Report.

The focus of the meeting should be a well developed and prepared Divisional Policing Plan, which should determine the goals and objectives the Divisional force are trying to achieve. The agenda should be broad enough to include Operational and Management issues. The Divisional Conference will devote Special attention to identifying problems and emerging trends and examining solutions. Solutions must include what action was taken, the result of the action and planned action. Solutions must focus on prevention, intelligence and enforcement. Solutions become Tasks, which can be measured against results and targets.

Regional Performance and Accountability Conference

Fortnightly Conference with all Chief Superintendents in Region as follows:

Chaired by the Assistant Commissioner, and attended by all Chief Superintendents in the Region, who may have Superintendents present, if required. Each Chief Superintendent makes a formal presentation to the conference. The conference should be guided by progression toward the achievement of the Corporate Goals and Strategic Initiatives of An Garda Síochána. Specifically, initiatives and achievement activities which evidentially show progress toward the implementation of the Assistant Commissioner's strategic priorities (as reflected in Divisional Policing Plans) will significantly influence the agenda, benchmarking and target setting aspects of the conference. Open forum for comments and suggestions will follow. The agenda suggested below is not exhaustive.

Agenda

- Review of strategies and performance targets within Region to include
 - Leadership and Direction
 - Operations Performance
 - Human Resource Management
 - Quality and Improvement
- Special Regional Operations
- Physical resources issues
- Finance Resource Management (including OT allocation)
- Dissemination of Best Practice

Strategic Performance and Accountability

Corporate Level Management meetings, which currently take place, should of course continue, but obviously will need reform in light of the deliberations concerning corporate governance contained in this report

In addition, an end of quarter Performance and Accounting Conference, under the executive chairmanship of the Deputy Commissioners and presided over by the Garda Commissioner should be established. Each Assistant Commissioner may have Chief Superintendents present if required. Assistant Commissioners will formally present progress and achievements against targets to the conference. The presentation will relate to the preceding three month period. Clear evidence of performance and progression and unique value in the context of the Commissioner's Corporate Strategy must be provided. The conference will agree/revise targets for the next quarter. Rolling performance and achievement data relating to Assistant Commissioners' priority strategies will be displayed on an ongoing basis for strategic performance, benchmarking and alignment purposes.

Agenda

- Operational Performance (including Crime Management and Investigation, and Traffic Policing)
- Human Resource Management (including Discipline and Complaints, and Standards and Ethics)
- Quality Standards and Continuous Improvement
- Financial Resource Management
- Leadership and Direction (including Strategic and Performance Management, and Community Consultation)

Minutes will be taken, stored and circulated to all participants.

Performance and Accountability Support

District/Divisional Officers and Regional Commanders will require support with the operation of the proposed Performance and Accountability Framework.

Effective Management up and down the Management Chain

Management of performance up and down the chain of command should take the form of a moderate Comstat-style process, incorporating management best practice. From the top management level of the organisation to the operational Garda, there will be an empowering process consisting of:

1. **Management Communication with the Team**

The key to this process is drawing performance value from management forums, which accrue during the Performance and Accountability conferences as outlined above. This is a mandatory meeting for everybody, and is the forum in which all relevant items of management interest are discussed.

2. **Independent Reporting of Results against Targets**

A key ingredient in this process is the production of management reports at all levels by an MIS system. These results go to all attendees of the management meeting in advance. There is no local crunching of numbers. The official figures are the accepted 'One Truth' fed into the meeting.

3. **Review of the Results and Outcomes Against Targets**

The meeting involves reviewing the results and outcomes against targets. The targets will have been developed at the start of the year, linking in with the Annual Policing Plan, and broken down across the different levels of the organisation in such a way that if each District and therefore Division and Region meets their targets, then the organisation as a whole meets its targets. This approach provides a week-by-week view on how the organisation is progressing against the annual policing plan, avoiding nasty surprises, and providing sufficient time to adjust resourcing, priorities etc as the reality requires.

4. **Recognition of Where Results Meet and Exceed Targets**

A key element of the process involved recognition and celebration of where the organisation is achieving its stated targets.

5. **Review and Agreement of the Actions Required where Results do not Meet the Targets**

Where targets are not being met, the situation needs to be examined. There may be a number of factors including:

- ineffective local management
- the targets may not have been set appropriately in the first place
- local circumstances may have changed (e.g. escalation of gang activity)
- there may be a lack of certain resources, experiences or skills

This management process now becomes the standard forum for a manager at any level meeting his/her team. It can be used to manage all dimensions of the operation including:

- Delivery of Results
- Operational Effectiveness
As well as core results such as crime levels, detections etc, the meeting should cover operating matters such as finances.
- People Development
Key resourcing issues should also be covered at this meeting. The Assistant Commissioner needs to have the opportunity to make decisions on key resourcing matters across the Region.

While this paper has focused on the Assistant Commissioner level, it must be emphasised that this process only works when it is applied to the organisation from top to bottom.

Guides to Implementation

Introduction

At the core of the proposals is the development, integration and determined performance management of a new integrated *Strategic Performance Management Process*. Breakthrough improvements, in terms of capability building and performance and achievement outcomes for our range of stakeholders depends on this critical managerial initiative being adopted and progressed. While the Morris Tribunal Report was the catalyst for this work, the proposals contained herein simply reflect a significant

modernisation and improvement initiative by the Garda Commissioner as he strives to achieve excellence in the quality and range of policing services which An Garda Síochána offers to Irish society.

Implementation Guidelines

Driven from the top

For this initiative to work, it needs to be driven from the very top of the organisation. All levels will take their steer from the Commissioner in applying this new management regime. A communications programme is recommended, driven by the Commissioner, which will drive home to the organisation that this is serious, is not going to go away, and will be a key driver in determining future leaders and promotion in An Garda Síochána.

Skills and Training

Although this is in theory a simple change, it requires change at all levels of the organisation in how business is managed. Many of today's managers may be nervous about the change. If they are directed 'just to get on with it' the results are likely to be at best mixed. The team recommends that the introduction of the programme is supported by a regime of training and development and ongoing coaching to give management teams the confidence to take control and ownership of the process.

The Garda Executive Leadership Programme, which has been developed to prepare senior Officers for Commissioner level command and strategic leadership responsibilities, should be activated without delay.

Controlled Rollout

It is recommended that the process is rolled out to one region and one HQ function in the first instance, refined based on the learning from this, and then applied nationwide.

Frequency of Management Meetings

There is likely to be some pushback on the frequency of the meetings required. People at all levels will feel to some extent that this is a major encumbrance on their time, and restricts their ability to 'get on with the job'. It will be very important that the organisation holds firm on this, and mandates the weekly process from top to bottom. Any dilution of the meetings will foster a return to current practices.

Feelings of Loss of Control

There is also likely to be an initial reaction to the effect that this process removes the scope for local management initiative and creativity. The communications team will need to anticipate this reaction, and point out that this initiative is about aligning the organisation from top to bottom around achieving the goals defined in the Corporate Strategy, and targeted in the Annual Policing Plan.

IT Dependencies

There are a number of dependencies that need to be resolved. These include:

- a) An updated Management Information System (MIS) that supplies the right management information at Station, District, Division, Region and Nationally in a timely manner and accurately. This is the 'One Truth' version of the statistics that is needed to run the meetings. There should be no local statistics 'cottage industries'.
- b) An enterprise HRM system that tracks and provides up-to-date HR and training information centrally and to the Regions. The current HRM system has been out-grown by the organisation, and it is at the end of its usefulness.
- c) The current Finance and Accounting solution implemented by the Department of Justice for An Garda Síochána needs to be extended to provide real-time access to information by the Assistant Commissioners' offices, and to support much more proactive management of finances.

All three of these dependencies have been raised as high priorities by the Assistant Commissioners in the ICT Strategy.

Performance Management

The group recognises that while the management processes outlined in this report are primarily concerned with driving organisational performance, this would be significantly enhanced by a parallel programme focusing on individual performance management.

Expected Benefits

In defining the role of the Assistant Commissioner, this report sets out how that management role needs to interact with the Deputy Commissioners and Commissioner above, as well as with the Chief Superintendents below. In turn, the same regime needs to be applied right down throughout the organisation if the Assistant Commissioner and management at other levels are to be effective.

Some of the most important benefits will be those that mitigate the concerns raised by the Morris Tribunal:

- **The absence of structural command, along with defective local management.**
- **A lack of leadership.**
- **The failure of management to exercise proper control, with Garda policies and directions not being observed.**
- **Failure to report important information about serious incidents to Garda Headquarters and neglecting to confirm the accuracy of other reports.**
- **The culture of silence and not listening, where members were unable to raise legitimate concerns about the conduct of fellow Officers.**
- **The appointment of staff to positions without the appropriate training and experience.**

•

In addition to these points the following benefits can be expected:

1. ***Better Results***

With all levels of management focused on the same key targets, and using a simple but effective management regime that runs top-to-bottom through the organisation, results will be significantly improved. This has been the experience wherever such a regime has been implemented.

2. ***Operationally more Effective***

Management at all levels will take much more ownership of achieving results, and doing so with an eye on efficiency and value for money.

3. ***Better People***

The focus on people will drive a much more empowered, enthusiastic and focused workforce. Training will be much more targeted and the organisation will gain the benefit of the new skills.

4. ***Senior Management Control***

The Commissioner, Deputies and Assistant Commissioners will feel an immediate increased level of control and contact with the organisation. The ability to mobilise directives and measure the results, as well as the increased management contact will make the entire organisation feel much more controlled, focused and responsive.

5. ***Management Commitment***

The tight definition of the Assistant Commissioner role, as well as the role and management regime at all levels of the organisation will make a great difference to management morale. The vacuum at Assistant Commissioner level in terms of lack of role definition will be gone, and Chief Superintendents will know exactly what they are supposed to be doing, driven by an Assistant Commissioner group that is closely tied to the Commissioner and Deputy Commissioners.

6. ***General Garda Commitment***

Commitment at all levels will increase. To a typical Garda, the Commissioner and his team will feel much closer, with an almost real-time influence of the leadership team's direction on the week-to-week priorities of the Garda on the street. Gardai will also see more of their senior management and will get more opportunities to meet them, learn from their experiences and communicate their views and concerns. The improved organisation performance will also boost morale and the public perception of the organisation.

Recommendations:

- The strategic and operational management of An Garda Síochána should be processed through a Performance and Accountability Framework, incorporating a performance and achievement core process which must be cascaded and worked at every level of An Garda Síochána.
- Assistant Commissioners should be considered Headquarters' Officers with twin senior managerial responsibilities of Corporate Governance and Senior Managerial Strategists. Assistant Commissioners should seek to add strategic value through the active pursuit of high level, high impact Strategic Priority Initiatives.
- Assistant Commissioners' Strategic Performance Initiatives should be influenced in a balanced and integrated way by the key tenets of the Commissioner's Corporate Strategy and the strategic enabling opportunities of their role and rank.
- Structured performance management business processes, incorporating performance and achievement matrixes, structured management meetings, and integrated goal focused trend data should be incorporated as a normal part of the operation of the performance management process at each structural level of the managerial hierarchy.
- Priority should be given to developing the strategic business knowledge and skills (conceptual and practical) of Assistant Commissioner Officers, thereby enabling them to perform and contribute at the unique value adding level set out in this report.
- Senior Management should move to improve the information technology and other business processing tools which have the potential to enable and improve the strategic performance capability and achievements of Garda managers and supervisors.
- Structured shared managerial performance and accountability responsibilities, which the emerging matrix management structures of An Garda Síochána requires, should be incorporated as an opportunity at strategic management and operational levels to promote team integration and team performance.
- Commencing at Deputy Commissioner level, managers and leaders at strategic and tactical operational levels, should engage actively in coaching and mentoring developmental activities, thereby providing reporting Officers with the support, guidance, direction and correction which are necessary for performance excellence and career progression.

Action Plan and Timeframes

Number	Action	Timeframe	Current Status
1	Review Report	July/ 2004 August	Completed
2	Establish Working Group	September 2004	Completed
3	Report from Working Group	February 2005	Completed
4	Deputy Commissioner SRM initiated Performance Accountability Reviews twice yearly at Divisional level	March- April 2005	Completed
4	Review of Working Group Report by Assistant Commissioners	April 2004	Completed
5	Presentation of Report to Commissioners	May 2005	Completed

	Management Meeting		
6	Decisions Taken to fully accept recommendations of Working Group	May 2005	Completed
7	Deputy Commissioner SRM to issue HQ Directive advising all Assistant Commissioners, Chief Superintendents and Superintendents of initiative	June 2005	In Progress
8	Assistant Commissioner HRM to progress work of sub-group examining Performance Accountability at station level	May – September 2005	In Progress
9	Assistant Commissioner HRM to consult, involve and reach agreements with Representative Associations Agreement has been reached whereby a Quality Assurance Advisor will be retained to provide guidance and assistance to the group in the preparation of performance management model to operate at station level. Progress is satisfactory.	May 2005	In Progress
10	Next Steps- HQ Directive to all Assistant Commissioners, Divisional and District Officers for information on the agreed Performance and Accountability Framework Second phase Divisional Performance and Accountability Framework Reviews to be conducted in Oct 2005 by Deputy Commissioner, Strategic & Resource Management	June- October 2005	In Progress
11	Review Progress	January – June 2006	To be Completed

(7) Erosion of Discipline

This working group chaired by Assistant Commissioner, Human Resource Management requested to prepare a discussion document on how best to address what Mr. Justice Morris identified as an emerging trend of the erosion of discipline within the organisation.

The working group was duly established comprising of representatives from Divisions within An Garda Síochána as well as representatives from the Association of Garda Sergeants and Inspectors, Garda Representative Association, and the Department of Justice, Equality and Law Reform.

The working party considered the present state of discipline within the organisation and all existing disciplinary procedures with a view to;

Maintaining high standards and developing higher professional standards in An Garda Síochána.

- Enhancing the reputation of An Garda Síochána as a disciplined organisation.
- Developing streamlined and less bureaucratic procedures.
- Improving levels of transparency.
- Developing a mechanism of accountability for all members.

Summary of Recommendations

The Working Group are of the opinion that separate and less formal procedures be adopted for handling minor breaches of discipline, which could be classified as non-commitment to expected standards of behaviour. Additionally it is proposed that where disciplinary penalties are imposed more emphasis be placed on remedial action where appropriate.

1. Regulation 7 of the Garda Síochána (Discipline) Regulations, 1989 be retained as a mechanism for informally dealing with minor breaches of discipline. Records relating to Regulation 7 will be in a prescribed form acknowledged by the supervisor and the member concerned and filed at District Office level.
2. Regulation 13 in its current format should be abolished. .
3. Regulation 13 be replaced with a mechanism for informally dealing with minor breaches of discipline. It is proposed that the Divisional Officer be empowered to impose penalties up to an including a maximum of one (1) weeks pay without the need to initiate a formal discipline investigation.
References in the Regulations to Unsworn Inquiries be abolished.
4. A penalty of ‘suspend from the Service without pay’ up to a maximum period of up to 12 months be inserted in the Regulations after reduction in pay not exceeding in amount 4 weeks pay and before the recommendation to the Commissioner the taking of one of the three disciplinary actions at Regulation 20(1)(c)(ii).

Members of the Working Group representing A.G.S.I. and the G.R.A. recorded their disagreement with this proposal..

The penalties of Reprimand, Warning, Caution, Advice available to a Sworn Inquiry Board at Regulation 20(1)(c) subsections (II)(III)(IV) and (V) be abolished.

Regulation 39 of the Regulations be abolished

The following be added to Regulation 6 (Schedule to the Garda Síochána (Discipline) Regulations, 1989.

Dishonestly absenting oneself from duty on the grounds of illness.

Non-compliance with directions of Assistant Commissioner, Human Resource Management on behalf of the Chief Medical Officer.

Failure/Neglect to account for Action and/or Inaction

Members of the Working Group representing A.G.S.I. and the G.R.A. again recorded their disagreement with this proposal.

Divisional Officers/Sworn Inquiry Boards and Appeal Boards should have a facility to recommend, in addition to any penalty that might be imposed, a remedial/rehabilitative measure.

The delegation of the functions and powers of the Commissioner be automatically assumed upon an Officer taking up position .

11. Records of action taken in accordance with Regulation will be recorded and destroyed after a period of two (2) years, if there are no further disciplinary breaches in the interim

Records of action taken pursuant to Regulation 7 will not be tendered in evidence to Sworn Inquiry Boards or Appeal Boards.

Records of action taken by Sworn Inquiry Boards will be recorded on the member's personal records and be removed after a period of five (5) years, if there are no further disciplinary breaches in the interim.

Current Situation Analysis

Annual Statistics for Discipline Section, Garda Headquarters

In 2003 a total of 231 new cases of discipline were reported to Internal Affairs Section, Human Resource Management. Fourteen (14) were dealt with by way of Sworn Inquiry Board.

Sixty three (63) cases were dealt with by way of the Regulation 13 procedures i.e. where matters are disposed of at Divisional Officer level. Reduction in pay as a penalty was imposed in fifty four (54) cases and in nine (9) cases members were cautioned. The total reduction in pay was €17,105.

At year-end 2003 there were twenty (20) members on long-term suspension from the Service.

Strengths and Weaknesses of Existing Discipline Regulations

Strengths

The present Discipline Regulations are perceived by members of An Garda Síochána to give protection to them when carrying out a very difficult, very often complex and confrontational job.

The operation of the current Regulations is open and transparent.

The Regulations, being a Statutory Instrument, are a recognised legal process.

The spirit of the Regulations is to be fair to members under investigation.

Given the unique position of members of An Garda Síochána, and the prohibition to engage in work stoppages the Regulations allow for fair procedures and good discipline while balancing the rights of individual Gardai.

Weaknesses

The current system is regarded as being inflexible, unwieldy, complex, lengthy, and resource intensive.

There appears to be a lack of consistency with regard to invoking of the Discipline Regulations and the penalties imposed.

There is no measure for the rehabilitation of a member who is found in breach of discipline.

A considerable amount of time is expended on investigating and addressing issues relating to discipline, as the present regulations are resource intensive.

There is a lack of clarity regarding what may be considered a minor breach of discipline.

At present the mechanism for dealing with minor breaches and serious breaches of discipline are the same. Other than Regulation 7 there is no other informal process for addressing minor breaches of discipline.

At present there is a difficulty in addressing a situation where a member fails, refuses, neglects to answer questions put to him/her by a supervisor in respect of any action or inaction on their part as a member of An Garda Síochána.

Impact of An Garda Síochána Bill, 2004

The Working Group is aware that the enactment of the Bill will necessitate the making of regulations to amend the existing 1989 Discipline Regulations. However until the Bill is enacted into law this working group cannot be certain as to the precise impact the Act will have on the proposals contained herein.

Future Direction - Other matters for consideration

The following are issues for further discussion and consideration although not within the specific terms of reference of this working Group but issues that have reference to the maintenance of high standards both directly and indirectly.

Internal Affairs Section, Garda Headquarters

It is recommended that consideration be given to changing the title of the Discipline Section and Complaints Section, Internal Affairs, Human Resource Management to a Professional Standards Unit (with a proactive role).

This Section should be given the resources and responsibility to scrutinise and examine disciplinary trends with a view to aiding and assisting Senior Operational Managers in the day-to-day operation of discipline procedures

. Discipline and Complaint developments will be analysed quarterly with a view to identifying trends, problems with certain areas of employment, specific geographical areas, types of misconduct, members involved etc

To assist with consistency, the Professional Standards Unit, Garda Headquarters will compile on an annual basis a confidential report and forward same to each Chief Superintendent.

Alcohol Education Programme – Alcohol Awareness

Consideration should be given to the implementation of an alcohol education programme for all members from students to Officers. There must be early intervention by supervisors in alcohol related problems with the support of the Welfare Service.

Secondary Employment

Members engaged in secondary employment to be obliged to inform their District Officer in writing of the type of employment, hours of employment, role and responsibility etc.

Members must be tax compliant for any secondary employment.

Recognition of Good Performance

It is essential that members be praised for a job well done and for performance of a high standard. The following proposals of positive recognition by management should be fully considered;

If a member completes three years of accident free driving of an official vehicle he/she will receive a certificate and on a once off basis three (3) days extra annual leave.

Merit Report on a process/strategy performed well with an end result, which was positive, and customer orientated.

If a member has a one (1) year continuous period of duty, free from sick absences he/she should be granted an additional two (2) days annual leave.

All recognition of good performance will be recorded on a member's personal file.

Pensions

This issue was specifically commented on by Mr. Justice Morris .The Commission on Public Service Pensions, final report dated 14th November, 2000 at recommendation No. 4, recommends that Cost

Neutral Early Retirement should be introduced so as to enable public servants aged 50 and over (aged 55 and over in the case of new entrants) to retire with immediate payment of benefits, subject to actuarial reduction. The specific details of this new scheme are currently being formulated by the Department of Finance and have yet to be made public.

The Role of Officers and Inspectors

Chief Superintendents and Superintendents

It is crucial that Senior Managers within the organisation are aware of and take ownership of problems within their area of responsibility.

All members of Superintendent and Chief Superintendent rank are eligible for selection on a Sworn Inquiry Board. It is proposed that a training/instruction programme be devised in the operation of such hearings for members of both rank.

Inspectors

The instructive module included in the Inspectors Promotion Course on the operation and application of Disciplinary Proceedings should be revised to take account of any changes arising from the recommendation of this Working Group.

In Service Training

It is proposed that any changes to existing procedures associated with Discipline be part of In Service training and all promotion courses.

Recommendations

The following are the recommendations of the Working Group;

Regulation 7 of the Garda Síochána (Discipline) Regulations, 1989

The retention of Regulation 7 as a mechanism for dealing with minor breaches of discipline is recommended.

To further enhance the present procedure it is proposed to introduce a prescribed form to accurately record the minor breach that merited the member being dealt with pursuant to Regulation 7. This record will be retained in the District Office in a loose-leaf folder in accordance with current policy.

Records of disciplinary action pursuant to Regulation 7 will not be tendered in evidence to Sworn Inquiry Boards or Appeal Boards as a previous disciplinary record.

These recommendations will necessitate amendment to the Garda Síochána Code Volume 1 at paragraph 6.6.

The Abolition of Regulation 13 in its current format.

The abolition of Regulation 13 in its current format will make significant changes to the operation of the Discipline Regulations and smooth the progress of the proposed informal method of dealing with less serious breaches of discipline. This abolition will necessitate amendments to the prescribed form B.30 and B.33B with the deletion of references to Regulation 13. The Regulations will also have to be amended and the Garda Síochána Code Volume 1 – Chapter 6.

Proposed amended Regulation 13

The proposed Regulation 13 will streamline the operation of this provision. No formal investigation will take place prior to a less serious breach being dealt with under this Regulation.

This proposed Regulation 13 will necessitate substantial amendment to the Garda Síochána (Discipline) Regulations, 1989.

Unsworn Inquiries

It is proposed that references to ‘*inquiry held by one member*’ and ‘*unsworn Inquiries*’ be deleted from the Regulations, prescribed documentation and the Garda Síochána Code.

5. The option of an additional penalty available to a Sworn Inquiry Board

With regard to disciplinary action available to a Sworn Inquiry Board at present there is a gulf between Regulation 20(1)(c)(i) & 20(1)(c)(ii). The maximum monetary penalty is a reduction in pay of 4 weeks pay. The next most serious penalty that can be imposed is to recommend to the Commissioner the taking of one of the three disciplinary actions at Regulation 20(1)(c)(ii) i.e dismissal, requirement to resign and reduction in rank. These three (3) disciplinary actions have very serious implications for the member concerned. Sworn Inquiry Boards do not have the option of imposing a penalty between that of a reduction in pay and the recommendation to the Commissioner to dismiss etc.

To address this gap and to create a graduated tiered response to the breach alleged it is necessary to insert an additional disciplinary action. The insertion of a disciplinary action of ‘*suspend from the service without pay for up to 12 months*’ is recommended. This action to be placed between the penalty ‘*reduction in pay not exceeding in amount 4 weeks’ pay*’ at Regulation 20(1)(c)(i)(I) and the recommendation to the Commissioner at Regulation 20(1)(c)(ii).

The effect of this change will be to give a Sworn Inquiry Board the option of imposing a penalty, which lies between that of a four (4) week reduction in pay and dismissal from the service. For the member concerned it will mean that they may not lose their job.

Members of the Working Group representing A.G.S.I. and the G.R.A. again recorded their disagreement with this.

Removal of certain penalties as an option to Sworn Inquiry Boards

It is considered that Sworn Inquiry Boards should only be appointed by the Commissioner to deal with very serious breaches of discipline. The Regulations will consequently cater for the very minor breaches of discipline (Regulation 7), the less serious breaches of discipline (new proposed Regulation 13) and the more serious breaches of discipline (Sworn Inquiry). This will ensure that members who make a genuine error of judgement in the course of their work will not be subject to proceedings in the same formal manner as somebody against whom an allegation of improper practice is laid. The likely effect of the introduction of this proposal is that there will be fewer Sworn Inquiry Boards. This proposal can be implemented by deleting Regulation 20(1)(c)(i) subsections (II)(III)(IV) and (V) of the Regulations.

Abolition of Regulation 39

The operation of Regulation 39 of the Regulations in its present format is unwieldy.

Mr. Justice Morris, in his Tribunal report was critical of this unwieldy process. He was also of the opinion that members of An Garda Síochána as employees are duty bound to account for their actions. Regulation 39 in its present format has been very rarely used. It is therefore superfluous and its abolition from the Regulations is recommended.

Amendment of the Schedule to the Garda Síochána (Discipline) Regulations, 1989

It is proposed to add three new breaches of discipline to the schedule to the Garda Síochána (Discipline) Regulations, 1989.

- (i) Falsely absenting oneself from duty on the grounds of illness

At present it is apparent that a small number of members of An Garda Síochána use illness as a means to improperly absent themselves from duty.

It is considered that the creation of this new breach of discipline will fulfil the need to fairly address the apparent abuse of the sick leave procedure. It is not proposed to take issue with the recommendations of a general medical practitioner.

The introduction of this breach of discipline is likely to result in a small reduction in absence through illness in An Garda Síochána. It will remove the means by which a small number of members use sick leave as a means to avoid their obligations to An Garda Síochána, and the public.

An amendment to the schedule to the Garda Síochána (Discipline) Regulations, 1989 is required in order to put this proposal into effect.

- (ii) Non-compliance with directions of Assistant Commissioner, Human Resource Management on behalf of the Chief Medical Officer.

There is no means at present to address a situation where a member refuses or declines to attend at the surgery or refuses or declines to attend a consultant and furthermore refuses to provide a medical report if he/she has attended a consultant. The addition of this breach to the schedule to the Regulations will provide a suitable and detailed means for addressing such a situation.

The implementation of this measure requires an amendment to the schedule to Garda Síochána (Discipline) Regulations, 1989. To avoid doubt it may also be prudent to amend the Garda Síochána Code so that all members are fully aware of their obligation to attend and co-operate with the Chief Medical Officer.

- (iii) Accountability – Failure or neglect to account for action and/or inaction

At present there is no specific means for addressing a situation where a member of An Garda Síochána refuses or fails to account for any action that may have been taken by him/her or for inaction on their part. A refusal to account for such action or inaction should be catered for in the Discipline Regulations, however, the existing regulations are deficient in this regard.

Mr. Justice Morris, was extremely critical of members who failed to co-operate in the investigative process and who failed to account for their actions. Mr. Justice Morris concluded that such a refusal is an unjustifiable breach of discipline, one that warrants suspension and ultimately dismissal.

In order to ensure that all members are accountable to their “employers” it is proposed that an additional breach of discipline be inserted in the schedule to the Regulations. The construction of the breach to be subject of legal scrutiny but to be along the following lines:-

*“Failure/Neglect to account for Action and/or Inaction
That is to say failing, neglecting or refusing, when requested by any supervisor to provide within a reasonable period:-
an account of any action taken by him; or
an explanation for any omission of inaction on their part; or
answers to any questions put to him with regard to any action taken by him or inaction on their part in his capacity as a member of An Garda Síochána”.*

It is recognised and accepted that this proposal will be controversial. This measure may be subject to legal challenge. In matters of alleged criminal behaviour members of An Garda Síochána who are required to answer questions, to account for action or inaction, are entitled to their constitutional right to silence. They will want assurances that answers provided will not be used in subsequent criminal proceedings.

Members of the Working Group representing A.G.S.I. and the G.R.A. recorded their disagreement with the proposal concerning accountability as outlined above.

It will be necessary to obtain legal advice prior to any amendment of the Regulations.

9. Divisional Officers and Inquiry Boards to be empowered to recommend Remedial/Rehabilitative Action

Following the imposition of a disciplinary penalty it may be prudent for Divisional Officers or Sworn Inquiry Boards to recommend a certain course of remedial action in a specific area or the provision of a mentor to assist the member in the particular area of responsibility.

The authority to make a recommendation for remedial action would be separate to any disciplinary penalty that might be imposed.

The implementation of this proposal requires an amendment to the existing Regulations.

The introduction of this proposal would have the effect of reducing breaches of discipline, improving professional standards and reducing the number of instances of re-offending.

10 Delegated Functions of the Commissioner

Regulation 4(2) of the Regulations authorises the Commissioner to delegate certain functions to a Deputy Commissioner or Assistant Commissioner. In effect these functions include, among others, the suspension of a member from duty and the appointment of Sworn Inquiry Boards and Appeal Boards. It is therefore recommended that that functions and powers of the Commissioner be automatically assumed upon the appointment of officers to the respective rank, unless the Commissioner, for whatever reason, considers it inappropriate for an officer to assume such powers, in which case the Commissioner may, in writing, withdraw such delegation or authority.

The effect of the implementation of the foregoing recommendation would be to obviate the necessity for the Commissioner to formally delegate each individual officer in writing.

An amendment to Regulation 4(2) and 35(2) is required to implement this recommendation.

The Maintenance of Disciplinary Records following Disciplinary Action

In considering this issue the working group concluded that the retention of records in respect of disciplinary action of an informal nature should be reduced to two (2) years from the present three (3) years. Accordingly it is recommended that disciplinary records arising from formal disciplinary proceedings be extended from the current three (3) years to five (5) years and that the record be removed after the said five (5) years if there is no additional formal or informal disciplinary action recorded in the interim.

The implementation of this change will have the effect of lessening the impact of informal procedures while underpinning the seriousness of more formal disciplinary procedures.

The maintenance of disciplinary records is a matter for Garda management and references thereto are contained in paragraph 6.24 of the Garda Síochána Code Volume 1. Amendments to these provisions can be implemented by direction of the Garda Commissioner.

Conclusion

The proposals as outlined in this report will eradicate existing flaws and reduce the amount of time and resources, which are currently expended in the investigation of both minor and serious breaches of discipline. The proposals if enacted will reduce the number of formal disciplinary investigations but at the same time it will create a disciplinary mechanism, which is open and fair and which will lead to higher professional standards in An Garda Síochána.

The best possible way to put the proposals into effect is to redraft new Discipline Regulations and revoke the existing Regulations.

It will also be necessary to make some amendments to the Garda Síochána Code Volume I.

The current Officers and Inspector Procedures Reference Manual will also need to be amended to reflect the recommendations contained in this report.

There will be training issues linked to the proposed recommendations in this report to ensure the smooth transition from the 1989 Regulations to the proposed new Regulations. This training will involve members and Officers of all ranks.

It is proposed that these new Regulations be disseminated in a manner, which will ensure a positive uptake by rank and file members and be viewed as an aid to all members rather than a complex, unwieldy and authoritarian system.

Action Plan and Timeframes

Number	Action	Timeframe	Current Status
1	Review Report	July/ 2004 August	Completed
2	Establish Working Group	September 2004	Completed
3	Report from Working Group	February 2005	Completed
4	Review of Working Group Report by Assistant Commissioners	April 2004	Completed
5	Presentation of Report to Commissioners Management Meeting	May 2005	Completed
6	Decisions Taken to accept in principle recommendations of Working Group with a number of amendments	May 2005	Completed
7	Assistant Commissioner HRM to engage with DJELR on the issue of new Disciplinary Regulations for An Garda Síochána. This work will compliment the work of the Sub-groups under an Assistant Secretary, DJELR in relation to the Implementation of An Garda Síochána Bill 2004.	May 2005	In Progress
8	Revised Working Group Report to be re-submitted with amendments.	June 2005	In Progress
9	Review Progress	January – June 2006	To be Completed

(8) Issues involving personnel

Following the publication in July, 2004 of ‘*The Report of the Tribunal of Inquiry set up pursuant to the Tribunal of Inquiry (Evidence) Acts, 1921 – 2002 into certain Gardai in the Donegal Division*’ Chief Superintendent Denis Fitzpatrick intimated that he intended to retire as did Superintendent John O’Connor. Both members retired with effect from 1/9/04. As they are no longer members of An Garda Síochána they are not subject to the Garda Síochána (Discipline) Regulations, 1989. Similarly other former members of An Garda Síochána named in the report were not then or now, subject to the authority of the Garda Commissioner or indeed the Garda Síochána Disciplinary Regulations 1989.

Superintendent Kevin Lennon, who was at that time the subject of disciplinary proceedings on matters arising from the “Carty Report”, was suspended from duty from August 2002 until his dismissal with effect from 5/10/04 in respect of another unrelated matter. Detective Garda Noel McMahon was also the subject of disciplinary proceedings on matters arising from the Carty report that were also addressed by the Tribunal when he resigned with effect from 3/8/04.

On receipt of the Tribunal's Report the question of formal disciplinary proceedings were initially considered against four members. However, following further consideration, the advices of the Chief State Solicitor and those of the Attorney General were sought on the status of Mr. Morris's report in the context of the adverse findings set out therein in respect of named members of An Garda Síochána. In particular, advices were sought on the extent to which the interim report's findings could be utilised in the context of any disciplinary proceedings that were to be contemplated against any of the said members.

On receipt of this legal advice, the report of the Tribunal and the transcripts of the evidence of those members in respect of whom adverse findings were made were studied in the light of the advices given.

Evidence presented to the Tribunal is not admissible in internal disciplinary inquiries.

Action Plan and Timeframes

Number	Action	Timeframe	Current Status
1	Review Report	July/ 2004 August	Completed
2	Establish Working Group	September 2004	Completed
3	Interim Report from Working Group	February 2005	Completed
4	Assistant Commissioner HRM sought advice from A.G. on admissibility of using evidence given to Tribunal of Inquiry in disciplinary hearings	September – December 2004	Completed
5	AG advised that such evidence could not be used	December 2004	Completed
6	2 nd Interim Report Received from Working Group	April 2005	Completed
7	Report returned to Assistant Commissioner HRM for further attention.	May- June 2005	In Progress

(9) **Informant Management**

In his first Report, Mr. Justice Morris stated that “perhaps the most important aspect of police work that was touched on during the course of the hearings of the Tribunal was the handling of informers”. A total of 17 recommendations were set out in the Report concerning Informants. Arising from these recommendations, a Working Group, under the chairmanship of Deputy Commissioner M.F. Murphy, Operations was established with the following terms of reference:

“To conduct a full review of the current procedures for the management of informants by An Garda Síochána, with a view to developing best police standards in this jurisdiction”.

The Working Group report comprises of two sections:-

Section 1 sets out the Working Group’s analysis of all the material considered and the discussions and research undertaken. It details the logic for the recommendations arrived at and is intended to articulate the basis for the contents of a Code of Practice for the management and use of Covert Human Intelligence Sources by members of An Garda Síochána. The Working Group makes a total of 22 recommendations.

Section 2 comprises a Code of Practice for the management and use of Covert Human Intelligence Sources by members of the An Garda Síochána. It contains what is considered by the Group, following its extensive research, to be current best practice standards.

The Working Group was mindful of the comments and recommendations contained in the Tribunal’s first report and has consulted widely, before drawing up recommendations for the Commissioner. It acknowledges and accepts the comments expressed by Mr. Justice Morris. In particular, the Group has taken cognisance of the view that such a policy must include stringent safeguards, subject to reviews in order to minimise the risks and potential pitfalls.

The Garda Síochána policy document issued in June 2002 entitled “Intelligence Source Management System Guidelines” was found to be of significant assistance and was recognised by the Group as a firm template and basis for developing and refining Garda policy and procedures in this area. Many of the concepts and procedures contained in that document are contained in the new proposed structure.

The scope of the research conducted by the Working Group, together with details of the materials considered in the context of formulation and development of best police standards in the handling of informants in this jurisdiction included an examination of:-

The findings of the Royal Commission of Inquiry of Mr. Justice Woods in New South Wales.

The UK statutory provisions in respect of the handling of informants, including the non-statutory UK Code of Practice.

The Canadian system of informant handling.

The existing Garda Síochána document relating to informant handling.

Europol best practice document entitled “European Best Practices on the Use of Informants”.

The Working Group had the benefit of consultation, presentations and briefings from a number of police and related services in Europe. These included a number of police forces in the United Kingdom and Germany as well as Europol, and international networks and expert groups.

In addition to the examination of best international practice, the Group has given consideration to the issue of the benefits or otherwise of placing the informant management system on a statutory or non statutory footing.

The Working Group has drawn a number of conclusions and the following is a summary of the key recommendations contained in the report::

1. The term “Covert Human Intelligence Source”, or its acronym CHIS, should be adopted by An Garda Síochána when describing a person previously referred to as an Informer or an Informant.
2. Assistant Commissioner, Crime & Security, to have overall responsibility for the CHIS system.
3. The Code of Practice set out at Section 1 of the Report will govern the handler/CHIS relationship and will be adopted as the organizational policy in respect of the management and use of Covert Human Intelligence Sources by An Garda Síochána.
4. A rigid system of registration will be compulsory for each member of An Garda Síochána. Such registration will be subject to authorization on the basis of a full and detailed assessment of the proposed CHIS. This assessment will include a full and detailed background and risk assessment and, in certain circumstances, a face-to-face interview, in accordance with the procedures outlined in the Code of Practice.
5. A minimum of two persons will be involved in the handling of a CHIS, who should be present together at all meetings with the CHIS.
6. Failure to comply with the CHIS management procedures, as set out in the Code of Practice should lead to prompt managerial intervention and disciplinary action, as appropriate.

7. The decision on the possible introduction of a system of written agreements between the CHIS and An Garda Síochána should be deferred until a period of two years following the full implementation of the Code of Practice has elapsed.
8. The Commissioner should publish a public statement on the general workings of the system at implementation stage, including publication on the Garda website.
9. The Code of Practice accompanying the report will be issued to every member of An Garda Síochána and every Garda Station by way of Headquarters Directive.
10. A National Source Management Unit, adequately resourced and appropriately structured, should be established under the control of Assistant Commissioner, Crime & Security, and under the operational direction of Detective Chief Superintendent, Security & Intelligence. Included in its remit will be to maintain best practice standards and to manage the functioning of the revised system for the management of CHIS. The Unit will maintain close contact with local supervising officers and controllers on a regular basis, in the context of the evaluation of the intelligence and the source, and conduct periodic reviews of the relationship between the CHIS and the handler. It will have primary responsibility in assisting Detective Chief Superintendent, Security & Intelligence, in advising local management, monitoring progress in relation to intelligence matters and intelligence led operations, and communicating relevant feedback to assist local officers in the constant evaluation of the intelligence and the source.
11. A separate and complete file containing all records relating to CHIS and all dealings with the CHIS by members of An Garda Síochána will be maintained locally, and at the National Source Management Unit.
12. Each Assistant Commissioner, with responsibility for operational units, should, in consultation with their Divisional Officers, establish and maintain a dedicated source-handling unit within his/her area of responsibility, under the operational direction of a Detective Superintendent (Controller). The size and structure of such unit will be determined by local requirements.
13. Every contact with a CHIS must be recorded in detail, in accordance with the procedures set out in the Code of Practice.
14. Assistant Commissioner, Human Resource Management, in consultation with Assistant Commissioner, Crime & Security, will immediately undertake the development and delivery of a training programme as outlined at the various levels hereunder:-

Level 1 – Basic Awareness of CHIS System to be delivered to ALL members of An Garda Síochána. Such training to be delivered during Probationer training, Promotion and Development Courses and appropriate Continuous Programme Development Courses.

Level 2 – Every member of An Garda Síochána employed full-time on CHIS Handling duties will be provided with this training. It will take account of CHIS assessment, risk assessment, dangers and pitfalls associated with this type of duty, administrative and other functions.

Level 3 – Every member of An Garda Síochána employed in the recruitment and handling of CHIS in High Risk situations and in operations involving substantial difficulty or risk, will be provided with this training.

Level 4 – Provided to members of An Garda Síochána of Superintendent rank and above, who are performing the functions of Controller, as described in the Code of Practice.

Level 5 – Provided to all Assistant Commissioners AND divisional Officers, addressing the areas of responsibility and functions as described in the Code of Practice.

Level 6 – Provided to members of An Garda Síochána attached to the National Source Management Unit and addressing the areas of responsibility and functions as described in the Code of Practice.

Note: Levels 4 to 6 are to be interpreted as stand-alone training, not necessitating the prior completion of levels 2 or 3. No member should be permitted to undergo level 3 training without having first successfully completed Level 2.

15. A customized and fully integrated computerized system to support the revised CHIS structure, providing comparable functionality to PIMS (Police Informant Management System) should be developed for An Garda Síochána. The Chairman of the Project Board should be tasked with the early development and delivery of such a system.
16. A review of all office systems, processes and procedures at Security & Intelligence Section should be completed within a maximum timeframe of three months, with immediate implementation of the resultant recommendations thereafter.
17. An annual external audit of the operation of the system will be conducted by an independent person, such as a High Court Judge.

18. The Commissioner should appoint an appropriate officer, of Deputy or Assistant Commissioner rank, to carry out an independent annual review of the operation of the system.
19. The provision of a legislative basis for the system of CHIS management by An Garda Síochána should be given strong consideration by the legislature. Such consideration may be more informed if it takes account of the experiences gained from the implementation of the Code of Practice over a defined period of perhaps two years. Equally, the outcome of the UK review of RIPA may also offer some useful insights.
20. The opportunity presented by the relocation of some units within Crime & Security Branch to a new purpose built facility should be availed of to carry out much needed renovation. In this regard, a working group under the chairmanship of Detective Chief Superintendent, Security & Intelligence, should be tasked with drawing up proposals to progress this issue as a matter of urgency.
21. Chief Superintendent, Change Management should be tasked with developing a change programme, in consultation with Assistant Commissioner, Crime & Security, which will be implemented at Regional / sectional levels. Each Assistant Commissioner will adopt a key leadership role and take personal responsibility for managing the transition process within his / her area of control.
22. To achieve the full implementation of the revised system within the shortest possible time frame, an Implementation Group should be immediately established to draw up a detailed Implementation Plan with key milestones identified.

Action Plan and Timeframes

Number	Action	Timeframe	Current Status
1	Review Report	July/ 2004 August	Completed
2	Establish Working Group	September 2004	Completed
3	Interim Report from Working Group	February 2005	Completed
4	Appointment of additional Superintendent at Crime & Security Section with responsibility for Informant Management.	March 2005	Completed
5	Appointment of Project Team for Serious Crime Investigation System within ICT Strategy to include Informant Management Information System	April 2005	Completed
6	Final Report of Working Group received	May 2005	Completed
7	Report circulated to all Assistant Commissioners	May 2005	Completed
8	Approval by Commissioner	May 2005	Approved
9	Re-organisation of accommodation at Crime & Security Section, Garda HQ, <ul style="list-style-type: none"> • Occupation of new accommodation to service international policing commitments. 	June 2005	In Progress
10	Review of Processes and Procedure within Crime and Security Section	June 2005	In Progress
11	Establishment of implementation team to progress the recommendations of the Informant Management Working Group Report	June – Sept. 2005	Completed
12	Review Progress	Jan – June 2006	

WORKING GROUPS		
GROUP	TOPIC	CHAIRMAN
	Main Implementation Group	Deputy Commissioner T.P. Fitzgerald, Strategic and Resource Management
1	Review of role of A/Commissioner	Assistant Commissioner C. Clancy Northern Region
2	Erosion of Discipline	Assistant Commissioner, W.I. Rice, Human Resource Management
3	Issues arising involving personnel	Assistant Commissioner, W.I. Rice, Human Resource Management
4	Migration mgt & policy of tenure	Assistant Commissioner, W.I. Rice, Human Resource Management
5	Management Development	Assistant Commissioner, W.I. Rice, Human Resource Management
6	Internal Audit	Assistant Commissioner A. McHugh, D.M.R.
7	Informant Management	Deputy Commissioner F. Murphy Operations
8	Religious & Ethnic Minorities	Assistant Commissioner P. Crummey, Strategy and Services
9	Accountability Framework	Assistant Commissioner P. Crummey, Strategy and Services