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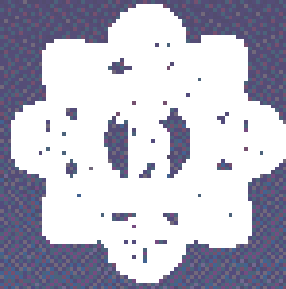
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Civilianisation process in An Garda Síochána

Alan Mulligan



Alan Mulligan

'The term "civilianisation" is understood to mean the redeployment of police officers from administrative and specialist functions to operational duties and their replacement by non-police personnel who can perform these tasks to the required standard.'
(Garda SMI Civilianisation Study, 2001)

INTRODUCTION

Civilianisation is just one element of an overall change management process currently being implemented in relation to policing in Ireland. The Garda Síochána Act, 2005, set out a legislative framework for the introduction of new structures, systems, functions and accountability mechanisms for the Garda Organisation. These include the establishment of the Garda Síochána Ombudsman Commission, the Garda Inspectorate, Joint Policing Committees and, within the Service, a Garda Reserve, a Professional Standards Unit; and the designation of the Garda Commissioner as Accounting Officer for the organisation. Furthermore, under Section 19 of the Act, the Garda Commissioner is designated the appropriate authority in respect of civilian staff of the organisation. On the 16th October 2006 all civilian staff formally transferred from the control of the Department of Justice, Equality and Law Reform to that of the Commissioner. Section 19(3) of the Act provides that, 'A member of civilian staff of the Garda Síochána is a civil servant of the Government.' This means that civilian members retain the general terms and conditions of employment enjoyed by all civil servants in relation to matters such as family friendly initiatives, transfers and promotion opportunities.

What follows is an account of the civilianisation process in An Garda Síochána to date, an analysis of some of the future strategic and practical challenges of civilianisation, and some views on how these challenges and issues could be addressed with a view to ensuring that the organisation reaps the optimum benefits of the process into the future.

BACKGROUND

Since the foundation of the State, successive administrations have been slow to civilianise non-core policing functions. As an organisation we have come late to the process compared to other European police jurisdictions. The current ratio of civilians to police officers in An Garda Síochána is approximately 1:7, compared to international norms of between 1:3 in the UK and 1:4 in Australia, Sweden and the Netherlands (OECD, 2008, p 125). However, this situation is changing rapidly. Major changes – which all stakeholders have agreed are necessary and important - are underway which will, in time, bring civilian support structures in An Garda Síochána to an optimal level. The rationale for the civilianisation process in police organisations internationally is typically threefold – the need for better value for money from police budgets, the freeing up of police officers for operational duties and the acquirement of specialist skills in areas such as finance and IT.

Civilian staff were first introduced in An Garda Síochána in the 1970s with the arrival of clerical support to supplement Garda resources. Between 1970 and 1998, 15 individual reports into different areas of Garda activity and reform recommended additional civilianisation. For example, in 1995 the Comptroller and Auditor General Report on Garda Transport recommended the civilianisation of the Transport Section, Garda Headquarters. From an organisation perspective, the Second Report of the Select Committee on Crime, published in 1992, recommended that a policy of further civilianisation within An Garda Síochána be actively pursued with a view to identifying as many posts as possible which could be civilianised to free up the greatest possible number of Garda members for operational duties.

However, the concept of replacing Gardaí already serving in administrative roles did not advance significantly until it was brought within the remit of the Garda Strategic Management Initiative, which began in 1996. A long period of research, consultation and

negotiation with the Garda representative bodies on further civilianisation culminated in the Civilianisation Study Report of 2001. In accordance with the agreed recommendations of that report, the Government approved the civilianisation of 496 posts in An Garda Síochána, to be filled on a phased basis as Gardaí occupying civilian posts in stations retired over a twenty-year period. The programme drawn up provided for the civilianisation of these posts in the short, medium and long term; the transfer of the finance function from sworn Garda members to civilian staff (which has led to the appointment of approximately 120 civilian Finance Officers at Staff Officer (SO) level); and the transfer of civilian staff from the Department of Justice, Equality and Law Reform to An Garda Síochána.

4 Of the 496 posts identified in 2001 for civilianisation, 296 were administrative posts. The balance of the posts, some 200 positions, were specialist posts (telecommunications, mapping, photography, etc.). While 161 posts were identified for civilianisation in the short term, just 27 posts were to be civilianised in the period 2004 to 2006, with the remainder to be civilianised over the period up to 2021, including 121 which were to be civilianised in the final year of the programme.

The plans and timeframes set out in the Civilianisation Report were soon overtaken by events. The findings and recommendations of the reports of the Morris Tribunal and other bodies (including the Garda SMI Steering Group), the public conception, significantly fuelled by the media, that crime (particularly so-called gangland crime) was getting out of control, and the growing desire of the public for high visibility policing all served as catalysts for an accelerated civilian recruitment programme. Throughout 2005 and 2006 the Government came under intense and sustained media criticism in relation to crime and responded to this criticism by, among other measures, approving a large quantity of additional civilian staff resources to replace Gardaí working in administrative roles.

The Minister for Justice, Equality and Law Reform, speaking in the Dáil in April 2006, stated:

It should be particularly noted in this context that An Garda Síochána is, by virtue of the Garda Síochána Act, 2005, currently undergoing a programme of reform that is unprecedented in its 84-year history. It is clear to me that significantly increased civilianisation of the Force, which would optimise its capacity to provide the frontline policing for which it has been trained, is a public policy imperative.'

(Priority Questions to the Minister for Justice, Equality and Law Reform, Dáil Éireann, 27th April, 2006)

Such has been the priority afforded to civilianisation by Government in recent years that, while there is a Government cap on overall Civil Service numbers, this has not to date been allowed to impact on the filling of civilian posts in An Garda Síochána. Indeed, in early 2005 the Government approved the transfer of 300 surplus posts from the Department of Agriculture and Food to An Garda Síochána to assist with the Garda Civilianisation Programme. The first phase of this transfer took place with the establishment of the Garda Information Services Centre (GISC) in Castlebar in 2006. The GISC is now fully operational and employs over 170 civilian staff at all grades from Clerical to Principal Officer. The service yields enormous operational benefits for An Garda Síochána by freeing up officers from having to return to their station following an incident to enter data on PULSE. This means that they can continue to carry out frontline policing duties while their report is being typed up by their civilian colleagues.

Further sanction was received in mid-2006 to recruit an additional 300 posts across all functional areas, and, on 19th December 2006, the Government gave approval for the recruitment of 300 new Clerical Officers specifically for the Dublin Metropolitan Region. A subsequent Government decision in 2007 provided for the appointment of a further 300 Clerical Officers for areas outside Dublin. The civilianisation of posts at the most senior levels of An Garda Síochána has also commenced in earnest. Two important reports on senior managerial reform in the organisation were published in November 2006 by, respectively, the Garda Síochána Inspectorate and the Advisory Group chaired by Senator Maurice Hayes (“the Hayes Group”). Both reports proposed enhanced civilian support for senior Garda management. Most notably, they recommended a new civilian post of Chief Administrative Officer (CAO), at Deputy Garda Commissioner equivalent level, to deal with administration and resource management, including areas such as finance, human resources and information technology. Following an open competition, Mr. John Leamy was appointed to the CAO position and commenced in September 2007.

The Inspectorate report also proposed a further five senior civilian managers (at Assistant Secretary/Director level) in the areas of Communications, Strategy, HR, Finance and ICT, as well as a senior civilian legal advisor. Recruitment to these key posts is being progressed, with the posts of Director of Communications, ICT and Legal Advisor already filled. The Hayes Group, among other proposals, called for the maximum delegation of operational responsibility to the Assistant Commissioners in charge of the Regions, with appropriate support by civilian staff in areas such as finance, HR and analysis.

The Civilian Human Resources Directorate was established in October 2006 to assist the Commissioner in his new role as the designated authority for all civilian staff. Reporting to the Assistant Commissioner, HRM, the Directorate is responsible for all HR functions in relation to civilian staff. These include resource management, training and development, administration, discipline and industrial relations. A key task for the Directorate since its establishment is managing the accelerated civilian recruitment programme. The number of civilian staff working in An Garda Síochána has increased from 1,281 whole-time equivalent staff in December 2006 to 2,053 whole-time equivalent staff at the end of October, 2008 – an increase of 772 (60%) whole-time equivalent staff.

Garda civilian staff can be categorised into three streams, administrative staff, professional/technical staff and industrial staff. The table below gives a breakdown of the numbers and grades of civilian staff under the three categories as at the 31st of October, 2008. The international experience of civilianisation in police organisations is that civilian staff posts are largely confined to low administrative posts or high specialised posts. This clustering of posts can cause ongoing problems in relation to the retention of staff if career progression opportunities are not addressed (Loveday, 2006).

As can be seen from an examination of the following table, the civilianisation process in An Garda Síochána is developing clusters similar to that produced by police institutions internationally. The majority of our civilian staff members are Clerical Officers, 1,336 whole time equivalents, out of a total of 1,896 whole-time equivalent administrative staff. There are currently 77 professional staff and while this is a relatively small cohort, the organisation is rapidly increasing the numbers of these staff. Indeed the majority of the current cadre have been recruited in the past two years. There are also 80 whole-time equivalent industrial staff. The organisation is addressing the important issue of civilian career progression and the first ever internal promotion competitions for civilian staff were held last year to fill new posts and vacancies at Staff Officer, Executive Officer and Higher Executive Officer levels. The numbers of middle and senior management posts have also increased significantly in the past two years.

TABLE: CIVILIAN STAFFING AS AT 31 OCTOBER 2008

Professional	Administrative	Industrial Staff
Head of Training and Development 1	CAO 1	General Op 12
Teachers 20	Executive Director ICT 1	Electrician 1
Researchers 3	Director 4	Store Keeper 1
Professional Accountant Grade II 4	Head of Legal Affairs 1	Carpenter 1
Professional Accountant Grade I 2	PO 2	Chargehand 1
Assistant Accountants 6	AP 17	Groom 1
Cartographer 3	Administrators (HEO) 14	Traffic Wardens(F/T) 12
Examiner Of Maps 1	HEO 39	Traffic Wardens (P/T) 17
Telecoms Technicians 5	EO 77	Coffee Shop Attendant 1
CMO 1	SO/DFO 183	Drivers 23
Assistant CMO 1	CO 1336	Storemen 5
Nurse 2	Supt of Cleaners 1	Store Officers 2
Photographer 3	Cleaners 171	Service Officers 3
Fleet Manager 1	Service Attendants 38	
Senior Crime Analysts 1	Seasonal Cleaners /SA 11	
Higher Crime Analysts 2		
Analysts 21		
77	1896	80

Grand Total: 2,053 (WHOLE-TIME EQUIVALENT)

PLANNING FURTHER CIVILIANISATION

As can be seen, An Garda Síochána have moved from a time when civilian staffing was almost exclusively confined to clerical support in Garda stations and in Headquarters, to a changing landscape in which civilians are being appointed to an ever wider range of managerial roles and specialist functions. The valuable support being provided to the Service by civilian staff in these areas, and the success of flagship initiatives such as the Garda Information Services Centre (GISC), the Garda Central Vetting Unit (GCVU) and the Fixed Charge Processing Office, is increasingly apparent. This has led to growing recognition of the potential benefits of further civilianisation, with additional proposals now being developed across a range of key support areas.

There is no doubt that further phases of the civilianisation programme will require careful management to ensure that potential benefits are fully realised, that its implementation runs as smoothly as possible, and that the interests of the organisation and all its personnel, both sworn and civilian, are equitably balanced. In some areas, particularly the accelerated recruitment and deployment of several hundred new clerical staff for Garda stations in Dublin and the Regions, the process has been essentially input-driven, dictated as it was by urgent political imperatives. While every additional post is of significant value once it is effectively managed and developed by local management, ideal circumstances would have allowed for more time to strategically plan the specific allocation, duties, hours of attendance, training and grading of these new staff in alignment with the parallel process of releasing desk-bound Gardaí for operational duties.

While the recent OECD public management review, 'Ireland: Towards an Integrated Public Service', notes that the civilianisation process in An Garda Síochána entails increases in staff numbers in general, the basis of the overall increases in personnel, including sworn members, is unclear. The report states "*While the number of civilians in the Irish police force by international comparison is particularly low, the reasons for the projected increases in numbers are only vaguely linked to a clear needs assessment*" (p. 128). The report argues that this concentration on inputs without adequately defining the desired outputs illustrates two broader HR-related issues prevalent throughout the Irish Public Service – the lack of strategic workforce planning capacity and the consequences of long-term centralised control of inputs through the effective recruitment limits on Public Service numbers.

Garda senior management has already recognised the lack of strategic workforce planning capacity in relation to the civilianisation process. Commissioner Murphy has moved to address this issue by establishing the Review Group on the Potential for Further Civilianisation, chaired by the Chief Administration Officer. As part of its terms of reference the Review Group will carry out an analysis of sworn posts by functional and administrative area to identify further posts, if any, suitable for civilianisation. The Commissioner also wants the group to review progress with the integration of sworn and civilian staff, to identify any existing barriers to integration and to make recommendations accordingly.

Two principles of workforce reform which have been consistently reinforced in studies should be central to any strategy for future civilianisation. Firstly, issues in relation to workforce reform are central to organisational strategy and not simply 'HR problems'. Secondly, workforce issues cannot be dealt with in isolation as they are inextricably related to one another (Gash, 2008). For example, the recruitment of sworn members and civilian members and their future training and development clearly have interdependencies.

EFFICIENCY REVIEW OF THE PUBLIC SERVICE AND 3% REDUCTION IN PAYROLL

The work of the Review Group on the Potential for Further Civilianisation is taking place against the background of the current civil service Efficiency Review being overseen by the Department of Finance and the 3% reduction in payroll for 2009. The effects of this Efficiency Review are already being felt and, in this new climate, it will be extremely difficult to obtain sanction from the Department of Finance for further civilian posts outside the existing approved levels. The 3% reduction in payroll for 2009 will severely restrict the ability of An Garda Síochána to recruit new civilian staff in 2009. Further significant civilian staff recruitment will only recommence when there is an improvement in the public finances and this improvement is reflected in the budget of the organisation.

There are two positive benefits for the organisation from the pause in civilian recruitment. First, in relation to the recent civilianisation programme, the opportunity to access the value to the organisation of the significant number of additional civilian staff, the opportunity to highlight and rectify deficiencies where they exist, and the opportunity to ensure that the organisation achieves the optimum benefits from these additional civilian staff. Second, in relation to future civilianisation, it affords the organisation the time and space to better plan the civilianisation programme going forward.

FLEXIBILITY

Flexibility on working arrangements is one issue which will have to be tackled as part of further civilianisation proposals. The wider introduction of shift work for civilian staff in Garda stations, while obviously requiring detailed planning and consultation with management, staff and unions, would undoubtedly be of assistance. The examples of the GISC and the GCVU show how effectively such arrangements can work in practice. An Garda Síochána is not a nine-to-five organisation and, as such, an increasingly flexible

approach to the deployment of civilian staff will be required if we are to maximise the efficiencies that can be derived from replacing sworn members in administrative posts with civilian staff.

THE IMPORTANCE OF INTEGRATION

It is important to ensure, in the interests of all personnel and of the organisation as a whole, that civilianisation occurs as harmoniously as possible. The expansion of the programme across the administrative, managerial and functional spectrums will inevitably mean more and more civilian staff and sworn members of all grades and ranks working alongside and reporting to each other. For this to function smoothly and effectively depends on many factors. In the immediate term, it requires early agreement on integrated reporting structures, both civilian-to-sworn and sworn-to-civilian. Agreed structures were set out in the 2001 Civilianisation Report but the changed complexion of the civilianisation programme, among other developments, has prompted a reconsideration of this area and discussions with the relevant stakeholders are now underway.

In the more medium term, further civilianisation on the scale and scope envisaged also requires the integration, as far as possible, of working practices, cultures and codes. Reference to the desirability of greater flexibility in civilian working arrangements has already been alluded to, particularly in operational environments; however, having said that, due consideration must also be given the entitlements of staff, as civil servants, to access centrally negotiated family-friendly schemes such as term-time and work-sharing. At a more cultural level, there needs to be a greater mutual understanding of the respective codes, processes, hierarchies and working methods under which civil servants and Gardaí operate. As well as attaining a comprehensive knowledge of the organisation's structures and myriad functions, Civil Servants joining the organisation need to understand and respect its history, its traditions, its public service principles and its hierarchy.

Equally, and particularly in the many non-operational areas to which civil servants are being deployed, there is a need for the organisation to adapt more readily to the more fluid and flexible ways in which the modern civil servants have come to work and interact. In line with similar developments in the Private Sector, the Civil Service SMI process, together with the advent of modern electronic communications, ushered in a new and more efficient era of devolution of autonomy and accountability coupled with reduced bureaucracy and paperwork. The Garda SMI Steering Group made firm recommendations on devolving responsibility and developing a more consultative management style within the organisation. The recent and ongoing expansion of the civilianisation professional and managerial cohort heightens the need to actively further this cultural shift.

Integration, therefore, is essential to the success of the civilianisation programme in the medium to long term but it involves tackling a complex and challenging set of cultural and procedural issues. There are two tools that one would regard as key to successfully meeting these challenges – education and partnership. The very fact that civilian staff and sworn members at all grades and ranks are now working together in a wide range of functional areas will, in itself, lead to greater mutual understanding and collegiality. However, there is much that could be done on a more formal, structured basis to enhance and speed up this process.

EDUCATION

Appropriate training, development and education of all personnel working in An Garda Síochána is a priority for the organisation. This has been clearly signalled by the Garda Commissioner who has set up a training and development work review group, under the chairmanship of Mr Pat McLoughlin, to review both sworn members and civilian

members training and developments needs. This is the first major review of Garda training since the late 1980s and the first ever review of the training and development needs of civilian staff.

Up until the 16th October 2006, the Department of Justice, Equality and Law Reform was responsible for the training and development of civilian staff. Therefore, no tailored training and development strategy was developed and implemented for civilian members. The Garda Organisation has had to redress this deficiency over the past 18 months. A comprehensive induction programme was developed in early 2007 for all new civilian staff and has been delivered to approximately 500 personnel to date. This programme, which is delivered under the joint auspices of the Garda College and Civilian Human Resources Directorate, provides inductees with, *inter alia*, a solid grounding in the history, structures, functions and culture of An Garda Síochána.

At the same time, the Civilian Human Resources Directorate commissioned the Institute of Public Administration, Dublin to develop a Diploma in Policing Administration specifically for existing Garda civilian staff. One of the key aims for the development of the course was to address the substantial, and very understandable, knowledge deficit that was apparent among civilian staff regarding the organisation of which they had recently become members of staff. It was felt necessary to start addressing this gap, and an academic study programme was conceived as the ideal way to incentivise staff to learn more about the organisation (and in turn disseminate this learning to their colleagues around the organisation). The course is designed to provide participants with extensive knowledge of the history, functions, structures and culture of the organisation; the legal framework within which it operates; its ongoing change and modernisation programme; and comparative studies of other police services. To date, a total of 135 participants have completed the course, and the feedback in relation to it has been overwhelmingly positive.

There are additional methods in which civilian and sworn members can be brought closer together through learning initiatives including, for example, through the inclusion of modules on the civilianisation programme in student and supervisory management training programmes, and through greater integration of sworn and civilian training. The Review Group on Training and Development will examine such possibilities as part of their remit.

PARTNERSHIP

While educational initiatives assist to break down the knowledge and cultural barriers that might otherwise hinder integration, there are many practical and logistical issues that will also need to be addressed if An Garda Síochána are to develop the level of integration necessary for the civilianisation programme to fulfil its potential. The business requirements of the organisation are of course of central importance, but, full and equitable consideration must also be afforded to the interests and concerns of both the established sworn members and the new civilian staff being recruited at all levels and in all areas. Both sworn and civilian staff will have concerns over career prospects, changing work practices and requirements, and operational and administrative efficiency – among other things. In some cases, concerns will be shared by both sworn and civilian personnel, in other cases they will be quite different. Management must therefore manage the difficult task of seeking to implement its business agenda – in other words, the ‘big picture’ – while finding a balanced accommodation between the sometimes competing interests of sworn and civilian personnel. Some issues – for example, reporting arrangements – may be permanently resolvable through one series of discussions; others may require new solutions on a case-by-case basis as civilianisation proposals extend to new areas.

CONCLUSION

This article has outlined the background to the civilianisation process in An Garda Síochána, the progress made in relation to the accelerated civilian recruitment programme, the challenges facing the organisation in ensuring the effectiveness of further civilianisation, and various initiatives which are being or could be undertaken to meet these challenges.

Despite numerous internal and external reports recommending the civilianisation of various posts in An Garda Síochána over the past 40 years, the actual process was relatively slow until quite recently. An Garda Síochána has witnessed a 60% increase in the number of civilian members working in the organisation over the past 18 months. This rapid expansion, and plans for further civilianisation, are welcomed in the organisation but also pose challenges which cannot, and are not, being ignored.

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A very useful and positive development in the above respect has been the explicit inclusion of civilian interests in the terms of reference and composition of many of the Strategic Imperative working groups, and in high-level groups such as the Review Group on Training & Development and the Review Group on the Potential for Further Civilianisation. This is sending a clear signal throughout the organisation that the Garda Commissioner and his senior managers are determined to embrace the benefits and tackle the challenges of the ongoing civilianisation programme.

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Covert Surveillance Activities – The Case for Legislative Authority

Detective Superintendent Peter Kirwan



Detective Superintendent
Peter Kirwan

The concept of surveillance implies in its ordinary usage some form of watching, spying, eavesdropping, besetting or following a person about for the purpose of invading that person's privacy, whether by means of technical devices or not, including listening to or recording a conversation or message to or from a person, otherwise than as a lawful party thereto

(Law Reform Commission report 1998).

SURVEILLANCE - GENERAL

Surveillance in its broadest sense goes beyond its association with police and security services and their fight against crime and terrorism. Many interested groups within society now have a growing interest in gathering information about others, through, inter alia, various techniques of surveillance. Such an information-gathering interest may range from the perfectly legitimate e.g., prevention and detection of crime by the Gardaí to the utterly depraved, e.g., voyeurism, with many shades of grey in between.

In the work environment, people may have to clock in or out of their place of employment and submit to monitoring by CCTV systems, which are now routinely deployed in department stores and public places, to prevent or detect crime or anti social behaviour or to monitor traffic flow or violations.

SURVEILLANCE - THE POLICING CONTEXT

The focused monitoring of persons who are suspected of posing a threat to state security or involvement in the commission of crime, is a vitally important component in the context of acquiring 'intelligence', which supports a security/police service in fulfilling its core functions - affording protection to the state and its institutions and the prevention, investigation and detection of crime.

Information properly procured, analysed and acted upon, provides invaluable assistance in the investigation of crime and in many instances will enable action to be taken to prevent crimes occurring. Quality information with 'intelligence potential' is derived from several avenues of investigation including human sources and the surveillance coverage of targeted individuals.

In Ireland the continued activity of dissident republicans, organised crime and drug trafficking gangs, the new global threat posed by international terrorism and the increased availability of new technological aids to terrorists and criminals, means that future policing responses will have to incorporate covert surveillance methods in order to meet the very significant challenges ahead. The question arises as to the nature, extent of intrusion justified, and whether covert Garda surveillance must or should have some basis in law.

CONSTITUTIONAL & LEGAL CONSIDERATIONS

“Everyone has the right to respect for his private and family life, his home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

(Article 8 European Convention on Human rights)



IRISH CONSTITUTION

The Constitution does not afford any explicit protection to a right of privacy. However, over the last twenty years, the High Court and the Supreme Court have so construed the provisions of the Constitution, in particular, the fundamental rights provisions, as to afford a degree of protection to privacy interests.

Some judges have identified specific provisions as guaranteeing particular aspects of privacy, while others have examined any claim to privacy solely in the context of the personal rights which the State guarantees to defend and vindicate under Article 40.3.1°. While the subsection provides some protection against surveillance, the individual interest in privacy must often cede place to other competing interests such as;

- the common (or public) good
- the maintenance of public order
- the attainment of true social order
- State security

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The Law Reform Commission Report on Privacy: Surveillance and the Interception of Communications, 1998, proposed, the following as an acceptable definition of the generic term “surveillance” *to include aural and visual surveillance, irrespective of the means employed, and the interception of communication*’.

At present, apart from legislation dealing with the interception of Post & Telecommunications, other forms of state surveillance are not regulated by law in Ireland. The issue of surveillance and its legal basis has come under court scrutiny in a limited number of cases.

In *Kane v. Governor of Mountjoy Prison, (1988)*, the Supreme Court endorsed the police surveillance methods employed and ruled that surveillance was justified, provided adequate justification exists for it on the facts of the case and considering the importance of the duty being discharged by the police (apprehension of a person for whom the delivery of an extradition warrant was imminent) and the extent and nature of the surveillance.

This was not a case of covert surveillance but involved overt surveillance where an added concern about personal liberty was an issue. The type of overt surveillance considered in the ‘O Kane’ case, is rare and covert methods are obviously more commonly employed in policing operations. The O Kane case is therefore of only limited value when one is looking for an endorsement from the superior courts for covert techniques.

The fact that this issue has been aired before the superior courts is recognised as being a good thing. However, the Law Reform Commission report of 1998 states that it would be preferable to provide a basis in positive law for such police action especially where it involves covert surveillance.

In *Kennedy v. Ireland (1987)* the High Court established that a person enjoys a personal constitutional right of privacy in his/her telephone conversations and the right is breached by deliberate, conscious and unjustifiable interference with such communication. This case was one of the main factors that led to the introduction of comprehensive legislation governing telephone interception in 1993.

The High Court in *Nason v. Cork Corporation (1991)* ruled that photographic evidence that tended to show the plaintiff in a personal accident case had not in fact suffered the injuries complained of was admissible. The Court rationalised the admissibility of the evidence on the ground that the plaintiff had a reduced expectation of privacy even when in her own home with the curtains undrawn and on a public street. In *Devoy v. The Right Honourable Lord Mayor, Aldermen & Burgesses of Dublin, Beattie, Heavey*

& *Brooks (1995)*, the High Court allowed the admission of a secret tape recording of a workman into disciplinary proceedings by analogising it to a photograph.

EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)

A primary consideration under the provisions of the ECHR, which must be considered in the context of surveillance, is the right to privacy, or, more accurately, the right to respect for “private life”, which is protected under Article 8 of the Convention. The general issues that arise under Article 8(1) concern the scope of the four protected interests including “private life” and the nature of state obligations whether negative or positive. Specifically a determination as to whether there has been an interference with the right, whether the interference was in “accordance with the law”, whether it was for one or more of the legitimate aims listed and whether it was “necessary in a democratic society”.

Secret surveillance in the context of the ‘ordinary’ criminal process came under scrutiny in the British courts in the case of *Malone (1984)*. In this case the court required the existence in domestic law of safeguards against the abuse of powers of secret surveillance, but did so in applying the criterion that any interference must be in accordance with the law.

SURVEILLANCE AS EVIDENCE

Increasing intimidation of witnesses and a ‘forensic awareness’ on the part of organised crime gangs means that two of the main traditional pillars on which a prosecution is supported, can be undermined. In an increasing number of cases senior investigating Garda officers are viewing the evidence of surveillance officers as a vital component in many criminal trials, seeking to present evidence of meetings, associations and sightings at critical times. Surveillance coverage is no longer viewed as restricted to providing intelligence or a *road map* to the most productive lines of enquiry for investigators, but is being increasingly scrutinised for evidential potential.

The main strategists and organisers involved in terrorism and organised crime invariably authorise operations but delegate the tangible criminal functions to subordinates, thus minimising the risk of their (organisers) exposure to criminal charges. Acquiring evidence against those involved in the hierarchy of such organisations requires innovative approaches and consideration towards the authorisation of more intrusive methods of surveillance. The regulation of such intrusive covert surveillance activities by positive legislation, incorporating strict provisions of necessity, proportionality and oversight would serve as a reassurance to the general public that the correct balance was being achieved between the rights of citizens and the obligations of gardaí to effectively investigate crime and protect state security.

THE LAW REFORM COMMISSION REPORT ON PRIVACY: SURVEILLANCE AND THE INTERCEPTION OF COMMUNICATIONS, 1998 – SALIENT ASPECTS

“The police must, in the interest of the prevention and detection of crime, have substantial additional latitude over and above that allowed to private interests in the surveillance both of private places and of public places. Otherwise the enforcement of the criminal law which is a special function of the State and its authorities would be prejudiced.”

(Law Reform Commission Report 1998)

The Law Reform Commission Report on Privacy: Surveillance and the Interception of Communications, 1998 contains recommendations with respect to privacy in the specific context of state surveillance and the interception of communications.

From a policing perspective the report recognises that the use of surveillance is a necessary investigative tool, which should be available to An Garda Síochána, engaged on behalf of the State in the prevention and detection of crime. From a policing perspective the main recommendations are:

- The provision of new regulatory safeguards.
- Provision of a basis in positive law for police surveillance of public and private places:

In summary the report recommends that a broadly based, flexible and workable system of authorisations, both judicial (granted by the District Court) and administrative (granted by a Chief Superintendent), should be put in place which would give An Garda Síochána the authority and protection they need in carrying out their function of the prevention and detection of crime.

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Specific recommendations are made in respect of the provision of new regulatory safeguards by creating a basis in positive law for police surveillance of both public and private places. In relation to a private place, it is recommended that certain surveillance methods would be permissible, without the consent of the occupier, when authorised by a surveillance warrant.

Such a warrant could be issued for a finite period of fourteen days by a Chief Superintendent, or for a period of three months if issued by a Judge of the District Court, for the prevention or detection of crime in respect of which a search warrant may be issued to any member of An Garda Síochána under existing statute law including:

- The lawful arrest or prosecution of any person
- General intelligence gathering in relation to any such crime
- The obtaining of evidence for which a search warrant may be granted under section fourteen (14) of the Criminal Assets Bureau Act, 1996.

The report envisaged that a surveillance warrant would authorise a named member of An Garda Síochána, accompanied by such others as he considers necessary, to enter private property the subject of the warrant for the purpose of initiating, maintaining or withdrawing such surveillance, and may impose conditions in respect of such surveillance. [Head 11(2)(b)(v)]. It specifies that there should be specific rules or grounds present as a prerequisite or justification for the granting of a surveillance warrant of which the court (or a Chief Superintendent) should be satisfied before it is granted [see Head 11(2)(b)(viii)].

The report also made recommendations in respect of the overall judicial review of surveillance by An Garda Síochána along the lines laid down by the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993.

CONCLUSION

The desirability of the legislature giving Gardaí legislative authority to conduct intrusive surveillance operations against targets involved in serious crime and terrorism is now firmly in the public arena in Ireland, with media commentators pursuing the issue and the Labour party having drafted a Bill on proposed legislative measures.

It is appropriate that the Gardaí not become proactively involved in the debate other than to offer informed comment on the current criminal and terrorist threat assessment and the merits and demerits of proposals already on the table. Modern surveillance systems and monitoring equipment have opened up new and improved possibilities in

the area of policing and such advances are welcome, but many persons, concerned with privacy and human rights issues, are cautious and fearful of the possible scope for abuse, both in the private and state sectors. There is a need to reassure the public that the benefits of such technological advances will not be outweighed by any possible abuses. In this context it is important that any legislation in this area helps to provide assurances that the covert capabilities of the police are not viewed as an over-intrusion into the everyday lives of ordinary people but are seen as a force for good, targeted against persons involved in serious or organised crime.

The recommendations contained in the Law Reform Commission Report of 1998 are reasonable, practicable and workable. The report recommends a flexible and workable system of authorisation, both judicial (granted by District Court) and administrative (granted by a Chief Superintendent), to allow for the gardaí to carry out their functions. The recent public debate on the subject and the statements by the Minister for Justice, Equality & Law Reform, indicating that this matter is now under consideration by his department, are welcome developments.

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Gurchand Singh

The Role of Analysis in An Garda Síochána

Gurchand Singh

INTRODUCTION

Crime analysis has been undertaken within An Garda Síochána for some time. However, it is only relatively recently that the decision was made to have a dedicated analysis service, made up of civilian staff, to support the work of An Garda Síochána. The aim of this article is to examine this recent development, looking in particular at the roles and functions of the new Garda Síochána Analysis Service (GSAS). In doing so, the paper is structured in three broad sections:

- Firstly, an overview of what actually constitutes crime analysis. The role of policing and crime analysts is not always explicitly set out. This section quickly reviews the development of crime analysis, looking in particular at the development of problem orientated policing and the National Intelligence Model. Both have provided significant support to policing (most explicitly in the UK and the US) and both have integrated the use of analysts.
- Secondly, examining the structure and some of the key types of analysis that will be conducted by GSAS. The new service has drawn from the lessons learned in both problem orientated policing, the National Intelligence Model, as well as other models of analysis in order to develop a service that best supports the needs of members of An Garda Síochána.
- Finally, one of the advantages of being relatively late to the development of a professional crime analysis service is that we can learn from some of the problems and mistakes from other jurisdictions. In doing so, we can set in place practices and processes which ensure that these are not replicated in An Garda Síochána. The final section examines some of the key problems experienced by other police forces in the use of analysis.

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DEVELOPMENT OF CRIME AND POLICE ANALYSIS

Crime analysis covers a wide range of areas. However, for the purposes of this article crime analysis has been defined as the 'systematic study of crime and disorder problems as well as other police-related issues-including socio-demographic, spatial and temporal factors – to assist the police in criminal apprehension, crime and disorder reduction, crime prevention, and evaluation' (Boba 2005). As such, crime analysis goes well beyond simply counting the number of crimes or incidents that have occurred. In other jurisdictions, analysts have been used in order to provide better understanding of what the drivers are for local crime problems and suggest a range of solutions to tackle these, to work through the mass information accompanying murder investigations, to draw together vast amounts of intelligence in mapping out criminal organisations, how they function, and importantly how they can be undermined.

As a discipline it grew in the 1960s and 1970s¹. More recently, crime analysis has focussed on problem orientated policing and the National Intelligence Model (NIM).

Problem Orientated Policing

One of the main drivers for analysis has been problem orientated policing, developed by Herman Goldstein (1979). It emphasised a move away from issues such as organisational efficiency towards reducing problems and concern of local people (covering crime and anti-social behaviour). Goldstein identified four elements in problem orientated policing:

- **Problem identification** and **understanding**: This covers the systematic grouping of recurring crime incidents, recognising the links between incidents, and an attempt to understand how and why these sets of incidents arise. It can be achieved through

¹A good account of this early development in the US has been done by the Massachusetts Association of Crime Analysts: see www.macrimeanalysts.com/articles/historyofcrimeanalysis.pdf.

analysis of police recorded crime, integrating other sources of data, as well as research evidence.

- **Response development and evaluation:** Responses to problems should be tailored to why the problem exists. Police should look to intervene where they can make an impact, but also recognise that other agencies and partners may need to be brought in to tackle aspects of the problem. Furthermore, any intervention that is put in place needs some form of evaluation in order to understand its effectiveness.

Throughout this process, analysis and evidence must have a prominent role:

- **Problem identification:** requires pulling together and analysing data to see what type of crime problems an area is suffering, whilst understanding requires further in-depth analysis of the key crime issues, integrating intelligence and research in order to inform what type of interventions may have an impact on the crime problem.
- **Response development:** This involves drawing on an understanding of the problem but also on what existing research identifies as best practice in tackling such problems. **Evaluation** requires a clear assessment of the intervention (for example, resource and implementation issues) against measurable outcomes (here, a reduction in crime).

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Problem orientated policing developed during the mid 1980s in the United States with active support from federal authorities. From the 1990s onwards, several police forces in the UK (Northumbria, Thames Valley, West Yorkshire and Merseyside, Lancashire, Greater Manchester, Hampshire and the PSNI) also embraced a problem orientated approach. Many police forces explicitly articulated the SARA model (Scanning, Analysis, Response, Assessment) and the ‘Problem Triangle’ both of which are clearly based in a problem orientated approach. More generally, there was the development of a problem orientated web page to disseminate good practice, an annual problem orientated policing conference (www.ukpopconference.co.uk) and an annual Tilley Award to recognise best practice in problem orientated policing. Nationally, HM Inspectorate of Constabulary’s crime reduction thematic reports (*Beating Crime* 1998 and *Calling Time on Crime* 2000) explicitly encouraged the adoption of a problem orientated approach. The ideas also feature heavily in recent Home Office policy and plans for the implementation of neighbourhood and community policing programmes².

The National Intelligence Model and Analysis

Within the UK, the framework has changed somewhat with the introduction of the National Intelligence Model (NIM). Launched by the National Criminal Intelligence Service (NCIS) and adopted by the Association of Chief Police Officers (ACPO) in 2000, the government placed NIM at the centre of the Police Reform Agenda. NIM represents an effort to promote effective intelligence led policing on a national basis and to standardise intelligence-related structures, processes and practices across all police services in England and Wales. It is essentially the design for a comprehensive ‘business process’ to rationalise and systematise the ways in which the police service handles information and makes key decisions about the deployment of resources.

NIM is structured around several strategic and tasking processes. This covers strategic tasking: the high level meeting that sets out strategic priorities – the control strategy – which in turn sets out priorities for intelligence, prevention, enforcement and resources to meet it. Strategic priorities may be set by local communities or by government targets and the strategic group meets quarterly or half yearly. In turn, there is a tactical tasking and co-ordination group which meets more frequently (perhaps monthly). It has three main

²This is also occurring against a wider backdrop within the UK of improving service provision through use of evidence, research, assessment of outcomes, and using stronger data driven performance management systems (for example, 1999 *Modernising Government* White Paper and the 2002 Office of Public Services Reform report *Reforming our Public services: principles into practice*).

roles: to commission operations that respond to the control strategy, to respond to new needs and to check that agreed plans and enforcement work are still on course to meet objectives.

Analysis feeds directly into informing these strategic and tasking processes through 'intelligence products'. There are four key intelligence products:

- Strategic assessments: This gives the tasking and co-ordination group an accurate picture of the situation in its area of responsibility, how the picture has changed, and how it may change in the future. The analysis provided here may include: current situation, progress, major areas of criminality, demographic and social problems, patterns and trends.
- Tactical assessments: This aims to identify the shorter term issues in an area which, with prompt action, can prevent a situation deteriorating or developing. The analysis provided here may include: current situation (progress on targets), emerging crime and other series problems, hot spots and preventative measures.
- Subject profiles: These provide a detailed picture of the (potential) offender and associates. The purpose of this is to assist operational management in selecting targets, guiding investigations, shaping plans and maintaining supervision. Analysis may draw data from personal records, criminal records, financial profile, network/associate, communication and transport report, and surveillance appraisal.
- Problem profiles: This aims to identify established and emerging crime/incident series and crime hotspots. Its purpose is to assist management in resourcing investigation needs, hot spot management, and directing crime reduction initiatives and crime prevention measures. The content of a problem profile includes: problem identification, background and causes, scale of damage, level of disorder and offending, perpetrators, social impact and resource allocation.

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In turn, nine analytical techniques have been identified which feed the above products. These are noted in Table 1 below. Within all of this, the role of the analyst is to understand what the operational requirements are from police officers, develop a programme of analysis to support this (either using the above framework of techniques identified in Table 1), pull in and analyse relevant information, and to deliver these in a timely manner. The scope and range of work will obviously always be limited to the time available to do the analysis, the information available and its quality.

TABLE 1: CRIME ANALYSIS TECHNIQUES

Technique	Type of analysis	How can it help?
Crime pattern analysis	Includes incident series identification crime trend analysis, hot spot analysis and general profile analysis. It looks for linkages between crimes and other forms of offending to reveal similarities and differences.	It identifies where prevention and diversion initiatives will be most effective and reveals new and emerging trends for subsequent analysis.
Subject profile analysis	Aims to describe the criminal, their activity, lifestyle, associations, the risk they pose, their strengths and weaknesses in order to give focus to the investigation ongoing offender.	Aims to help give focus to the investigation of particular offenders, to help identify techniques which have worked against the target in the past, and assess the target's capability in protecting themselves from investigation.

Network analysis	Describes the linkages between people who form criminal networks, the significance of the links, the roles played by the individuals and the strengths and weaknesses of a criminal organisation. This type of analysis closely complements target profiling.	Provides detailed understanding of the scale and seriousness of the threat posed by criminal groups, enabling the appropriate priority to be attached to dealing with them. Typically, it distinguishes the most important networks to tackle and how best to undermine them.
Demographic/social trend analysis	Includes an examination of the nature of social, economic and demographic changes and their impact on criminality.	Provides an 'environmental' focus to understanding crime as opposed to one which is purely focused on analysing crime figures.
Results analysis	This evaluates the effectiveness of law enforcement activities.	This approach may assist in identifying best practice and highlighting areas for improvement. In major investigations it may contribute by providing a structured de-briefing process.
Market profiles	An assessment of the criminal market around a particular commodity (such as drugs and stolen vehicles or a service such as prostitution).	It details how active the market is, the key individuals, networks, criminal assets and associated trends in related criminality.
Criminal Business Profiles	Profiles contain detailed analysis of how criminal operations or techniques work in the same way that legitimate business may be explained.	The analysis can be used to find key points of disruption and to predict criminal activities.
Risk analysis	Aims to provide reassurance that risks involving apparently isolated incidents are being correctly assessed.	Can be used to prioritise and to assess potentially adverse impacts from policing operations and help manage this.
Operational intelligence assessments	The operational intelligence assessment tries to provide real time evaluation of, and research into, all incoming data connected with an operation, together with an analysis of other events and discoveries connected with the organs.	The results should continually be compared with the objectives of the original collection plan. This will help identify gaps in and priorities for the operational intelligence effort, and ensure the continuing alignment of work.

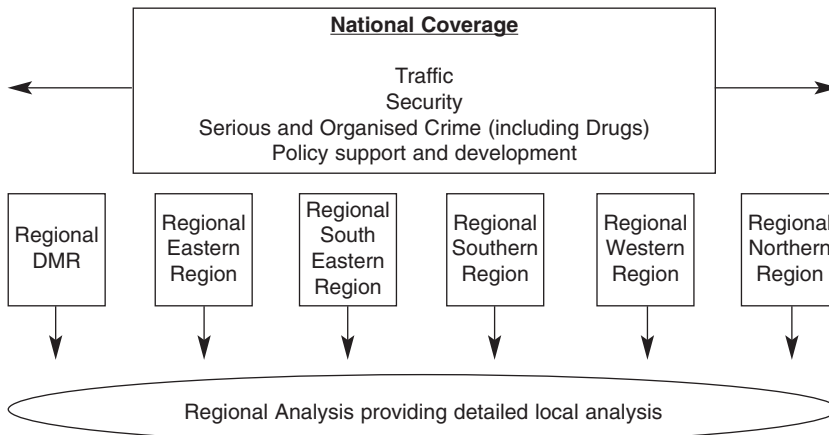
ANALYSIS IN AN GARDA SÍOCHÁNA

In the section above, there was a brief review of the development of crime analysis. This section examines how analysis will develop in An Garda Síochána. As a side note, it would be wrong to assume that there was no analysis underway prior to this. Analysis was being conducted from performance reports, local analysis of incidents, analysis of criminal networks and relationships, through to pin mapping. Much of this analysis was conducted by members of An Garda Síochána based on local arrangements. However, with the growth of civilianisation in An Garda Síochána, the opportunity was taken to develop a dedicated civilian analysis service that could bring with them a range of skills to support analysis in a systematic manner. In 2007, three members of the management team were recruited to take this forward, with 14 analysts recruited in May 2008 (and at time of writing) a further planned 14 to be recruited in October.

Structure of An Garda Síochána Analysis Service (GSAS)

An Garda Síochána is relatively rare in that it is a national police force covering functions from national security and immigration right through to the management of local crime problems. As such, any analytical service needs to be able to support the organisation at these levels. Figure 1 provides a general outline as to how this will be achieved.

FIGURE 1: STRUCTURE OF AN GARDA SÍOCHANA ANALYSIS SERVICE



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The service has been divided into national support and local support:

- National: providing support to national units who deal with issues that are not geographically bounded by internal administrative boundaries (such as regions or divisions). This includes National Support Services (covering issues such as serious crime and drugs), traffic, security (providing additional support to existing analysis) as well as providing strategic analytical support in the development of national policies and plans (for example, the Policing Plan).
- Regional: providing support to Regional Assistant Commissioners and their Divisional and District Officers in analysing and tackling local crime problems.

In both cases, analysts will be co-located as near as possible to Assistant Commissioners offices or the most relevant Chief Superintendent. Because the service is just commencing, and because of the relatively low number of analysts, co-location with Assistant Commissioners/Chief Superintendents is designed in order to ensure that the analysts conduct the most strategic/urgent work within any area.

The national and the regional functions should not be seen as discrete. For example, serious crime problems (such as murders) should be the focus of national analysts with support from regional analysts. Such investigations can take a significant amount of time. There would be a danger that limited local resources would be tied for a significant period of time to a certain investigation. This would obviously take away from local analysis. In other words, both national and local functions would complement each other in supporting crime and policing analysis.

What will be produced?

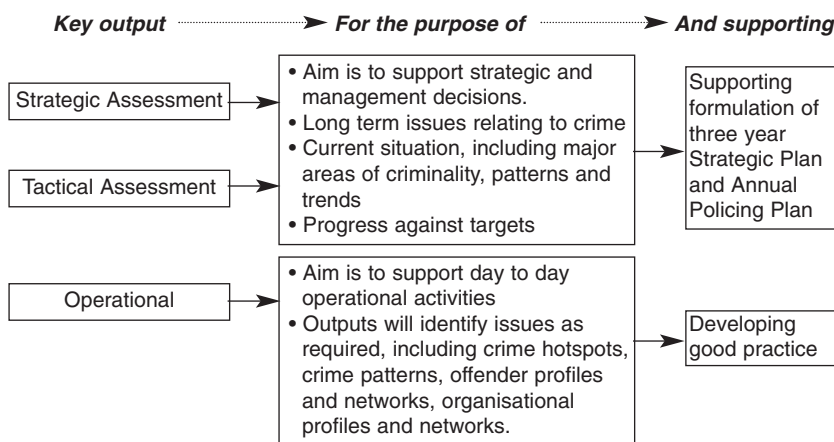
As was seen in the section above, crime and policing analysts produce a variety of different types of analysis beyond simple counts of incidents. It was also noted that there are different approaches taken to how analysis is focussed (including problem orientated policing and NIM). The structure of the analysis for GSAS mirrors NIM and other approaches taken by European police forces. Analysis is conducted to support three different 'levels': strategic, tactical and operational. Basically:

- Strategic assessments, which will provide a horizon scanning function, looking at the long term impact of current trends and patterns in crime, and conduct analysis to support the development of longer term strategic plans as well as annual policing plans.

- Tactical assessments, which aim to provide national and local managers detailed information on patterns and trends within their own areas, the major areas of criminality, and current progress against policing plans. Again, this can be used to inform local policing plans.
- Operational, supporting day to day operations. The types of work conducted here can be varied, but all should be designed to support the activities of members of An Garda Síochána. As part of any analysis, if operations are conducted, reviews can be conducted to assess impact. In this way, a repository of ‘what works’ can be built and shared across analysts and members.

Dependent on the type of work required, these three levels in turn will be supported by a range of analytical outputs (as noted on table 1). Importantly, the reports conducted should flow into the appropriate decision making groups (see figure 2).

FIGURE 2: MODEL FOR ANALYTICAL OUTPUTS



It is important to note here that this approach has not been developed separate to any requirements of An Garda Síochána. Before this framework was put into place, a needs assessment was conducted in the last quarter of 2007 across the organisation in order to ensure that what will be produced by the service meets the demands of the organisation. Because of the limitations of time, interviews were conducted from Chief Superintendent level upwards³. The main requirements identified were:

- Identification of current and future trends and patterns, in particular what the emerging problems and threats are in terms of crime and policing. This would be addressed through strategic assessments.
- Identification of current trends and patterns. This covered several requirements. Firstly, where there is a clear problem, to drill down to conduct problem profiles in order to isolate what the main drivers of the problem are and what solutions can be put in place to tackle this. Conversely, where crimes are low or are reducing analysts should seek to identify potential good practice. Secondly, in terms of general levels of crime, whether the District, Division or Region is on track against targets set in the Policing Plan. All of this can be picked up by tactical assessments and operational assessments (supported by crime pattern analysis techniques).
- Profiles of subjects and criminal networks, including identifying emerging problems and threats. This can be picked up through operational assessments (in particular subject profiles and network analysis).

³However, it is the intention that as the service grows further reviews are conducted across all ranks to ensure that the service would be meeting key needs.

- Development of good practice was another key theme emerging through the interviews. Again, this can be picked up at the level of operational assessments.

Overall, the approach developed by GSAS aims to pitch analysis at the strategic, tactical and operational level, with each in turn supported by a range of analytical products, that in turn should support An Garda Síochána at the appropriate levels. As noted above, this is an approach that is very much grounded in the needs of An Garda Síochána but informed by practice elsewhere.

ISSUES AND PROBLEMS IN CRIME ANALYSIS

On of the advantages of developing an analysis service relatively late compared to other jurisdictions is that lessons can be learned from others, not only of what did work but also how to avoid potential pitfalls. Reviews by several academics of the American and UK systems have highlighted key issues and lessons to be learned (see for example O'Shea and Nicholls 2003 and Bullock et al 2006). Within the US, O'Shea's national review of police forces found that:

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- Despite the introduction of a problem orientated approach, analysts were being tasked to focus on work to support the apprehension of offenders. Police managers insisted that crime analysis should concentrate on tactical operations (i.e., support efforts that can be directly linked to apprehending offenders) and not on the analysis of underlying community problems. As O'Shea notes, no one would argue that these analytic activities are not important. One might have reasonably anticipated, however, a broader and deeper range of crime analysis, possibly focused on identifying the underlying causes of broader community problems, should also be carried out.
- The focus on tactical policing meant that strategic issues often suffered. Strategic planning requires the support of specialised personnel that are skilled in research design and methods in order to support medium to longer term planning. Because of the focus on tactical support, strategic analysis was rarely carried out beyond annual counts of crime.
- One of the consequences of short term tactical analysis was that the full range of analysis was not being used to support policing. Higher-level research design and methodologies, including intermediate level statistics, are not demanded, nor are they currently performed by crime analysts. In short, crime analysis is underutilising the vastly improved data sets that are now available.

In their review on two police forces, Bullock et al identified problems (both strategic and organisational):

- Analyst's time seemed to be spent on serving NIM, performance management, and meeting the requests of senior officers. As such, at the level of a Basic Command Unit (the equivalent of a District), there was little if any resource for supporting problem orientated analysis or evidence to help tactical operations.
- Many analysts were not being used to their full potential. For example, because analysts are generally IT literate they are often called upon to help with preparing presentations, charts and tables. This took them away from the day to day activity of analysing crime.
- There are specialist skills required for analysis – both technical and problem solving. However, analysts have relatively low salaries and poor promotion prospects in police forces. This has led to a high turnover and shortages of specialist staff since the analytical skills are often demanded elsewhere (where they are also rewarded with higher salaries).

- Good quality data is difficult to access, mainly because police databases have not been designed with sophisticated aggregate analysis in mind. Furthermore, databases contain poor quality data (for example, fields left blank, data wrongly entered, free text). This may make data analysis potentially a slow process as the data would first need to be 'cleaned' for analysis.
- The possibility of linking data from other organisations would enhance any analysis. However, there are often issues with confidentiality (which means data will not be shared), data systems are not compatible, the accuracy and reliability of the data, and data is not organised within the same administrative boundaries as the police data (making area level matching difficult).

The lessons learned from the US and the UK point to the need to ensure that strategic, tactical and operational levels are all appropriately supported, that analysts are tasked appropriately and that good quality information is provided. If we repeat some of the mistakes in other jurisdictions this will obviously inhibit the development of GSAS. GSAS is managing this by putting in place clear business processes that aim to ensure that the appropriate type of work is done by the analyst and that, in turn, analysts are also using their skills appropriately. This includes a request for assistance process whereby any piece of analytical work needs to be accompanied by a formal request which is sanctioned by management within GSAS and/or senior members of An Garda Síochána.

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CONCLUSION

Crime and policing analysis in An Garda Síochána has been conducted for some time. However, it is only relatively recently that a new dedicated analytical service, staffed by civilians, was set up. As noted above, this service aims to support the work of An Garda Síochána, providing support at strategic, tactical and operational levels. It aims to provide a range of analytical products that go well beyond basic counts of crime. As the service grows and develops, the range of the products available will also grow. However, if the service is to function properly, it is important that some of the problems experienced by other police analytical services is avoided.

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Superintendent
Aidan Glacken

REGIONALISATION

Superintendent Aidan Glacken

INTRODUCTION

An Garda Síochána enjoys a unique place in Irish society, it is a non-profit public service organisation that holds a monopoly position on policing. Organisational purpose, strategy and values are clearly outlined in its mission statement which centres on public safety and public confidence. One of the most important organisational challenges currently facing An Garda Síochána lies in responding appropriately to the demands of an evolving society. The introduction of regionalised structure within An Garda Síochána in 1996 represented the first major effort at reorganisation of its functions and operations. This change has impacted upon strategic planning, organisational culture, structural and process development. This article will discuss and examine the implications of regionalisation in terms of its operational effectiveness.

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The underlying principles of the Irish police service have evolved over the years from the Conroy Report (1970), the Walsh Report (1985) to the present Corporate Strategy documents. The Conroy Report, which examined the issues of pay and conditions of service in An Garda Síochána, stated that an examination should be carried out into the *“role, organisation and personnel policy of the force and in particular its relationship with the Department of Justice”*. Yet this did not occur during the 1970s. It was not until 1986 that the role of the organisation was identified: *“the prevention of crime, the detection of crime, the protection of life and property and the preservation of public tranquillity”* (Select Committee on Crime, Lawlessness and Vandalism (1986)).

ORGANISATIONAL STRUCTURE AND REGIONALISATION

In 1995, Ms Nora Owen T.D., Minister for Justice, announced her intention to regionalise An Garda Síochána. Prior to this the Garda organisational structure consisted of the Commissioner, two Deputy Commissioners and six Assistant Commissioners, five of whom were based at Garda Headquarters and the sixth Assistant Commissioner based in Dublin City with responsibility for the operational policing of the Dublin Metropolitan Area (D.M.A.). Outside of the D.M.A., the country was divided into 18 Divisions. The D.M.A. consisted of five Divisions and was increased to six in 1997. Each Division was managed by a Chief Superintendent. Since its foundation in 1922, apart from the D.M.A., the nature of police work and the demand for policing services were such that Divisional and District structures were capable, sufficient and independent. Divisional Officers reported directly to the relevant Assistant Commissioner at Garda H.Q. on a regular basis. Deputy Commissioners (Operations/Administration) were responsible for a number of H.Q. Branches (under the direction of an Assistant Commissioner) and reported directly to the Commissioner.

During the late 1980’s and early 1990’s criminals became more mobile and organised. Concern was expressed regarding the span of operational control between Headquarters and the Divisions and also at the perceived lack of operational co-ordination and efficiency between Divisions. In 1996 the Government approved proposals from the Garda Commissioner for the organisational restructuring of An Garda Síochána dividing the country into six Regions – Northern, Western, Eastern, Southern, South-Eastern and Dublin. The introduction of regionalisation has been one of the measures adopted by An Garda Síochána to respond to the demands of the internal and external environment.

ROLE AND FUNCTIONS OF REGIONAL ASSISTANT COMMISSIONERS

The role of the Regional Assistant Commissioners was initially defined by H.Q. Circular in 1996. It emphasised their responsibility for ensuring the operational efficiency of their relevant Region and particularly the quality of operational management exercised by their Divisional and District Officers. In 2000, an internal report was published by the Organisation Development Unit, Garda Headquarters on the role and functions of Commissioner ranks in An Garda Síochána. This report identified the role of the Regional

Assistant Commissioner to include the development and implementation of Annual Policing Plans; the implementation of Strategic Management Initiatives; the devolution of finance, human resource management and planning and evaluation responsibilities.

Mullins (1996) identifies that some structure is necessary to make possible the effective performance of key activities and to support the efforts of staff. The dimensions of structure can be identified in a number of ways but usually taken to include the grouping of activities, responsibility of individuals, levels of hierarchical authority, span of control, and formal organisational relationships. In 2002 Deloitte and Touche, Management Consultants conducted a review of organisational structures in An Garda Síochána. Their findings in respect of Regionalisation were that the initial concept of the Regional Commissioners role would be purely operational in terms of co-ordination across Divisions. In their view the appointment of Regional Commissioners alone was not sufficient to create a Regional Management structure for the organisation.

- The reporting relationships are unclear and poorly defined.
- The role of 'Regional Commissioner' as currently carried out does not reflect the original intentions in terms of being a co-ordinating one rather than a management one.
- The public do not recognise the Regions; they are familiar with the District and Divisional Officers.

The organisational structure of An Garda Síochána at Regional level has been based geographically rather than on functional responsibility. The Regional Commissioners report directly to the Deputy Commissioner, Operations at Garda H.Q. This can create a by-pass of certain Assistant Commissioners at Garda H.Q. who have national functional responsibility for certain areas, e.g. Human Resource Management, Security & Intelligence and National Support Services. In some circumstances this could create a myriad of reporting mechanisms, adding to the administrative burden and may impact on the operational capability of the Region.

POLICE ACCOUNTABILITY

The Oxford Thesaurus describes accountability as '*answerability, responsibility, liability, culpability and accountableness*'. It continues to state that in '*a democracy there can be no reducing the accountability of the government to the citizens*'. An Garda Síochána is a central player in such a democracy. The edict of policing by consent is continuously supported through the Garda Mission Statement. The organisation must have procedures and appropriate structures in place to achieve this and these procedures must be openly displayed.

Walshe (1998) provided a view of An Garda Síochána's role that is reflective of public perception, "*they play a critical role in preserving the political stability of the state, enforcing acceptable standards of public morality and social behaviour, supervising different types of economic activities, protecting the environment, assisting the government in the discharge of some of its administration responsibilities, providing an accident, emergency and public welfare service and generally promoting the welfare of society*".

Due to a lack of legislation footing, prior to the Garda Síochána Act 2005, these roles and functions have become accepted norms. Many are non core functions that are qualitative and meaningful but cumbersome to measure and reflect in terms of Corporate Strategy and Policing Plans. Bayley (1983) stresses that "*an accountable police force shall be taken to be one whose actions, severely and collectively, are congruent with the values of the community in which it works and responsive to the discrepancies when they are pointed out*". Bayley, a leading American commentator on comparative policing describes police as expensive and argues that their effectiveness is limited. He points out that their core traditional strategies are of dubious value but he also questions what it is the police should be asked to do?

DEVELOPMENTS TOWARDS INCREASED ACCOUNTABILITY

With the introduction of performance measurement systems in the 1980's, it is only recently that efforts have been made to improve management control systems in private and public sector organisations. Output has always been measured, but as observed by Jones and Pendlebury (2000) *'we have measured more things, more systematically and published the measurements to an extent as never seen before'*.

Faced with rapidly changing internal and external environment and the challenges from a more informed and questioning public, An Garda Síochána recognises that the need exists for more comprehensive measures of performance. The Irish approach to improving standards in public management was contained in the Strategic Management Initiative (SMI). Its primary objectives require the public service to, *"Provide excellent services that meet recipient's needs in a timely and efficient manner, and to use available resources to best effect"*. Mc Kevitt (1999) suggests that the importance of performance measurement frameworks to the success of the SMI lies in the fact that there must be a clear view of progress towards the achievement of the objectives set out in the strategy statements.

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The SMI emerged from a Government document called 'Delivering Better Government', published in 1996. The document set a number of key principles around how the public service should transact its business. SMI identified that a core requirement for senior management in a modern organisation must be the ability to see the bigger picture and a capacity and willingness to adopt a proactive stance on the implementation of critical change process. The Garda SMI Steering Group noted that it would be necessary to fix accountability for proactive Human Resource Management from the Commissioner level downwards.

Among its recommendations affecting Regionalisation was the establishment of a Regional Human Resource Management function – *Accountability for proactive HRM practices will need to be part of the Regional Assistant Commissioner brief and increased focus on HRM issues right down to the operational command structure. The regional accountability for HRM will drive through the type of positive HRM initiatives that will be required to ensure that management practices and systems at divisional level form the foundation for a high performance culture. These initiatives will include performance management, a more collaborative approach to change and a greater emphasis on flexible deployment to meet operational needs.*

An Garda Síochána, 'Structures Review Project' 2002; recommended that there is a requirement to foster a culture of getting the best value from the available resources, focusing on the management of the resources and introducing performance measurement. It recognised that there is a need to ensure that management resources in the Regions focus on corporate and policing policy, so that it has the flexibility to deal with local requirements. Similarly it suggested that the Regions need to focus on ensuring corporate and policing policies are consistently applied and implemented. There is a need to structure the resources to ensure that spans of control are appropriate with regard to Regionalisation. The report outlined that difficulties were being created in relation to spans of control. It identified that the processes for managing the resources of the Regional organisation were limited. This was part of an organisational culture which needed to change. It also identified that there were inadequate support resources in areas such as strategic and operational planning, performance measurement, financial management and human resources.

The Garda Performance and Accountability Framework now demonstrates clarity and purpose in structure, operation and performance. It ensures that processes are in place to ensure a consistent approach to the interaction of the Regional and HQ Assistant Commissioners both in terms of setting strategy and managing the implementation of the strategy across the organisation. It underscores the provision of local support function

within the Regional Commissioners Office which reports to that Assistant Commissioner and interfaces with the HQ team. This local support team requires different people with various skills and experience in Traffic, HR and Finance to help the Assistant Commissioner and his/her team of Chief Superintendents to manage the Region.

MORRIS TRIBUNAL AND THE GARDA SÍOCHÁNA ACT

The Morris Tribunal made the following references in relation to Regionalisation:

- There can be no basis upon which Headquarters, or indeed Assistant Commissioners in the Region as representatives of Headquarters, can be entitled to see themselves as merely the receivers of information. They are online managers.
- It is wrong to have in place a system whereby inspections by Senior Officers, including the regional commander, do not involve the scrutiny of paperwork.
- The Donegal Division was left isolated from Headquarters. The situation of the implementation of regional command through Assistant Commissioners has not cured, nor will it cure, that situation.

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It should be noted here that the appointment of Regional Assistant Commissioners were subsequent to the events which were the subject of the Tribunal's work. However the tenure of the comments made are supportive of the view observed by the Deloitte and Touche Report (2002) referred to above - that a clash existed between the operational *raison d'être* for the establishment of the Regions in 1996 and the increasingly administrative day-to-day work borne by the Regional Assistant Commissioners.

Arising from the Morris Tribunal in 2005 an internal Garda Working Group under the Chairpersonship of Assistant Commissioner Catherine Clancy reviewed the role of the Assistant Commissioner rank. It makes the following observations;

- As effective senior managerial operators, Assistant Commissioners must manage the finances of their areas of responsibility with an eye to value for money, and in a proactive way i.e. make management decisions on where money is best spent rather than just tracking actual spending.
- Assistant Commissioners must hold their teams accountable for quality across all aspects of their work i.e., value, operations and people/resources.
- Processes need to be put in place to ensure a consistent approach to the interaction of the Regional and H.Q. Assistant Commissioners both in terms of setting strategy and managing the implementation of the strategy across the organisation.
- For the functions of Traffic, HRM and Finance there should be a local support function within the Regional Commissioners Office which reports to that Assistant Commissioner.

The Garda Síochána Act 2005 for the first time defines in legislation the role and function of An Garda Síochána and how it operates. It will be used to measure its efficiency, effectiveness and value for money and this legislation will act as the largest catalyst for change within the organisation since its foundation. This change will be reflected at all aspects of the organisation including structure. In 2005 as Chairperson of the Implementation Review Group of the Act, Senator Maurice Hayes reported to the Minister for Justice, Equality and Law Reform. Under the heading General Comments by the Review Group - Financial Responsibility Changes the report states:-

- Transfer of Financial accountability to the Garda Síochána should be accompanied by a vigorous policy of devolution to the regions and lower, with the objective of bringing the point of decision and accountability as near as possible to the interface with the public for whom the services are intended. It would strengthen management at this level too, and assist in overall control if management, operational, and crime statistics were collated at regional level and used for comparative purposes in monitoring performance and the effective use of resources.

CONTRASTS BETWEEN MORRIS AND SMI

Subsequent media commentary touched on the challenges facing the Garda organisation arising from the issues found within both of these organisational examinations. The Irish Independent in January 2006, in an article by Tom Brady observed as follows:

'The notion of transforming the force goes back to Strategic Management Initiative (SMI)...introduced in government departments to improve efficiency and effectiveness. Review groups within the force have been examining SMI recommendations since 1997. ... Then came the bombshells that exploded at the Morris Tribunal.....Structural change became inevitable when the probe into corruption revealed that while the wrongdoing was confined to a handful, the organisation was outdated and in need of a serious overhaul. Mr Justice Morris made a number of detailed recommendations . . . but some of his findings were diametrically opposed to the SMI proposals. The Garda master-plan from the SMI suggested greater regional autonomy with the force headquarters handing greater control to the regional commanders. In contrast Morris found that there was a need for the national authorities to adopt a more hands-on role' (Brady, 2006).

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The commentary of this article articulates the position of lack of definition of the role of Regions in terms of structure and function and that the model has successfully evolved through an unplanned transformation. Conditions determine which strategy is the most appropriate. As a public service organisation a very strong relationship must exist between the processes employed. The nature of the environment and the nature of the organisation. Mintzberg and Waters (1982) suggest that when strategies emerge that are unplanned or unintended therefore an appropriate management response is necessary for survival and organisational learning.

STRATEGIC PLANNING IN POLICING

Strategic planning applies equally to An Garda Síochána with its broad range of functions, core and non-core, as to private service organisations with well defined functions and goals. It is the process of preparing the organisation for strategic management. Planning assesses what is happening in the external environment, allows for the organisation to identify internal obstacles or barriers to change and the implications in terms of service delivery. This process provides an opportunity to look beyond today's problems by an examination of the elements affecting delivery to the client/customer. However, public sector organisations and in particular the police differ from private organisations in that policy is largely set-out by government which is greatly influenced by narrow-focused and inconsistent interest groups. To suggest that interest groups can be taken to represent all of society and can help formulate goals for a police organisation, particularly with different demographics, has been proven in political terms to distort the public agenda. It follows from this that structure follows strategy.

Bourgeois (1980) gives effect to the view that agreement on strategy is more important than agreement on visions or goals. Simply finding a way to frame and deal with a few of the strategic issues the organisation faces often markedly improves organisational effectiveness. Analysis has highlighted that a lack of formal processes and frameworks can result in inconsistencies in how policies are communicated and implemented due primarily to the difficulties presented by the command and control culture in an organisation like the Garda Síochána. Kaplan and Norton (2004) identify that *'tests of executive leadership emanates from the dichotomous challenges of retaining organisational readiness for today, while engaging the transformational changes which will be required to meet the unseen challenges of tomorrow'*.

STRATEGY AND HR MANAGEMENT

There is a need to underpin the level of performance and achievement that are set out in the National Policing Strategy Plans. A quality and performance management system is required in An Garda Síochána as part of any future devolution of the HR function to the Regions. Kanter and Summers (1994) identify that the significant question about

performance measurement is *'not how to measure effectiveness and productivity but what to measure and how definitions and techniques are chosen and are linked to other aspects of an organisations structure, functioning, and environmental relations'*.

Organisational structure and fit is the system of tasks, reporting, and authority relationships within which the work of the organisation is done. Thus, structure defines the form and function of the organisation's activities. Structure also defines how parts of an organisation fit together, as is evident from an organisation chart.

Mc Kevitt (1998) observes that the structuring and design of organisations is an important part of the public manager's job: without effective organisational design, service delivery can become a provider led phenomenon. His research on the current orthodoxy in the area of organisational structure in non-profit organisations indicates that:

- Bureaucracy is rigid and unresponsive
- Decentralised structures ('closer to the customer') are the most appropriate organisational form
- Smaller units are preferable to larger units.

Organisations, like individuals, are embedded in a social, cultural and historical context. Indeed the thrust of many reform efforts seems to ignore this context. The political emphasises change, restructuring and administrative devolving of functions as if the organisation were simply the sum of the parts of its administrative rules, office technology and full-time equivalent staff members. Internal structures and control that are aligned to professional values and practices must be appropriate to its tasks and environment. The establishing of the Regional structure can be observed as a reaction to the external environment and a pursuit of operational effectiveness combining economy, efficiency and service quality. In this context Regional Commissioners employ operational strategies that meet the changing demands of the client citizen.

As strategy becomes more closely aligned to performance and accountability the role of the Regional Commissioner will be of higher value and of significant pivotal organisational importance. To deliver effective services that are client focused, accountability must focus on the effectiveness of such use. That role has now become more open to external scrutiny through management consultants or public Tribunals. More and more important is the idea of an established corporate strategy that is supported through the provision of adequate resources coupled with systems of audit and review. As an organisation An Garda Síochána structural policy effecting operations is centralisation with the existence of many layers of responsibility. The establishment of the Regions in 1996 was an attempt to decentralise and introduce greater elements of participative management. However the operational environment has changed. Regional Commissioners are being given added responsibility, management of Covert Human Intelligence Sources (CHIS), a Regional Traffic brief, to compliment nationally expanded traffic units and a proposed extension of devolved budgets. Other external pressures have come to bear which now pose a dichotomy for the organisation as to the direction of Regionalisation and the organisation structures that support it. Research outlined establishes that there is no 'one best way' of designing structures; what is relevant is that the chosen structure is appropriate to the needs of the organisation and the demands of the external environment.

Sir Ian Blair (2006) Commissioner of the London Metropolitan Police Service provoked further discussion in respect of the policing environment when he asserted that: *'there is little dispassionate, thought-through, public examination of just what it is we are here to do in the 21st Century – to fight crime or to fight its causes, to build stronger communities or to undertake zero tolerance, nor of how these things should be done or what priority each should have or what we should stop doing . . . we move from policing by consent which is the bedrock of our policing settlement but which is passive, to policing by direct collaboration'*.

REGIONALISATION AS AN ORGANISATIONAL 'FIT'

Over the years the Garda organisation has made incremental changes to meet emergent policing challenges arising from many divergent and contradictory demands of its 'customers'. In terms of organisational structure the conceptual introduction of Regionalisation was a change, an attempt to respond to these challenges. Substantial developments in accountability and measurement mechanisms place greater demands on the Garda organisation. These issues have been copper-fastened by the reports arising from the Morris Tribunal and the legislative requirements of the Garda Síochána Act, 2005. A dichotomy existed in the change stratum arising from the recommendations of SMI and opposing observations of Morris. While the concept of Regionalisation in Ireland appears to have been driven towards greater operational efficiency, the experience in other jurisdictions examined in the research suggests a drive towards quality management and answering societal and political pressures.

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The Garda organisation recognises that not all citizens require the same type of service but that as a public service organisation it has to cope with diversity of need and demand. The introduction and development of regionalisation identifies that the Garda organisation can very well cope with this diversity. Greater demands in the realm of accountability and performance are intertwined in the structure and eventually in the culture of the organisation. The centralisation of control runs against the professional's desire for a decentralised direction.

CONCLUSION

This is a brief examination of the operational implications of regionalisation with regard to the structures put in place to realise the initial plans and concepts.

At the time of introduction, the stimulus for change was prompted by emergent policing challenges and from various other sources. Key to meeting the challenges and operational demands is the building of strong Regional management teams. This process is now well underway. It is acknowledged in research conducted that the Regions and the structure supporting their functions were introduced in an undefined fashion and have developed through many forms of adhocery. This in itself bears testament to the internal culture of service, sense of public duty and *esprit des corps* of the organisation to adapt and improvise as needs require. In essence, despite the initial lack of definition, the Regions are deemed to have operated successfully to date. At this juncture, it is inevitable that further expansion and development of regional functions are approaching as the organisation evolves. A great deal of work is taking place in this area. As accountability issues are devolved to meet the strategic goals of the organisation in service delivery, the supporting structures must also change. Organisational structures require clear lines of authority, accountability and control. These structures have to be able to satisfy both policy and operational flexibility requirements for An Garda Síochána. Regionalisation has been a step in the right direction.

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NOTES