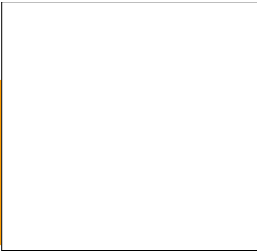


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# CONTENTS

## Road Safety

*Individual Responsibility at Christmas*  
Chief Superintendent Denis N. Fitzpatrick

3

## Echoes from the Past

*The Phoenix Park Training Depot*  
Garda Jim Herlihy

7

## The Garda Finance Function

Michael Culhane, Director of Finance

18

## Behaviour Standards Defined and Described

Deputy Commissioner Peter Fitzgerald

24

## Managing Sex Offenders in the Community

*— an observational perspective*  
Ena Hctor

30

## The Child's Perspective of the Garda Investigative Interview in cases of Alleged Sexual Abuse

Inspector Karl Heller

38



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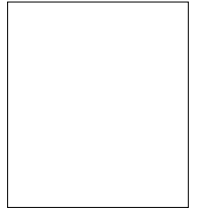
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# Road Safety

## *Individual Responsibility at Christmas*

Chief Superintendent Denis N. Fitzpatrick



Denis N. Fitzpatrick

### INTRODUCTION

The state now plays a more aggressive role in attempting to achieve a safer road environment. The introduction of the penalty points system for speeding offenders, and the new television commercials relating to pedestrians are illustrations of the State's determination to improve road user behaviour. The introduction of the Department of Transport's penalty points system will reduce offending, reduce road deaths and injuries and increase the effectiveness of An Garda Síochána traffic policing initiatives. The system is equitable, as all licence holders regardless of economic status will be treated the same. The TV commercials by the National Safety Council and the Department of Environment (Northern Ireland) relating to pedestrians fulfil the State's mandate to educate citizens as to dangers that exist within our society. Responsibility exists for education on smoking, drug and alcohol abuse, and fire safety.

3

The total responsibility for road safety does not rest with the State. The corporate, organisational, and public sectors have a high degree of responsibility in the area of safety, and this includes road safety. The concept of "managing occupational road risk" (MORR)<sup>1</sup> is a moral duty for all public and private organisations. Anecdotal evidence from Garda stations around the country and prior to the introduction of penalty points, shows that some organisations pay at the same time for several fines-on-the-spot with one cheque. The implication of this is that some companies view speeding fines as a "legitimate" business expense. The speed of delivery or attendance at a meeting are considered to be worth the risk of being caught and fined. This irresponsible behaviour fails to consider the possible risks associated with excessive speeding, to staff and the road-going public.

### INDIVIDUAL RESPONSIBILITY

The purpose of this paper is not to identify State responsibility for road safety or that dissolute corporate practice could promote inappropriate behaviour by employees. It is to underline that the solution to the problem rests with each individual road user. If every road user behaved appropriately to the conditions that they find on the roads then all the state agencies – an Garda Síochána, Health Boards, hospitals, the National Safety Council, the National Roads Authority, and the insurance companies could divert resources to other societal issues such as crime, waiting lists, improved roads, new schools, and cheaper insurance rates. The trauma suffered by families and communities as a result of the four hundred road fatalities each year could be avoided. The stress, anguish and pain of the 1,000 road users who suffer very serious and sometimes life-changing injuries could be prevented.

The simple obligation of individual road user responsibility is easy to propose as a solution. It is common sense, or is it? It is difficult to argue against. So why does it not happen? What causes otherwise reasonable people to become irrational when they use the public road? Why do people (generally) apologise to each other when they get in each other's way on the footpath or in the supermarket, but often lack any courtesy when driving a vehicle. It can be argued from an anthropological aspect, that the evolution of mankind into a motorised society over a period of 150 years has happened too rapidly. Are we really ready to travel at such speeds? However, such debate is somewhat sterile as the development of a vehicular transport system is here to stay. The problem is mainly to do with drivers' bad behaviour.

4

Driving has become an every day activity. In 1901 Carl Benz (of Mercedes Benz fame) thought that the global market for the car was limited because, he said, "There are going to be no more than one million people capable of being trained as chauffeurs" <sup>ii</sup> (quoted in Evans 1991). This idea appears comical in today's transport system. Today obtaining a driving licence is symbolic to young people as a sign of maturity. The driving licence has a status far beyond an ability to drive. The reality of driving is that it is not a simple pursuit that can be compared with other activities such as learning to dance or play bridge.

In the early 1980's Groeger<sup>iii</sup> (2001) has shown that the task of manoeuvring a vehicle is a complex multi tasked activity. It involves taking risk. The concept of risk in road safety is not a recent discovery. G.S. Wilde (2001)<sup>iv</sup> introduced the concept of risk into the road safety debate. Road users were prepared to accept a level of risk. The basis of Wilde's thesis was that the level of risk would increase as road and vehicles became safer. Better roads and safer cars, Foley (2002)<sup>v</sup>, were outweighed by drivers increasing their speed as they observe a safer road environment. Wilde's concept of "risk homeostasis" began a controversy that still creates avid debate amongst road safety professionals.

Others such as Evans, and Fuller<sup>vi</sup> have all developed their own transport psychological theories in response to Wilde. From a policing perspective Wilde has a greater relevance. Road users need to be reminded to adjust their behaviour to suit the road conditions they find themselves on. They must do this continually and maintain concentration. While legislation, road signage, education, and radio and television commercials should logically create that change of behaviour; such change can require a more forceful direction.

That direction and actions come from Garda enforcement and surveillance activities. This consists of a number of factors, and these are:-

- Highly visible presence on the road network
- High levels of enforcement and surveillance
- Location-specific enforcement at collision prone locations

#### HIGHLY VISIBLE PRESENCE

The most effective traffic policing strategy is for traffic police to be seen on our roads. The presence of the Gardaí on our roads achieves an effective deterrent, which results in better behaviour. Road users slow down, wear seat belts, and do not drive while intoxicated. They are constantly reminded of their moral and social obligation to do so when they observe police on the roads. This effect is termed general deterrence<sup>vii</sup>.

#### ENFORCEMENT AND SURVEILLANCE AT COLLISION PRONE LOCATIONS

An apoplectic situation does not occur more often on our transport system because most road users do behave. The situation is also improved by the strong phenomenon of what, Rothe<sup>viii</sup> identifies as "trust". Trust is applied when road users make an error, but the situation is rectified by the swift reactions of other road users to that error by taking evasive actions. If a driver overtakes in a dangerous fashion a collision is avoided because oncoming traffic pulls in.

Corbett and Simon<sup>ix</sup> have identified four driver types. These are, *the conformed*, *the deterred*, *the manipulator* and *the defied*. The *conformed*, the majority of road users (James and Nahl 2000)<sup>x</sup>, behave appropriately at all times. The *deterred* are those who tend to offend occasionally, but will react positively to enforcement strategies. These are the groups that should change their behaviour dramatically with the introduction of penalty points. The latter two groups, which are in the minority, require stringent enforcement to effect a change in behaviour.

These road users see traffic law as a challenge and to some extent a game. The *manipulator* can be described as the driver who will buy the latest speed equipment detection gadget. They will visit websites to see where speed cameras and enforcement are in place. They perceive themselves as experienced and competent driver who is well capable of travelling at higher speeds than that of other mere mortals. These road users have to be apprehended and punished. They will change their behaviour, but generally only after apprehension on more than one occasion. Their behavioural change will result from what is termed "specific" deterrence. The *defied*, create a serious challenge to the road safety professional. They are akin to a criminal in their approach to road user's behaviour. Thankfully, as with criminals, we are addressing a tiny minority of road users. These individuals, who are of all ages and socio-economic groups, require the full force of the State's prosecutorial and punitive functions.

5

**CHRISTMAS ROAD SAFETY**

As Christmas approaches the focus of road safety is on driving while intoxicated. Driving while intoxicated is one of the three primary factors that cause road traffic collisions which results in death or or very serious and life-changing injury. The others are inappropriate speed and non-wearing of seat belts. The concept of individual road users responsibility is apt regarding driving while intoxicated. The choice to consume alcohol and/or drugs is an individual decision. The choice to consume alcohol and/or drugs and drive is also an individual decision, but one that has implications for other road users. Drivers should have no choice in this regard. They should not drive.

6 However, individual responsibility to behave appropriately involves more than the driver. Passengers, friends, and public-spirited individuals have a social responsibility to make that appropriate decision if the driver refuses to do so. Passengers should refuse to travel. The driver must be convinced not to drive. If this pressure on the driver fails they must act, and report him/her. This is not an easy decision to make. Each of us would have to consider the cost of reporting a driver who may be a friend or relative. In the South Eastern Region's pilot Traffic Watch initiative, 1,500 complaints have been received by Gardaí with 500 people cautioned and 10 prosecuted. The probability of a substantial fine and a mandatory disqualification looms for the driver. However they will live, you will live and some innocent road user will live to enjoy the forthcoming festivities and lead a full productive life. There is not really a decision to make, is there?

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# Echoes from the Past

## *The Phoenix Park Training Depot*

Garda Jim Herlihy



Jim Herlihy

### INTRODUCTION

As the year 2002 comes to a close the Garda Síochána will have been associated with the Phoenix Park Depot as a police training centre and as its headquarters for four score years. Similarly, the Garda Síochána's predecessor Force, the Irish Constabulary, formed in 1836 and to which the prefix Royal for suppressing the Fenian Rising in 1867, Royal Irish Constabulary (RIC) was granted also spent eighty years there. The inheritance of such a purpose-built perfect venue built in 1842 for recruiting and training was a chief factor in the successful establishment of the Garda Síochána in troubled times. In many ways the Garda Síochána stepped into the traditions of the RIC, however, it owes its rank structure and being an unarmed Force primarily to the Dublin Metropolitan Police (DMP) which in April 1925 became the Dublin Metropolitan Division (DMD) of the Garda Síochána. Looking across the Depot square one can't help but think what sounds and echoes one could have heard, in particular in its formative years, and what effects these sounds made to the Phoenix Park, of which it forms an integral part.

### DRILL – THE SOUND OF THE DRUM

There was a time when men were taught the science of drill at the Depot and marched past "with heads erect but not thrown back" without any musical accompaniment. The uniform of the Irish Constabulary was a rifle green colour based in both colour and pattern on the Rifle Brigade. The first Depot drill instructor was Thomas Fleming, born in 1800 in London. He ran away from home at the age of 15 and joined the 3rd Battalion of the Rifle Brigade giving his age as 17. Promoted to colour sergeant, he joined the Irish Constabulary as a sub constable and drill instructor in 1838 and was appointed the first Head Constable Major of the Depot in November, 1842, 3rd Class Sub Inspector on 1 June 1848 and the first Adjutant of the Phoenix Park Depot. He was pensioned in 1859 and died in Kildare on 25 July 1860. He is buried in Mount Jerome Cemetery, Dublin (Plot C138-1608)<sup>1</sup> with his daughter, Emily, (b.27/1/1840-d.18/6/1852) and Mary, (d.31/7/1861) his eldest daughter. He was the father of Sub Inspector Thomas Sylvanus Fleming and grandfather of County Inspector Major Cyril Francis Fleming<sup>2</sup> who was responsible for recruiting the 'Black and Tans' and the Auxiliary Division of the RIC in London in 1920.

In a decade Thomas Fleming had made his mark in organising the first cadet officer training police depot for the British Empire as observed by a visitor in 1852: "This establishment, romantically situated in a retired portion of the Phoenix Park, is composed of barrack-looking buildings forming three sides of a rectangular gritty parade ground. The long north



front, which has a clock in the middle contains officers' quarters and mess-room, sleeping rooms for the infantry and the Commandant's quarters; on the east, or right, a short wing for infantry and the Commandant's office; on the west, or left, similar accommodation, with stabling beneath for the cavalry. The whole is surrounded on the south by a ditch, terminating at each end by a rustic cottage guard-house. I found the whole of its dark green force marching in companies on the Parade; and as, by order of the Commandant, they wheeled into line. I saw at a glance before me a well organised body of regular troops. The full dress of the men is a black shako, dark green soldier's jacket, dark green trousers and gloves. Their arms are a short carbine with a spring bayonet."<sup>3</sup>

The Depot square saw many a happy RIC Cadet, with his shell jacket and skin-tight overalls, as he peered into the possibilities of the future with a far off eye on the inspector-generalship, as well as to the new recruit, with well-creased trousers and brand new cane, already hankering after a long sword. In those melancholy days, men marched solemnly and seriously and very likely sometimes sadly, to nothing more stirring than the measured beat of a drum. There is a Depot legend to the effect that, in those far-off times (when the drum, the plummet and the pace stick were the only musical instruments that enlivened the Depot Square), a noble Earl, some say a Duke, presented a drum of huge dimensions and alarming capabilities in order to improve the marching, but that it had to be quietly returned in the Store Accounts as unserviceable owing to its maddening influence on the occupants of the nearby Zoological Gardens. In this twenty-first century we can hardly repress a smile as we picture to ourselves the Garda Síochána's stalwart predecessors, with their pocketless breeches and Dundreary whiskers, marching North, South, East and West to the sound of 'his Grace's own particular drum': but as time wore on, old things gave place to new, and the RIC Band came into existence.

"Timotheus on his breathing flute

And sounding lyre,

Could swell the soul to rage, or kindle soft desire."

- *Dryden.*

#### THE BAND – THE SOUND OF MUSIC

The RIC Band was established in the year, 1861,<sup>4</sup> when Sir Henry John Brownrigg, CB was Inspector-General and while Lieut.-Col. George E. Hillier, CB was the Depot Commandant. Government sanction was applied for and granted "without expense to the public," but this financial restriction was readily overcome by the officers and men of the day, who subscribed most generously to meet the expense of providing new instruments. Grants were obtained and the band came into existence with a solvent fund at its back. The Government, in authorising its formation, stipulated that its numbers should not exceed forty five, but this figure was never reached. At first only 26 musicians were enrolled under the first Bandmaster, Mr. Harry Hardy.<sup>5</sup>





9

A few of the first soloists were drawn from military bands, and the practice to some extent had been found to be inevitable throughout the band's history. The original members under their distinguished leader worked like Trojans and in a very short time the band took its stand near the guardroom. Its first appearance on the Depot square was a gala day at the Depot: we read that the elite of Dublin assembled for the occasion and that the performances were received with a hurricane of applause. From that moment the band never looked back and Mr. Hardy and his merry men progressed from stage to stage until February, 1863, when the band made its debut in the outer world.

The occasion was a banquet given by the then Lord Mayor of Dublin, when the RIC Band was requested to provide the music. The result fully justified the choice. The Metropolitan Press teemed with complimentary notices and from then on, few large social gatherings took place in Dublin without its presence. Depot recruits passed out swinging past to the inspiring music of the "Young May Moon" which became the signature tune of the RIC.



**THE MASCOT – THE SOUND OF ANIMALS**

At one time in the band's history, a strange uncanny feeling, something foreshadowing evil, took possession of the members and for a period the band lost its characteristic verve.

10 The Bandmaster, finding that something was wanting, declared that the band should have a mascot and, immediately, the old buoyancy returned.<sup>6</sup> Then there began experiments. At first a cat was trained, but he deserted in the night: a terrier succeeded, but he was not sufficiently attractive and was discharged: then a pet fox was procured, but he came to an untimely end as he was endeavouring to rob a hen roost near the People's Gardens. At last the real mascot turned up. Sergeant Bartley had secured a fawn in the Phoenix Park and the little, sleek, handsome creature, as if by intuition, attached itself to the band, to which it became passionately devoted. It was a docile, harmless pet in its early days, wore a collar and bells, lay in the centre of the bandsmen at their performances and on the marches walked proudly in front with an air of possession. Phoenix (for that was the deer's name) was much beloved. He was feted by the officers, patted by the Commandant and adored by the ladies. But Alas! It was the old story over again, for too many cooks spoil the broth. Before long he developed such devices as swiftly doomed him. He first gave overt evidence of this inherent viciousness by nibbling at haversacks, eating up disciplinary files and destroying Depot passes. Pardoned for these pranks, in the next stage he took to the Phoenix Park, upset children, upturned perambulators, butted nurses and rammed every mortal unprotected by some musical instrument.

Complaints followed and imprisonment was the result, but solitary confinement only increased his fury. He broke bounds and in a fit of unparalleled ferocity levelled everything he met wearing skirts. For this he was tried at an orderly room and sentenced to banishment. He was taken to the Furry Glen at night, blindfolded and tied to a tree, but arrangements were made with a friendly park-keeper to release him early next day, so that he might rejoin his own tribe.

Gloom pervaded the band quarters that night, but it was of short duration, for before the last echoes of the "Rouse" had died away, next morning Phoenix was standing at the front gate, as if he had just returned off an all night pass. Attempts were made to drive him away – it is said they were feeble efforts – but as the wicket opened, Phoenix bounded through, wheeled sharply towards number one, circled right on the square at the Adjutant's quarters just in time to play havoc with an irregular company of cooks, who were deploying to sundry kitchens to prepare the morning coffee. He rushed to one particular heavy member of the squad and down she went disabled. For this the death sentence was pronounced and he was sadly and swiftly despatched. With "Phoenix" perished the

only mascot worthy of the name the band had ever had, but his influence remained, for never since had the band suffered misfortune.

#### **RIFLES AND REVOLVERS – THE SOUND OF GUNFIRE**

The RIC were a gendarmerie, or armed police force as distinct from the Dublin Metropolitan Police which were unarmed. In February 1862, the Lords Commissioners of the Treasury approved of extra pay being granted to one district inspector and six officers, instructors of musketry, for training the Force in the use of rifles. One result of the general introduction of the rifle was the establishment in various countries of specialised schools of instruction to teach its proper use. In the days of the smoothbore, individual accuracy under battle conditions had hardly been possible and the instruction of the policeman in volley firing had been largely a matter for the drill-sergeant. The RIC Musketry instructors were trained in Hythe on the Kent coast where a school of musketry was formed in 1853. Suitable barracks existed there and miles of shingle beaches provided ample space for ranges without taking over agricultural land.

11

In October 1854, the Mounted Staff Corps destined for special service in the Crimea, was inspected on the parade-ground in St. James's Park; and in the afternoon nearly 100 men – the greater part of the corps – embarked at Hungerford Pier, on their way to Woolwich, whence they were to sail on Wednesday for Gibraltar, in a vessel called the Joseph Shepherd. The Mounted Staff Corps consisted of 50 men selected for their intelligence and good conduct from the Irish Constabulary Force, and also 50 from the London Metropolitan Police. They all appeared to be men in the very prime of life, above the average height. Their appearance was novel and picturesque. The uniform was a handsome scarlet Hungarian tunic, the front sleeves and collar richly braided, Royal Blue facings (the officers' tunics richly and tastefully laced); blue trousers with two scarlet stripes, and leather strappings and cuffs; handsome helmet, mounted with brass; a poncho of grey cloth, made to answer as a blanket and great-coat; a sling belt, with cavalry sword; pouch belt, with pouch for Colt's revolving pistol. The Colt revolver was manufactured in Samuel Colt's Repeating Manufactory, Besborough Place, Pimlico, London which was in business from 1 May 1852.

Four Irish Constabulary Sub Inspectors seconded for service with the Commisariat in the Crimea, lost their lives, namely William Peter Coppinger in 1853 and John Fitzgerald Studdert, George DuBourdieu and Thomas C. Anderson in 1854.

One famous Irish Constabulary officer of this period was Robert-O'Hara Burke, born 1821, St. Clerans, Co. Galway. He was educated at Woolwich Military Academy and served as a lieutenant in the Austrian

12  
Hussars in 1840 before being appointed a 3rd Class Sub Inspector in the Irish Constabulary on 6 November 1849. He resigned on 20 November 1852 and emigrated to Australia in 1853. He became an acting inspector at Carlsruhe, in the Victoria Police; senior inspector, Beechworth, 1854-58; and superintendent of police, Castlemaine district, 1858-60. He commanded the expedition organised by the Royal Society of Victoria and, supported by the government, fitted out to explore the centre of Australia which started from Melbourne on 20 August 1860; reached Cooper's Creek 11/11/1860; crossed the continent and reached the Gulf of Carpentaria on 10 February 1861 where he died of starvation on 28 June 1861. He was buried with a public funeral at Melbourne on 21 January 1863. A bronze statue was erected in Collins Street, Melbourne in 1864 at a cost of £4,000.

Another famous officer who passed through the Depot was Chartres Brew; who was born on 31 December 1815, at Corofin, Co. Clare and joined as a 3rd Class Sub Inspector, 3 March 1840. He was the eldest son of Tompkins Brew (1783-1843), stipendiary magistrate and Jane Smith (d.1865). He was seconded to the Commissariat Department in the Crimea where he was appointed Assistant Commissary-General on 1 February 1856. He resigned on 16 September 1856. While traveling out to British Columbia, he was a passenger on board the ship "Austria" from Southampton to New York. The ship burned at sea and he was one of the few survivors. As there was not enough room for him in the boat, he and another passenger took turns swimming with one hand on the stern.

He served in Cahir, Co. Tipperary and Cork City before serving in the Crimea in 1854-1855. He trans-shipped from New York to the "Aspinwell", traversed the fever-ridden swamps of Panama, and found his way to the Colonies almost on schedule. He was sworn in as Chief Inspector of Police at Fort Langley, the first capital of what became a province, [of British Columbia] on a wet November 19, 1858. He founded the British Columbia Police in 1859, fourteen years before the RCMP was established, and they amalgamated with the RCMP in 1950. He became a Gold Commissioner and County Court Judge. He died at Richfield, British Columbia on 31/5/1870 and he is buried in Barkerville, British Columbia where his epitaph reads:- "A man imperturbable in courage and temper, endowed with a great and varied administrative capacity, a most ready wit, a most pure integrity and a most human heart."

The outbreak of WW1 in 1914 saw several RIC Officers seconded for service, six of whom lost their lives before the war ended. The 1916 Rising in Ashbourne, Co. Meath saw the deaths of County Inspector

Alexander Gray and District Inspector Harry Smith. Between 1916 and 1922 a total of 549 members of the RIC lost their lives, including twenty five RIC Officers.

#### **THE MOUNTED TROOP – THE SOUND OF HOOVES**

A riding school was built in the Depot in 1845 and extended in 1865 for the Mounted Troop of the Force. John Mulcahy was the first appointed riding master on 15 June 1866. He was born in Co. Tipperary S.R. in 1828. He joined the RIC in January, 1858 as a sub constable, reg. No. 22742, having served with the 13th Light Dragoons in the Charge of the Light Brigade, in the Crimea. He was awarded the Crimean Medal and four Clasps for Alma, Balaclava, Inkerman, Sebastopol, the Turkish Medal and the Distinguished Conduct Medal. He was promoted 2nd Class Head Constable on 1 January 1858, 1st Class Head Constable on 1 August 1858 appointed a 3rd Class Sub Inspector on 15 June 1866 and Riding Master at the Reserve in the Phoenix Park Depot. He died at the Depot on 10 June 1872, aged 44 years<sup>7</sup> and he is buried in Glasnevin Cemetery, Dublin. (Grave No. XE 134 Garden)<sup>8</sup>.

13

Three of his successors also died young. James Douglas was appointed on 1 July 1872. He was born in Lancashire, England in 1838, ex Sergeant Major in the 18th Hussars from 17 April 1858 to 30 June 1872. He died on 11 March 1873 aged 35 years. William Sweet was appointed on 1 May 1873. He was born in Kent, England in 1836, and was an ex Regimental Sergeant Major in the 1st Royal Dragoons, in which he spent 18 years and 4 months. He died on 10 August 1875, aged 39 years. He is buried in Arbour Hill Military Cemetery, Dublin; Albert Fry, appointed on 1 October 1875. He was born in Yorkshire, England in 1841, ex Troop Sergeant Major in the 5th Dragoon Guards, in which he spent 17 years and 6 months) His wife was from Co. Roscommon. He died on 28 July 1876, aged 35 years. The best remembered Riding Master was John Tyson, appointed on 24 August 1876. He was born in Chester, England in 1840, ex Regimental Sergeant Major in the 4th Dragoon Guards in which he spent 18 years and 8 months. He was granted the Queen's Jubilee Medal for taking part in Queen Victoria's Diamond Jubilee Procession in London on 29 June 1897. He retired on 15 June 1903 and died on 10 July 1916 and was buried in Glasnevin Cemetery, Dublin (Grave XB61 South).

The last Riding Master was Richard Edwin appointed on 1 September 1903. He was born in Dublin in 1854 and he was married in October 1886 (wife from Co. Dublin). He was an ex Major and Riding Master with the 7th Hussars and 14th Hussars for 22 years. He retired on 7 December 1917.

**DISCIPLINE – THE SOUND OF SILENCE**

Discipline was defined in section 26 of the sixth edition of the RIC Code<sup>9</sup>, published in 1911 as follows, "Every member is to receive the lawful command of his superior with deference and respect and to execute them with alacrity; and every superior in his turn, is to give his orders in temperate language, showing due regard for the feeling of those under his command. And in as much as it would be manifestly subversive of discipline were any member of the Force to be allowed to comment, either favourably, or otherwise, upon the orders or official conduct of his superior, such a practice is prohibited." In effect it meant for subordinates that "A shut mouth catches no flies." One constable set this edict to rhyme, enumerating the many ways a policeman could find himself in breach of the strict disciplinary code with a poem entitled "Blocked".

14

**BLOCKED**

'Tis a mystical word, yet a word manifest;  
Its meaning appears just as plain as the rest,  
It embraces all errors – both real and concoct-  
For which a report simply means we are "blocked."

No matter how serious the fault,  
From the crime of manslaughter to the sampling of "malt,"  
Letting prisoners escape when up they've been locked,  
Are all derelictions for which we are "blocked."

Should the officer come to parade, unexpected,  
And a stain on our handcuffs by him is detected,  
Vain all our excuses – the gentleman's shocked,  
He puts us on paper – that means we are "blocked."

Each day, come what will, we have drilling and schooling,  
For our sergeant's exact, he'll put up with no fooling,  
And if we're not shaved, and our hair nicely docked,  
He'll certainly spot it, and then we get "blocked."

On inspection each morning, we must appear neat,  
With our brasses well burnished, our trappings complete,  
Should we smile on parade, then authority's mocked,  
As sure as he sees us so sure we are "blocked."  
All orders and minutes we must have by rote;  
The "manual" from cover to cover must quote;  
And if in Reed's Guide we should ever get balked  
We are told we are dense, if indeed we're not "blocked."  
On a country patrol, or on tiresome town duty,  
We must see that no burglars decamp with their booty,

Observe if the cows are with milk overstocked,  
And in all other ways keep ourselves from being "blocked."

If the snow has been falling and there's ice on the streets,  
Will all sorts of cases poor Robert will meet  
If the frost has descended – ere the horses are calked –  
He must see after this and not get himself "blocked."

To prevent or detect each offence of the law,  
Is the lot of poor Robert – and that without flaw.  
For if in his district some cattle are houghed,  
Caught must be the culprit or someone gets "blocked."

Discipline is rigid and must be maintained,  
To the Force it is right that it should be sustained,  
At 10 every night barrack doors all are locked,  
Then if you're out later prepare to be "blocked."

Recruiting is stopped and promotion is blocked,  
And into cocked hats the D.C.'s have been knocked,  
In the Haven of Rest will our ship soon be rocked,  
When the Last Roll is called pray that none will be "blocked."

#### SOUND – ADVICE?

Sir William Nott-Bower was born in York on 20 March 1849 and educated at Cheltenham School and the Royal Military Academy, Sandhurst. After his army service from 1869 to 1873 with 33rd and 8th Regiments of Foot and a captain in the 5th Battalion West Yorkshire Militia, he joined the Royal Irish Constabulary as a cadet officer in January 1873. He was appointed Chief Constable of Leeds City Police 1878-1881, Chief Constable of Liverpool City Police 1881-1902, and Commissioner of Police of the City of London, 1902-1925. He retired on 29 September 1925, aged 76 years and his autobiography was published in 1926, aptly entitled *Fifty-Two Years A Policeman*. He was also awarded the KCVO, CVO, and the Kings Police Medal. He died on 4 February 1939.

He attributed his successful police career to the following piece of instruction conveyed to him at the Phoenix Park Depot by an old and disgruntled Sub Inspector.

1. Never neglect any routine duty.
2. Never take any responsibility which you can avoid.
3. Never attempt any job which is not strictly your own.
4. Then you will have a happy time in the police.
5. But if ever you try to do anything, you will surely be done.

**CONCLUSION**

Between 1816 and 1922 a total of 85,028 members of the Irish Constabulary, including some 1,700 officers policed Ireland<sup>10</sup> – none of which is now living. All that remains is the Depot, its stories, both humorous and tragic, its reminiscences and echoes. The following poem was written in 1898 and signed 'Tom'. Even though the characters are not known to us it captures the mood and feeling of the Depot times that are no more.

**THE DESERTED DEPOT**

16  
I've just been reading in the "accredited" Gazette  
Of the changes at the Depot and dear knows it makes me fret;  
The last recruit has left it, the reserve men nearly gone,  
And the squad-rooms all but empty, bar the Band in No.1.  
No cleaning now nor burnishing of carbines and swords;  
Pasting packs and haversacks, creasing trousers on the boards  
Rolling coats and folding capes, in valises placing kits  
Complete from hob-nailed highlows to the pair of worsted mitts  
And what a blend of dialect! From Donegal to Kerry,  
From Cork, you see boy! and Limerick, and Northerns from Derry,  
Good humour, wit and gaiety ne'er before were known to fade,  
With every man stripped to the shirt, preparing for parade.

The square is now deserted where so often we "marked time,"  
"Old Pro" no longer in the school, expatiates on crime;  
Oh dear! The learned lectures that he gave in days gone by,  
While we, his pupils slumbered, or winked the other eye;  
And when he caught us napping how his eyebrows then would fall,  
And he would say "Come down, my lad, stand there and face the wall."  
For Joe and Mr. Slattery, I've got so much to say,  
That I really must defer it for some other day.

Remember the old Major? How he raised such jolly roused,  
A-roaring up and down the square about these awkward cows.  
A good, kind-hearted man he was, and sound advice would give,  
How he'd weep at our departure, and wish us long to live.  
He bought us porter freely on the day that he was leaving.  
And we cheered him to the echo, although our hearts were grieving.  
The other "Drills" have gone, too, from the Depot far away,  
And I am told that "Roger" superintends the beat in Bray.  
Ben Taylor, with the flowing beard, was once the boss of all,  
I hear he's making poteen in the County Donegal.

There were Tynan, Shier and Worrell and the brothers Masterson;  
Where are they now located? How they used to make us run.  
Then sweet pure "convalescent," with its mighty master "John,"



Where we shook off all our illnesses long ere they did come on.  
 That good old institution now is closed six months or more,  
 The grand "old blues and stockings" now are in the Depot Store;  
 The cry was all "low diet" inside "Convalescent" wall,  
 Though 'twas said that "John" was lenient to the boys from Donegal;  
 The cavalry and bandsmen were to him a holy dread,  
 He'd give them tea in plenty, but, faith, mighty little bread.

No more the shouts of laughter ring in the erstwhile happy canteen,  
 Where the beverages were beautiful and the bacon fat and lean,  
 And if you were for picquet or patrol about the Park,  
 You could drop in and have a pint, but not before the dark;  
 And now the great strong guardroom with (once) six and twenty men  
 Is protected by a sergeant doing sentry with a pen  
 With which he marches to and fro and drives the loafers out.  
 Oh what a change – just contemplate – twelve months can bring about!

17

Reduction in our noble force with a vengeance goeth on,  
 In a district throughout the country we are less'ning one and one;  
 And yet the future is unknown, insurrections may arise,  
 Recruiting will again begin we safely may surmise;  
 Our numbers now are low enough – that's if duty must be done –  
 And 'tis ours to hold the laurels that right manfully we've won,  
 We'll keep our motto LOYALTY, though few our men may be,  
 And we hope our Depot soon again will be filled with RIC.

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#### ILLUSTRATIONS:

1. RIC Depot Band, c.1910.
2. Garda Band 2002

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#### REFERENCES:

- <sup>1</sup> Mount Jerome Cemetery Records, Dublin.
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- <sup>3</sup> Herlihy, J. (1997) *The Royal Irish Constabulary - A Short History and Genealogical Guide*. Dublin, 1997.
- <sup>4</sup> *The Cork Examiner*, 1861-1873.
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- <sup>6</sup> *The Royal Irish Constabulary Magazine*, 1911.
- <sup>7</sup> *The Irish Times*, 1860-1900.
- <sup>8</sup> Glasnevin Cemetery Records, Dublin.
- <sup>9</sup> Reed, Sir Andrew (1911) *The Royal Irish Constabulary Code*, sixth edition, Dublin, 1911
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# C E N T R E

## BEHAVIOUR STANDARDS DEFINED AND DESCRIBED

Behaviour standards are the policies and behaviour patterns that underpin an organisation's distinctive competences and its value system. It is one of the four elements that comprise an organisation's mission. The four are

Purpose, Strategy, Values, and Behaviour Standards

Cambell et al, 1990

These four are all essential and important and are not listed in any order of priority. The importance of each of the four will vary depending on the situation evolving in the organisation's present or future environment. The Ashridge model overleaf uses the four elements in a coherent and realistic way to explain what an organisation's mission should mean; it sets a mission standard to be achieved hand-in-hand with achieving the goals set by the organisation.

An organisation that can be believed in will attract the best available recruits, and keep them. It will get the most out of its people, both as individuals and in teams. It will be respected by customers and stakeholders. It will learn, renew itself, and become more powerful, while still having the ethic of service to others. It will gain service success, and have the best long term results, and the highest customer rating. All in all, it is quite important. Though precise data are not available, the best estimates are that 10% of large UK firms, 20% of US, but 50% of Japanese, have a sense of mission as distinct from a mission statement. Clearly there is a great deal of need for transformation.

### TRANSFORMATION

Transformation is changing an organisation's culture and behaviour, so that it ascends to a new level of service performance. Not surprisingly, transformation is difficult: 75% of all attempts fail. A transformational

leadership style is oriented to making change happen by providing vision and inspiration. Transactional Leadership.

There do seem, however, to be some common factors in successful transformation, which are always present.

1. They are driven by demand: the person who embodies the transformation.
2. The top team (those who are responsible for the change) are emotionally united; they are committed to each other personally, as well as to the change.
3. There is a slogan used as a rallying point: a short, simple CAUSE or a longer-term statement of purpose.
4. BARONIES are absent or reduced to a minimum.
5. The change process focuses on changing attitudes on the back of concrete performance measures so that the change is self-reinforcing.
6. The organisation has or builds a strong sense of COMPETENCE: a skill which is superior to its competitor.

Mission is what an organisation is for. This is an enormously important concept. Many companies now have formal Mission Statements. A clear distinction must be made between such documents and a mission statement, or 'sense of mission'. Many mission statements do not have a sense of mission, or at best well intended pablum, which no one in the organisation believe. Yet some firms which do not have a sense of mission, do not have a sense of mission.



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# P O I N T

making long term changes in a firm, and then to employees in contrast to

There are six conditions of successful transformations present in successful transformations:

1. Having inspiring leaders, and one common ethical principle.

2. All those who run the organisation are on the same side and want to help the firm.

3. A rallying cry: either a medium-term strategic intent or a statement of STRATEGIC INTENT.

4. No one is destroyed.

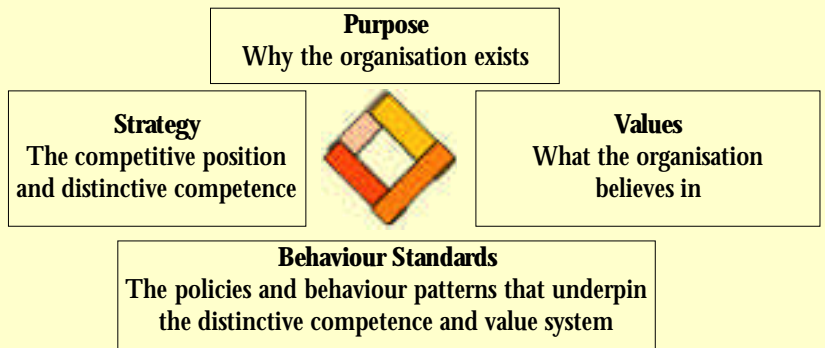
5. On real business issues, changing commercial success. There are simple rules that everyone knows what is expected.

6. The firm holds at least one world class position where it is as good as or better than any

other; why it exists; its role in the world. This is a real issue. A majority of US and UK companies have mission statements; but a big distinction is between the company having a real mission and the company having a real mission statement. Many organisations that have mission statements: the document is propaganda, but not what most people in the organisation know. Companies like Marks & Spencer that clearly state their mission statements.

A sense of mission is essential if employees are to believe in their organisation. They have to think that the organisation is there to achieve something. The concept of mission and 'sense of mission' covers all aspects of the organisation's sense of direction and the way in which its members behave: there must be a consistent pattern that runs through all aspects of its personality. The most useful way of thinking about this is the Ashridge Mission Model, which describes four parameters of mission: PURPOSE, VALUES, STRATEGY and BEHAVIOUR STANDARDS, as shown in Figure 1 below.

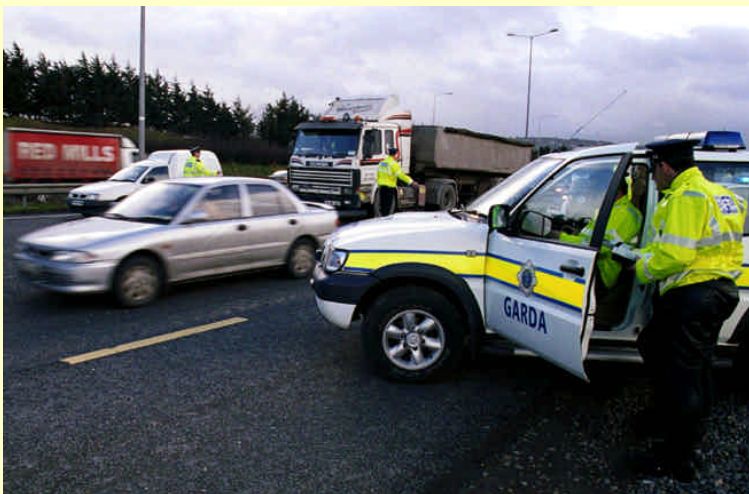
FIGURE 1 ASHRIDGE MISSION MODEL



Source: Cambell, A., Devine, M. and Young, D. (1990) A Sense of Mission, Economist

This model will be familiar to Gardaí from our Corporate Strategy and Policing Plans where our purpose, strategy, values, and behavioural standards are set out. The Garda Declaration of Professional Values and Ethical Standards underpins the values we stand for and the behavioural standards transformation we seek. We have much to be proud of in An Garda Síochána. We want to be proud of everything in An Garda Síochána. We will be proud of everything in An Garda Síochána.

PETER FITZGERALD, EDITOR



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Michael Culhane

# The Garda Finance Function

Michael Culhane, Director of Finance

## INTRODUCTION

The steering group on the Review of An Garda Síochána published its report in June 1997. While this report made wide ranging recommendations on all matters pertaining to An Garda Síochána, it made a number of recommendations which are particularly relevant to the financial management of An Garda Síochána. Specifically, its recommendations provided for:

- Procedures for an improved performance management framework
- Greater devolution of responsibility to and within the Garda service, including the appointment of the Commissioner as Accounting Officer
- The implementation of an enhanced financial management system and the re-engineering of procedures which would support the changes taking place within An Garda Síochána.

18

Deloitte and Touche, Management Consultants, were appointed to prepare a detailed implementation plan having reviewed the financial management requirements and identified how best these requirements could be met. Deloitte and Touche published its final report "An Garda Síochána – Financial Management Framework" in December 1998<sup>1</sup>.

The Financial Management Framework report made a large number of recommendations, the key elements of which are as follows:

- A revised budgetary and reporting process, incorporating devolved budgeting
- A new Finance Directorate be established which would incorporate the existing 'A' Branch finance function.
- Implementation of a new integrated financial management system.
- Changes to accounting policies, procedures and processes to support the above objectives.

The Finance Directorate was established in early 2000 with the recruitment of a Director of Finance and subsequently a number of professionally qualified accounting staff were also recruited. The responsibility of the Director of Finance was expanded to incorporate the procurement role, previously known as the Logistics Section. In the June 2002 edition of the *Communique Journal*, Inspector Lorraine Wheatley covered the issues in relation to the management of the Procurement Section.

## FINANCIAL MANAGEMENT SYSTEM

A tender for the acquisition of a new integrated Financial Management System (FMS) was advertised in the European Journal in February 2001. Six tenders were received and three were short-listed for further evaluation. The evaluation process lasted a number of months and

required the short-listed tenderers to make presentations giving some more detail as to how they would meet the financial requirements of An Garda Síochána. The tender document was prepared on the basis that the Department of Justice, Equality and Law Reform, Finance Division, Killarney will be upgraded from a transaction centre to a Shared Services Centre (SSC), which will be more customer focused and provide value added services. The relationship between An Garda Síochána and the SSC will be regulated by a Service Level Agreement which will be subject to negotiation by parties every three years, as it is envisaged that An Garda Síochána will have to pay for the services provided by the SSC. To assist the Finance Division, Killarney, with its transformation to a SSC, the management consultants Helm Corporation have been retained by the Department of Justice, Equality and Law Reform.

19

The tender was awarded to the management consultants Accenture to implement the new FMS using the *Oracle Financials*, version 11i software package. The advantage of this financial package is that it can simultaneously support cash and accrual accounting. Currently, government accounting is based upon cash accounting principles, but given the shortcomings of this accounting framework, there has been some movement towards accrual accounting. In particular, the annual Appropriation Accounts require disclosures concerning debtors, creditors and inventories at year-end and details of expenditure on fixed assets including the depreciation of those assets. The fundamental difference between accrual and cash accounting is that revenue and costs are matched with one another so far as their relationship can be established and dealt with in the period to which they relate. The cash accounting system recognises only cash inflows and cash outflows and the resulting management accounts are based upon cash disbursements and receipts. There are no balance sheets because there are no assets or liabilities. Sales are only recognised when cash is received so there are no debtors, purchases are only recognised when cash is paid so there are no creditors. There are no inventories or fixed assets because cash accounting is not concerned with recording usage, only with the fact that cash has been paid for purchases.

Recognising the shortcomings of cash accounting, the government proposed the introduction of a new accounting model called the 'generic accounting model', which would address these issues. This process was subsequently retitled the 'Management Information Framework' (MIF)<sup>2</sup> and the current implementation of the FMS is part of that process. The introduction of MIF is resulting in a change of focus from current cash accounting practices, with its emphasis largely on inputs, cash control and economy, to the costing of objectives and outputs with a greater emphasis on the achievement of objectives and the measurement of efficiency and

effectiveness. Therefore, while management of cash remains a vital element of financial management, the identification of the use being made of resources towards the achievement of aims and objectives becomes the primary goal.

20

Having prepared a very detailed Garda financial systems requirement document, the evaluation process determined that *Oracle Financials 11i* gave the best match. To meet the Garda requirements it is proposed to use six modules of the *Oracle Financials* package, namely, General Ledger, Accounts Payable, Fixed Assets, Inventory, Procurement and Travel and Subsistence. While development work on the implementation of the FMS is ongoing, to date a prototype of the application has been developed. This has allowed a further evaluation of the package to ensure that its configuration will meet requirements. The functional specification for the customisations have been designed and agreed, including the planned data conversion and data cleansing of legacy systems. It is planned that the FMS will be piloted in Garda Headquarters and in one site in each of the six Regions in the second half of 2003. When the pilot running has been successfully completed, the rollout to the remaining District Offices will commence. The system will operate over the Garda wide area network and the application package will reside in the SSC in Killarney. The SSC has the responsibility for all technical aspects of the FMS and the Garda side are primarily concerned with the end user requirements.

#### **FINANCIAL RESOURCES**

An Garda Síochána is the largest single organisation in the country charged with many and complex roles. Given the size of the service and its geographical distribution over the entire country, significant financial resources are required to finance its operations. Table 1 below summarises the actual expenditure between 1998 and 2001 and gives details of the projected financial outcome for 2002 and the draft estimates for 2003.

Analysing total expenditure over the following three categories shows that the percentage of expenditure over each category has remained remarkably consistent over this period. Pay, overtime and superannuation account for 87 – 89% of total expenditure with all other expenditure categories accounting for the remaining 13 – 11%.

The growth in the expenditure has reflected the increase in the size of the Service and the infrastructure required to support a modern police service. However, in the new environment of fixed annual budgets any excess expenditure on such items as overtime can only be financed by a similar compensating reduction in some other area within the Vote. It is

TABLE 1

**AN GARDA SÍOCHÁN FINANCIAL SUMMARY 1998 - 2003**

€ MILLION	ACTUAL	ACTUAL	ACTUAL	ACTUAL	PROJECTED	DRAFT
SUBHEAD	SPEND	SPEND	SPEND	SPEND	SPEND	BUDGET
	1998	1999	2000	2001	2002	2003
A1 Pay and Overtime	521.3	535.0	584.8	644.9	662.1	666.7
A2 Travel and Subsistence	20.5	19.4	19.6	27.9	26.1	21.0
A3 Incidental Expenses	5.4	8.7	11.8	13.4	12.6	11.7
A4 Post and Telecom	8.5	9.1	9.7	8.5	9.2	8.5
A5 Office Machinery	20.9	26.9	15.8	12.5	10.4	23.2
A6 Mtc. Garda Premises	9.1	4.6	7.8	9.4	6.3	6.6
A7 Consultancy	0.3	0.1	0.3	0.2	0.3	0.3
A8 Station Services	8.9	8.4	9.7	11.5	11.4	8.5
A9 SMI	0.2	0.8	0.4	0.6	0.6	
B Clothing	3.3	3.3	3.2	4.1	3.4	3.2
C Medical Aid	0.0	0.0	0.0	0.1	0.1	0.1
D Transport	17.0	17.8	18.6	17.9	16.0	18.1
E Comms and Other Equip	11.4	8.9	9.6	14.6	15.9	17.7
F Aircraft	0.8	3.2	0.0	1.9	1.0	1.7
G Superannuation	105.4	109.8	130.1	137.3	156.4	159.2
H Witnesses' Expenses	0.7	0.8	1.2	1.4	1.4	1.1
I Compensation	10.6	14.5	13.1	19.2	14.9	11.3
J Witness Security	0.1	0.2	0.2	0.6	1.0	0.9
K Appropriations-in-Aid	(21.3)	(22.6)	(25.1)	(25.9)	(27.5)	(22.6)
<b>TOTAL</b>	<b>722.9</b>	<b>748.1</b>	<b>811.0</b>	<b>899.8</b>	<b>921.5</b>	<b>937.9</b>

27

Source: Annual Report of the Comptroller and Auditor General and Appropriation Accounts 1998-2001

In this six year period the Garda Vote has increased by €215 million or approximately 30%. However, a further analysis of the above figures shows the following trends;

TABLE 2: EXPENDITURE TRENDS

Pay and Overtime	72%	72%	72%	72%	72%	71%
Superannuation	15%	15%	16%	15%	17%	17%
Other	13%	13%	12%	13%	11%	12%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

in this context that all management ranks must assume increased responsibility for the management of resources as well as policing activities. The more senior ranks will have to allocate more time and a higher priority to resource management and performance management. There is a requirement to foster a culture of getting the best value from available resources and this will entail management allocating greater attention to the management of resources. To achieve this objective, it will be necessary to devolve responsibility to the appropriate ranks for the financial and other resources allocated to those budget holders.

**CURRENT FINANCIAL REPORTING PROCEDURES**

To enable managers to make decisions and monitor the impact of those

decisions they require quality management information. The Finance Directorate receives on a monthly basis from the Department of Justice, Equality and Law Reform in Killarney, details of expenditure by subhead/item code and cost centre code. Using this information, Financial Management Reports at District/ Division/ Region level are produced by Finance Section at Garda Headquarters.

22 Since January 2001 the Finance Section has issued Management Accounts on a monthly basis. The Commissioner, Deputy Commissioners and Assistant Commissioners are provided with corporate style reports, which include Consolidated Management Accounts for the Service as a whole and Regional and Branch Reports. These reports are analysed to show total expenditure by subhead and also the total expenditure by Division/Unit within each Region/Branch. This allows for comparisons or a type of performance management between each Region/Branch and between each Division/Unit within each Region/Branch.

The Chief Superintendents are supplied with a copy of the Consolidated Management Accounts, along with Summary and Detailed Reports by District/Unit. Again this will allow for comparative analysis between Districts/Units within the Division/Section. District Officers are supplied with detailed District Management Accounts.

All of the above mentioned reports include comparative 2001 expenditure figures and should assist Officers with the financial management of their own immediate area of responsibility.

To assist with the management of overtime budgets, the Finance Section also furnishes two overtime reports per roster, detailing hours paid by rank and the highest overtime earners.

The current format of the management accounts are an interim measure pending the implementation of the new FMS. While they represent an important development, the Management Accounts are deficient in that actual performance against budget has not been implemented yet pending the development of devolved budgetary responsibility and the preparation of financial budgets for reporting centres to allow actual expenditure to be measured against budget.

#### **PRINCIPLES OF DEVOLVED BUDGETING**

Devolved budgeting is essentially the transfer of accountability and authority for spending to a more appropriate level of local management and the reporting and analysis of these spending patterns at that level. For this to happen, costs must be captured at the appropriate level.



However, devolved budgeting involves more than capturing costs at the right level, although this is vital to any information system. It includes the devolution of budgetary responsibility (making spending decisions) and the accountability that goes with it (dealing with the implications of those decisions).

As An Garda Síochána is segmented by Region, Division and District, devolved budgeting will result in the budget manager (Assistant Commissioner/ Chief Superintendent/ Superintendent) being delegated and devolved responsibility for spending decisions – and also being held accountable for that expenditure. Good business practice requires that managers be able to adjust their use of resources to meet local needs and to be held accountable for their use of these resources. This is the central theme of what devolved budgeting is all about. The structure in place in An Garda Síochána at executive level and below allows for a clear line of delegation to Regional/ Divisional/ District Officers who control either large geographical areas or specialist sections. However, at present, this hierarchical segmentation is not supported by a satisfactory FMS that can deliver appropriate financial reporting to all managers, but this is now being addressed.

23

In addition, with greater external financial awareness and scrutiny, the traditional analysis of expenditure headings by cost centres will need to be expanded to include roles/activities and projects/events. As an example, this should enable Garda management to establish the cost of resources used in crime prevention in a Region/ Division/ District or how much it cost to police a sporting event. Following the implementation of the new FMS it is expected that the appropriate data capture, analysis and reporting of financial information will be forthcoming.

#### **CURRENT POSITION AND PROPOSED FUTURE POSITION WITH REGARD TO DEVOLVED BUDGETING**

The segmentation model of An Garda Síochána is well established, a Regional/ Divisional/ District/ Station relationship exists, and costs are captured (mainly) at District level. There is currently limited devolution of some budget lines to Officers e.g. overtime, and it is planned to take this process further with many more budget areas. The importance of this move to further devolve budgets is in the link to accountability – managers cannot be expected to be accountable for costs over which they do not exercise spending control. The classification of costs refers to the different ways in which costs are described. It involves arranging costs in logical groups to assist in their analysis, having regard to their nature, the purpose for which they are required, or the nature of the decision to be made.

26

Controllable costs are those costs that may be directly regulated at a given level of management authority within a given span of time. For example, the number of hours of overtime which an Officer approves is a controllable cost. The Officer can decide not to use any overtime or to use a large amount of overtime in order to achieve a specific objective. The choice to use the overtime is that of the Officer and by making this choice the Officer is effectively controlling the cost of the activity concerned. Uncontrollable costs are those over which the Officer cannot exercise control. For example, if we take the number of members allocated to a District to which the actual pay cost is charged, the District Officer has no control over the pay cost, as this is dependent on nationally negotiated pay agreements.

Without further devolution of budgetary control, management reporting will be limited to purely showing statements of costs. Managers would struggle to establish a 'cause and effect' relationship between their resource use and the cost statements. The following outlines the current areas of expenditure within the Garda Vote that have been devolved within the service. It highlights areas where there is scope or potential for further devolution of budgets.

#### **OVERTIME (SUBHEAD A01.2)**

Subject to approval, the Finance Directorate devolves the overtime budgets to each Assistant Commissioner in respect of their own Region or Branch. The Assistant Commissioner in turn distributes these hours between his Divisional Officers and so on to the District Officers. Actual hours worked are in turn recorded by the Divisions and reported to Finance Section at the end of each roster. This enables Finance Section to provide a consolidated report on overtime to senior management, while at the same time allowing Divisional Officers to manage their own allocations effectively.

#### **TRAVEL AND SUBSISTENCE (SUBHEAD A02)**

The home travel and subsistence expenditure has in effect been devolved to the District Officers as part of the Imprest Accounts. However, budgets have not been provided to the Districts against which expenditure can be assessed and managed. These budgets will be devolved to District level through the relevant Assistant Commissioners' Offices.

#### **TRAINING (SUBHEAD A03.3)**

The Budget Manager for training is the Assistant Commissioner, Human Resource Management. For practical purposes it will be necessary to devolve some of the budgetary control to other parts of the service to ensure that expenditure is managed efficiently and effectively. Given the

very large number of training programmes and attendance at conferences, it is vital that there is no duplication and the value for money is achieved.

**POSTAL AND TELECOMMUNICATIONS (SUBHEAD A04)**

It is difficult to control and restrict expenditure on postage and telephone costs at a central level, consequently there is scope for its devolution. While the expenditure is paid centrally, costs are incurred locally and matching budgets can be prepared and devolved to the District.

**COMPUTER CAPITAL AND CURRENT (SUBHEAD A05.1)**

The Budget Manager for computer expenditure is the Chief Superintendent, IT Section. He will continue in this role as he is best positioned to determine the IT needs of the organisation.

27

**PHOTOCOPIERS AND OFFICE MACHINERY (SUBHEADS A05.2 AND A05.3)**

Budgets in relation to both photocopiers and office machinery are managed centrally by the Procurement Section. It is possible to devolve budget responsibility to Divisional level while maintaining the overall purchasing control with the Procurement Section.

**STATIONERY (SUBHEAD A05.4)**

This subhead has already been devolved to Divisional level and this situation will continue into the future, but there may, however, be potential to devolve down to District level.

**MAINTENANCE OF GARDA PREMISES (SUBHEAD A06)**

There are over 700 Garda stations. With the limited funds available under this subhead, it is appropriate that maintenance and repair work is prioritised to ensure that funds are allocated to areas that require immediate remedial work. To ensure that funds are used most effectively, it may be appropriate to devolve budgetary responsibility to the Assistant Commissioner level who can take a wider view of the needs of the Region or Branch and focus the available funds to the highest priority areas.

**STATION SERVICES (SUBHEAD A08)**

A large amount of expenditure related to this subhead passes through the District Imprest Account and is thus under the control of the District Officer; the next step is to allocate matching budgetary responsibility to ensure accountability for the expenditure. Other elements of this subhead, such as furniture, may be more appropriately allocated to the Assistant Commissioner, who, together with Divisional Officers, can determine the priorities for the Region or Branch as a whole rather than spreading the limited funds over a large number of cost centres.

**CLOTHING AND ACCESSORIES (SUBHEAD B00)**

The Procurement Section currently administers this budget centrally.

While the purchasing of all items will continue to be done centrally, the actual cost of uniforms will be charged against each cost centre to ensure that the full cost of running a District is accurately recorded. Currently, clothing is charged against the Procurement Section.

#### **TRANSPORT (SUBHEAD D00)**

The Budget associated with the Purchase of Vehicles will continue to be held centrally as the Transport Section is best suited to this requirement. However, maintenance and running costs could be devolved down to District level as this expenditure is already paid out of the Imprest Accounts. These costs are controllable at the District level and it is appropriate that the District Officer is held accountable.

#### **COMMUNICATIONS – CAPITAL AND CURRENT (SUBHEAD E00.1 AND E00.2)**

This budget is currently managed by the Telecommunications Sections. This should remain so, given their expertise in this complex area.

#### **OTHER OPERATIONAL EQUIPMENT (SUBHEAD E00.3)**

This Budget has already been devolved to the relevant sections associated with this type of expenditure. It is intended to keep this situation as is.

#### **ROAD TRAFFIC EQUIPMENT (SUBHEAD E00.5)**

This budget is currently managed by the Garda National Traffic Bureau. It is not planned to devolve this area down to Division or District level, as expenditure under this subhead relates to special initiatives controlled by the GNTB.

Other areas of expenditure which make up the Garda Vote include Consultancy, SMI, CCTV, Aircraft, Superannuation, Medical Aid Society, Witness Expenses, Compensation and the Witness Security Programme. It is not intended to devolve these areas of expenditure as some of these subheads are controlled directly by the Department of Justice, Equality and Law Reform and others are under the direct control of a Commissioner.

#### **CONCLUSION**

In conclusion, it is recommended that with the introduction of devolved budgeting regular budgetary monitoring is introduced to ensure that expenditure remains within limits. We must also discourage spending fully up to the budget and encourage the surrendering of surplus budgets back to Assistant Commissioners as good management practice. Managers should monitor spending decisions to satisfy themselves that costs are not being incurred simply to 'use up a budget'. This will allow transfer of funds at Regional and Divisional level. This cultural change

28

will lead to greater efficiency and value for money within the Garda organisation.

It is important that Garda management understand that the implementation of the new FMS and the devolution of budgetary responsibility will help to manage the allocated resources on a day to day basis. The true value of the FMS and devolution of budgetary responsibility is the value of information that Garda management obtain from its use to improve decision making and deliver improved services and value for money.

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29



Enda Hoctor

# Managing Sex Offenders in the Community – *an observational perspective*

Enda Hoctor

## INTRODUCTION

The introduction of the Sex Offenders Act 2001 in the Republic of Ireland allows for a new process of managing sex offenders through the establishment of a sex offender register, which requires certain sex offenders to register their personal details within seven days at a Garda station. The introduction of a sex offender register allows the Gardaí to become more familiar with sex offenders in their community and the risks they may pose to the public. It also places responsibility on the Gardaí to know who these offenders are and where they are for the length of their registration.

As the Garda Síochána are in the very early stages of adjusting to having a sex offender register, it can learn from the experiences of the UK, who introduced their sex offender register as a result of the Sex Offender Act 1997. Before registers were introduced in the UK, there were over 100,000 individuals in the UK<sup>1</sup> in 1993 who had convictions for sexual offences against children (Marshall, 1997). Not surprisingly with such figures, changes were imminent within the criminal justice system in terms of policing strategy disposal options, and supervision and management of sex offenders.

As Ireland releases approximately 60 sex offenders from prison<sup>2</sup> every year (Department of Justice, 1998), it is unlikely to manage the same volume of sex offenders as the UK, however, it is likely to experience some of the issues the UK has faced. Such issues include how to manage sex offenders in the community to debating if the general public should have access to the registers in order to know if a sex offender resides in their area. By looking at how difficult it is to manage sex offenders in the community, a brief and general overview on issues Ireland may face in the future will be shared here.

The writer is currently conducting a PhD in this area. The intention here is to give the reader a grasp some of the issues involved in such a complex area.

### WHY ARE SEX OFFENDERS HARD TO MANAGE?

For one to manage effectively, one usually needs to be familiar with what it is they are managing. This is where difficulties lie; as ignorance still prevails as to what kind of person is a sex offender? The concept of a sex offender being the stereotypical image of a man wearing a raincoat and lurking in alleyways is far from being a realistic one. Sex offenders can be neighbours and relatives, social workers, childcare workers and teachers, church leaders, politicians, judges and doctors. They may be well educated or not; rich or poor; married or unmarried; employed or unemployed<sup>3</sup> (James, 1997).

30

Managing sex offenders is also complex and far from being straightforward, as there are sexual offences and sexual deviations of which not all sexual deviations constitute criminal behaviour<sup>4</sup> (Kaul, 1993). This is best described by using a form of classification found in Prins (1995):

1. Sexual activity not requiring a human partner – for example, the use of animals (bestiality, zoophilia) or objects (fetishism).
2. Sexual activity not requiring a *willing* partner – for example, rape, voyeurism ('Peeping Tom' activities), exhibitionism (indecent exposure), necrophilia.
3. Sexual activity under *unusual* conditions – for example sexual activity with children (paedophilia), sexual activity with the elderly (gerontophilia), incest, sexual asphyxia (eroticised hanging)
4. Certain other sexually motivated activities, which may present in *masked* forms – for example, some forms of stealing (underwear from a washing line), sexual gratification from the sight of, or contact with, bodily secretions such as blood (vampirism).<sup>5</sup>

31

While such categories demonstrate just how vast and complex the issue of sexual behaviour is, it also highlights the enormity of identifying behaviour that may put some members of the public at risk of being a victim of an offence. While most of the public are fortunate enough not to have any experience or awareness of some of the sexual behaviours mentioned above, the desire for knowledge of one particular type of sex offender – a paedophile in society, has become an issue that some of the public feel should be accessible to them. This again is contributing to the fear that paedophiles are monsters preying on one's children.

The perception of one being at risk of 'stranger danger' could be largely attributed to the changes that have taken place in society where, the structure of families have changed with neighbours not always knowing each other due to increased mobility. This has led to an increased reliance on the media to provide information and news, thus making perceptions of risk more global and local. Where risk assessments were made before through discussions in one's community, now they are made through the media and in many ways have become more intensified<sup>6</sup> (Pratt, 2000). For now, public access to sex offender registers remains inaccessible to the general public in the UK. However, with an ever-increasing register and with an increasingly fearful public, the pressure for effective management of sex offenders and public protection has grown.

According to Hinds and Daly (2001):

"Community notification...is based on the deceptively simple belief that if you could identify all the "bad" people, you could protect your loved ones from harm" (p. 265).<sup>7</sup>

### THE PUBLIC DEMAND FOR ACCESS TO SEX OFFENDER REGISTERS

32

The fear of being a victim of crime is a concern for most of the general public; it is the vulnerability of children as potential victims of crime – in particular crimes of a sexual nature – that has been the concern and attention of society and the media. According to the British Crime Survey 2001, 13% of respondents said that they felt ‘very unsafe’ walking alone in their area after dark and a further 20% felt a ‘bit unsafe’. People were far less likely to feel unsafe alone in their own home, with 2% saying they felt ‘very unsafe’ and 6% a ‘bit unsafe’. The proportion feeling unsafe has remained relatively stable over time<sup>8</sup> (Kershaw et al, 2001, p 39). Sex offenders have become a despised and demonised group and "the danger to children from sexual offenders has become a matter of obsessive public concern"<sup>9</sup> (West, 1996, p52). This is predominately illustrated through the media and in particular the Press. Examples include: "*What makes a paedophile?*" (Daily Express, December 6, 2000) "*Teacher jailed for having sex with pupil, 14*" (The Guardian, August 29, 2001), "*Most wanted paedophile arrested*" (BBC news, August 21, 2001); "*Paedophile jailed for mobile home rape*" (BBC news, August 23, 2001), "*Campaign warns against net paedophiles*" (BBC news, July 31, 2001).

The concern about sex offenders was exemplified in Britain by the abduction and murder of Sarah Payne on July 1 2000 in West Sussex, which saw a huge media campaign encouraged by the police in an attempt to find the abductor and murderer. A national debate arose regarding whether the general public should have the ‘right to know’ if a sex offender resides in their area by the introduction of ‘Sarah’s Law’

‘Sarah’s Law’ is associated with the change in policy in the USA in 1996, when ‘Megan’s Law’ (which amended the original Jacob Wetterling Act 1994) required all States to allow public access to, or dissemination of, registered information in sex offender registers. The law was named after seven-year-old Megan Kanka from New Jersey, who was sexually assaulted and killed<sup>10</sup> (Thomas 2000).

During the ‘Sarah’s Law’ campaign in Britain, a ‘name and shame’ campaign was organised by the *News of the World* newspaper in July 2000 in which 50 photographs of people, it claimed had committed child sex offences, were published, and references were made to the 110,000 paedophiles estimated to be in Britain. The result of this campaign was a sense of panic amongst some members of the public manifested in vigilante demonstrations and attacks on sex offenders and suspected sex offenders nation-wide (a lot of innocent people were targeted).

The vigilante action was most severe on the Paulsgrove Estate in Portsmouth in August 2000, where protesters circulated a list of 20



alleged sex offenders in the community and proceeded to target them. The crowds smashed windows, torched cars and forced five families wrongly identified as harbouring sex offenders out of their homes. A suspected sex offender in Southampton shot himself dead and a female registrar was hounded from her home in South Wales because neighbours confused 'paediatrician' with 'paedophile'<sup>11</sup> (Hall, 2001).

While the debate continues as to whether the public should have the right to know if a sex offender resides in their area, such information remains private and confidential, away from public eyes. However, in Australia, one woman named Deborah Coddington decided to take the issue into her own hands, as she compiled her own register – The Australian Paedophile and Sex Offender Index (1997). Compiled from newspaper reports, and checked against court records, each index gives details of names, location, offences and sentences of convicted sex offenders (Hinds and Daly, 2001). However, the indexes are seen as being incomplete and misleading as they fail to include those cases that were appealed successfully in court at a later date. Despite such inaccuracies, the demand for such an index outweighed the consequences.

33

Information from the Index has been found in local newspapers as well as the Internet. According to Hinds and Daly (2001), by relying on the media for her source of data collection, the reality of sex crimes becomes distorted, as media reporting on sex offenders tends to focus on the cases that are more sensational than others, which can reinforce the stereotypical image of a predatory stranger, rather than the reality of more prevalent incidences. According to Ronken and Lincoln (2001), the problem the community having access to such sensitive information is that they:

"...fundamentally undermine a number of the principles behind contemporary notions of justice. The concept of notifying communities that a released offender is living in their neighbourhood is contradictory to the principle that once an individual has served time, or completed judicial requirements they have paid their debt to society" (p. 247-248).<sup>12</sup>

With the pressure on the police force and the Government to ensure that another child is not a victim to a sex offender again, the emphasis on protecting the public from such offenders has become paramount for the criminal justice system. Such pressure means effective management and accountability of such offenders by the police and other agencies.

#### **SEX OFFENDER MANAGEMENT AND MULTI-AGENCIES**

A clear indication that sex offenders have become a governmental concern in England and Wales has been the sheer volume of recent policy and

34

legislative developments in the area. These include:

- The Criminal Justice Act 1991 - which introduced the extension of the licence period for sex offenders following their release from prison.
- The Sex Offenders Act 1997 – which saw the creation of the sex offender register, which was to be maintained by the police.
- The Crime (Sentences) Act 1997 – which made it compulsory for courts to pass a life sentence on people convicted of a second serious sexual or violent offence unless there are exceptional circumstances.
- The Crime and Disorder Act 1998 – which extended periods of post-release supervision for sex offenders and introduced sex offender orders to help police manage sex offenders in the community.
- The Criminal Justice and Court Services Act 2000 – where its suggestions made on child protection originated from issues raised by the family of Sarah Payne. It introduced a statutory duty on police and probation to establish joint arrangements for assessing and managing risks posed by sexual and violent offenders in the community. It also introduced restraining and exclusion orders, as well as powers of the use of electronic monitoring.

The recent piece of legislation, the Criminal Justice and Court Services Act 2000 recognised the necessity of police and probation in England and Wales to share information on sex offenders and work together in managing sex offenders, by making it law that they do so. While the management of sex offenders involves the police and probation, the important role that the prison service, social service, health service and housing play, in sex offender management and public protection was also recognised. The coming together of such various agencies saw the formation of Multi Agency Public Protection Panels (MAPPPs) that share information and make decisions on how to manage the sexual offenders, violent offenders and other offenders likely to pose a risk of serious harm who are raised at such a meeting. MAPPPs are only activated if the offender in question is of high risk and is acting in a way that could harm a member of the public. Decisions that can be made at such meetings entail:

- Investigating where the offender should reside on release from prison. If the offender is homeless on release, then a representative from the Council's Housing Department would attend the MAPPP to discuss the possible options based on the offenders' history – for example, a paedophile would normally not be housed near a primary school, local park etc. . . .
1. An application for a sex offender order on the offender – where an order is place on an offender who appears to be acting in a way usually associated with his previous offending This order would have a number of conditions placed on the offender to

abide by, knowing that if they breached any of them, a custodial sentence would be imposed.

2. An application for a disclosure to be made to a member of the public or an organisation – where evidence is gathered to show that the offender is showing signs of befriending them for ulterior motives (for example, becoming friendly with a couple in order to access their children).
3. An application for an individual who is showing signs of violence and/or aggression (not necessarily sexual) which could be a direct threat to the public to be placed on the Potentially Dangerous Offender register (PDO).

In most cases a date for another MAPPP is arranged again in order to update the group on information gathered to ensure their decision making process is effective. Protocols are usually established between the various agencies to ensure that they all comply with the agreements on how information is shared and that confidentiality remains paramount.

35

#### **ISSUES THAT HAVE ARISEN IN MAPPPS**

Having attended many MAPPP's, I am aware of many issues that have arisen that have made the management of sex offenders quite a challenge. Many of these issues highlight just how clever and determined many sex offenders are in their desire to gain access to what they can't and should never have. Only that these issues are raised at multi-agency meetings, it is my opinion that the police force may not have been as aware of such concerns so promptly. Examples of some of the issues that I have observed include:

- Where an offender changed their name by deed-poll. While their registration has been changed to accommodate the new name the old name also remains there – in case the old name may be used in the future.
- Where an offender got a job as a 'door to door' catalogue salesman. He was advised not to continue in that post.
- Where a travelling offender who registers wherever he goes, but uses night shelters. This raised an issue. Should disclosure be made to all night shelters in case of any vulnerable people that may be there, or should they trust the offender, as he is informing the police of his whereabouts?
- Where an offender got a job through an employment agency. The decision was made to disclose to the employment agency the offender's history, so that he would not be placed in a position with vulnerable people – particularly those with learning difficulties.
- Where an offender resides geographically in England (on the border of Wales), which would mean he would be registered in England; however, he socialises and shops in a border town in Wales. The dilemma here is should he be registered twice? Is it the responsibility

of police in Wales to monitor him? Who would take responsibility if he committed an offence in Wales?

- Where many offenders appear to have mental health issues. Getting clear information from those in Mental Health can be difficult for some police and probation areas.
- The issue of ensuring that the Matrix 2000 (Risk Assessment Tool) by Thornton – in order to assess if the risk classification of an offender (sexual or violent) was being used correctly by police and probation staff. There were concerns that errors may have been made in the past. However, training courses were arranged for all police and probation staff to attend.

36

These issues are only a sample of what practical difficulties can happen in an average day's work for some police and probation officers. While legislation can be changed for the purpose of protecting the public and granting more powers to the police, the reality is that no piece of legislation can prepare those involved for the real and practical issues that may arise. While guidelines may be issued as to how to implement the legislation, guidelines however do not usually state what to do if a sex offender were to change their name by de-poll and fail to inform police of their new identity. However, when a number of agencies sit around a table, and share information on an offender and the possible management structures they could use to lower his risk to the public, then true effective management works.

#### CONCLUSION

While Ireland may now not be concerned, for now, about how effectively sex offenders are managed and supervised in the community, the importance of lowering the barriers for information sharing amongst respective agencies must be welcomed. We live in a society, where if something goes wrong, one can be very quick to point the finger at someone else. When organisations sit and work together for the purposes of protecting the public, there is a greater awareness of seeing the 'bigger picture' of the offender. The contributions made by social workers, probation, police and health are invaluable and should be established in the early stages, so that effective management of sex offenders in the community can occur. Establishing such a relationship amongst multi-agencies can help prevent more victims, as MAPPP's allow decisions and measures to be put in place to deter the offender from putting a member of the public at risk.

With strict vigilance measures in place, if the offender breaches such measures, they are aware that an arrest will take place. Above all, the management of sex offenders in the community by multi-agencies protects society as a whole, as the people who 'need to know' where such

people live and work, know exactly where they are. In contrast, if the power of management was placed on the general public who 'want to know' where such people reside and work, then one could expect offenders to go undercover and lead anonymous lives elsewhere – where the level of risk to the public could be higher.

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37



Karl Heller

# The Child's Perspective of the Garda Investigative Interview in cases of Alleged Sexual Abuse

Inspector Karl Heller

## INTRODUCTION

Ireland, just like most parts of the world, has only begun to try to fully listen to, understand and act in the best interests of all of its children. (The National Children's Strategy 2000).

The writing of this paper recognises that the Government has developed a strategy which recognises "that children are citizens and their rights need to be strengthened and that they have a right to express their views"<sup>1</sup>. (The National Children's Strategy 2000:8).

The primary aim in this study, undertaken as partial fulfilment of requirements for an M.S.C in Children Protection and Welfare, was to listen and hear what children wanted to say about Garda investigative interviews they had undergone.

The study was carried out with the co-operation of An Garda Síochána and the co-operation of children who underwent the investigative interview process and who consented to undergo a further interview for the researcher. The study was similar to research by Roberts and Taylor (1996) in that it sought to fill a recognised gap in research into child sexual abuse; namely, that not enough attention has been paid to the victim's own perceptions and/or attitudes about the abuse experience<sup>2</sup>. (Roberts and Taylor 1996 p. 14).

In addressing the participation of children in research interviews for this study, it had to be borne in mind that asking children questions about the abuse and their subsequent experiences, if not carefully handled, could constitute further abuse of power. (Roberts 1996, p. 15). This study placed key emphasis on children having the choice as to whether or not they wished to participate. This introduces an element of bias in the findings as the voices of those who felt they were unable to participate are not heard in the findings. Any interpretation of the results should recognise this. Each child was also offered a choice of with whom, where, and when the research interview would take place.

Each child was fully informed of the nature of the proposed study, to enable them to know in what they were participating. Confidentiality was also assured to all the respondents. Anonymity was also an important consideration. This was addressed by not identifying any of the participants other than by gender and age, and with no details of the alleged sexual abuse. A promise that no articles emanating from the research would be published before a lengthy period had lapsed was also

38

given.

For reasons of sensitivity and subjudice the study did not probe details of the abuse allegedly perpetrated on the child undergoing the research interview.

In summary, the study method chosen lent itself to an opportunity to hear the voice of the child in a context that was analogous to the investigator conducting an investigative interview. The core aim was to interview children and young adults to provide their perspectives of the investigative interview process, through research interviews designed to advance ethical/and sensitive research practice in child protection. The key underlying concern of this research method took heed of Fratter (1996), and was careful not to "open up" painful or distressing areas<sup>3</sup> (Fratter 1996 as quoted by Hill 1997 pg. 176). Serious and careful attention was given to ensure that no child was distressed or traumatised as a result of the research interview.

39

The Research Interviews were conducted during the latter part of the 1990's. Six children were interviewed in their family home and two at places of care, all were under 18 years. The research focused on the perspective of children who were involved in child sexual abuse allegations and explored the degree to which their needs were addressed in the investigative interview process.

#### **CHILDREN'S PERCEPTIONS OF THE INVESTIGATIVE INTERVIEW PROCESS**

In the study, good communication was identified by participants as a fundamental determinant of the investigative interview outcome. Good communication is taken to be clarity and style of discussion, helping the child feel listened to, the language used and the follow-up received. For example Clarke (1994 pg. 4) highlights the need for an approach to communication founded on a style which talks "with" rather than "at" the child<sup>4</sup>. Wattam (1992 pg 100) warns that failure to address the communication process may mean that children will continue to be hurt and find any telling of their experience painful<sup>5</sup>. Helpful measures suggested in the literature include explaining the interview process (Wattam 1992 pg 102); and speaking to the child in a developmentally appropriate language<sup>6</sup> (Pence and Wilson 1994 pg 69). In the main, the children in this study seemed not to have experienced too many difficulties in the investigative interviews. Most of them reported that they understood most questions and, where they did not understand they requested and got an explanation. As one Mother said:

*They explained everything in detail, all the words in detail to see if she (her child) understood them. (Mother of 13 year old girl). Two other interviewees made similar comments:*

*She explained everything very well. (Girl 18 years).*

*I'd say I don't understand, and she would explain then (Girl 17 yrs).*

Another aspect of the communication process, "Listening" was identified by Pence and Wilson (1996 pg. 69) as being important. No problems with listening were highlighted in this study. Some areas requiring improvement were identified, in particular the process of recording the statement. Delays caused by the interviewer's slowness in writing down the statement caused irritation to one child. She described her interviewer as a "slow coach", and her Mother clarifies the child's concerns well.

40

*If the interview had been taped (audio) she (daughter) could have kept going (talking) and it would have made things easier. (Mother of 10 year old girl).*

This desire not be interrupted when recounting detail was very evident in the child's comment:

*I wouldn't have to keep stopping when I was saying something. (Girl 10 yrs).*

This is a point affirmed in the Memorandum of Good Practice (1992 para. 3.23) where investigative interviewers are advised to "avoid" interrupting the child.

Westcott, et al., (1996 pg 464) found some problems with the language used by investigative interviewers, particularly what she describes as "long and complicated words and sentences"- This study identified only one case where this was a problem. The child in question commented:

*There were too many (questions) and they were too hard as well. (Girl 15 yrs).*

In general, this study indicated that when a child-centred approach was adopted by the investigating Garda when explaining the investigative interview process, it was positively received. This point is illustrated in the following comment made by a mother of one of the children interviewed.

*They knew the words to use, they were very helpful, they knew what words to use for an eleven year old, they didn't speak to her as an adult or as too young child. (Mother of 11 year old girl).*

Westcott et al., (1996, pg. 459) found in their research that children commented unfavourably when the investigative interview was rushed and all too quick, and were favourable when time was spent listening. This study also found that time is a key component in the interview process<sup>7</sup>. The pace at which the investigative interview was conducted



normally met with the child's approval. For example one child reported that:

*It took me very long to give the statement so she just waited for me to say what I had to say': (Girl 17 yrs).*

Another said:

*. . . told me to take my time, and if I didn't want to answer any questions I didn't have to (Girl 11 years).*

This replicates Jones and McQuiston's (1988, pg 17) assertion that the child needs to "unfold" the details of the abuse at her own pace<sup>8</sup>. The outcome of this small study indicates that the child viewed the "pacing" of the investigative interview as important. The data gathered supported this claim, in that the majority of those interviewed commented favourably about the positive impact of the interviewer listening and taking time.

41

There was evidence of anxiety on the part of the children, when undergoing the investigative interview, one child visibly recalled how nervous she was,

*I remember that day I was very nervous, I walked into the station and I walked back out again and then I went back in again. I nearly didn't go through with it. (Girl 18 yrs).*

Westcott et al., (1996 pg 462) have identified this anxiety in children undergoing the investigative interview. Their findings suggest that as children relax and become more comfortable, the anxiety dissipates. The atmosphere in which the interview takes place is as critical as who conducts the interview in helping the child to relax. Overall, most children in this study found that communication, follow-up contact and attention to "pacing" the interview were positively assisted by the interviewer but, as the next section will show were impeded to some extent by the interview environment.

#### **THE ENVIRONMENT IN WHICH THE INVESTIGATIVE INTERVIEWS WERE CARRIED OUT**

The Bexley Report (1987) addressed the subject of investigative interview facilities.

*Interview facilities for children should be provided in a safe, comfortable venue, acknowledging that police stations will seldom be the appropriate environment to conduct interviews with child victims<sup>9</sup>. Specialist victim examination suites are desirable. (Metropolitan Police and Bexley Social Services 1987 pg. 35).*

An important finding of this study was the lack of appropriate investigative interviewing facilities. The interview room in the Garda Station where the majority of the investigative interviews occurred was the subject of much negative comment. For example, one mother said:

*A place like that is all right maybe for bringing in prisoners, but not for children.*

Constant movement in and out of the room distracted a 15 year old girl:

*When I was in the room I didn't feel very comfortable. There was policemen, and policewomen coming in and going out, I didn't feel at ease.*

Further, an 18 year old victim found it less than safe:

*I think if the police are going to do interviews, they will have to make it comfortable and make it that children can feel safe.*

The lack of child-centred objects was noted by a younger child:

*Quite boring, there was no toys.*

The investigative interview environment was clearly not viewed by the respondents as child-centred.

A choice of venue might have helped in overcoming any distress. There was an option of home or Garda Station offered in two cases, in each the child opted for a location other than the Garda Station. This did in fact prove more positive. One child expressed her preferred view of the home investigative interview.

*I felt more relaxed at home. (Girl 14 yrs).*

The Memorandum of Good Practice (1992 para. 1.12) identifies privacy, comfort and quiet as the ideal ingredients of the setting for the investigative interview.<sup>10</sup> A private residence should not be ruled out, the Memorandum advises, however, any possible inhibiting effect of a home environment will need to be taken into consideration.

Along with the lack of any comfort in the interview environment, lack of privacy and quiet were remarked upon. This is illustrated in comments respondents made recommending changes to take account of all three required ingredients.

**QUIET:**

*There should be a room aside, a room offside away from all the comings and goings, especially for that type of interview; (Mother of 11 year old girl).*

**COMFORT:**

*Make it brighter and make the furniture softer, put a plant in it, put pictures on the wall, photographs or paintings; (Girl 13 yrs).*

**PRIVACY:**

*They should get a thing saying room in use, not to come in and they (Garda) should knock on the door. (Girl 15 yrs).*

These findings are in line with recommendations of the Bexley Report (1987) which, acknowledged that at that time over 15 years ago that police stations seldom possess the "appropriate environment" to conduct interviews with child victims of sexual abuse. The majority of those interviewed in this study were quite critical of the location in which they had been interviewed.

43

**INVESTIGATIVE INTERVIEWS**

Children were asked for an opinion of their interviewer and invited to comment on what they liked or disliked about him or her. Participants in this study were generally happy with the calibre of their interviewers, using such terms as "understanding", "brilliant" and "great". The children obviously appreciated the style adopted. The following comments give further illustration:

*She was acting like a friend not an officer. (Girl 14 years).*

*Even though she was a policewoman she was more like a friend she made me feel safe. (Girl 18 yrs).*

*The Policewoman was lovely. She would have stayed all day. (Girl 15 yrs).*

Generally the adoption of an informal approach by Garda investigators was appreciated:

*The way she used the first name, the way I didn't have to use officer or anything. (Girl 14 yrs).*

Other positive interviewer characteristics which the children appreciated include the efforts made by individual Gardaí to help children feel comfortable within the limits of a poor interview environment.

*While conditions had been poor the investigating Garda had been helpful. (Mother of 13 year old girl).*

*Basically I thought the police officers were brilliant, it was just the room I had the problem with, that's all. (Girl 18 yrs).*

The need for Garda investigators themselves to be comfortable with the issue of child sexual abuse was also mentioned. A careworker commented on the need for the policewoman to be:

*Relaxed, and comfortable with the language required (Carer of 17 year old girl).*

44

~~In general Garda interviewers were well regarded. As in the Westcott et al., (1996) study very few negative views were expressed about the investigative interviewers.~~

The "gender" of the investigative interviewer was not an issue as most of the interviewers were female. However it did arise in the one exception where the investigating Garda was male. The child in question advised.

*I would rather have talked to a woman than a man . . . I could talk better to her and all. (Girl 13 yrs).*

I conducted all the research interviews. This was at the choice of the children, even though they were given the option of being interviewed by a woman. The context in which the research interviews took place, particularly the pre-interview information contact with the child may have facilitated the children's response to me, along with my observance of Westcott (1996 pg. 30) advice that offering research participants a choice would enable an empowering process to occur<sup>1</sup>. This proved itself an important consideration, which facilitated a relaxed setting in which to conduct the research interview.

#### **KEEP VICTIMS ABREAST OF PROGRESS**

Research by Buckley et al., (1997) highlights the sense of isolation that can be experienced by victims of sexual assault, when they were not kept abreast of progress in the case. This is affirmed by the Irish Law Reform Commission in its 1988 report. Those interviewed by Buckley et al., expressed frustration with the poor feedback they received "you never hear . . . unless you keep following them up" (Buckley et al., 1997, pg. 128).

The children in this study were, in the main, appreciative of the "follow up" contact that they received as were those adults spoken to.

*I like the follow-up contact and the way she (Garda) kept telling what was happening (Mother of 14 year old girl).*

*Even after the interview she was ringing to check to see if I was okay. (Girl 18 yrs).*

In two situations there was criticism of poor follow-up. As one child pointed out:

*He was in court twice before we found out (Girl 18 yrs).*

These findings illustrate the appreciation of child victims of *follow-up* contact and identify positive characteristics in the Garda investigation.

#### **SUMMARY OF ISSUES RELATING TO INVESTIGATIVE INTERVIEW**

As the interviews concluded, respondents were asked whether anything about the investigative interview itself had been helpful or unhelpful, and were asked to make recommendations. Their replies indicated that "talking", the "Follow-up", "feeling safe" all helped. Hindrances included the interview environment, and the waiting period at the Garda Station. The most important element requiring change was identified as the need to provide a more relaxed environment.

45

In examining the impact and effectiveness of investigative interviews, this study sought and obtained the views of children who have become victims of sexual abuse. Their response offers much guidance for the improvement of practice. Hopefully, this study will stimulate further research into the many questions which remain unanswered.

The most critical factor highlighted by this study has been the negative impact of inadequate or unsuitable interviewing facilities on the process and outcome of the investigation.

This finding has inevitably raised a number of practical issues that need addressing. It is well established (Morgan 1995 pg. 21, Jones and McQuiston 1988 pg 18) that a supportive environment is fundamental to good communication between the child and investigator. While accepting that major refurbishment of Garda Stations on a country wide basis would be prohibitive in terms of cost, this matter clearly needs to be addressed.

An Garda Síochána have affirmed their commitment to be sensitive to the needs of all victims<sup>13</sup> (Garda Síochána Annual Policing Plan 2000: 10); by undertaking to improve the climate for the reporting of sexual offences and the Garda response in cases of rape.

Concurrent with the completion of this study, the Garda Divisional Officer (James Murphy, now retired) charged with responsibility for policing in the area from which children who participated in this study

were drawn established an interview suite designed to meet the needs of the child.

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46