# Strategic Imperatives

To develop the Garda Síochána into a world-class organisation through change and modernisation

This Corporate Strategy, which is based on the six strategic goals outlined in this document, must be accompanied by a fundamental change and renewal programme to enable the Garda Síochána to transform itself into a world-class organisation. The achievement of the ambitious goals set out in this strategy, while undoubtedly difficult and challenging, would be practically unrealisable without engaging in organisational renewal and reinvigoration. It is our intention to achieve this renewal through addressing six strategic imperatives. The requirement for public accountability and value for money will be kept a priority.

We will commit during the lifetime of this strategy:

1. To develop the Garda Síochána operations management capabilities.

2. To develop the Garda Síochána into a world-class organisation.

3. To engage, train, develop and motivate staff.

4. To renew and invigorate the culture of the Garda Síochána.

5. To ensure the Garda Síochána is well-led and well-managed.

6. To develop an excellent customer relationship model in the Garda Síochána.

In furtherance of these strategic imperatives, performance and progress will, in conjunction with the six strategic goals, be assessed on a quarterly and an annual basis through our performance and accountability framework and our Annual Policing Plans.
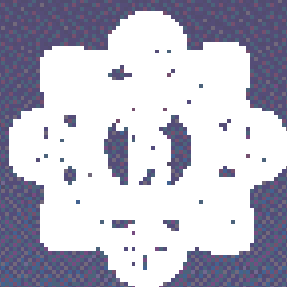
EDITORIAL

This edition of Commuinqué presents the reader with an interesting collection of articles on the subjects of Anti-social Behaviour Orders, Forensic Collision Investigation, Change Management in the Garda Síochána, and Intelligence led Policing. Each of these topics is significant in terms of modern-day policing.

Garda Paul Lynch, Barrister-at-Law, gives a personal interpretation of the legislation underpinning Anti-social Behaviour Orders, which was recently introduced into Irish law. He highlights academic opposition to their introduction on the grounds that they undermine the protections currently provided by the criminal justice system. The article identifies gaps and discontinuities within the legislation that may impact negatively on its effectiveness. It also suggests that the bridge between the civil and criminal processes envisaged by the legislation may be constructed on constitutionally suspect grounds. The article concludes that while these issues will generate much debate, it will be for the courts to constructively interpret the statute as the ultimate arbitrator of legislation.

Superintendent Paschal Connolly discusses the training and role of Forensic Collision Investigators in the Garda Síochána. The organisation's traffic collision investigations' policy was reviewed following the findings of the Report of the Tribunal of Inquiry into the death of Richard Barron in Donegal. Since 2005, Gardaí appointed to the role of Forensic Collision Investigator receive specialist training, continuous professional development and the equipment necessary to perform the role in an efficient and effective manner. Courses are City and Guilds accredited and delivered by a specialist company who provide this training to several police services throughout the World. Forensic Collision Investigators are deployed on a divisional basis and attend all fatal road traffic collisions and collisions were there is a likelihood of a fatality arising.

Chief Superintendent AJ Nolan outlines theories of organisational change and discusses the importance of change management in today's policing environment. The article refers to police reform internationally, the approach to change and modernisation in the Garda Síochána and the implementation programme set out in the Corporate Plan 2007-2009. The article concludes that the realisation of this programme will offer the people of Ireland significant cause for optimism for the future of policing in the State.

Detective Superintendent Liam King looks at the structure of intelligence led policing in the Garda Síochána. Intelligence led policing is described as the collection and analysis of information to support police decision-making in the optimal allocation of resources. The article reviews experience in the USA post 9/11 and alludes to the failures in the management of intelligence which ultimately resulted in missed opportunities to foil that plot. He also examines the UK National Intelligence Model and touches on the Bichard Inquiry into the Soham murders which found that the absence of integrated information technology systems across police forces was a primary barrier to the effective management of intelligence. Detective Superintendent King concludes that the Garda Síochána should consider emulating the UK model of intelligence led policing.

Arising from the substantial and recent demographic changes in Ireland, the Centrepoint considers the Garda organisation's strategic approach to the management of diversity. The concept of 'interculturalism' as a modern approach to the integration of diverse populations into a common liberal culture is alluded to. A number of organisational advancements within an intercultural framework are highlighted along with the Garda Síochána's commitment to managing and harnessing the real benefits that diversity can bring to the organisation.

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AN GARDA SIUCHANA MANAGEMENT JOURNAL

communiqué

GARDA PAUL LYNCH is a native of Navan, Co. Meath. He joined the Garda Síochána in 1985 and served in Blacklion, Dromad, Ashbourne and Drogheda before joining the Change Management Section at Garda Headquarters. He holds an NUI Diploma in Arts and a Bachelor of Arts (Community Studies) from NUI Maynooth, an NUI Diploma in Law and a Bachelor of Civil Law from University College Cork, a Master of Laws (European & Comparative Law) (LLM) from the University of Limerick and a Barrister-at-Law degree from The Honorable Society of King's Inns, Dublin. He has recently completed a Diploma in Employment Law at the Law Society of Ireland.

SUPERINTENDENT PASCHAL CONNOLLY is a native of Moyne, Thurles, Co.Tipperary. He joined the Garda Siochana in 1982 and served as a Garda at Clondalkin and Kilkenny. He served as a Sergeant at the Garda College from 1993 to 2000 when he transferred to Waterford on promotion to Inspector. As Inspector he served in Kilkenny from 2001 to 2005 when he returned to the Garda College on promotion to Superintendent. He has been in charge of Continuous Professional Development for the past two years and has recently been allocated to Specialist Training at the Garda College. He is the holder of a BA (Hons) in Public Management from the Institute of Public Administration.

CHIEF SUPERINTENDENT AJ NOLAN a native of Co. Laois, joined the Garda Síochána in 1977 and served in a variety of stations in Cork, Laois/Offaly, Cavan/Monaghan, Change Management Section and Office of Deputy Commissioner, Strategic and Resource Management, Garda Headquarters. He is currently the Chief Superintendent in charge of the Change Management Section, the Organisation Development Unit and the Garda Research Unit.

He holds a Diploma in Applied Social Science and BSc (Hons) degree in Social Science from the Open University. He also holds an MSc in Criminal Justice Studies from the University of Leicester, UK where his research interest centred on the 'Impact of Civilianisation on Police Organisations'. He is the holder of a Certificate from the IPA, Dublin in Organisational Change, a Certificate in Strategic HR from the IMI and an Executive Certificate in Strategy and Innovation from the Sloan School of Management, MIT.

He is currently studying at Trinity College Dublin, towards a PhD in the area of 'Organisational Change and Collaboration'.

DETECTIVE SUPERINTENDENT LIAM KING is a native of Abbeyknockmoy, Co. Galway and joined the Garda Síochána in 1977. He served in Trim, Hackballscross, the Special Detective Unit, Pearse Street, Ballymun and Crime and Security at Garda Headquarters. On promotion to the rank of Superintendent he was allocated as regional Superintendent to the South East Region. He is currently attached to Liaison and Protection, Crime and Security Branch Garda Headquarters. He is the holder of a Bachelor of Arts (Hons) degree in Police Management.

Anti-social Behaviour Orders

Garda Paul Lynch

Garda Paul Lynch

INTRODUCTION

An anti-social behaviour order (ASBO) is the collective term used to describe warnings that may be issued to a child over 12 years or to an adult by a member of the Garda Síochána or by the court, requesting the named person to desist from acting in an anti-social manner. These orders were introduced into Irish law by the Criminal Justice Act 2006 (the Act); Part 11[1] which came into force on 1st January 2007 and Part 13[2] which came into force on 1st March 2007.

THE ASBO A CONTENTIOUS INSTRUMENT

There are divergent views as to where ASBOs sit within the legal firmament. One body of thought suggests that they shift the focal point of the criminal justice system towards a more coercive and expedient model. This model displaces the independence of the courts with arbitrary, immediate low visibility pronouncements by Gardaí on the streets (Walsh, 2007) which only serve to treat the symptoms not the causes (Rogan, 2007). There is a dearth of empirical research analysing the impact of ASBOs but what there is supports the view that developmental or rehabilitative interventions are more effective than coercive ones (Ruben et al., 2006). On the other hand there are those who view the ASBO as a complete subversion of the criminal justice system that emasculates fundamental protections for persons in their dealings with the State (Hamilton, 2007; Ashworth, 2006). Can these positions be reconciled? Possibly if one adopts the view that no aspect of a legal system is an autonomous entity as cultural or demographic factors may dictate modifications (O'Mahony, 2005). Those critical of this indeterminacy either offer no practical solution (Tebbit, 2005:74-78) or espouse an anarchic or nihilistic stance where anything goes and social order is undermined (Harvey, 1990:210; 273).

Another view is that of Dworkin (1998) who believes that law can promote community cohesiveness in a diverse world by interpreting law constructively using individual rights as a trump card against any excesses by the State. This article will adopt the Dworkian position that the meaning of law is a negotiation among competing interests with the compromise delivered by judges. It will review Part 11 Criminal Justice Act 2006 under three headings i) Issuing a behaviour warning; ii) Application for a civil order and iii) Enforcement of a breach of a civil order. The aim will be to identify and evaluate any discontinuities or lacunae patent in Part 11 that may necessitate compromise to allow that Part function effectively.

A summary of the main provisions of Part 11 and 13 of the Criminal Justice Act 2006 relating to anti-social behaviour orders is set out below at Table 1.

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1 provides for the issue of behaviour warnings by members of the Garda Síochána and the issue of Civil Orders by the District Court to adults who have behaved in an anti-social manner.

2 provides for the issue of behaviour warnings by members of the Garda Síochána and the issue of Behaviour Orders by the Children's Court to children over 12 years who have behaved in an anti-social manner. Kilkelly (2007) is critical of the good behaviour contract formula in Part 13 alleging it adds a superfluous layer of bureaucracy to the pre-existing Diversion Programme.

ISSUING A BEHAVIOUR WARNING

A person behaves in an anti-social manner, if the person causes or, in the circumstances, is likely to cause, to one or more persons who are not of the same household as the person:

- harassment
- significant or persistent alarm, distress, fear or intimidation, or
- significant or persistent impairment of their enjoyment of their use or enjoyment of their property (S.113(2)(a)(b)&(c)).

A member of the Garda Síochána may issue a behaviour warning to a person who has acted in an anti-social manner (S.114 (1)). Why is a member of the Garda Síochána confined to issuing a behaviour warning to a person who has acted in an anti-social manner? Walsh (2007) suggests that the Garda need not witness the events and may depend on secondary evidence. It may be that a Garda ought to satisfy himself/herself that a person capable of being affected by the anti-social conduct as defined in the Act was actually present. This was the interpretation reached in *R(Gosport Borough Council) v Fareham Magistrates' Court* [2007] 1 WLR 634. This interpretation may find favour in this jurisdiction on the basis that had the legislature intended otherwise a provision similar to that in S.15 (2)(b) Criminal Justice (Public Order) Act 1994 would have been included in the Act. That section provides that it is not necessary for any person other than the offenders to be actually present to make out an offence of violent disorder.

A REDUNDANT POWER?

A person behaving in an anti-social manner who fails to give his/her name and address or who gives a name and address that is false or misleading when required to do so under S.114(4) by a member of the Garda Síochána commits an offence. Interestingly, there is no power of arrest if the Garda suspects that the name and address is false or misleading. This may have negative implications for those seeking to effect service of written notices especially if reliance is placed on postal service (S.114 (2)) particularly as the Act makes no provision for a rebuttable presumption that service was achieved by this method. Additionally, it may frustrate the operation of the scheme unless the assailants are personally known to the Garda Síochána.

BEHAVIOUR WARNING – A BAR TO CRIMINAL PROSECUTION?

Is a member of the Garda Síochána precluded from pursuing a prosecution via the criminal process after he/she has issued a behaviour warning even if no application is made for a civil order? S.115 (5) precludes any prosecution or punishment arising from the same set of facts that constitute the anti-social behaviour once the application process under S.115 (1) is initiated. If the behaviour warning conveyed the impression that the person was to be dealt with within the statutory scheme then that may be said to give rise to a legitimate expectation that the member issuing the warning would not

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deviate from the prescribed statutory path: *Webb v Ireland* [1988] IR 353. This calls into question the underlying rationale behind the behaviour warning. If it is a form of diversionary programme then a member of the Garda Síochána is obliged to treat anti-social behaviour whether it constitutes a criminal offence or not as qualifying for a behaviour warning. The better view is that if the behaviour constitutes a criminal offence the Garda ought to process it as a criminal event. However, if the Garda exercises discretion in favour of issuing a behaviour warning then he/she is precluded from using those set of facts to form the basis of a criminal prosecution.

APPLICATION FOR A CIVIL ORDER
Time limit for making an application
An application for a civil order may be made by a member of the Garda Síochána not below the rank of Superintendent. He/she must be satisfied that the respondent has been issued with a behaviour warning and has not complied with the warning or three or more behaviour warnings have issued to the person in less than six consecutive months. The Act does not provide for any time limits within which such an application may be made. As the procedure is civil in nature it cannot be presumed that the six month limit provided for under the Petty Sessions (Ireland) Act 1851 or the Court (No3) Act 1986 applies to such proceedings. Notwithstanding the absence of guidance in this regard all such applications ought to be processed expeditiously.

STANDARD OF PROOF
The court must be satisfied before making the civil order that the respondent has behaved in an anti-social manner (S.115 (1)(a)) The standard of proof in proceedings under this section is that applicable to civil proceedings (S.115 (9)). Whether Irish courts will interpret an unambiguous legislative provision so purposely as to fundamentally alter its ordinary meaning is questionable. Nonetheless this is exactly what the House of Lords did in *R (McCann) v Crown Court at Manchester* [2003] 1 AC 787 when considering a similar provision in the English statute. The Law Lords came to the conclusion that the court required proof beyond a reasonable doubt that the person concerned had behaved in an anti-social manner. This was the outcome notwithstanding that the relevant Act declared that the proceedings came within the civil jurisdiction of the court. As such this case is a strong persuasive precedent that will undoubtedly be given consideration by an Irish court faced with a similar dilemma.

ADMISSION OF HEARSAY EVIDENCE
The Act is silent on the admission of hearsay evidence unlike the Housing (Miscellaneous Provisions) Act 1997[3] which sets out conditions under which hearsay evidence is admissible under that Act. The Irish courts tend

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3 This Act deals with anti-social behaviour in the context of local authority housing

to show a greater measure of tolerance towards hearsay evidence in civil proceedings: *Smithkline Beecham v Antigen Pharmaceuticals Ltd* [1999] 2 ILRM 190, though that court did express reservation about the reliability of hearsay evidence even in civil proceedings. There is no legislative framework for the admission of hearsay in civil cases in Ireland unlike England and Wales which has the Civil Evidence Act 1995.

It may be beneficial to draw an analogy with the admission of hearsay in bail applications especially if the Irish courts adopt the principle in McCann so as to require proof of anti-social behaviour to the criminal standard.

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People (DPP) v McGinley [1998] 2 ILRM 233 provides guidelines for the admission of hearsay evidence in bail hearings where it is only necessary for the prosecution opposing bail to prove the case on the balance of probability (Walsh, 2002:536).

These guidelines are:
  (a) The respondent is entitled to expect that the evidence upon which the court is going to rely should be given by oral evidence and be susceptible to cross examination

  (b) If otherwise the court would have to be satisfied that there were sufficient grounds for not requiring the witness to give oral evidence

  (c) Even then the court must consider what weight to give such hearsay evidence given that the author is not before the court

  (d) Is there a substantial reason why the parties should not give oral evidence?

  (e) The court may consider other relevant circumstances

  (f) If there is a conflict in the evidence between the respondent's account and the hearsay the appropriate course is to take oral testimony and submit it to cross-examination.

The inadmissibility of hearsay evidence has a constitutional foundation as a requirement of fair procedures and as an ingredient of a fair trial (McGrath, 2005:310). This stance was adopted in *R v W* [2007] 1 WLR 339 where the court declared that the actual and potential consequences for the subject of an anti-social behaviour order required that procedural fairness is scrupulously observed. It is reasonable to suggest that the courts would look to the *McGinley* case for guidance. The admission of hearsay evidence would be tolerated only in exceptional circumstances, especially if the courts in this jurisdiction determine that the applicant for a civil order must prove beyond a reasonable doubt that the respondent acted in an anti-social manner.

ENFORCEMENT OF A BREACH OF CIVIL ORDER

A member of the Garda Síochána may arrest without warrant (S.117 (2)) a person who he/she has reasonable grounds to believe has committed an offence under S.117 (1)(b) namely, who without reasonable excuse did not comply with a civil order to which that person is subject.

DECOUPLING THE PROCEEDINGS

Is the application procedure for a civil order and the breach thereof separate? It would undermine the scheme if they were not. It is surely incorrect to assert as Hamilton (2007:145) did that the circumstances surrounding previous anti-social behaviour disclosed in the earlier civil process would be admissible in the criminal proceedings for a breach of a civil order. A literal reading of S.115 (5) would suggest that the earlier procedure can have no part in the later punishment of the person who breaches a civil order.

PERMISSIBLE JUDICIAL ACTIVISM?

The civil order forms the basis of the offence, the breach of which will render the respondent/accused liable to criminal sanction[4]. The court may impose terms or conditions in the civil order that the court considers appropriate (S. 115(2)). Is it permissible for the court to promulgate legislation [unless the order stipulates offences known to law]? It is hard to avoid the conclusion that the court in formulating the terms of the civil order is in fact legislating. It is doubtful that such 'legislation' would pass the test set by Kenny J in *King v Attorney General* [1981] IR 233:257

> It is a fundamental feature of our system of government by law…that citizens may be convicted only of offences which have been specified with precision by judges who made the common law or of offences which, created by statute, are expressed without ambiguity.

Further support for this contention is found in *de Gortari v Smith* (No.2) [2001] 1 ILRM 354:369 which found:

> [T]hat to create an offence to fill a gap left by the legislators would be to legislate and additionally would offend against the principle of strict interpretation of penal statutes.

It is hard to envisage a situation where the making of a civil order would fit the exceptional circumstances conceived of by Hamilton P to justify the courts extending the criminal law to vindicate fundamental personal or human rights: *AG (Society for the Protection of Unborn Children (Ireland) Ltd v Open-Door Counselling Ltd* [1988] IR 593. It is conceivable that such orders will be found to encroach impermissibly into the domain of the Oireachtas and thereby breach Article 15.2.1° of the Constitution.

PRESUMPTION OF CONSTITUTIONALITY UPHELD

Notwithstanding the forgoing the Act is not explicit as to the requirement of *mens rea* (guilty mind) regarding a breach of a civil order. It states that

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4 Experience from England & Wales should caution that the civil order must be precisely drafted otherwise it will be unenforceable: *R(W) v DPP* [2005] EWHC 1333 (Admin). Unlike this jurisdiction clear guidelines setting out the appropriate criteria for drafting orders is provided in England & Wales (Home Office, 2006:29-32).

the person commits the offence if they breach the order without reasonable excuse. Is the breach of a civil order a strict liability offence? This is relevant to establish what it is that the prosecution must prove to the court. There is a presumption that *mens rea* is an essential ingredient of every criminal offence: *People (DPP) v Murray* [1977] IR 360. The courts have developed a framework for evaluating the circumstances in which this presumption may be rebutted so that a criminal offence may be classified as one of strict liability, in such instances the prosecution do not have to prove *mens rea* (Manchester, 2006). There is evidence from other common law jurisdictions that if the primary purpose of the offence is to enforce court orders then the requirement to prove *mens rea* will not be waived even if the offence is found to have a public element (McAuley et al, 2000:330). Is it possible for the Irish courts to adopt a similar interpretive stance in respect of an offence under S.117 (1)(b)? The assessment of whether an offence is one of strict liability is invariably a matter of statutory interpretation (McAuley et al, 2000). The best that can be said of an offence under S.117 (1)(b) is that it is a movable feast as some orders may involve statutory offences which carry the presumption of *mens rea* while others may contain provisions that are not criminal in nature. It would be preferable where fault is to be an element of guilt that it is set out in express terms in the relevant legislation (McAuley et al, 2000:342).

CONCLUSION

The review of Part 11 discloses a number of discontinuities and gaps which will fall to the courts to determine. It may be necessary to enact amending legislation to fill the apparent gaps. The major gaps are:

- Must a person capable of being affected by the anti-social behaviour be present to justify the issuing of a behaviour warning?
- No power of arrest for an offence under S117 (1)(a);
- No time limit for initiating the application process is provided under S.115;
- The Act is silent on whether hearsay evidence is admissible under S.115;
- Is a breach of a civil order an offence of strict liability?

The major discontinuities are:

- Will the court require proof of anti-social behaviour to the criminal standard?
- Does the issue of a behaviour warning stop a Garda from taking a criminal prosecution based on those facts?
- Whether the drafting of the civil order constitutes judicial legislating.

These issues will generate much debate but ultimately it will be for the courts to constructively interpret the statute by aligning what has gone before with that which can be expected to provide the best fit for the future.

TAPLE 1: SUMMARY OF THE MAIN PROVISIONS OF PART 11 & 13 OF THE CRIMINAL JUSTICE ACT 2006 RELATING TO ANTI-SOCIAL BEHAVIOUR ORDERS

	Behaviour Warning (Adult)	Civil Order (Adult)	Behaviour Warning (Child)	Good Behaviour Contract (Child)	Behaviour Order (Child)
Issued by	Any member of the Garda Síochána	District Court	Any member of the Garda Síochána	Superintendent or nominated Inspector together with child and parents or guardian	Children's Court
Circumstances in which order may issue	Not more than 1 month after the behaviour took place	Superintendent satisfied that a behaviour warning (i) was issued and at least one of its terms were not complied with and or (ii) that 3 or more behaviour warning were issued within a period of 6 consecutive months he/she may apply to the District Court	Not more than 1 month after the behaviour took place	Upon receipt by the District Superintendent of a report concerning the behaviour of a child, a meeting shall be convened if the Superintendent is satisfied that (i) the child behaved in an anti-social manner, (ii) did so previously but did not receive a warning & (iii) the meeting would help prevent the behaviour	Where the District Superintendent upon considering the report (i) considers that a meeting would not prevent anti-social behaviour, or (ii) no contract was entered into as a result of the meeting or (iii) the child breached the contract or (iv) the Diversion Programme was deemed inappropriate he/she may apply to the Children's Court
Duration of order	3 months from the date of issue	A maximum of 2 years from the date the order is made	3 months from the date of issue	6 months extendable to 9 months with consent of child/parents	A maximum of 2 years from the date the order is made
Vary/Discharge order	N/A	Upon application to the Court by (a) the person subject to the order, or (b) a senior member of the Garda Síochána	N/A	N/A	Upon application to the Court by (a) the child/ parent subject to the order, or (b) a senior member of the Garda Síochána
Powers (Garda)	Require person to give name & address	Arrest without warrant person who member has reasonable grounds to believe has committed offence under S.117(1)(b)	Require child to give name & address	N/A	Arrest without warrant child who member has reasonable grounds to believe has committed offence under S.257F(1)(b)
Penalty	Fail to give name & address or give false or misleading name & address: Fine not exceeding €500	Breach of Civil Order: Fine not exceeding €3,000 and or imprisonment not exceeding 6 months	Fail to give name & address or give false or misleading name & address: Fine not exceeding €200	N/A	Breach of Behaviour Order: Fine not exceeding €800 and or detention not exceeding 3 months
Appeal	N/A	Within 21 days to the Circuit Court by person subject to order	N/A	N/A	Within 21 days to the Circuit Court by child/parent subject to order

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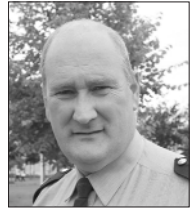
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Forensic Investigation of Road Traffic Collisions

Superintendent Paschal Connelly

*Superintendent
Paschal Connelly*

BACKGROUND

The Garda Síochána introduced the first Forensic Collision Investigators (FCI) training course at the Garda College, Templemore in July 2005. More recently radio traffic bulletins often refer to road closures arising from serious road traffic collisions. This is to allow for the forensic investigation of the circumstances surrounding such collisions.

Detailed investigation of the circumstances surrounding fatal and life-changing road traffic collisions is a fundamental part of the Garda policing function. The Garda Síochána's Traffic Collision Investigation Policy requires that staff are selected and trained to carry out thorough and impartial investigations at collision scenes, and present evidence gathered, to the highest possible standards. This necessitates that the role of FCI be professionalised and developed, and that staff appointed to this role receive specialist training, continuous professional development and the equipment necessary to carry out their functions capably and effectively. In establishing an FCI training programme in the Garda Síochána, the UK model of best practice as recommended by the Association of Chief Police Officers (ACPO) was considered in addition to international best practice in this field. The science of FCI is long established in the UK and other countries such as the USA and Canada.

The report of the Morris Tribunal (2005) acknowledged this international expertise and makes reference to the importance of professional forensic collision investigation. This report cites as an example the Criminal Collision Investigation Team of the Royal Canadian Mounted Police in Alberta. Mr. Justice Morris (2005) stated that the role of the unit is to:

> *'Investigate collisions where death or serious bodily harm is involved and where criminal action is suspected. The personnel of this unit include trained collision analysts, dedicated traffic supervisors and dedicated traffic members. These will all have received training in accident analysis investigation, vehicle placement at accident scenes, vehicle examination, scene photography and measurement'.*

page 58 paragraph 2.18

The FCI training programme is City & Guilds accredited and is delivered by AiTS Ltd., a specialist UK based company who provide training to police forces in several countries. The course consists of two modules. Part I, a four-week intensive course both classroom and practically based on the concepts of mathematics and physics. If candidates successfully pass this difficult and demanding module, they progress to Part II of the course. Between passing Part I and commencing Part II candidates must

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submit several accident reconstruction reports to AiTS and City & Guilds. This ensures that the requisite standard is achieved throughout the development programme to enable progression to the next stage of the course.

Candidates who have submitted the required number of reconstruction reports, and are successful in passing Part II FCI are then eligible to sit the City & Guilds examination, held in October each year. Some members of the Garda Síochána have qualified as Collision Investigators by undergoing a distance education course with De Montford University in the UK. Both this and the City & Guilds courses are accredited by ACPO and the training for both is delivered by AiTS (UK) Ltd.

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FCI training is facilitated by the Garda College and trainee investigators come under the operational control of their respective Divisional Officers. As an expert witness, the FCI must be impartial and ensure that the collision investigation is aimed at reconstructing what happened using both the laws of physics and specialist reconstruction software. Crucial to the success of this initiative is consistency in the method and manner of investigation throughout the country. This is achieved by independent oversight of investigation files by AiTs Ltd during the trainees' development stage. The introduction of a Senior FCI provides this oversight thereafter. It is imperative that standard operational procedures are adhered to and that investigations are conducted to the highest standard at all times.
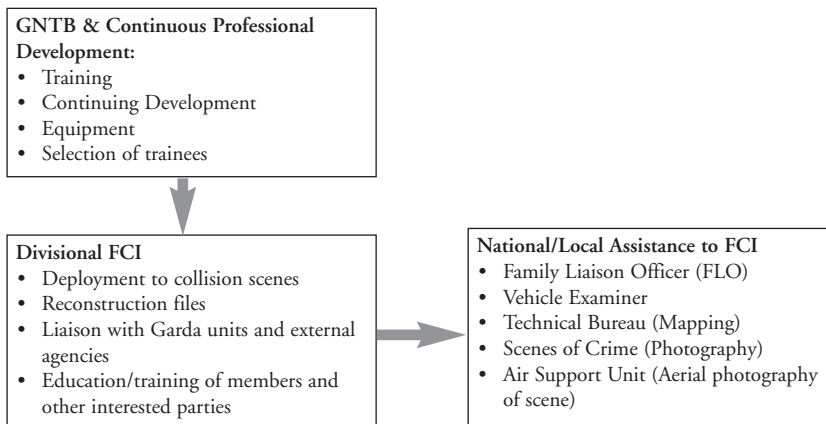
Garda members attending collision scenes are aware of the role of the FCI and the importance of preserving or 'locking-down' the scene pending the arrival of the FCI. To assist in this process, an information module on the role of the FCI has been placed on the Continuous Professional Development Core Programme for 2007 to generate awareness amongst operational members. The FCI will also have a role in the provision of education and information to external agencies such as the Fire Brigade and Ambulance Service on the preservation of scenes and the need for inter-agency co-operation.

Continuous Professional Development for newly trained FCI personnel is of the utmost importance. Many courses are available, primarily UK based, which focus on areas such as vehicle examination, the use of computer reconstruction software, tyre analysis, examination of light bulbs, tachographs etc.

It is intended that training opportunities will be provided where investigators can carry out practical exercises in a safe and controlled environment to develop their skills. To enhance the professional role of the FCI, they are encouraged to attain membership of the Institute of

Traffic Accident Investigators, and an annual FCI conference will take place where policy and best practice can be discussed, and suggestions made as to how the FCI service can be improved and developed.

FIGURE 1: STRUCTURE OF FORENSIC COLLISION INVESTIGATION:

GNTB & Continuous Professional Development:
• Training
• Continuing Development
• Equipment
• Selection of trainees

Divisional FCI
• Deployment to collision scenes
• Reconstruction files
• Liaison with Garda units and external agencies
• Education/training of members and other interested parties

National/Local Assistance to FCI
• Family Liaison Officer (FLO)
• Vehicle Examiner
• Technical Bureau (Mapping)
• Scenes of Crime (Photography)
• Air Support Unit (Aerial photography of scene)

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OPERATIONAL DEPLOYMENT OF FORENSIC COLLISION INVESTIGATORS
An FCI will attend the scene of every fatal road traffic collision and every collision where information indicates that there is a likelihood of a fatality. The FCI will be primarily employed on Forensic Collision Investigation duties and attached to the Traffic Corps in Divisions throughout the country.

The FCI will:
• Assist the District Officer in identifying the full extent of the scene(s)
• Assist the District Officer to ensure that all scenes are secured to prevent, as far as is possible, the loss of evidence
• Advise and update the District Officer so that informed decisions can be made concerning road closures
• Record and evaluate available evidence
• Ensure, in consultation with the District Officer, that the scene is recorded photographically and on video
• Liaise with the District Officer and prepare appropriate reports.

As the number of trained FCIs approaches the target figure of one per Division, specially adapted vehicles have been purchased and delivered. These vehicles contain customised storage areas which ensure that all equipment stored in the vehicles can be safely secured. Vehicles also have external sockets which allow equipment to be fully recharged when the vehicle is not in use. In addition the ABS Skidman and Skidman Accelerometer System is fitted to these vehicles. This allows the FCI to

reproduce skids and to analyse the results as part of the investigation and to ascertain the surface tension of the road, a facility that was not available to the Garda Síochána heretofore.

Specialised surveying equipment has been purchased from the Korec Group, and is used in conjunction with the 'Rel-Mo' and 'Ai Damage' software packages. This allows the FCI to input surveys of collision scenes into a computer programme that generates a 3D reconstruction of the collision.

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The 'Garda Síochána Traffic Collision Investigation Policy' states that the public is entitled to the highest possible standard of service and professionalism from the Garda Síochána when engaged in the investigation of fatal and life-changing traffic collisions. This necessitates that all aspects of such investigations are conducted in a caring and professional manner and that Gardaí receive the appropriate training, are exposed to continuous professional development and are provided with the necessary equipment to carry out their responsibilities professionally and effectively. The role of the FCI is critical to achieving this organisational imperative, and consequently, FCIs must be sufficiently trained and experienced to appear as witnesses in such cases, and have credibility with the Criminal, Civil and Coroners' courts.

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www.aitsuk.com/T-accident-investigation-cg.htm

The Management of Change in An Garda Síochána 2007

Chief Superintendent AJ Nolan

Chief Superintendent AJ.Nolan

INTRODUCTION

"It is not the strongest species that will survive, nor the most intelligent, but the one most responsive to change" (Charles Darwin).

Charles Darwin's comment has regularly been applied to organisations when confronting significant transformations. Charles Szulak, a former President at the Ford Motor Company was quoted as saying, "Carrying significant change through an organisation of eighty-two thousand people cannot possibly be done by a handful of people at the top" (Senge, 2000). Pro-change forces seldom have a majority when a change process begins, indeed organisational change becomes really difficult when it requires modification to embedded individual behaviour, patterns and ways (Kelman, 2005). From this perspective one can begin to understand why change management is considered particularly important in today's world as organisations, products and markets rarely remain constant and organisational change is regularly required (Burnes, 2002). Thus the story of the 21st century concerns turbulence and competition, hyper-activity and change. Management practitioners are required to continuously take seriously the job of recognising, initiating and adjusting to change not alone to get ahead but indeed just to survive (Nguyen and Mintzberg, 2004).

ORGANISATIONAL CHANGE AND THE POLICE

If the world that police organisations encounter, '24x7x365', is in the throes of so much turbulence then why should the police themselves not also be constantly adjusting, reforming and changing? The future of policing has been placed very close to the top of the political agenda in Ireland in the last number of years. This should not be considered an unusual occurrence. Indeed logically policing lies close to the heart of the liberal democratic process. Ireland should not consider itself unique or unusual in this regard. Police reform has been an enduring theme in many jurisdictions for the last couple of decades and indeed has manifested itself in the shape of new public management theories and processes (Morgan and Newburn, 1997; Chandler, 2000). The UK has had several similar experiences, as have the Police Service of Northern Ireland, the New York Police Department, the Western Australia Police; the list goes on.

The proposed reforms for the Garda Síochána have been enunciated in the form of the Garda Síochána Act 2005, the Reports of the Tribunals of Inquiry, Morris[1], Barr[2] and the Dean Lyons Report[3]. The many and varied recommendations emanating from these tribunals have been further expanded upon by independent advisory groups such as the Garda Inspectorate[4] and the Hayes Advisory Group[5]. The

Managing Diversity –

In National, European and indeed global terms, *'Diversity'* has become a critically important area for many private and public organisations, none more so, than the police service.

The Garda organisation has welcomed ethnic recruitment and recent student intakes at the Garda College, comprised candidates from countries such as China, Poland, Romania, Holland, Canada and the United States of America. Diversity however, is not only about difference in terms of nationality or ethnic background. For the Garda Síochána, Diversity is about Recognising, Acknowledging, and Respecting 'difference'. Difference includes issues such as gender, ethnicity, marital status, family status, religion, sexual orientation, disability, age and membership of the Traveller community.

In the Garda organisation, the 'business case' for managing such Diversity, is inextricably linked to managing the substantial and recent change in Irish society. Change occurs in all societies, but human life and social organisations are never static. As an individual changes over a lifetime, society and culture also changes. Change can, however, be shaped and directed.

The successful management of Diversity in an organisation requires a robust, complementary and innovative model of integration. Two clear identifiable models of integration can be identified in Western Europe. 'Assimilation', which aims at making minority groups almost invisible, by largely absorbing them fully into the culture of their new environment ('When in Rome do as the Romans'). The 'Multicultural' approach seeks to accommodate all differences, which in itself, does little to promote interaction and integration. It is now accepted by many, that a more modern, energetic approach is required to integrate diverse populations into a common liberal culture.

The Garda Síochána takes its lead from the 'National Action Plan against Racism' (NPAR) 2005-2008, which promotes the 'Intercultural' framework as the best approach to successfully managing diversity. *'Interculturalism suggests the acceptance, not only of the principles of equality of rights, values and abilities but also the development of policies to promote interaction, collaboration and exchange with people of different cultures, ethnicity or religion living in the same territory'.* (National Consultative Committee on Racism and Interculturalism).

Anti-social Behaviour Orders

FTC Investigation – Forensic In

P O I N T

A Strategic Approach

Interculturalism recognises that integration is a 'two way street' and places demands on both the majority and minority communities to create proper conditions for harmonious integration. The emphasis is on developing 'reasonable and common sense measures' to accommodate cultural diversity in Ireland. The overall aim of the NPAR is to provide strategic direction to combat racism and to develop a more inclusive, intercultural society in this country.

In a short space of time, the Garda Síochána has within an 'Intercultural' framework approach, already made many advancements including:

- Entry requirements to the organisation were changed to allow and encourage those of different backgrounds and cultures to qualify for membership
- The establishment in 2001, of the 'Garda Racial and Intercultural Office' to oversee and advise on related issues
- 500 Garda Ethnic Liaison Officers have been appointed throughout the organisation to implement integration policies at the front line
- A widely acclaimed training package, 'Diversity Works', is being rolled out across the organisation to increase awareness of diversity issues

- A 'Human Rights Audit' of Garda practices, policies, processes and procedures was undertaken and its findings published. An 'Action Plan' was devised and is being implemented across the organisation to address the criticisms of the Audit.

The increasing range of diversity in modern Ireland will continue to present challenges for all of us, not least the Garda Síochána. Crucially, the organisation is currently finalising a 'Diversity Strategy & Implementation Plan' to demonstrate its commitment in valuing the increasingly diverse nature of our staff and the communities we serve. This strategy will be launched later this year and will provide a robust 'Strategic Framework' for managing and harnessing the real benefits that Diversity can, and will bring to our organisation.

In essence, Diversity matters; Diversity gives us strength and managing Diversity works!

T.P. FITZGERALD, EDITOR

Investigation of Road Traffic Collisions

Pulse Control Room – Intelligence Led Policing

recommendations of these groups are considerable and undoubtedly the current module of the Morris Tribunal (2007) will further add to this in the near future. The volume of these recommendations is challenging. Indeed any large dispersed organisation such as the Garda Síochána requires a sense making process to appreciate and understand the nature of what is envisioned for it and, more precisely, how to respond.

CONTEMPORARY PERSPECTIVES ON ORGANISATIONAL CHANGE

In today's world, leaders and managers are increasingly conversant with the modern-day dictum that we live in times of great and constant change. Indeed some claim that this notion pervaded the thinking of the ancient Greek philosophers of whom Heraclitus's nostrum, *"Nothing endures but change"* has been regularly quoted to emphasise this point. This provides readers with a sense of the longevity of the concept and the theory of change. Indeed, Kanter (1999) argued persuasively that successful change is not a fleeting process but is a concept that requires a more sustained approach:

> *"Years of study and experience show that the things that sustain change are not bold strokes but long marches – the independent, discretionary, and ongoing efforts of people throughout the organisation. Real change requires people to adjust their behaviour, and that behaviour is often beyond the control of top management", (Kanter, 1999).*

THEORIES OF ORGANISATIONAL CHANGE

As we have seen, organisational change has been around for a long time, however, as an individual discipline it has been extensively researched since the 1950s. An internet trawl on Google or Yahoo will return thousands of entries for the subject. Several catalysts for change have been regularly identified, including globalisation, deregulation, industry consolidation, information technology and legislation (Van De Ven and Poole, 1995; Kanter, 1983). An examination of the dynamics of organisational change ordinarily requires consideration of issues such as

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1 (1) Report of the Tribunal of Inquiry Set up Pursuant to the Tribunal of Inquiry (Evidence) Acts 1921-2002 into Certain Gardaí in Donegal Division. Report on Explosives 'Finds' in Donegal.
(2) Report of the Tribunal of Inquiry Set up Pursuant to the Tribunal of Inquiry (Evidence) Acts 1921-2002 into Certain Gardaí in Donegal Division. Report on the Investigation into the Death of Richard Barron and the Extortion calls to Michael and Charlotte Peoples.
(3) Report of the Tribunal of Inquiry Set up Pursuant to the Tribunal of Inquiry (Evidence) Acts 1921-2002 into Certain Gardaí in Donegal Division. Report on the circumstances surrounding the arrest and detention of Mark McConnell on the 1st October 1998 and Michael Peoples on the 6th of May 1999.
(4) Report of the Tribunal of Inquiry Set up Pursuant to the Tribunal of Inquiry (Evidence) Acts 1921-2002 into Certain Gardaí in Donegal Division. Report on the Garda investigation of an arson attack on property situated on the site of the telecommunications mast at Ardara, County Donegal in October and November of 1996.
(5) Report of the Tribunal of Inquiry Set up Pursuant to the Tribunal of Inquiry (Evidence) Acts 1921-2002 into Certain Gardaí in Donegal Division. Report on the arrest and detention of seven persons at Burnfoot, County Donegal on the 23rd of May 1998 and the investigation relating to same.

2 Report of the Tribunal of Inquiry into the Facts and Circumstances surrounding the Fatal Shooting of John Carthy at Abbeylara, Co. Longford on 20th April, 2000.

3 Report of the Commission of Investigation (Dean Lyons Case), Set up Pursuant to the Commissions of

4 Investigation Act 2004 Sole Member: George Bermingham B.L.

5 Garda Síochána Senior Management Structure Report of the Garda Inspectorate.
Interim Report to the Garda Commissioner, from The Advisory Group on Garda Management and Leadership Development October 2006.
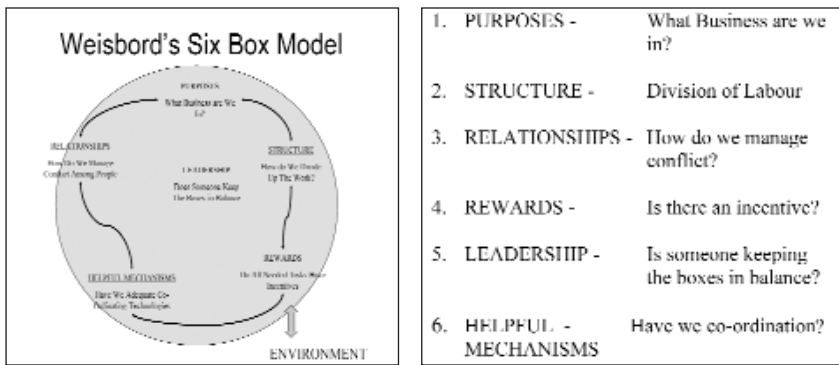
challenging the status quo, inspiring a vision, identifying sponsors, energising and empowering change agents, utilising symbolic and substantive actions, a communications strategy, top management involvement and embedding the change throughout the target organisation.

The evolvement of the theory of organisational change, while having its roots in organisational development and psychology theory, generally starts with an examination of Kurt Lewin's (1951) "ice-cube model" of change. This is considered one of the seminal theories of organisational change and this three-step approach "un-freezing – transition – re-freezing" has endured as a useful if somewhat basic model for both theorists and practicitioners alike. An examination of any account of managing change unearths the three stage approach which necessarily begins with a process of unfreezing not far below the surface (Hayes, 2007).

Over time other theorists offered alternatives to Lewin's model with arguments that an evolving and increasingly complex business world required more elaborate models to explain and understand organisational change. Lippitt, Watson and Westley (1958) expanded the three-stage model, arguing that change managers can be effective only when they develop and maintain an appropriate relationship with those involved in or affected by the change (Hayes, 2007).

Weisbord (1978) offered a six box model that suggests organisational diagnosis offers the mechanism to examine an organisation and determine the "gaps" between "what is" and "what ought to be" in the organisation's structure. To assist with the suggested diagnosis, Weisbord's "six-box model" used the categories of "purposes, structure, relationships, rewards, leadership and helpful mechanisms". Weisbord proposed that these categories could be further classified as follow:

FIGURE 1 WEISBORD SIX BOX MODEL AND EXPLANATION

1.	PURPOSES -	What Business are we in?
2.	STRUCTURE -	Division of Labour
3.	RELATIONSHIPS -	How do we manage conflict?
4.	REWARDS -	Is there an incentive?
5.	LEADERSHIP -	Is someone keeping the boxes in balance?
6.	HELPFUL MECHANISMS	Have we co-ordination?

Ralph Kilmann (1989), proposed another model for consideration based on the premise that:

"In today's dynamically complex economy, the quick fix is no solution. What's needed is a foundation shaking program of planned change that aligns all aspects of the organisation into a unified effort for long-term success" (Kilmann, 1989).

Kilmann further proposed that organisations in the late 1980's could no longer ignore the need for fundamental system-wide changes if they were to survive and prosper in the highly competitive global economy of the approaching decades. In hindsight few can now argue with him. World conglomerates such as IBM and GE among others were forced to re-organise, downsize and change in order to survive.

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FIGURE 2 KILMANN'S FIVE STAGES OF CHANGE (ADAPTED BY AUTHOR):
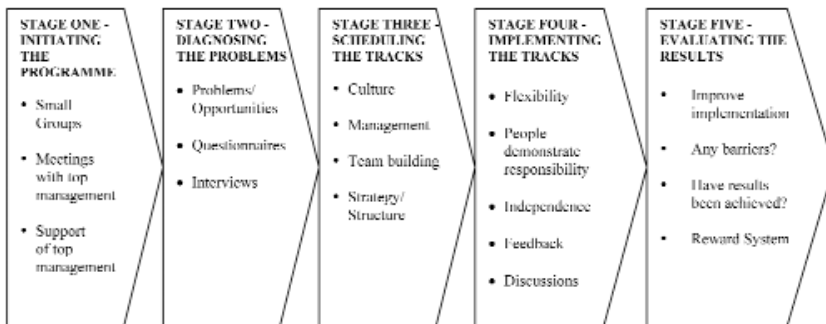
Nadler and Tushman (1979) offered a further model of change that focused on the requirement for congruence between the various elements of the change process. They introduced the concept of alignment between the various organisational and environmental elements of business life, such as strategy, the formal and informal organisations, task, needs and individuals.

FIGURE 3 NADLER AND TUSHMAN (1979)
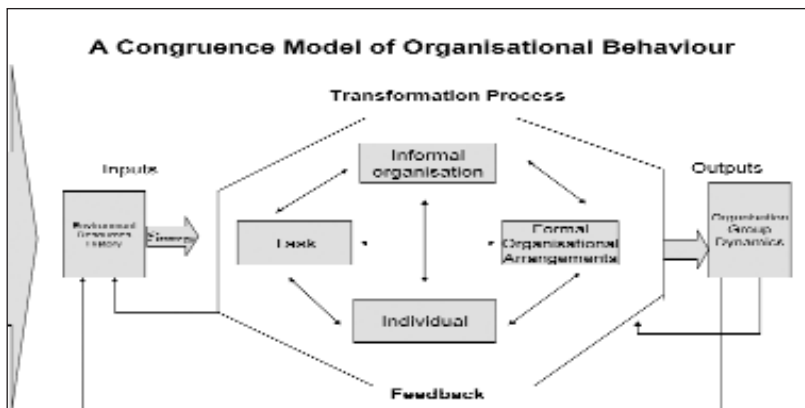
Kotter (1995) in his powerful Harvard Business Review article continued the trend of articulating 'step models' of change when he outlined his suggested 'Eight Steps to Transforming Your Organisation':

1　Establish a sense of urgency
2　Forming a powerful coalition
3　Creating a vision
4　Communicating the vision
5　Empowering others to act on the vision
6　Planning for and creating short term wins
7　Consolidating improvements and producing still more change
8　Institutionalising new approaches.

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Tichy (1983) offers a further model of change that suggests all change involves three principal elements; Technical, Political and Cultural. These elements of change must be considered if successful change is to be implemented. He sometimes illustrates these elements as the strands of a rope intertwined together emphasising the necessity for all aspects of change to be considered when attempting large-scale organisational transformation.

FIGURE 4 TICHY STRATEGIC CHANGE MANAGEMENT MODEL
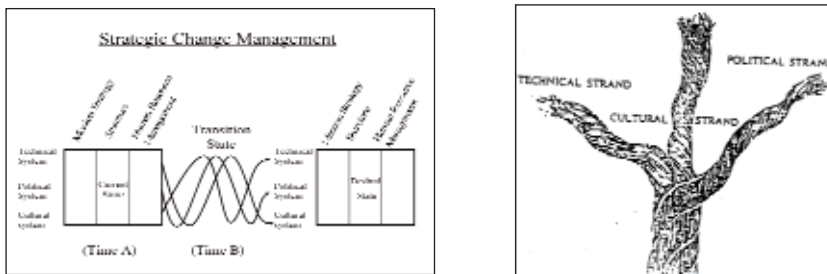
There are many other models of change available in both practice and academe when corporate management contemplates organisational change programmes. What they all have in common is the requirement to integrate the various strands of change into a coherent form that recognises difference, understands complexity and offers co-ordinated approaches that suggest viable outcomes.

MAKING SENSE OF CHANGE
Dunphy (2000) argues persuasively that one of the most hotly debated issues within organisational change is the approach to implementing change. Is it best developed participatively with the involvement of all organisational members or should it be left to the CEO and the top management team to lead and guide the organisation through the change

programme? The organisational development and the socio-technical systems approach have advocated a collaborative approach involving all members of the target organisation. The premise of the collaborative approach, as Gray articulates *"is a process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible"* (1989:5). Bennis (1996b) while generally supporting this argument also contends that more minds are often better than one; but only if they have relevant knowledge and capabilities to contribute effectively to organisational decision making around change and not just pleading special cases. Nguyen and Mintzberg, (2004) observed that our environment is considered to be in constant flux possibly because we only notice the things that do change. We are not as keenly aware, however, of the vast majority of things that remain stable and unchanging. Examples quoted include the engine of the motorcar you drive (basically the same as that used in Ford Motor Co.'s Model T, introduced in 1908).

Prolonged and pervasive change has been the experience of many organisations. The NHS in the UK has had numerous change programmes in the last few decades and still it attracts considerable adverse commentary (Caulkin, 2005). In reality most people and indeed most employees in particular want stability and continuity in their lives and workplaces. Indeed change has no meaning unless it is juxtaposed against continuity. Because many things remain stable, change has to be managed with a profound appreciation of stability (Nguyen and Mintzberg, 2004).

To guard against possibly damaging outcomes, executives are urged to continually monitor their organisations for symptoms of repetitive change syndrome; initiative overload, change-related chaos, employee cynicism and burnout (Abrahamson, 2004).

THE GARDA SÍOCHÁNA'S CHANGE AND MODERNISATION APPROACH

The Garda Síochána has considerable experience in managing change, having had one of the earliest change management sections in the Irish Public Service (Nolan, 2000; McEvoy, 2006). It successfully implemented the PULSE[6] computer system at a time when many other organisations experienced the enduring dilemma of ICT failure and underachievement (Clegg et al., 1996; McDonagh, 1999). Initially Change Management in the Garda Síochána focused considerably on ICT projects such as PULSE, FCPS[7] and GISC[8]. Of late its focus has now moved towards behavioural and cultural projects associated with the 'Change and

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6 PULSE (Police Using Leading Systems Effectively) is the Garda computer system.
7 FCPS is the Fixed Charge Processing System, a computerised system that enables the attaching of penalty points for certain road traffic offences.
8 GISC is the Garda Information Services Centre, a direct data entry centre that enables operational Gardaí to enter information and incidents onto the PULSE computer system directly from the scene of the incident.

Modernisation Programme'. While remaining conscious of the questionable success rate of notable pre-packaged change initiatives such as Total Quality Management (TQM) or Business Process Re-engineering (BPR), where it is estimated that approximately 70% result in failure (Helms Mills, 2003), the Garda organisation has adopted a very pragmatic approach to the implementation of the extensive "Change and Modernisation Programme." This Programme is set out in the Corporate Strategy Plan, 2007-2009, which has been put before the Oireachtas. The organisation is extremely conscious of the need to maintain effectiveness in the face of this unprecedented change programme. This subject was substantially articulated by Deputy Commissioner TP Fitzgerald in Communiqué, (December, 2006).

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As part of the Change and Modernisation Programme, the organisation's structure has been realigned from two departments into three; Strategy and Change Management, Operations and Administration/Support. A new Deputy Commissioner in charge of a restructured branch 'Strategy and Change Management' has been established and is responsible for the development and implementation of the organisation's change programme; the development of the organisation's strategic intent, corporate and strategic planning and policing plans; oversight of the Garda Training College and Management Development School; accountability for Community Relations section and the Garda Professional Standards Unit. A new Chief Administrative Officer to oversee and manage the significant support elements of the organisation has been appointed. This Branch's function will include HRM, Directorate of Finance, Directorate of ICT, the Garda Fleet, Estate Management and the Office of the Chief Medical Officer. The civilianisation programme has proceeded at pace with the introduction of increased numbers of civilians into both specialist management roles in HRM; Internal Audit; Estate Management, Public Relations and Finance. This has facilitated the release of increasing numbers of sworn officers to operational policing. The organisation has also realigned its entry requirements to ensure ethnic minority representation and has also introduced a dedicated Executive Leadership Programme in collaboration with Smurfit Business School, University College Dublin.

The Garda Síochána's Change and Modernisation Programme is founded on the following six governing strategic imperatives:
1   *To develop the Garda Síochána operations management capabilities*
2   *To develop the Garda Síochána into a world-class organisation*
3   *To engage, train, develop and motivate staff*
4   *To renew and invigorate the culture of the Garda Síochána*
5   *To ensure the Garda Síochána is well-led and well-managed*
6   *To develop an excellent customer relationship model in the Garda Síochána.*

The achievement of these six strategic imperatives is designed to ensure that the Garda Síochána operates best practices in operational policing and in organisational processes, practices and procedures. This will ensure that the organisation has suitably skilled, motivated and empowered personnel to enable it to become a world-class organisation. That a culture of serving the public through best and accountable practices is imbued at all levels and that it possesses well-developed leaders and managers who utilise excellent management processes in all their activities. The Garda organisation also strives for ongoing public satisfaction with all its efforts (Nolan, 2007).

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It is planned to pursue this ambition with a combination of the models of change outlined earlier in this article while simultaneously utilising best industry project management practices. The articulation of the organisation's vision accords with Kotter's (1995) recommendations. The development of a completely integrated programme for change (Kilmann, 1989) is well advanced. A large scale diagnosis of the organisation's requirements is nearing completion. The considerations of Tichy's (1983) 'TPC' model remains constantly to the fore in the minds of the change managers tasked with this transformation programme and the requirement for congruence across all aspects of the change programme are constantly reinforced (Nadler and Tushman, 1979). A change vanguard (Kelman, 2005) has been mobilised comprising of Garda members of all ranks who are currently engaged in a diagnostic analysis and documentation of the organisation's requirements and improvement needs. A comprehensive communications programme is also under development and Garda Staff Associations have been apprised of the change proposals.

CONCLUSION

This article set out to sketch the background to the discipline of organisational change and to indicate why change management is important in today's business and policing environment.

The theories of change mentioned in this article offer a sense of the size of the discipline and the variety of options available to business managers contemplating change. The Garda Síochána in its ambitious 'Change and Modernisation Programme' has embarked upon a difficult and challenging path. The realisation of this programme will offer the Garda organisation, the Government and the people of Ireland significant cause for optimism for the future of policing in this state. Ultimately the pressures that occasion change can be viewed as challenges, threats or opportunities that may elicit resistance, obstruction or enthusiasm (Jick, 1993).

The Garda organisation's long history of achievement will be tested in the coming months and years as it confronts continual change. The challenge for all members of the Garda Síochána will be to engage, embrace and motivate all elements of the organisation to greater heights and new ways of operations as each member strives to deliver the organisation's vision:

"Excellent people delivering policing excellence".

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Intelligence Led Policing in the Garda Síochána having regard to lessons learned from the International Experience

Detective Superintendent Liam King

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"Being a policeman in the 21st century is like a man standing on the bank of a fast flowing river. In the river, hundreds of people are being swept along struggling to stop from drowning and shouting to the man on the bank for help. Do police officers, go in and help as many as they can or take a walk upstream and find out who is throwing them in? (Stevens, 2001)

INTRODUCTION

The Garda Síochána is a reflection of Irish society. Evolving economic, social and political forces are having a profound effect, not only on the world in which we function but also on the manner in which the Garda Síochána as an organisation does its job. Today's Garda Síochána is more highly educated, trained and equipped. It needs to be, because while criminals do not change over time, they continue to be motivated essentially by greed – the resources and opportunities available have increased in tandem with the enormous benefits that accrue to them.

The old models of policing no longer apply. Gone are the days when a police force, not least the Garda Síochána, can afford simply to react to each new situation by relying on traditional responses to crime and criminal behaviour. We are an island country living in a high-tech era where global frontiers continue to be rolled back, thus guaranteeing greater freedom of movement for both the law-abiding citizen and criminals alike.

DEFINITION/ANALYSIS

The term 'Intelligence Led Policing' has only begun to gain currency in recent years. For this reason, it lacks a single, overarching definition. It has been described by Radcliffe (2003) as an *"objective decision making tool in order to facilitate crime reduction and prevention through effective police strategies and external partnership projects drawn from an evidential base".*

It follows from the above definition that Intelligence Led Policing must involve the collection and analysis of information to produce an intelligence end-product designed to inform police decision making at both the tactical and strategic levels in a value for money environment. It is a model of policing in which intelligence serves as a guide to operations, rather than the reverse. Intelligence Led Policing is innovative and by some standards even radical, but it is predicated on the notion that the focus must be on the criminal network rather than on the crime.

Until the latter part of the twentieth century police forces mainly had to deal with crime committed within their own borders. There were varying

degrees of co-operation between police forces from different countries and it was for the most part informal, sporadic and unstructured.

The concept of international policing has been examined in organisations such as Interpol, Europol, Schengen and also the Garda Liaison Officers network. The requirement to concentrate on efficiency places a responsibility on police management to enhance cooperation and avoid duplication in the use of the various channels of communications.

INTELLIGENCE LED POLICING IN THE USA

In the aftermath of 9/11 the Investigative Operations Committee of the International Association of Chiefs of Police recommended to its members the necessity for an intelligence sharing summit. The summit examined the US General Criminal Intelligence Plan and the UK National Intelligence Model as a potential template for Intelligence Led Policing in the US.

The key recommendations from the summit were as follows:
*   Promote intelligence-led policing
*   Provide the critical counterbalance of civil rights
*   Increase opportunities for building trust
*   Remedy analytical and information deficits
*   Address training and technology issues.

The primary outcome of the summit was the creation of the Global Intelligence Working Group comprising approximately 30 intelligence professionals, who after meeting through 2003 developed the National Criminal Intelligence Sharing Plan. It was released and approved by the US Attorney General in October 2003.

FIGURE 1: NCISP MODEL
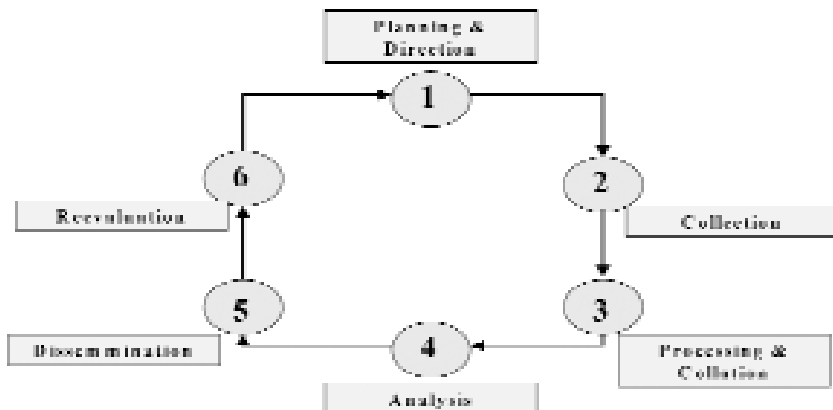
This method has six elements all of which work together to deliver an intelligence product that is both useful and can be changed depending on circumstances. The elements are Planning and Direction; Collection; Processing/Collation; Analysis; Dissemination and Re-evaluation. Data collection is the most labour intensive element however, the processing and analysis of the data is extremely important. Analysis discloses what information is present or missing from the facts or evidence thus analysis includes synthesising data, developing inferences or conclusions and making recommendations for action based on the data and inferences which then constitutes the finished intelligence product. An intelligence product is constantly examined to determine its effectiveness. Part of this assessment comes from the consumers of intelligence namely managers, investigators and officers to whom the intelligence is directed.

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The 9/11 Commission Report completed in July 2004 demonstrated the magnitude of the task confronting the US government in managing the different intelligence agencies. It cited information not being shared, sometimes inadvertently or because of legal misunderstandings, and the significance of the minute details being lost across the divide separating the foreign and domestic agencies, which ultimately resulted in missed opportunities to thwart the 9/11 plot.

INTELLIGENCE LED POLICING IN THE UK
The transformation to an intelligence driven policing strategy in the UK can be traced to two influential reports that addressed financial management and value for money policing, the Audit Committee Report (1993) and Policing with Intelligence (1997) (HIMC: 1997). The Audit Commission recommended that this information gathering exercise could be utilised in areas such as the targeting of prolific local offenders – an area suggested as ripe for a cost effective crime reduction strategy.

The National Intelligence Model (NIM) was launched by the National Criminal Intelligence Services (NCIS) and adopted by the Association of Chief Police Officers in 2000. It remains one of the few intelligence led models to be documented. The UK Government placed the NIM at the centre of the police reform agenda. The National Policing Plan stipulates that the NIM should be adapted to a commonly accepted standard and arrangements for implementation should be set out in local policing plans. The NIM allows for the creation of the key intelligence products, strategic and tactical assessment, target and problem profiles through the use of knowledge and analytical products. System products create the intelligence led approach and lie at the heart of the 'Tasking and Coordinating Process' as shown below:

FIGURE 2 - UK NATIONAL INTELLIGENCE MODEL.

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The system products along with the knowledge products underpin the intelligence model and are the enablers of Intelligence Led Policing. They provide the access arrangements to the systems, and facilities necessary for the secure collection, recording, reception, storage, linkage, analysis and use of information. These systems are:
- Police National Computer (PNC)
- National Automated Fingerprint Identification System (NAFIS)
- Interpol & Europol
- NCIS.

The National Intelligence Model outlines the business of policing by focusing policing resources on the management of crime, criminals and other problems affecting a basic command unit area. This focus is channelled through a business planning process the centre of which is a tasking and coordinating process which is carried out through government and local objectives, as well as performance management and the business excellence model that are always present.

In June 2004 the Bichard Inquiry into the Soham murders highlighted the difficulties to be surmounted in fully integrating the National Intelligence Model in the UK. It was discovered that the UK has a variety of IT systems that are being used for many different purposes. Interfaces between systems at force-to-force level are almost non-existent. There is no common IT system for managing criminal intelligence in England and Wales. The Bichard Inquiry (2004) concluded by saying that without a robustly implemented national strategy it is hardly surprising that police forces cannot share intelligence. Of the thirty one recommendations for

action as a consequence of the Bichard Inquiry, eleven of them referred to inadequacies in the IT network.

INTELLIGENCE FUNCTION IN THE GARDA SÍOCHÁNA

The Garda Síochána is guided by the Garda Corporate Strategy Plan 2007-2009 (Organisational Roadmap) and the Annual Policing Plan 2007. Community Policing is central to the Garda Síochána's approach to policing. The Garda Commissioner has stated that policing with the consent of the people is the bedrock upon which the concept of community policing is based. There is also recognition of the changing demands of policing in Ireland with the establishment of national units to deal with organised crime. The establishment of a regional framework in 1996 reflects the dynamic changes that have taken place in Irish society. As a result of the introduction into statute of the Garda Síochána Act, 2005, the Commissioner is now the accounting officer for the organisation. The necessity to promote economy, efficiency and effectiveness is reflected in the six strategic goals in the Garda Síochána Policing Plan for 2007.

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The Garda Síochána is virtually unique in that it manages both day to day policing and state security. Every member of the Garda Síochána is responsible for gathering information in relation to every aspect of policing and submitting this information for analysis. The structure of the Garda Síochána affords an excellent opportunity for success in gathering criminal intelligence with Garda stations in all areas of the country and personnel in contact with every stratum of the community.

The National Criminal Intelligence Unit (NCIU) was established in 1999 to receive all high-grade intelligence, collate and analyse this information and disseminate the resulting product to the relevant operational units and sections.

PULSE[1] is used to complement the overall gathering and processing of information/intelligence. However the Garda ICT Strategy 2005/2010 identifies the development of a major investigation/intelligence solution as a priority for the Garda organisation. On the intelligence side, the need to access relevant intelligence databases has been identified. An intelligence working group has recommended the establishment of an IT integrated solution as a matter of priority to facilitate the processing and analysis of intelligence. This will allow a coordinated proactive intelligence led response rather than seeking to impose the model on systems of varying quality. Further links with the Europol Information System and the Schengen Information System are also currently being developed.

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1 Police Using Leading Systems Effectively

CONCLUSION

It is important to note that Intelligence Led Policing is a relatively new concept for police services worldwide. There are many positives and also some limitations contained in both the National Criminal Intelligence Sharing Plan in the US and the National Intelligence Model in the UK. To enable the Garda Síochána at all levels of the organisation to provide a coherent intelligence capability it must customise its model along the lines of the UK National Intelligence Model and document the real purpose and objectives of Intelligence Led Policing; and then demonstrate support and commitment to this potentially powerful policing strategy.

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It is also apparent that the lack of a common platform by way of a singular IT system has a detrimental effect on any attempt to deliver an intelligence response; it militates against providing an efficient and effective value for money service at a time when such a requirement is placed at the heart of policing by national governments.

Acquiring, analysing and disseminating intelligence is fundamental to policing and is critical to delivering a proactive rather than a reactive response. Intelligence Led Policing is a model of policing that provides a means of identifying priorities that ultimately empower managerial decision making at all levels in the organisation. The primary lesson learned from the international experience for the Garda Síochána is that its adoption is an absolute necessity.

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Editorial objectives
Ultimately, the goal of Communiqué as the management journal of An Garda Síochána is to promote best practice in policing operations and management by identifying and communicating excellence from within the organisation and without.

To accomplish this goal, Communiqué encourages:
(a)   The submission of appropriate articles on policing operations and management
(b)   Views on current criminal justice issues
(c)   Criminal justice and, particularly, policing research results
(d)   Sound methodological rigorous and substantive critiques of academic issues in policing theory and practice
(e)   Contributions to best practice in training and development
(f)   Lessons from the international policing arena.

The reviewing process
Each paper is reviewed by the editor and, if it is judged suitable for this publication, it is then sent to the Editorial Board for approval. Based on their recommendations, the editor then decides whether the paper should be accepted as is, revised or rejected.

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One copy of the manuscript should be submitted in single line spacing with wide margins. All authors should be shown and **author's details** must be printed on a separate sheet and the author should not be identified anywhere else in the article.

As a guide, articles should be between 1,500 and 3,000 words in length. Preferred length is between 1,500 and 2,000 words. A copy of the work should also be provided by email to srmstaff@garda.ie.

A **title** of not more than eight words should be provided. On separate paper, brief **autobiographical note** should be supplied including full name, affiliation, e-mail address and full contact details. Authors must supply an **abstract** of 100-150 words. Up to six **keywords** should be included which encapsulate the principal subjects covered by the article. Where there is a **methodology**, it should be clearly described under a separate heading. **Headings** must be short, clearly defined and not numbered.

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Letters will be welcomed by the editor and should be addressed to

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Short articles which meet the criteria in Notes for Contributors overleaf will be welcomed by the Editorial Board.