

**Sarah Cremin**

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**To:** Public Accounts Committee  
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**CONFIDENTIAL**

For the attention of:

Mr. Patrick Fannin  
Committee of Public Accounts

Dear Mr. Fannin

I refer to your correspondence dated 15 May 2019 and 4 July 2019 in which a number of issues of raised, in respect of which I am directed by the Commissioner to advise you of the following;

- **Increase in income receipts from €523,000 to €1.5 million in respect of Garda masts.**

Two management companies (Shared Access and Obelisk) are contracted under a Concession Agreement with the Office of Public Works (OPW) to manage the majority of Garda communications masts. The management companies, under License Agreement and approval of An Garda Síochána enable Commercial Operators to provide mobile telephony services on Garda communications masts. As a result of this agreement, An Garda Síochána receive an income to the amount of approximately €1 million per annum. To receive the income, An Garda Síochána makes a request to the Office of Public Works who in turn arrange lodgements of the money to the Department of Justice and Equality in the Financial Shared Services Killarney.

It sometime arises that there may be a delay in receiving some of the income and as a result, the income receipts may vary on an occasional basis. This is the case with the question raised. There was no actual increase in income, rather that only €523,000 was received in one year and the balance was paid the following year.

- **Update on the approximately 14,000 people affected by the fixed charge notices, to include the number of people who lost their licences as a result.**

As previously advised an examination of summonses and charges, issued between January 2006 and December 2016, identified a significant number of summonses and charges issued for persons who had committed offences but were brought before the Courts incorrectly and which required further examination by An Garda Síochána.

It was identified that a penalty had been imposed by the Courts in over 12,000 of these cases.

An Garda Síochána then consulted with the Office of the Director of Public Prosecutions (DPP) and the Court Services on how best to address this issue. It was decided, in cases where a penalty had been imposed, that An Garda Síochána should ensure, where possible, that cases identified be appealed to the Court in order to make an application to have the conviction removed and any fines imposed by the Court reimbursed.

With the assistance of the Office of the DPP and the Courts Services the following process was agreed:

- An Garda Síochána would write to all persons effected explaining the circumstances and how it was intended to remedy it, and seeking the persons consent for An Garda Síochána to progress matters on their behalf.
- The Court Services, following consultation with An Garda Síochána in respect of the number of consent forms received, would identify a specific court date within each Court Area to deal with appeals.
- Following the identification of Court dates, An Garda Síochána would again write to the persons affected enclosing 'Extension of Time to Appeal' and 'Notice of Intention to Appeal' forms.
- On receipt of the completed 'Extension of Time to Appeal' and 'Notice of Intention to Appeal' Forms, An Garda Síochána would lodge these documents with the relevant Court in advance of the Court date.
- The Office of the DPP would move the applications on behalf of An Garda Síochána before the Court, seeking to have the extension of time and the appeal heard on the same day. This process eliminated the requirement for the person to attend Court and enter a bond to proceed with the appeal and also ensured that the process was completed in a speedy matter.

An Garda Síochána wrote to the people affected explaining the circumstances and how it was intended to remedy the situation. An initial trial of one hundred persons was conducted of those who responded to this correspondence and consented to the course of action outlined, were issued with letters concerning an 'Extension of Time to Appeal' and 'Notice of Intention to Appeal' form for signature and the first cases initiated by An Garda Síochána were successfully appealed before Circuit Court 16 [CCJ] in July 2017. A number of persons contacted failed to respond to the correspondence or did not respond in sufficient time for their documentation to be lodged with the Courts.

While there is precedent for the Circuit Court to grant such extensions it is not the normal course and it is open to the presiding Justice to decide, whether or not to accept jurisdiction. The President of the Circuit Court, who was presiding on the day, accepted jurisdiction for the Circuit Court to hear the application for Extension of Time to Appeal and based on the facts presented, granted an extension in all cases.

Following on from the trial run the Court Service then identified suitable Court dates nationwide to have other cases appealed and a further tranche letters were issued, over 2,000 responses were received within the specified timeframe all of which were successfully appealed between November 2017 and May 2018. The remaining persons contacted failed to respond to the correspondence or did not respond in sufficient time for their documentation to be lodged with the Courts.

In addition to the persons referred to above, An Garda Síochána has received consent from a further number of persons to progress matters on their behalf. Following consultation with the Office of the DPP and the Court Services it was agreed in May of this year that provisional dates would be made available in the Circuit Court in July to progress these cases.

An Garda Síochána has encountered some difficulties in the process as it is dependent on receiving the consent of the person affected to allow the Gardaí to progress matters on their behalf. In the absence of formal consent from the persons affected, it is not possible to progress any appeals process in these cases.

A significant number of letters issued by registered post by An Garda Síochána were returned 'undelivered' by An Post. Those returned undelivered were then sent to each Garda District Officers to be delivered by hand, over 2,000 were successfully delivered. Where delivery by hand was not possible An Garda Síochána carried out further enquiries and new addresses were identified for over 1,000 of the outstanding cases. Further correspondence was then issued to the new address. In respect of the remaining cases it has not been possible to identify any additional information that could assist in obtaining the persons consent from An Garda Síochána to progress matters on their behalf. Enquiries are on-going in respect of these

remaining cases, it is a lengthy process that has contributed to a large extent to the delays in bringing this matter to a conclusion.

In summary, of the approximately 12,000 cases affected, over 4,000 letters of consent have been received.

Having consulted with the Office of the DPP, An Garda Síochána have been advised that in the absence of consent of the person effected it will not be possible to any further action in the matter. Assistant Commissioner, Roads Policing & Major Event Management intends to again write to the people who have received correspondence in this matter, but who have as of yet failed to respond to the correspondence, seeking their consent for An Garda Síochána to progress the matter on their behalf. Each person will be advised therein that in the absence of their consent it will not be possible for An Garda Síochána to progress the matter further.

As a result of the processes put in place to rectify this matter, associated costs have been kept to a minimum and by on large relate solely to administrative costs within An Garda Síochána, the Office of the DPP and the Court Services. As the appeals are moved by the Office of the DPP and a large number of cases are dealt with at each Court sitting, costs are kept to a minimum. In addition, there is no requirement for the person affected to attend the appeal or to be independently represented there are no additional legal costs in respect of this matter.

The remaining cost to be identified with regard to this issue is the monetary value of the fines to be repaid as a result of the appeals taken to rectify this issue. Following a request from An Garda Síochána, Court Services are currently trying to establish if it is possible to identify this figure electronically or if it will require a manual trawl of records.

In respect of driving licences, no response received from the persons affected has indicated to Gardaí that a loss of driving licence has occurred as a result of this error in procedures.

- **The decrease in costs allocated for the maintenance of Garda premises.**

While much of the maintenance of the Garda Estate is carried out by the Office of Public Works (OPW), many minor refurbishment works are funded by An Garda Síochána. The 2019 budget remains the same as the budget for 2018, which is €642,000 and is not sufficient to fund all of the required works given the size and age profile of the Garda Estate portfolio.

- **The cost of establishing a Cybercrime Unit.**

A cybercrime unit already exists within An Garda Síochána i.e the Garda National Cyber Crime Bureau (GNCCB). It was established in 2017 incorporating a section which was located within the Garda National Economic Crime Bureau (GNECB) that had previously been assigned responsibility regarding the investigation of cyber related crime.

A total of thirty (30) personnel are currently assigned to the GNCCB. The Modernisation and Renewal Programme 2016-2021 provided for the review and restructuring of the Computer Crime Investigation Unit (CCIU) to establish a dedicated Garda Cyber Crime Bureau to ensure An Garda Síochána has the capacity and capabilities to deal with cybercrime and cyber security.

The GCCB under the direction of Detective Chief Superintendent, Garda National Economic Crime Bureau and Assistant Commissioner, Special Crime Operations, has responsibility for the forensic examination of all seized computer media, international liaison with regard to cyber matters and the investigation of cybercrime matters. Cases examined by the GCCB include all crime-types, in particular banking and financial crime matters, as well as the examination of equipment and media to assess images in the context of offences relating to child pornography and exploitation.

Regional triage units have been established in the Southern and South- Eastern Regions, at Ballincollig and New Ross Garda Stations. They provide a tiered response and a capability for computer forensic services on

a Regional basis, utilising locally- based and trained first-responders and cyber triage specialists. The triage model also reduces demands on the central Bureau, while remaining under the supervision of that Bureau.

The GCCB is expanding its capacity, while also providing for the creation of six (6) satellite hubs, which will operate under its governance. The additional hubs will improve the quality and coordination of services delivered by An Garda Síochána.

While An Garda Síochána faces ongoing challenges in tackling cyber related criminal activity, significant progress has been made and continues to be made in this area.

- **The cost of establishing an Internal Affairs unit.**

Following consideration of the transcript of the PAC meeting, it appears that what is being sought is a note on the cost of establishing the Anti-Corruption Unit. The relevant part of the transcript reads as follows:

**Deputy Alan Farrell:** *“Will the Commissioner give us an approximate cost for the establishment of the - for want of a better description - internal affairs unit which he proposes to establish by the end of the year?”*

**Mr. Drew Harris:** *“Yes. It will again be primarily a staffing cost.”*

A Project Team under Assistant Commissioner Governance and Accountability is currently managing the establishment of a dedicated Anti-Corruption Unit within An Garda Síochána. A Chief Superintendent was appointed in August to take charge of the unit.

The process of establishing an Anti-Corruption Unit requires an initial investment of resources focussed primarily on research, project management, policy development and related-preparatory work. In this regard, an incremental approach to establishing the Unit is recommended, with an initial team envisaged to be in place in the Anti-Corruption Unit by the end of Q4 2019. This team, led by the Chief Superintendent will focus on establishing and putting in place all of the requisite policies, procedures, processes, communications, integrity building, and project managing the further expansion and development of the unit. The aim will be to develop capacity and capability towards a full complement of personnel (full strength of Unit yet to be established) by the end of Quarter 4 2020.

It is envisaged the cost associated with setting up the unit will primarily relate to human resource costs, this will be determined by the final number of personnel assigned to the unit which has yet to be finalised.

- **The training costs for An Garda Síochána in 2018.**

The training costs for An Garda Síochána are now contained in the Garda College budget. The budget for 2019 was increased to €37.6m from an actual outturn of €35.6m in 2018.

- **The number of members of An Garda Síochána that have availed of safeTALK and ASIST suicide prevention training.**

ASIST Workshop – approximately 1778 Probationer Gardai have undergone this training to date.

SAFETALK Workshop – approximately 2670 Probationer Gardaí/Trainee Gardai have availed of this training to date.

- **A note on the prepayments and advance payments made in relation to ICT provision within the services;**

Prepayments for ICT services are made for some contracts held with large suppliers to assist with the management of overall budgets and to avail of discounts applied for the advance payment of services. The decision to apply prepayments is made in consultation between Garda ICT and the Garda Finance Directorate in line with overall Garda budgeting process, and where there is very strong confidence in the size and stability of the company concerned.

Recent prepayments have related to established contracts with large suppliers of the National Digital Radio Service (NDRS) and for external skilled resources and there have been significant savings to Garda ICT as a result of discounts applied for such prepayments. For the prepayment of skilled resources, a reconciliation process is established to ensure the hours worked by all resources is certified to match those included in the contract. If at any stage Garda ICT wished to terminate the contract, a standard 30-day termination clause is included and the supplier would be required to repay any prepayment not already worked.

- **The collection of insurance premiums by Gardaí on behalf of insurance companies.**

These receipts are the arrangements to cover the administrative cost of voluntary deductions from Garda pay for services such as medical insurance, pension additional voluntary contributions and other schemes. The standard percentage is 2.5%. These charges are as a result of historic arrangements.

- **The use of the OPW for minor repair works in Garda premises and the financing of such work.**

The programme of replacement and refurbishment of Garda accommodation is progressed by the Garda authorities in co-operation with the OPW, which has responsibility for the provision and maintenance of Garda accommodation.

Under DEPR Circular 01/13, the OPW;

- Is designated as the specialist service provider for building maintenance works in properties owned or leased by it, which includes Garda property;
- Is required to prioritise, arrange and pay for the maintenance of property owned or leased by it for agencies, including AGS;
- Is required to plan a maintenance programme for property under its remit to be rolled out on a phased, prioritised basis within available resources,
- Is to arrange for the maintenance, upkeep and inspection of essential mechanical and electrical building services and
- Is required fund the works required to maintain the fabric of the building. The Garda Vote annual budget for minor repair works not covered by the OPW is €642,000. This is the budget sum that was provided in 2018 and 2019.

- **The status and operation of the Canine Unit.**

The Garda Dog Unit is based at Kilmainham Garda Station in the Dublin Metropolitan Region and has a national remit. In addition, there are Regional Dog units based at Cork and Limerick in the Southern Region.

There are sixteen members including two Sergeants and fourteen Gardaí attached to the Garda Dog Unit at Kilmainham Garda Station. There are two Gardaí attached to both Cork and Limerick. There is a combined total of (27) dogs attached to the Garda Dog Unit (Dubin/Cork/Limerick) comprising of general purpose, drugs and explosive detection dogs. The types of dogs utilised are German Shepherds, Belgian Malinois, Springer Spaniels and Labradors. However, the first choice of dog for general police work is usually the German Shepherd who is recognised for his intelligence, vigilance and loyalty.

The Unit plays an important role in supporting and assisting Operational Units and National Specialist Units in the prevention and detection of crime. The Dog Unit responds to requests ranging from public order difficulties to specialised searches. It also functions independently and will deal with and respond to calls through the Command & Control system.

The main functions of the Dog Unit include General Patrols and tracking suspects. The unit responds to varied requests which include using the dogs at events such as concerts and sporting events. The drug detection dogs are in regular demand assisting both national (Drugs and Organised Crime Bureau) and local drug units and enjoy great success with recovery of unlawful substances. Explosive detection dogs are mainly used in security clearance work to include VIP visits. They also carry out explosive searches in conjunction with the Specialist units. The Dog Unit is regularly used to search for articles and evidence and to assist in searching for missing persons.

Community Policing and Public Relation events is an area in which the dogs are in great demand and although they are physically unable to attend all such events there is a great commitment to support the community such as visits to schools and Open Days which are always subject to operational commitments being prioritised.

The unit liaises with outside agencies including Customs, Prison Services as well as having contact with International Canine Units and Associations. The interaction with groups from schools, charitable organisations is encouraged when resource availability allows.

Each handler has a responsibility to care for and maintain standards of training of Garda dogs with the assistance of trained Instructors. Garda dogs are housed at the residence of their handlers. Nine new kennels were required for the most recent members assigned to the Garda Dog Unit in Kilmainham. Two of these kennels were erected towards the end of 2018 therefore, a further seven (7) require construction. An agreement has been reached with the OPW to provide kennels to the remaining seven members of the Garda Dog Unit. When these kennels are installed, the upgrading of kennels of existing members will be addressed.

- **Health and safety Standards and Specifications for the Supply and Fitting of Cell Windows.**

The use of particular specifications in Garda cell windows falls under the remit of the Office of Public Works (OPW) who are the building and maintenance service provider for An Garda Síochána. In that context and as the OPW is the contracting authority in this matter, it may be a matter best addressed by the OPW.

Sent on behalf of

Marie Broderick  
Superintendent  
Private Secretary to  
Commissioner

By

Áine Mc Carville  
Sergeant for  
Private Secretary to  
Commissioner

\*\*\*\*\* Faisnéis í seo don té sin nó don eintiteas sin a bhfuil a sheoladh uirthi, agus dó siúd amháin, agus d'fhéadfadh ábhar rúnda agus/ nó ábhar faoi phribhléid a bheith iniata. Toirmiscear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Más trí bhotún a fuair tú é seo, cuir scéala chuig an seoltóir le do thoil agus scríos an t-ábhar

d'aon ríomhaire. Is é polasaí An Gharda Síochána seoladh ábhair cholúil a dhícheadú, agus más dóigh leat gur ábhar colúil atá sa teachtaireacht seo ba cheart duit dul i dteagmháil leis an seoltóir agus le [postmaster@garda.ie](mailto:postmaster@garda.ie) láithreach. The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. It is the policy of An Garda Síochána to disallow the sending of offensive material and should you consider that the material contained in this message is offensive you should contact both the sender and [postmaster@garda.ie](mailto:postmaster@garda.ie) immediately.