

- (1) Can you confirm that the anonymous April 2014 letter from the Garda reservist in the Western Region was the only prompt for the initial audit of breath test figures in the Southern Region, and the subsequent national audit? Or is it the case that the information from the MBRS given to An Garda Síochána had a role to play in the audits being ordered?**

*The anonymous letter originating from a Garda Reserve in the Western Region was the catalyst for the examination in the Southern Region and the subsequent national examination. A number of other actions were also taken before the examinations commenced, which are set out below. An Garda Síochána had no information in July 2015 from the Medical Bureau of Road Safety to influence the decision to initiate the examination in the Southern Region.*

*The examination in the Southern Region had already commenced when concerns were first mentioned, informally, to a Superintendent from the Garda National Traffic Bureau by the Director of Medical Bureau of Road Safety. He stated, at the time, that these concerns were not raised as a 'red-flag' issue, however reassurance was given that any concerns he had in this regard would be addressed in the context of the examination underway.*

*The enquiries concerning the contents of the anonymous letter carried out by Assistant Commissioner, Western Region commenced in April 2014. A preliminary report addressing the issues raised was submitted in May 2014. These enquiries continued during the remainder of 2014 with the issues raised in the correspondence being raised at Management Meetings across the Western Region. These enquiries were concluded in December 2014 when the Assistant Commissioner was unable to progress the matter any further.*

*Separately, a forum for Garda Reserves had taken place in the Western Region. This forum was part of nationwide series of meetings which provided Garda Reserves with an opportunity where any issues or concerns they had with any aspect of their role could be raised. Following the Western Region forum the Assistant Commissioner submitted his concluding response to the April 2014 letter from the Department of Transport. A formal concluding response from An Garda Síochána was subsequently forwarded to the Department of Justice & Equality in January, 2015.*

*While the anonymous letter failed to identify the nature and extent of the issues raised, the following actions were taken to address the issue both operationally and from a governance perspective. :*

- (1) In March 2015 Assistant Commissioner Traffic directed that each Divisional and District Officer should ensure that they have mechanisms in place to monitor MAT checkpoints.*
- (2) In April 2015 the content of the April 2014 letter and the outcome of the enquiries conducted in the Western Region were discussed at a National Traffic Management Meeting chaired by the Chief Superintendent, Garda National Traffic Bureau.*
- (3) In May 2015 Assistant Commissioner Traffic issued an instruction to each Divisional*

*Officer in relation to the care and recording of Drager Breath-Testing devices.*

- (4) In July 2015 Assistant Commissioner Traffic tasked Superintendent, Garda National Traffic Bureau to examine all issues relating to 'Recording Equipment and Data on PULSE'. Following an initial scoping exercise and when the scale of the examination became evident a decision was made to, initially, focus on the Southern Region. The final report in this matter was submitted to Assistant Commissioner Traffic in November 2015.*
- (5) In April 2016 Assistant Commissioner, Traffic issued a direction, by way of HQ Directive, in relation to the recording, on PULSE and manually, of readings from the Drager Breath-Testing device.*
- (6) In May 2016 Assistant Commissioner, Traffic issued an instruction in relation to the governance / oversight of MAT checkpoints, to ensure compliance with current policy.*
- (7) In June 2016 Assistant Commissioner, Traffic directed a national examination of MAT checkpoints.*
- (8) In June 2016 the Department of Justice & Equality was informed, in writing, that a national examination of MAT checkpoints was being undertaken, in light of the issues raised in the examination of data in the Southern Region.*
- (9) In June 2016 a caveat was placed on the Garda website in relation to data, available on the website, regarding breath-tests.*
- (10) In November 2016 Assistant Commissioner, Roads Policing issued revised instructions in relation to the recording of data pertaining to MAT checkpoints.*
- (11) In December 2016 a new IT up-grade was installed to record specific data in relation to MAT checkpoints.*

*The letter, dated 22<sup>nd</sup> August, 2014, from the Medical Bureau of Road Safety pertained solely to procurement matters. It did not highlight discrepancies in the records held by An Garda Síochána and those of the Medical Bureau of Road Safety.*

- (2) Can you state unequivocally that all conversations with the MBRS between 2014 and November 2015 that touched on breath test data discrepancies happened solely within the procurement department of An Garda Síochána?; that no Garda of senior rank was made aware of the content of those conversations?; and that that information did not leave the procurement department before the audit of the Southern Region was completed in November 2015?**

*Assistant Commissioner, Roads Policing is not aware of any conversations on this matter being relayed to the Garda National Traffic Bureau in 2014 or in 2015, prior to the commencement of the examination in the Southern Region.*

*Assistant Commissioner Roads Policing has no record of correspondence from the Medical Bureau of Road Safety apart from the letter, dated 22<sup>nd</sup> August, 2014, in relation to procurement.*

*The Director of the Medical Bureau of Road Safety has stated to Assistant Commissioner, Roads Policing that conversations took place between his store staff and staff at the*

*Garda Stores in Santry in August / September, 2015 when the procurement orders were being considered. The examination in the Southern Region had already commenced when concerns were first mentioned, informally, to An Garda Síochána by the Director of Medical Bureau of Road Safety. He stated, at the time, that these concerns were not raised as a 'red-flag' issue, however reassurance was given that any concerns he had in this regard would be addressed in the context of the examination underway.*

*Meetings take place between An Garda Síochána and the Medical Bureau of Road Safety on a regular basis. The frequency of these meetings is dependent on operational matters. For example meetings, concerning roadside drug-testing, have been taking place regularly over the last 18 months ahead of the roll-out of this procedure. A formal meeting between the agencies takes place at least once per year.*

*Discrepancies in roadside breath-tests or the ordering of mouthpieces were never discussed, as an agenda item, at any of the formal meetings.*

**When exactly anyone outside of the procurement department was told that the MBRS had identified discrepancies?**

*The first time that An Garda Síochána became aware that the Medical Bureau of Road Safety had any concerns in relation to breath-testing was 2015. As mentioned previously, the examination in the Southern Region had already commenced when concerns were first mentioned, informally, to An Garda Síochána by the Director of Medical Bureau of Road Safety. The Director stated, at the time, that these concerns were not raised as a 'red-flag' issue, however reassurance was given that any concerns he had in this regard would be addressed in the context of the examination underway.*

*As highlighted earlier Assistant Commissioner Roads Policing has no record of any correspondence from the Medical Bureau of Road Safety apart from the letter, dated 22<sup>nd</sup> August 2014, in relation to procurement.*

**On what date did that information reach Commissioner Level?**

*In March 2015 Assistant Commissioner, Traffic, directed that each Divisional and District Officer should ensure that they have mechanisms in place to monitor MAT checkpoints.*

*In April 2015 the content of the anonymous letter (dated April 2014), and the outcome of related enquiries conducted in the Western Region were discussed at a National Traffic Management Meeting chaired by the Chief Superintendent, Garda National Traffic Bureau.*

*In May 2015 Assistant Commissioner, Traffic issued an instruction to each Divisional Officer in relation to the recording and care of Drager Breath Test Devices.*

*In July 2015 Assistant Commissioner, Traffic tasked Superintendent, Garda National Traffic Bureau to examine 'Recording Equipment and Data on PULSE'. The scope of this examination was sufficient to include the issues raised in the anonymous letter sent to the Road Safety Authority and any concerns the organisation had in relation to the*

*recording of MAT checkpoints.*

*In November 2015 Chief Superintendent, Garda National Traffic Bureau, submitted a report to Assistant Commissioner, Traffic in relation to the examination conducted in the Southern Region.*

*In April 2016 Assistant Commissioner Traffic issued a direction, by way of HQ Directive, in relation to the recording, on PULSE and manually, of readings from the Drager Breath-Testing device.*

*In May 2016 Assistant Commissioner Traffic issued an instruction in relation to the governance / oversight of MAT checkpoints, to ensure compliance with current policy.*

*In June 2016 Assistant Commissioner Traffic directed a national examination of MAT checkpoints.*

*In June 2016 the matter was reported to the office of the Garda Commissioner and the Department of Justice & Equality was informed in writing that a national examination of MAT checkpoints was being undertaken, in light of the issues raised in the examination of data in the Southern Region.*

*In June 2016 a caveat was placed on the Garda website in relation to data, available on the website, regarding breath-tests.*

*In November 2016 Assistant Commissioner, Roads Policing issued revised instructions in relation to the recording of data pertaining to MAT checkpoints.*

*In December 2016 a new IT up-grade was installed to record specific data in relation to MAT checkpoints.*

*In February 2017 Assistant Commissioner, Roads Policing received data from Medical Bureau of Road Safety which indicated discrepancies in the data recorded by An Garda Síochána relating to Roadside Breath Tests.*

*In March 2017 more comprehensive data became available from the Medical Bureau of Road Safety that required further analysis.*

- (3) Why did the Gardaí not seek data from the Medical Bureau for either its southern or national audit in 2015 and 2016 (as they eventually did in February 2017) even though the Medical Bureau had informed the Gardaí in July 2014 of discrepancies identified in its data?

*The examination in the Southern Region had already commenced, in 2015, when concerns were first mentioned, informally, to An Garda Síochána by the Director of Medical Bureau of Road Safety.*

*The examination in the Southern Region used a methodology based on PULSE data, breath-testing device readings (available within An Garda Síochána) and mouth-pieces utilised. The examination did not use any data held by the Medical Bureau of Road Safety.*

*In June 2016 prior to the national examination commencing An Garda Síochána discussed the methodology to be used with the Medical Bureau of Road Safety. The Medical Bureau of Road Safety had concerns that their database would not have sufficient information to assist with the national examination, as breath-testing devices are only submitted to the Bureau for calibration on a six-monthly basis.*

*The national examination looked at a wider range of issues including the allocation of breath-testing devices; mouth-pieces received and on-hand; records of breath-testing devices monthly checks; MAT checkpoint authorisations; PULSE data; paper-based records of checkpoints performed; and other information held relating to the conduct of MAT checkpoints. The methodology for the national examination would allow as much information as possible be gathered from records held by An Garda Síochána and, thereafter, to verify those results with records held by the Medical Bureau of Road Safety once the examination had been completed.*

*In January 2017 An Garda Síochána was experiencing difficulty in completing a reconciliation of the national examination. While some Garda Divisions had extensive records, many Garda Divisions had difficulty locating records, consisting of extensive volumes of paper-based records, dating back to 2011. On 10<sup>th</sup> January 2017 An Garda Síochána communicated with the Medical Bureau of Road Safety regarding data held on their databases. The Medical Bureau of Road Safety cautioned that their data would not have sufficient information to assist with the national examination, as breath-testing devices are only submitted to the Bureau for calibration on a six-monthly basis.*

*On the 20<sup>th</sup> February 2017 further contact was made with the Medical Bureau of Road Safety, by telephone, and a sample of the data held by the Bureau was supplied to An Garda Síochána on the 24<sup>th</sup> February 2017.*

*On the 28<sup>th</sup> February 2017 a delegation, including Assistant Commissioner, Roads Policing, met with the Head Analyst at the Medical Bureau of Road Safety. At that meeting Gardaí outlined to the Medical Bureau of Road Safety the data they were looking for. While the Medical Bureau of Road Safety had certain data, Gardaí were seeking a broader range of data. The Medical Bureau of Road Safety undertook to provide as much data as they could extract from their database, but it would take a number of days to interrogate its systems.*

*On the 8<sup>th</sup> March 2017, the Medical Bureau of Road Safety requested that An Garda Síochána seek the data required, in writing, which was provided on 8<sup>th</sup> March, 2017. On the 10<sup>th</sup> March 2017, the Medical Bureau of Road Safety provided An Garda Síochána, by email, with an extensive copy of data held on its databases.*

(4) The Gardaí stated in their press statement of 23rd of March 2017 that:

"The 2016 review was unable to reconcile the PULSE data and our paper based breath test data - primarily due to significant gaps in the manually recorded breath test data."

When did the Gardaí first become aware of this inability to reconcile the PULSE data and their paper based breath test data?

*In June 2016 prior to the national examination commencing An Garda Síochána discussed the methodology to be used with the Medical Bureau of Road Safety. The Medical Bureau of Road Safety had concerns that their database would not have sufficient information to assist with the national examination, as breath-testing devices are only submitted to the Bureau for calibration on a six-monthly basis.*

*The national examination looked at a wider range of issues including the allocation of breath-testing devices; mouth-pieces received and on-hand; records of breath-testing devices monthly checks; MAT checkpoint authorisations; PULSE data; paper-based records of checkpoints performed; and other information held relating to the conduct of MAT checkpoints. The methodology for the national examination would allow as much information as possible be gathered from records held by An Garda Síochána and, thereafter, to verify those results with records held by the Medical Bureau of Road Safety once the examination had been completed.*

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*email, with an extensive copy of data held on its databases.*

- (5) In their statement of 23rd of March 2017, the Gardaí stated that the IT system was upgraded in November 2016. In the timeline provided by the Gardaí In their statement to the Joint Committee this upgrade was identified as taking place on 4 December 2016. When did the IT upgrade commence and when was it in place?

*An IT upgrade in respect of both MAT / MIT checkpoints and functionality to resolve issues relating to Fixed Charge Notices was launched on Sunday, 4<sup>th</sup> December 2016.*

*The background to the launch of this IT upgrade dates back to April 2016 when new instructions were issued, by Assistant Commissioner, Traffic, regarding the recording of breath-testing data, following the completion of the examination in the Southern Region. For technical reasons, upgrades of this nature to the Garda IT system are only completed, on average, twice a year. The IT upgrade was put in place to further strengthen the governance of the revised recording procedures introduced in April and November 2016.*

- (6) It appears from the statements made by the Gardaí to the Joint Committee that efforts were only made to secure data from the Medical Bureau some "days before" this data was received on 24 February 2017. When did the Gardaí first contact the Medical Bureau in February 2017 requesting the data it received from the bureau on 24 February 2017? How was this contact made?

*In June 2016 prior to the national examination commencing An Garda Síochána discussed the methodology to be used with the Medical Bureau of Road Safety. The Medical Bureau of Road Safety had concerns that their database would not have sufficient information to assist with the national examination, as breath-testing devices are only submitted to the Bureau for calibration on a six-monthly basis.*

*The national examination looked at a wider range of issues including the allocation of breath-testing devices; mouth-pieces received and on-hand; records of breath-testing devices monthly checks; MAT checkpoint authorisations; PULSE data; paper-based records of checkpoints performed; and other information held relating to the conduct of MAT checkpoints. The methodology for the national examination would allow as much information as possible be gathered from records held by An Garda Síochána and, thereafter, to verify those results with records held by the Medical Bureau of Road Safety once the examination had been completed.*

*In January 2017 An Garda Síochána was experiencing difficulty in completing a reconciliation of the national examination. While some Garda Divisions had extensive records, many Garda Divisions had difficulty locating records, consisting of extensive volumes of paper-based records, dating back to 2011. On 10<sup>th</sup> January 2017 An Garda Síochána communicated with the Medical Bureau of Road Safety regarding data held on their databases. The Medical Bureau of Road Safety cautioned that their data would not have sufficient information to assist with the national examination, as breath-testing devices are only submitted to the Bureau for calibration on a six-monthly basis.*

*On the 20th February 2017 further contact was made with the Medical Bureau of Road Safety, by telephone, and a sample of the data held by the Bureau was supplied to An Garda Síochána on the 24th February 2017.*

*On the 28th February 2017 a delegation, including Assistant Commissioner, Roads Policing, met with the Head Analyst at the Medical Bureau of Road Safety. At that meeting Gardaí outlined to the Medical Bureau of Road Safety the data they were looking for. While the Medical Bureau of Road Safety had certain data, Gardaí were seeking a broader range of data. The Medical Bureau of Road Safety undertook to provide as much data as they could extract from their database, but it would take a number of days to interrogate its systems.*

*On the 8<sup>th</sup> March 2017, the Medical Bureau of Road Safety requested that An Garda Síochána seek the data required, in writing, which was provided on 8<sup>th</sup> March, 2017. On the 10<sup>th</sup> March 2017, the Medical Bureau of Road Safety provided An Garda Síochána, by email, with an extensive copy of data held on its databases.*

- (7) Did the publication or impending publication of an article in the Irish Times on 20 February 2017 entitled "Garda breath test figures fail to add up" have any influence on the decision of the Gardaí to contact the Medical Bureau?

*The publication of an article in the Irish Times did not influence the decision to contact the Medical Bureau of Road Safety. As indicated above, An Garda Síochána had already been in contact with the Medical Bureau of Road Safety, on 10<sup>th</sup> January, 2017, regarding data held by the Bureau relating to breath-testing.*

*The information contained in the article had been in the public domain since June 2016 when An Garda Síochána had placed a caveat on the Garda website advising that statistics published thereon relating to the number of breath-tests recorded at MAT Checkpoints were under review and subject to further examination.*

*The Department of Justice & Equality was notified in June 2016.*

*The Road Safety Authority, the Medical Bureau of Road Safety and the Department of Transport, Tourism & Sport were also advised that an examination was underway.*

*As alluded to previously, with the exception of the Policing Authority, all of the key stakeholders were informed that the examination was taking place and that An Garda Síochána would keep them informed of the outcome of the examination.*

- (8) Did the Gardaí intend to disclose publicly the results of its audits or inquiries into the discrepancies in the breath test data prior to the publication of the Irish Times article?

*The discrepancies highlighted at the Press Conference, on 23<sup>rd</sup> March, 2017, were not known at the time the article in the Irish Times was published. Consequently no decision was considered as to when the information would be published or how it would be published.*



*As alluded to previously, with the exception of the Policing Authority, all of the key stakeholders were informed in June 2016 that the examination was taking place and that An Garda Síochána would keep them informed of the outcome of the examination. This oversight was subsequently addressed with the Policing Authority.*

*As a consequence of the action taken in June 2016 and making the information known that the examination was ongoing, it was always intended that An Garda Síochána would update the public in relation to its statistics.*

*While no decision had been made, in advance, that the outcome of the examination would be disclosed publicly, a caveat had been placed on the Garda website in relation to breath-test statistics it was intended that the information would be clarified, publicly, as quickly as possible.*

- (9) What prompted the press conference held by senior grade on the 23rd of March? Was it prompted by the leak of various issues pertaining to the number of breathalyser tests conducted?

*On the 10th March 2017 An Garda Síochána received advice from the Director of Public Prosecutions in relation to the processing of the appeals pertaining to Fixed Charge Notices. The DPP advised that An Garda Síochána could not rely on the provisions of the Criminal Justice (Spent Convictions and Certain Disclosure) Act, 2016 and would have to appeal the cases to the Circuit Court. In that context all of the parties involved would have to be contacted by An Garda Síochána and their consent obtained to process the appeals.*

*A decision was then made by Assistant Commissioner, Roads Policing and the Garda Press Office that a press conference, notifying and updating the general public, was necessary.*

*On the 10<sup>th</sup> March 2017 An Garda Síochána received an extensive copy of data held on its databases from the Medical Bureau of Road Safety. By the 16<sup>th</sup> March it became apparent, from the data provided by Medical Bureau of Road Safety that there was a significant discrepancy between data recorded from Drager Breath-Testing devices and the number of breath-tests recorded on PULSE.*

*On the 16<sup>th</sup> March 2017 a meeting took place with the Garda Press Office regarding briefing the public in relation to the Fixed Charge Notice issue and, at that meeting, the issue of withdrawing data relating to MAT checkpoints and published on the Garda website was discussed.*

*As An Garda Síochána had, the 8<sup>th</sup> June 2016, put a caveat on the Garda website in relation to data from MAT checkpoints and, separately, had issued a press statement in relation to issues arising from the operation of the Fixed Charge Processing System, it was deemed appropriate by Assistant Commissioner, Roads Policing that An Garda Síochána would update the public, on the extent of both issues, at the press conference.*

*In addition, the issue of breath-tests had been discussed at the public meeting of the Policing Authority on the 23<sup>rd</sup> February 2017.*

- (10) Following the anonymous letter of April 2016 in relation to mandatory alcohol checkpoints, the Garda investigation, which took just four weeks, found that there were no problems. How comprehensive was this review?

*An Garda Síochána is not aware of any anonymous letter dated April 2016. It is assumed that this question pertains to the letter of the 11<sup>th</sup> April 2014 received by An Garda Síochána from the Department of Transport.*

*The report submitted to the Department of Justice & Equality in May 2014 was an initial, factual, response to the issues and concerns raised in the correspondence received.*

*Given the anonymous nature of the letter it was not possible, at that point in time, to identify if there was substance to any of the issues raised. Notwithstanding, the enquiries in relation to those issues continued during 2014 and action taken, as outlined previously in this correspondence.*

*A formal concluding response from An Garda Síochána was subsequently submitted to the Department of Justice & Equality in January 2015.*

- (11) Why did it take six months (from November 2015) for gardaí to implement a 'fix' for the breath test discrepancy issue and bring in the paper audit? Is it the case that it took a team of people six months to come up with a plan to issue an instruction that the running totals on all Dräger machines should be noted before and after each checkpoint, and those notes retained?

*The outcome of the examination conducted in the Southern Region was submitted to Assistant Commissioner Traffic on the 12th November 2015. The initial analysis of the report focused on remedial measures which could be put in place using the existing PULSE database and other options that would reduce the need for extensive paper-based records. It was agreed that a paper-based record was the only solution, in the short term, and a new HQ Directive, setting out the parameters for amended paper-based records of MAT checkpoints, pending an IT upgrade, was published on the 7th April 2016. Drafting of the HQ Directive included extensive liaison with the Staff Associations, who had concerns in relation to the increased amount of paperwork associated with the new Directive.*

*In addition to the HQ Directive additional instructions were issued in May 2016 to ensure appropriate governance was in place for MAT checkpoints in each Division and District.*

*The purpose of the HQ Directive and the IT upgrade was to strengthen the governance / oversight of MAT checkpoints and to ensure that the correct procedures and policies were in place. As previously stated upgrades of this nature to the Garda IT system are only completed, on average, twice a year.*

- (12) Why did An Garda Síochána wait almost a year after implementing the fix in April 2016 to request the Dräger data from the MBRS, given they were aware, by the admission of Assistant Commissioner Finn at the Justice Committee, from at least November 2015 that the MBRS had this data?

*In June 2016 prior to the national examination commencing An Garda Síochána discussed the methodology to be used with the Medical Bureau of Road Safety. The Medical Bureau of Road Safety had concerns that their database would not have sufficient information to assist with the national examination, as breath-testing devices are only submitted to the Bureau for calibration on a six-monthly basis.*

*The national examination looked at a wider range of issues including the allocation of breath-testing devices; mouth-pieces received and on-hand; records of breath-testing devices monthly checks; MAT checkpoint authorisations; PULSE data; paper-based records of checkpoints performed; and other information held relating to the conduct of MAT checkpoints. The methodology for the national examination would allow as much information as possible be gathered from records held by An Garda Síochána and, thereafter, to verify those results with records held by the Medical Bureau of Road Safety once the examination had been completed.*

*In January 2017 it became evident that it would not be possible to reconcile the data from our own records. On 10<sup>th</sup> January, 2017 An Garda Síochána made preliminary enquiries with the Medical Bureau of Road Safety regarding data held on their databases. At that point the Medical Bureau of Road Safety was of the view that the data held may not be of use to An Garda Síochána as breath-testing devices are only submitted to the Bureau for calibration on a six-monthly basis.*

*On the 20th February 2017 further contact was made with the Medical Bureau of Road Safety, by telephone, and a sample of the data held by the Bureau was supplied to An Garda Síochána on the 24th February 2017.*

*On the 28th February 2017 a delegation, including Assistant Commissioner, Roads Policing, met with the Head Analyst at the Medical Bureau of Road Safety. At that meeting Gardaí outlined to the Medical Bureau of Road Safety the data they were looking for. While the Medical Bureau of Road Safety had certain data, Gardaí were seeking a broader range of data. The Medical Bureau of Road Safety undertook to provide as much data as they could extract from their database, but it would take a number of days to interrogate its systems.*

*On the 8<sup>th</sup> March 2017, the Medical Bureau of Road Safety requested that An Garda Síochána seek the data required, in writing, which was provided on 8<sup>th</sup> March, 2017. On the 10<sup>th</sup> March 2017, the Medical Bureau of Road Safety provided An Garda Síochána, by email, with an extensive copy of data held on its databases.*

*Following receipt of the data from the Medical Bureau of Road Safety on 10<sup>th</sup> March 2017 the Garda Síochána Analysis Service used the data to calculate the level of usage of the breath-test screening devices from 2011 up to the most recent reading, in March 2017. This data had not been made available to, or used by, An Garda Síochána prior to this.*

- (13) Can you specify the measures, checks, and systems in place - both currently and historically - within An Garda Síochána to ensure that all checkpoints that are cancelled are, in fact, marked as 'invalidated' on the Pulse system, and not counted as checkpoints performed? Does An Garda Síochána have absolute confidence that 400,000 checkpoints were actually performed?

*An Garda Síochána has no evidence at this point in time to suggest that the data in relation to MAT checkpoints is not accurate. In accordance with already issued instructions any MAT checkpoint not performed is invalidated on PULSE and is not counted for statistical purposes.*

*An Garda Síochána has put considerable control mechanisms in place to ensure that MAT checkpoints are conducted and recorded correctly.*

*A member, not below the rank of Inspector, authorises the establishment of a MAT checkpoint and invalidates them when not completed.*

*As outlined earlier, various controls are in place to ensure the accuracy of the records. The above referenced controls have been put in place to ensure that our processes, policies and procedures are adhered to at operational level.*

*In addition, as part of District, Divisional and Regional inspections and audits, each Officer is required to examine, measure and evaluate the effectiveness and of current systems and procedures in An Garda Síochána and also to identify and recommend measures to improve performance.*

*Assistant Commissioner Michael O'Sullivan has been appointed to examine the processes and procedures in place, for period 2010 to 2016, for the recording of breath-testing at Mandatory Alcohol checkpoints. This will include a thorough examination of the almost 400,000 checkpoints which were scheduled to take place during the period under review.*

- (14) What precisely is the procedure for the input, recording and publication of information and results of breathalyser tests? Following the initial input of data into Garda databases, can the figures be retroactively altered? Who would have access to this data at the various stages in the process?

*All Garda members have access to PULSE data as part of the review / clarification process.*

*Any changes to data inputted on the PULSE system is recorded and logged to the person who makes the data entries. A robust audit trail is incorporated into the PULSE system to ensure that any amendments to data are tracked and can be traced to the person who made the changes.*

*A member, not below the rank of Inspector, authorises the establishment of a MAT checkpoint. The Authorisation must be in writing and specify the date and public place on which the checkpoint is to be established and the hours between which it may be operated.*

*The Authorising Officer is responsible for ensuring the MAT checkpoint incident is recorded on PULSE. In the event the MAT checkpoint is not carried out, the Authorising Officer must mark it invalid and state the reason why it was not conducted. The Sergeant, or member-in-charge, of the checkpoint is responsible for updating, or causing to be updated, the MAT checkpoint incident details and the Authorising Officer has responsibility for ensuring that this has occurred. There is a process for all data entered*

*on PULSE to be reviewed and any apparent discrepancies are flagged for Review / Clarification.*

*Publication of breath-test data is carried out by the Garda Press Office on a monthly basis, following receipt of Monthly Tactical Assessment reports prepared by the Garda Síochána Analysis Service.*

- (15) Could the overstatement of breathalyser tests by a staggering 937,000 have been used as a justification for Garda overtime? If so, can you put a value on this?

*The results of breath- testing were neither used as a performance indicator nor justification for incurring overtime.*

- (16) Do you stand over the accuracy of the figure of 937,000 for breath tests falsely recorded on the Pulse system? Is there any evidence, or any reason to believe, that this figure could in fact be higher?

*The national examination of MAT checkpoints and breath-test data is on-going. Analysis of the data provided by the Medical Bureau of Road Safety and from individual breath-testing devices is continuing. Assistant Michael O'Sullivan has been tasked with examining all of the facts and circumstances surrounding the figures published. The examination will include any further information that may be in the possession of the Medical Bureau of Road Safety or any other source.*

- (17) Why was the Minister for Justice not aware of the issue with figures for breathalyser tests before the media? Why was the Minister not informed in advance about the press conference on the 23<sup>rd</sup> of March?

*On 8<sup>th</sup> June 2016 the Department of Justice & Equality was notified that an examination of MAT checkpoints in the Southern Region had raised concerns in relation to the veracity of data held by An Garda Síochána in relation to breath tests. On that basis the Commissioner had directed that a national examination should be undertaken.*

*On the 10<sup>th</sup> March 2017, the Medical Bureau of Road Safety provided An Garda Síochána, by email, with an extensive copy of data held on its databases. The data includes a significant volume of data for a period of years from over 1,200 devices which are issue to An Garda Síochána. That data continued to be subject of analysis and verification up to the date that it was publicised at the press conference on 23<sup>rd</sup> March, 2017. As a result, no report was prepared or submitted to the Commissioner's Office or the Department of Justice & Equality prior to the press conference.*

*Two days prior to the press conference the Policing Authority received a short briefing on the information to be provided at the press conference.*

- (18) Why was information about the discrepancies in the figures not shared with the Policing Authority?

Deputy Commissioner Twomey informed the Committee, with regard to the failure to inform the Policing Authority regarding the breath test issues, that "Letters were written and the letter was not sent out. It is a simple. There was a letter to go to ..." Given that the letter was drafted, could a copy be made available to Committee?

Why was, at least, an email not sent to the Policing Authority regarding the breath test and fixed charge notice issues?

*Reports were prepared and submitted to the Department of Justice & Equality in June, 2016, but it was an oversight that these reports were not copied to the Policing Authority. It was the intention at the time of writing to the Department of Justice & Equality that the reports would be copied to the Policing Authority.*

*The explanation for not conveying the material to the Policing Authority was explained to them at the first available opportunity and this oversight was apologized for .*

- (19) Can you provide full disclosure of any current audits or investigations ongoing into other systemic problems within the Gardaí? This should include any and all audits, even if they are only on a localised or regional level, or considered of minor significance.

*In-line with best practice, An Garda Síochána conducts on-going inspections and reviews of it's processes and procedures as part of its daily management function. These examinations are conducted at District, Divisional and Regional level and also, separately and independently, by the Garda Professional Standards Unit.*

*The Garda Internal Audit Unit is responsible for conducting all Audits within An Garda Síochána.*

*The methodology used by Garda Internal Audit Section is in compliance with the Professional and Ethical Standards for the Practice of Internal Audit as set out by the Chartered Institute of Internal Auditors and endorsed, in November 2012, by the Department of Public Expenditure and Reform as the Internal Audit Standards for Central Government Departments and Agencies in Ireland.*

*A programme of work is prepared each year by the Internal Audit Unit and agreed with the Audit Committee.*

*In light of issues raised by the Garda Inspectorate and the Central Statistics Office, a Working Group has been established to oversee data quality management and, at the time of writing, An Garda Síochána is reviewing the classification of incidents including domestic violence. While this work is at an early stage, all developments will be reported. The Policing Authority has been informed of this examination and has been invited to partake in the working group.*



*A data quality examination in respect of a number of homicide incidents recorded on Pulse is also currently ongoing and is nearing completion.*

*Given the time frame allowed it is not possible to provide an exhaustive list of all audits and reviews currently within the programme of work being completed by the Garda Internal Audit Section and the Garda Professional Standards Unit. This information can be provided if required to the Committee in due course.*

- (20) Are there, within your knowledge, any other potential issues - similar to the discrepancies in relation to breath testing figures - of which the Committee ought to be aware?

*An Garda Síochána is not aware, at this point in time, of any discrepancies similar to those identified regarding breath-testing records.*

*An Garda Síochána produces vast quantities of data each year across a wide variety of policing functions from crime incidents to road traffic incidents. An Garda Síochána created over 1million incident records on PULSE in 2016. An Garda Síochána has over 7.5 million vehicle records on PULSE covering both the National Vehicle File (NVF) and foreign registered vehicles. There are over 6.4 million person records and over 5.25 million address / location records. In addition, separately to PULSE, An Garda Síochána created over 300,000 Fixed Charge Processing System (FCPS) incidents in 2016.*

*An Garda Síochána is working with the Central Statistics Office to ensure that the quality of our data reaches international standards across the European Union required for the publication of statistics. Regular meetings take place between both organisations and An Garda Síochána has put extensive processes and practices in place, both electronic and paper-based, to ensure that all data is captured, categorised and published.*

*A new Data Quality Unit has been established within the Garda Information Services Centre (GISC) to further strengthen our processes and this unit will have national oversight for data quality when fully staffed. The Unit has recently commenced their role in the Northern Region and it is expected that this process will be fully implemented by the end of Quarter 3, 2017.*

*The Garda Inspectorate has identified issues with data management across the organisation. In order to have this matter addressed An Garda Síochána has sought the appointment of a Chief Data Officer and a Data Quality Manager for civilian members with appropriate skills set.*

- (21) What methodology is used in audits and investigations, given the significant discrepancies in reported figures? Can you provide a copy of the procedures followed for these audits? Can you also provide a copy of reports of any and all such audits conducted in the last decade?

*The methodology used by Garda Internal Audit Section is in compliance with the Professional and Ethical Standards for the Practice of Internal Audit as set out by the Chartered Institute of Internal Auditors and endorsed in November 2012 by the*

*Department of Public Expenditure and Reform as the Internal Audit Standards for Central Government Departments and Agencies in Ireland.*

*The Garda Professional Standards Unit revised its Examination and Review methodologies during 2013, changing from wide-scale to more focused thematic Examinations and Reviews. The policy for conducting Inspections and Reviews at Regional, Divisional and District level was introduced by way of HQ Directive, HQ 59/2014, entitled 'Garda Inspections and Reviews' on 22nd July 2014 to ensure an effective methodology for An Garda Síochána in its overall organisational governance and accountability. The revised policy incorporated changes in principles including:*

- Frequency of inspections;*
- The utilisation of risk to identify inspection areas;*
- The use of a holistic approach to all areas of responsibility rather than separate geographic areas.*

*The Garda Internal Audit Section (GIAS) and the Garda Professional Standards Unit (GPSU) monitor the implementation of this Directive. The Garda Professional Standards Unit has recently included completed 'Inspections and Reviews' as a process area in their examination reviews.*

*The above information is provided by way of background to the functions and work of the various units in this area. The detailed procedures are quite voluminous but can be provided to the Committee if required. I await further instructions on this matter.*

*Each year the Audit Committee of An Garda Síochána publishes an Annual Report of the Audit Committee and which is published on the Garda website.*

- (22) Can the Commissioner confirm that no specific data exists for the years 2006-2011 in relation to figures for mandatory alcohol testing?

*Mandatory Alcohol Testing (MAT) was provided for in the Road Traffic Act, 2006 and was introduced in July 2006.*

*MAT checkpoints were first recorded on the Garda PULSE system from the 7th June 2009. Data exists in relation to MAT checkpoints from 2009 to 2011. However this data was not included in the examination, as a cut-off point of October 2011 was selected. This date was chosen as breath-testing devices were submitted to the Medical Bureau of Road Safety at this time for recalibrated for dual-recording as new alcohol limits were coming into effect at this time. All breath-screening devices were returned to the Medical Bureau of Road Safety in that period and, as a consequence, it was possible to get a reliable record of data from those breath-screening devices at that time.*

*Prior to the 7th June 2009 there were no specific data fields on PULSE to record MAT checkpoints. Some MAT checkpoints were recorded on PULSE during the period 2006 as 'part of the narrative' but, as it was not mandatory, there is no complete record across Garda Divisions. As a consequence the data is considered unreliable for statistical purposes.*

- (23) How does mandatory drug testing of motorists operate in practice? Is the Commissioner confident that figures for these are accurate?

*The legislative provisions regarding mandatory drug-testing of motorists have not commenced to date.*

*The new IT upgrade installed on the 4th December 2016 made provision for the recording of Mandatory Intoxication Testing (MIT) checkpoints. This IT upgrade now requires the Investigating Member to include the screening-device information in mandatory data fields. This will enable a reconciliation of data recorded on PULSE with the counter-readings on the screening devices.*

*The proper recording of breath- and drug-testing data will be monitored at District / Divisional and Regional level, with oversight, at national level, by Assistant Commissioner, Roads Policing and the National Roads Policing Bureau, who will validate data held with the Medical Bureau of Road Safety.*

- (24) You have indicated that you were not aware of the Medical Bureau of Road Safety's concerns in August 2015 as "Professor Cusack did not correspond with me or communicate with me. He and his staff communicated with people in the traffic policy bureau". Are you satisfied with the current Garda chain of command structure in this regard? Was there a failure of communications that left you uninformed on issues of such importance?

*Correspondence received in August 2014 from the Medical Bureau of Road Safety was received at the Garda National Traffic Bureau and solely related to the procurement of consumables. In that context the matter was dealt with by the National Traffic Bureau. The correspondence made no reference to discrepancies. The correspondence was received and a reply returned to the Medical Bureau of Road Safety from the National Traffic Bureau.*

*This information came in the context of a comment made by the Director of the Medical Bureau of Road Safety to a Superintendent from the Garda National Traffic Bureau. The Director was informed that the examination had already commenced in the Southern Region and that any concerns he had in this regard would be addressed in the context of the examination underway.*

*The Director of the Medical Bureau of Road Safety has not expressed any concern to An Garda Síochána in relation to any lack of communications or breakdown in communications between either agency.*

*In 2014, due to vacancies at senior management level, An Garda Síochána identified the need to strengthen the governance, oversight and leadership capacity in the organisation. At the time that these matters were raised An Garda Síochána had no Assistant Commissioner assigned, full-time, to the Traffic portfolio.*

*However, in light of the issues raised, in April 2017 an Assistant Commissioner was appointed full time to Roads Policing, to strengthen governance, accountability and*

*oversight of roads policing nationally. The role is, inter-alia, to ensure that there is regular ongoing communications with the Medical Bureau of Road Safety to include matters of procurement or any issues relating to the service provided to An Garda Síochána by the Medical Bureau of Road Safety.*

*Given the size and complexity of the Garda organisation, it will always be necessary to have communication at various levels of the organisation with external agencies.*

- (25) Can you detail the number of and rank of officers who were aware of the Medical Bureau of Road Safety's concerns?

*The first time that An Garda Síochána became aware that the Medical Bureau of Road Safety had any concerns relating to breath-testing was in 2015.*

*This information came in the context of a comment made by the Director of the Medical Bureau to a Superintendent from the Garda National Traffic Bureau. The Director was informed that the examination had already commenced in the Southern Region and that any concerns he had in this regard would be addressed in the context of the examination underway.*

- (26) Can you provide a detailed chronology of any changes in personnel involved in the recently announced audit / investigation, and the rationale behind those changes?

*When the initial examination of Fixed Charge Notices was completed in December, 2016, a report was submitted on the matter. Assistant Commissioner, Roads Policing tasked a Superintendent to conduct a fact-finding examination to establish if any matters of a disciplinary nature were identified. This was one of the recommendations contained in the original report submitted following the initial examination.*

*When the discrepancy in relation to breath-testing data was verified, in comparison with data received from the Medical Bureau of Road Safety in March, 2017, Assistant Commissioner, Roads Policing tasked another Superintendent to conduct a fact-finding examination to establish if any matters of a disciplinary nature were identified.*

*When the nature and extent of the issues identified became apparent, the Garda Commissioner appointed Assistant Commissioner Michael O'Sullivan to conduct a more comprehensive examination and all other examinations ceased.*

- (27) Arising from your attendance at last Thursday's public engagement with the members of the Committee, its live broadcast and considerable media coverage, the most often heard remark is that, given the universality of the "wrongdoing" involved, there had to have been some level of centralised direction, that it is not credible to suggest that these inflated statistics presented from across the structures of An Garda Síochána spontaneously. Do you agree? If not, please explain.

*The results of roadside breath- testing were neither used as a performance indicator nor*

*was there a coordinated effort or drive to inflate the level of activity from MAT checkpoints. As outlined at the recent Oireachtas Committee meeting, these checkpoints were primarily preventative in nature but always designed, and located, to improve road safety and to reduce road deaths.*

*Assistant Commissioner Michael O'Sullivan has been appointed to examine the processes and procedures in place, for the period 2010 to 2016, for the recording of breath testing at MAT checkpoints and which resulted in the inaccurate recording of those statistics. He will provide an update report in 1 month.*