

# DÁIL ÉIREANN

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## AN CHOMCHOISTE UM DHLÍ AGUS CEART AGUS COMHIONANNAS

### JOINT COMMITTEE ON JUSTICE AND EQUALITY

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*Dé Céadaoin, 19 Deireadh Fómhair 2016*

*Wednesday, 19 October 2016*

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The Joint Committee met at 9 a.m.

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#### MEMBERS PRESENT:

Deputy Jack Chambers,	Senator Frances Black,
Deputy Clare Daly,	Senator Martin Conway.
Deputy Alan Farrell,	
Deputy Jim O’Callaghan,	
Deputy Mick Wallace,	

In attendance: Deputy Jonathan O’Brien and Senator Frank Feighan.

DEPUTY CAOIMHGHÍN Ó CAOLÁIN IN THE CHAIR.

**Priorities for Garda Inspectorate: Discussion**

**Chairman:** I thank Senator Frank Feighan for facilitating the joint committee in the absence of any member who is a Member of the Seanad. Apologies have been received from Deputy Colm Brophy.

The purpose in this part of the meeting is to engage with Mr. Mark Toland, deputy chief inspector, and Ms Éimear Fisher, acting deputy chief inspector, from the Garda Inspectorate on the priorities for and the challenges that will face the inspectorate in the near future. The committee has identified oversight and the accountability of An Garda Síochána as priority issues in its 2016 work programme. The chairperson of the Garda Síochána Ombudsman Commission, GSOC, Ms Justice Mary Ellen Ring appeared before the committee last month, while representatives of the Policing Authority were present three weeks ago. The Garda Commissioner, Ms Nóirín O'Sullivan, was before the committee last week. This is the last of the four scheduled engagements in our consideration of these most important matters. Following due consideration of all of the critical points made by each of the delegates in this series of meetings, the committee intends to prepare a report.

On behalf of the committee, I extend a very warm welcome to Mr. Toland and Ms Fisher. The format is that they will be invited to make a brief opening statement which will be followed by a question and answer session. I draw their attention to the fact that witnesses are protected by absolute privilege in respect of the evidence they are to give to the committee. If, however, they are directed by it to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or an entity by name or in such a way as to make him, her or it identifiable. Members should be aware that, under the salient rulings of the Chair, they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable. I invite Mr. Toland to make his opening statement.

**Mr. Mark Toland:** I thank the joint committee for inviting the Garda Inspectorate to attend. I am joined by Ms Éimear Fisher. Mr. Robert Olson, chief inspector, sends his sincere apologies for not being able to be present. He is unable to attend owing to a family commitment in the United States.

The Garda Inspectorate was established under the Garda Síochána Act 2005 as an independent statutory body with its own remit, working alongside GSOC and the Policing Authority. Our function is to ensure the resources available to An Garda Síochána are used to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration, as measured by reference to the best standards of comparable police services. We carry out inspections or inquiries, either on our own initiative or when requested to do so by the Policing Authority or the Minister for Justice and Equality. A report on these inspections or inquiries, with recommendations, is submitted to the originator of the request. We can also provide advice for the Policing Authority or the Minister.

The Garda Inspectorate comprises three members who are appointed by the Government and there are nine staff who support it in its work. Our objective is to help to make An Garda Síochána a better service - for the public, victims of crime, all those working in the organisation

and the criminal justice system.

While all 11 of our reports have made substantial recommendations for change, three are considered as significant in the context of reforming and modernising An Garda Síochána. The examinations were extremely wide in scope and breadth. The reports offer a unique insight into An Garda Síochána and outline a number of issues that have consistently been raised by the inspectorate. They are on resource allocation, crime investigation and, most recently, changing policing in Ireland. The resource allocation report published in 2010 highlighted the need to have the right number of gardaí in the right places at the right time. It revealed that there is often a disconnect between the demands for Garda services and the number of gardaí on duty. It identified deficiencies in the information technology systems needed to measure and manage workloads. It emphasised the need for better data and technology to provide an objective measurement of how many gardaí are required to meet policing needs.

Recommendations in the report included the implementation of a national computer-aided dispatch system to handle 999 emergency and non-emergency calls for service and the implementation of a resource management system to manage rostering and leave. The report also recommended an increase in the numbers of gardaí available for front-line policing through a structured programme of civilianisation, a reduction in non-core police duties such as certifying passport applications and the redeployment of officers from administrative duties.

The crime investigation report published in 2014 examined the policies, practices and procedures used in the prevention, investigation and detection of crime. It examined how incidents were recorded, classified, reclassified and supervised on the PULSE system and how detections were claimed. It also included a review of the allocation of resources, the use of technology, the management of caseloads and examined the progress of individual investigations.

While the report highlighted the good work carried out by many committed members and provided a number of best-practice examples, it also identified a lack of national standards for investigation, inconsistencies in services to victims, an absence of intrusive supervision as well as deficiencies in modern technology to accurately analyse demand, record and manage crime and to deploy resources.

The report identified an absence of effective systems in Garda stations for recording calls from the public, serious failures in the classification of crime incidents and inconsistencies in the claiming of detections. A key finding was that inexperienced gardaí were investigating serious crimes, such as rape and robbery. The report made detailed recommendations to improve recording and classification of incidents at divisional and national levels and recommended the introduction of national incident and crime recording standards. Recommendations were made for the implementation of systems to improve the quality of supervision and management of crime investigation. Once again we recommended the procurement of a computer-aided dispatch system to accurately record calls for service and enable the effective deployment of resources.

The findings in this report were echoed in the examination of recording practices published by the Central Statistics Office in 2015 and reiterated in its recent report. They included the non-recording of crime and the mis-classification of crime as less serious incidents. Several of the issues in the report are not the sole responsibility of the Garda Síochána and a number of multi-agency recommendations were included that require action by other criminal justice bodies. The report also identified areas of good practice in different Garda divisions and in different parts of the country. These included a new community policing model, a range of crime

prevention initiatives, crime operations and a number of technological initiatives. However, such examples of good practice, while used in some divisions and in some units, were not consistently applied throughout the organisation.

The Changing Policing in Ireland report published in 2015 was a whole-of-organisation review of the Garda Síochána and included an examination of the structure, staffing and deployment of resources. The report is primarily about putting gardaí on the front line and providing sufficient numbers of people, strong leadership and supervision, appropriate equipment, good training and the modern technology needed to deliver a better service to all communities in Ireland. We found an ineffective structure, struggling to cope with the modern demands on Garda services. Many headquarters units have duplicate functions in areas such as change management, policy development and oversight. The current structure, which comprises six regions, 28 divisions and 96 districts, is highly inefficient and negatively impacts on the deployment of resources. Centralised decision-making takes place for some low-level issues. We found that people are not always on duty at the right times in the right places or doing the right things. A two-tier community policing system exists, with high numbers of gardaí in Dublin but significantly fewer in other areas, especially rural Ireland. The Garda Síochána performs some functions which may be more appropriate to other agencies, such as prosecuting District Court cases and the transportation of remand prisoners. At least 1,500 gardaí are in non-operational roles and could be released for patrol, investigation and community policing duties. At 14% of the total workforce, there is a low level of civilian staff in the Garda Síochána compared to other police services. There is no individual performance management system to enable persistent underperformance to be addressed. We found deficiencies in governance, accountability, leadership and supervision. The current Garda culture is inhibiting change. While staff identified positives, such as a can-do culture and a sense of duty, many described the organisation as insular and defensive with a blame culture whereby many leaders are reluctant to make decisions and speak up. The findings are stopping the Garda Síochána from performing to its full potential.

In the report we recommended a new leaner structure with fewer senior managers and more gardaí on patrol; a reduction in the number of Garda regions from six to three; the release of over 1,500 experienced gardaí from non-operational roles; the use of gardaí to undertake Garda roles while using civilian staff for support roles; the introduction of a new divisional policing model; the divestiture of functions that could be performed by other agencies; the development of governance structures to ensure accountability and drive performance; the creation of an environment whereby senior managers and other staff are encouraged to speak up and make suggestions to improve performance; and the introduction of a performance management system to encourage good performance and to provide for addressing continued underperformance with an ultimate sanction of dismissal.

The Garda Síochána has broadly accepted the vast majority of our recommendations. However, we do not have the statutory authority to oversee the implementation of the recommendations, and the full implementation of many of the recommendations has yet to be achieved. Recent legislation provides that the Policing Authority has a role in monitoring the implementation of some of our recommendations. We welcome this and see the implementation of our recommendations as a good way to reform and modernise the Garda Síochána to enable it to deliver a visible, accessible and responsive police service.

We believe that front-line policing services are not prioritised and protected. All other police services that we engaged with have restructured, reduced the number of administrative

areas and operate from far leaner structures with fewer managers to protect the front line. In total, 83% of Garda resources are deployed to front-line services, compared to 93% in some other police services. Our evidence, including analysis of data and feedback from the communities we visited, highlights the lack of a visible Garda presence. Another opportunity to increase Garda presence is the civilianisation of roles that do not require Garda powers. This area has not been sufficiently progressed.

The inspectorate welcomes improvements made to the PULSE system. We believe these to be among the most significant changes ever made. The changes provide enhanced supervision of investigations of crime. However, there is still the issue of the non-recording of crime on PULSE. This challenge is common to other police services and is only properly addressed through intrusive supervision. There is a gap in the availability of sergeants and inspectors throughout operational Garda units. We believe many of the difficulties faced would not have occurred if an appropriate level of sergeants and inspectors had been assigned and deployed on a 24-7 basis across Garda divisions.

We have been impressed by the many hard-working and dedicated gardaí at all ranks as well as the support staff and reserves we met. These people are doing their best to get the job done, notwithstanding inefficient structures, overly bureaucratic administrative processes, dated technology and inefficient and ineffective management practices. We welcome the Tánaiste's recent announcement of extra funding for Garda recruits and civilian staff in addition to the previous commitment to additional investment for technology. The Commissioner's modernisation programme is an ambitious reform plan. We recognise its complexity and the need for careful sequencing of actions. For the Garda Síochána to achieve its full potential, we believe the programme needs to move from strategy to implementation at an energetic pace. The decision to move to a divisional model of policing without a pilot programme demonstrates a commitment to reform, while the planned introduction of specialist units to investigate sexual and domestic crimes will ensure that only specially-trained gardaí investigate these most serious offences.

The Commissioner now has her top team in place, new gardaí have joined and the Government has provided significant funding for technology, vehicles and stations. The inspectorate looks forward to working with the Garda Síochána to help the force to achieve the significant changes planned.

**Deputy Jonathan O'Brien:** I thank the witnesses for their contribution. In its document *Changing Policing in Ireland 2015* the inspectorate said the current Garda culture is inhibiting change; does it still believe that is the case? What do the witnesses believe is the biggest obstacle to implementation of the inspectorate's recommendations? Is it resources or culture? Do they believe there would be value in having some sort of oversight of the inspectorate's recommendations to ensure they are implemented? Could they say briefly what the inspectorate's relationship is with the policing authority, although it is a new body and does not have the same powers within the Six Counties? Would they like to comment on that?

**Ms Éimear Fisher:** In the *Changing Policing in Ireland* report we found strong culture and negative culture. The strengths within the Garda culture are a can-do attitude as Mr. Toland said, a sense of duty and of willingness to be able to help the Irish people. There is, however, a significant negative culture, of blame and being risk averse. This was expressed to us consistently in all our field visits across Ireland. Between *Crime Investigation* and *Changing Policing in Ireland* we interviewed 2,500 people in the organisation. There was a consistent strength and weakness attitude. It is very hard to judge whether that is still the case. We are encouraged by the fact that the recommendations made in *Changing Policing in Ireland* have been accepted



and one of those significant recommendations in respect of culture was the conduct of cultural audits. This is practice in many large complex organisations for measuring culture. It is quite possible to measure culture through cultural audits, to be able to say what is our mission, what is our expected behaviour, does our expected behaviour match our actual behaviour and to see how that is expressed through the service delivered. In its reform plan the Garda Síochána has indicated that it is going to conduct cultural audits. It is not possible to give an honest answer to the question of whether it has changed yet but the indications are that there is an understanding that it has to change. In *Changing Policing in Ireland* we said that in changing it should not lose the undoubted strengths in the culture. In changing it needs to acknowledge its strengths and recognise that certain elements have to change.

The significant obstacle to the implementation of change is the expression of leadership in respect of culture and clarity on that. What is expected? If change and reform are to happen in a complex organisation like the Garda Síochána, expectations must be clear on what the leadership and the vision at the top want the people on the front line to deliver. Unless that is reformed that obstacle could stop good customer service being delivered to the public. Mr. Toland will talk about oversight and the relationship with the Policing Authority.

**Mr. Mark Toland:** In terms of oversight we have produced 574 recommendations in our nine years of existence. We have found that we are repeating some of those recommendations in reports and that is frustrating for us. We believe had they been implemented some of the inquiries and tribunals that have taken place may not have happened or could have been minimised. We think there was a lost opportunity. It has not realised the full benefits. We do not just hand a report over, we try to work with the Garda. I have noticed a real difference recently in terms of the engagement. It brings us in now at a very early stage to discuss new policies and our recommendations to make sure it fully understands what we intended with the recommendation and we want to help it achieve it. An obvious gap has been the implementation.

I welcome the Policing Authority because it will fulfil the role of monitoring the implementation of our reports. It has taken *Changing Policing in Ireland*. We would like it to take *Crime Investigation* because there are 212 recommendations in that report crucial to investigation of crime and dealing with victims of crime. I understand there are issues of capacity but we think that would be a good step forward to monitor the implementation. We have introduced a process where we meet it and check on the status but we have no power to force it to make those recommendations or to implement them. It is fair to say the majority of our recommendations have been accepted but not always implemented.

**Deputy Jonathan O'Brien:** Are they not being implemented because of a resource or a culture issue?

**Mr. Mark Toland:** It has tended in the past to have working groups that have run sometimes for many years and the outcomes are unclear. Quite often it will pilot something. We have been running a pilot on sex offender management for six years. A positive outcome recently has been the Commissioner's commitment to change the model of policing in existence since the organisation started, to become what we would call a divisional rather than a district model. It will not pilot that. The Commissioner has committed to implementing those without pilots. That is a good way to go forward. If it is the right direction why run a pilot for a long period of time? Sometimes we have given it a lot of recommendations and it needs to prioritise them and decide what the most important one is.

We welcome the Policing Authority. We think it fills a gap. There are authorities in other

jurisdictions we have visited. We are meeting it more regularly now and we are about to get our first remit from the Policing Authority to consider problems in the deployment of Garda resources around Ireland. It has also given us documents for feedback, the code of ethics and its strategy statement. We have a very good relationship with it. We are independent and need to maintain that independence from the Policing Authority but we have a good working relationship with it.

**Deputy Clare Daly:** I thank the inspectorate for coming in. Its presentation is utterly demoralising in some ways. I do not mean that as a negative reflection on the witnesses but because of the realisation that so much had been identified for so long on so many issues that we could all relate to yet the implementation has been poor, that is the politest word I can use. I understand the inspectorate's point about being statutorily restricted. Are there 574 recommendations overall or were the 212 in Crime Investigation separate?

**Mr. Mark Toland:** It is the total, we have done 11 reports and made 574 recommendations. Crime Investigation was perhaps the most detailed and comprehensive inspection we have ever embarked on. It examined what happens from the time a member of the public walks into a Garda station to what happens when the case goes to court. It was in effect 11 previous inspectorate reports done at one time. It is an enormous piece of work and that is why there are 212 recommendations. In that report we referred to previous reports, asking why this was not done in 2007 or 2009 and we find that frustrating. The current Commissioner now has the challenge of going back, not just with our reports but other Government sponsored reports to try to come up with a plan to address recommendations that go back six or ten years. It has to now decide what is current or valid. Had our recommendations been implemented many of the problems we face today would not still be here.

**Deputy Clare Daly:** I totally agree with Mr. Toland on that. Does he have a rough idea how many of the recommendations had been implemented? I would like to hear more about where the witnesses think the root of the problem lies, in order to break the logjam. Is it resources or culture, is it inside or outside the Garda? Is it the fact that there are now three oversight bodies? How would the inspectorate see its relationship with the Policing Authority and the Garda Síochána Ombudsman Commission, GSOC? Some have said it is a bit cumbersome having three oversight bodies. Would it be preferable to marry them into one overarching organisation? I see a particular role for the inspectorate but how does it see itself fitting in with the Policing Authority in particular because it seems to be deferring to its statutory ability to monitor the implementation of the inspectorate's recommendations. Is that not a duplication? Should the statutory oversight provisions for the inspectorate not be beefed up or restructured? Perhaps the delegates might spend some time elaborating on that point.

The worrying report for us is the one on crime investigation, given that it was published two years ago and serious problems were detailed in it. Perhaps the delegates might address some of the points made in the recent CSO report. What do they think the similarities are between the inspectorate's 2014 report and what the CSO states? The Commissioner gave the impression that everything was improving, but I would like the delegates to develop some of the points made a little more.

Another issue that seems to crop up here is management. It may be top heavy. Mr. Toland talked about ineffective management processes, inefficient structures, bureaucratic administration, over-emphasis at the top and a lack of management in the middle. Are these problems? Has the inspectorate made detailed recommendations on numbers or how these issues might be addressed?

**Mr. Mark Toland:** Ms Fisher will respond to the questions asked in the first part of the Deputy's contribution.

**Ms Éimear Fisher:** Even though we never had the statutory power to follow through on implementation, we did have a process with An Garda Síochána whereby we regularly went through, at least on a six-monthly basis, all of the recommendations made in its previous reports, arrived at an understanding, received clarification on implementation, if needed, and had a forthright discussion on whether the recommendations made were being implemented. However, influence and persuasion were as far as we could go within our powers. In fact, we probably did not even have the power to do that, but we did it and the Garda engaged with us. That practice continued until recently. Since the establishment of the Policing Authority, it has that statutory role. I would not say we defer to the authority; rather, we speak to it regularly. We have had discussions with it recently on the one report it has been formally given where it has the authority to follow through on the recommendations made on changing policing in Ireland. It has not yet been given the other reports. However, on the report on changing policing in Ireland, we have had discussions with it on the process in which it hopes to engage with An Garda Síochána to gain an understanding of the recommendations made, what we meant by the words we used, what the spirit of our recommendations was and so on. I would not see this process as deferential but informative.

**Deputy Clare Daly:** Why has the Policing Authority not received the others reports? Who decides whether it should receive the others?

**Ms Éimear Fisher:** It is a process. My understanding is the Policing Authority is simply building capacity and that the report on changing policing in Ireland is the first and most recent. However, we encourage particularly the giving of the report on crime investigation to it because the inspectorate believes the reports on crime investigation and changing policing in Ireland are very similar, as far as An Garda Síochána is concerned. One concerns the structure of the organisation and its management, while other concerns its core operation, namely, the investigation of crime. Therefore, we strongly encourage the giving of both reports to the authority. If the report on changing policing in Ireland is considered on its own, it will not be enough. We see the organisation as developing and building capacity.

**Deputy Clare Daly:** My point is that nobody, neither the inspectorate nor the Policing Authority, is overseeing implementation of the report on crime investigation which was presented in 2014. I know what Ms Fisher is saying, that the Policing Authority does not have the capacity to do it, while the inspectorate probably does not have the power to demand that the authority oversee it. Does the decision rest with the Minister? Who decides whether the Policing Authority can take on the task or who should be asked to take it on?

**Ms Éimear Fisher:** We continue to engage with An Garda Síochána on the previous reports and have had several discussions in the past year, since the report on crime investigation was published, at senior level with deputy commissioners and other members of the force. We had a very fruitful meeting earlier this year with all of the responsible people and units in An Garda Síochána to which the deputy commissioner brought everybody with a responsibility to see through the recommendations. We talked through and clarified all of the recommendations made. In some cases it was just a matter of interpretation. We understood each other when we considered the recommendations and there was genuine scope for multiple interpretations. We felt it was a very useful process. It is not the case that the recommendations have been left in an abyss and not being tackled. Even though we do not have the authority to oversee their implementation, we have engaged in a constructive discussion with the Garda and continue to



do so. Our point is that it would be better if the reports were given to those with the authority to oversee their implementation.

**Chairman:** While the inspectorate, regrettably, does not have the statutory authority to oversee implementation of recommendations, nevertheless, Mr. Toland has noted that recent legislation provides for the Policing Authority to have a role in monitoring implementation of some of the inspectorate's recommendations. Let me piggyback on Deputy Clare Daly's questions. Will Mr. Toland clarify whether, when he uses the word "some", there is a specific differentiation? It is relevant to Deputy Clare Daly's line of questioning.

**Mr. Mark Toland:** It is important because the recommendations referred to are the ones accepted by the Commissioner or with a modification. Technically, the Commissioner could reject a recommendation, for operational reasons, but the Policing Authority will only receive the ones that are accepted. In the case of the report on crime investigation, all but one of the 212 recommendations made were accepted. I would not lose any sleep over the one that was not accepted as it concerned where a unit should sit. The Policing Authority has, therefore, accepted the spirit of the recommendations made and on which we have done a lot of work. We were also given the power of review. I am reviewing a report we produced on child sexual abuse in 2012. We now also have the power to initiate our own inspections. Among the issues we are considering are high-risk areas in crime investigation. We would like to go back to check, reinspect and make sure these areas are being covered. One power we would like to have is the power to make unannounced visits in order that if we were dealing with a particularly high-risk area and did not want preparatory work to be done before we attended, we would like to have the ability to turn up at a Garda station to inspect some processes live to get a reality check.

**Chairman:** I call Deputy Mick Wallace.

**Mr. Mark Toland:** I am very sorry, but we have not answered all of the Deputies' questions.

**Chairman:** I beg your pardon; my apologies.

**Mr. Mark Toland:** I was going to talk about the report on crime investigation, as well as the CSO's report. The CSO conducted its first review of our crime statistics about six or eight months after we had produced our report and completely validated our findings. It found what we had found and perhaps even a little more in some areas. It went back this year to look at the matter again. This is, therefore, the third time it has arrived at the same findings and for three years running. Most disappointingly, if a member of the public walks up to a garda on the street or rings to report a crime, it will not always end up on PULSE, the crime recording system. That is a real worry. Once it is recorded on the system, it can be audited, one can find it and decide whether it has been included in the right category. However, the lack of recording on the PULSE system is a gap. The CSO has again found Garda stations that do not have a book or a computer system to record the fact that a member of the public has rung to say he or she has been the victim of an assault. This makes auditing impossible. It is impossible for senior managers in the Garda to know exactly how busy gardaí are if they do not record every time a member of the public rings to report an assault or a public order incident. It is very difficult to decide how many gardaí are needed if it is not known how busy they are. We were disappointed, therefore, to see the CSO come back in three reports running with the same issues. In my opening address I spoke about a new system as part of PULSE which was introduced in November 2015. My organisation believes it is the biggest change the Garda has ever made in the management of crime and I anticipate that the CSO's report next year will be far more positive as a result. The Garda is now monitoring investigations daily; it knows exactly how

many investigations each individual garda is managing and has a sergeant assigned to manage the investigation. It is a much more robust system, one we would like to have seen in place many years ago.

**Deputy Mick Wallace:** I thank the delegates for coming. I have a few different points to make. Following on from Deputy Clare Daly's point about the fact that the inspectorate did not have statutory authority to oversee implementation of its recommendations, do the delegates know who in An Garda Síochána has been given responsibility to implement its reports? We have heard reports, but as we cannot be certain, the delegates might confirm who has been given that responsibility.

It is hardly a good system that the Commissioner can reject some of the inspectorate's recommendations and can take them on board as she sees fit. What do the delegates think about this? On the issue of crime investigations, Mr. Toland said he has seen the same problems prevail for three years running. We would have presented the Minister with evidence from PULSE of the massaging of crime figures in the Athlone area a year ago. It seems there was nothing to stop the senior garda in that station from doing that. I have no evidence that this has been addressed. How does Mr. Toland think that should be managed? He said the Policing Authority will help in making sure that the inspectorate's recommendations are implemented. Do he honestly believe that the Policing Authority has the wherewithal to play that role? We would be very sceptical about Policing Authority's power in terms of its legislative power having regard to its resources. We would be very surprised if it will fill the role Mr. Toland might like it to fill.

**Mr. Mark Toland:** On the Deputy's first question, was he talking about the implementation of and who is leading on the Changing Policing in Ireland report or the crime report?

**Deputy Mick Wallace:** The question as to who was looking after it from the Garda end was in terms of the Changing Policing in Ireland 2015 report.

**Mr. Mark Toland:** The Commissioner has taken the lead on that. In terms of crime, John Twomey, the deputy commissioner, has taken responsibility for crime. The Commissioner has done all the responses to us. It is part of her modernisation programme and she has taken those recommendations to be part of that programme. She has been the respondent to us and that is the person with whom we have been dealing. We had a five and half hour meeting with the Commissioner to discuss the report, the recommendations and the rationale, and that is important. We have to make sure that we put a proper case, a business case, for change. We have to persuade the Garda Síochána that this is the right direction in which to move. Ireland is unique with a national police service. While we might identify best international practice, it has to fit that into Ireland. Sometimes we may make a recommendation which needs to take into account rural policing and the geographical difficulties of policing. Sometimes our recommendations are accepted but have to be modified to fit into the Irish context, and we accept that. There are very few rejected recommendations and some of the rejected recommendations from previous reports have been accepted subsequently. That has not been an issue for us. Sometimes the issue has been technology and the Garda is woefully behind other police services. From my policing experience, I would say it is 30 years behind. That necessary investment is now coming through. The Government has put €200 million aside to invest in technology which will make the Garda a much more efficient organisation.

In terms of crime investigation, we are disappointed to see the same results. It is getting slightly better but there is still an issue about not recording crime. That is a common issue in other policing services but where they have that problem, they have intrusive supervision. As

I mentioned in my opening statement, there is an absence of a sergeant being on duty on 24-7 basis in Ireland across all the Garda divisions and districts. When gardaí are finishing their tour of duty, the sergeant should make sure they put any report from the day onto the system and that it is properly supervised. We did an evaluation and analysis at 11 o'clock on a Saturday night in August and we found that out of 28 divisions in Ireland, only 14 had an inspector on duty. I asked the question: who is in charge of that division and who is making sure that people do what is expected to be done? That is a significant gap in leadership. Those at the top table and the top of the organisation have a key leadership role in setting standards but if we do not have front-line supervisors on duty to make sure things get done, mistakes will be made and gardaí will have gone home. They do not go home intending not to put something onto the system but they are busy and then they go home, the matter is not put on the system today and then they are off for four days and some of these matters are not put onto the system. It is crucial to have sergeants and inspectors on duty with operational units.

In terms of making sure that what goes on is correctly dealt with, Deputy Wallace mentioned a superintendent making a decision about a crime. There is a call centre in Castlebar manned by civilians and gardaí ring in when they are dealing with a crime. They should ring from a crime scene and they can report that crime directly to the call takers in the call centre. It is a very efficient system. They are very good at what they do. We have got the consent of the Commissioner to allow those people to be the decision makers. When a garda rings up, that unit will decide whether the crime is a burglary, a robbery or criminal damage. If a superintendent in the future wants to change that crime, they will have to go through that call centre and, ultimately, that call centre will decide what that crime should be. That will stop 96 district superintendents making different decisions because currently there are 96 ways of deciding what a crime should be across the Garda districts. This will make those in this call centre the decision makers. It is an enormous step because it is taking away the authority from the district superintendent and moving it to this call centre.

I should have answered Deputy Daly's question on management. We have also persuaded the Commissioner to move to a divisional model of policing. This takes away the district superintendent; the superintendents now in a division will have responsibility for a key area. Instead of a superintendent being responsible for crime, human resources, finance and community relations, they will be responsible for crime. There will now be 28 superintendents responsible for crime across the 28 divisions instead of 96. Twenty-eight superintendents will be responsible for community policing, community engagement and partnership-working instead of 96 previously. We have given them a new structure which will mean we will have experts in crime. Superintendents cannot be experts in everything. I was not. There are superintendents who are very good at community engagement, some will be very good at operational policing and some will be very good at crime. This model allows them to put people with the right skills in charge of certain aspects of policing instead of expecting 96 superintendents to be good at everything.

**Deputy Mick Wallace:** Mr. Toland might respond to my question on the Policing Authority.

**Mr. Mark Toland:** The Policing Authority could be the final piece in the jigsaw in terms of oversight. I am very clear about our role and I think the Garda Síochána Ombudsman Commission is very clear about its role. We are working very closely with the Policing Authority. It has expertise in a significant number of areas. It has a very senior ex-police officer on that committee. We presented the Changing Policing in Ireland report and the crime report to it. It has now started to call us back as it works through the chapters to discuss exactly what we

meant. I am very confident that it will hold the Commissioner to account for the implementing of these recommendations. It has done it publicly already. We have already started to see the publication of community confidence statistics by the Policing Authority asking the question: when will they be published? I am very hopeful that it will fill a gap in terms of oversight.

**Deputy Mick Wallace:** I hope Mr. Toland's optimism bears fruit. On the issue of crime, I note one of the inspectorate's recommendations at 1.3 is to establish a serious and organised crime unit which includes cyber crime, human trafficking and serious fraud investigations. I am very aware from a number of meetings with members of the fraud team that they would find it very difficult at present to get information out of NAMA. We understand there is a data protection issue around the personal and commercially sensitive information that NAMA would have. Given that we are depending on section 19, where members within the organisation would report wrongdoing when it happens, we suspect that section 19 is not being used and applied as much as it should be. The real evidence the Garda needs to follow up on a case is very often within the remit, and within the papers, of NAMA, but the actual getting of them is a major problem. There is a big problem in this area. We do not hold white collar crime to account very well. Has the inspectorate ever examined how we could make things stronger in this area?

**Mr. Mark Toland:** I cannot comment on an individual case around the disclosure because I do not have the personal details. We looked at the creation of a serious and organised crime unit. We have gone far further than the Commissioner has currently gone and recommended that bureau fraud investigation become part of that unit. Currently, it is drugs and organised crime, and fraud is a separate unit. We did quite a piece of work in the Crime Investigation report. We followed it up in the Changing Policing in Ireland report, and we are recommending a much different unit. We need to follow the criminal now, and not the crime. It is about having individual units that look at drugs, organised crime, prostitution and fraud. These people go across many different crimes and what we have recommended is the creation of a much more flexible unit that is able to follow the criminal as they go through the crime.

Information sharing has come up in every inspection we have conducted. The Data Protection Act is often given to us as a blocker. When we ask for specific examples, some of the examples we get are complex, and we understand why that is an issue. What we found is an absence of signed up, information sharing protocols with organisations that allow organisations to share information based on a particular crime. We are currently looking at child sexual abuse, a very serious crime, and the management of sex offenders. Again, the Data Protection Act is given as a blocker, and what we are trying to do is come up with solutions to help the Garda Síochána, and partner agencies, have the confidence to share information when it is appropriate. Where children are concerned, it is much easier because it is in the best interests of the child. It becomes far more complex when we are looking at fraud cases and other serious crime cases.

**Chairman:** I thank Mr. Toland.

**Deputy Mick Wallace:** On a completely different subject, Mr. Toland stated: "Our evidence, including analysis of data and feedback from the communities we visited, highlights the lack of a visible Garda presence." Most people agree there was merit in closing some Garda stations but does Mr. Toland believe too many were closed and that this has led to a lack of a visible Garda presence, especially in rural communities?

**Mr. Mark Toland:** We went to community meetings and people said they certainly noticed the loss of their community policing gardaí because they were the people who would arrange meetings and send them texts and information. Certainly in rural Ireland, there is an absence

of community gardaí in many areas. We found divisions that did not have any full-time community gardaí, and some divisions in Dublin that have significant numbers.

On station closures, I recognise the symbolic presence of a Garda station in a community but as a senior police officer, one sometimes has a dilemma as to whether to keep a garda in a station, sometimes late at night, waiting for a customer to call or close the front counter service, not the station, and put the officer on patrol so they can be more proactive. It is a balance in terms of keeping the station open when it gets very few callers. My view is that a Garda station needs to have a reception area so that members of the public know they can call at certain times, but the public need a garda to come quickly when they need them in an emergency. We need to get the balance right between them. Chief superintendents in divisions are often best placed in terms of knowing the best place to locate Garda stations and the facilities they need to ensure they are accessible to the public, but also making sure they get people out from behind desks and front counters, where possible, to go out and be a visible presence.

What I found, in terms of visibility, is that gardaí often drive down my road but I do not see them. They might walk down a street but if someone is not out and about, they do not see them. We have recommended that they knock on doors and let people know they are patrolling their streets because, quite often, people do not see them when they are out on patrol. Visibility is a difficult issue. It is about the fear of crime also. Many people have a fear of crime when the reality is they are very unlikely to become a victims of crime. One tends to find that more elderly people are afraid to go out because of what they see in headline news. That visible garda presence is very reassuring to them when they see them.

**Ms Éimear Fisher:** In Changing Policing in Ireland we noted that 43% of the fleet was unmarked, and our view was that a higher percentage of the fleet should be marked. In a simple way, and I know it is expensive to deliver cars and so on, that would encourage people to know there is a Garda car in the area, even if they are not engaging.

**Chairman:** I call Deputy Jim O'Callaghan.

**Deputy Jim O'Callaghan:** I thank the witnesses for coming in. Have either of them read the O'Higgins report?

**Mr. Mark Toland:** Yes.

**Deputy Jim O'Callaghan:** Would Mr. Toland agree with me that some of the specific findings in the O'Higgins report replicate the general findings in his Crime Investigation report of 2014? In particular, he found that inexperienced gardaí were investigating serious crimes and on a micro level, Judge O'Higgins found that also. What are the witnesses recommending should be done to ensure we do not have a situation where inexperienced gardaí are investigating crimes that are too serious for them?

**Mr. Mark Toland:** In Crime Investigation and Changing Policing in Ireland, we are talking about specialism. There are certain crimes that we would not expect a newly trained garda or someone without detective experience to investigate. If my daughter was the victim of a serious sexual assault, I would want a detective trained in the investigation of sexual assaults to investigate it. Domestic violence was another area we examined in Crime Investigation, and again we found that there were very few arrests. Sometimes the crimes were not always correctly recorded. We have recommended the creation of a specialist unit in a Garda division that investigates serious sexual assaults, domestic violence cases, and child sexual abuse. The



Commissioner has committed to introducing those units. We are waiting for the dates, but three of those units are likely to be formed fairly soon, one of which we believe will be in Cork city. In the future, when a victim comes into a Garda station that unit should be contacted and if it is a sexual assault, a specially trained officer, not just a detective, should be trained in the investigation of sexual assaults. Currently, if a victim goes to the front counter and reports a crime, whether it is the theft of a newspaper or a rape, it is very likely the garda at the front counter will take on the role of investigating that crime.

**Deputy Jim O’Callaghan:** Mr. Toland is recognising that specific crime sometimes requires specialist attention. That is the intention.

**Mr. Mark Toland:** Yes.

**Deputy Jim O’Callaghan:** In his report, Changing Policing in Ireland, Mr. Toland recommends the establishment of a position of deputy commissioner for governance and strategy. Was that a mechanism to try to ensure that there was an improvement in management and supervision within the force?

**Mr. Mark Toland:** Yes, and it has been implemented. One of the deputies has taken on that role. We found that there were a number of policy oversight units within the Garda Síochána that sat in different parts of the organisation. We felt the significant around governance needed a deputy commissioner to drive through some of that change. That is why we recommended it, and it has been accepted and implemented already.

**Deputy Jim O’Callaghan:** Another aspect examined in the Changing Policing in Ireland report is the Garda college. Mr. Toland notes that the majority of training takes place in the college, which is both expensive and inefficient. Would he agree it is important that we continue to ensure that gardaí go for ongoing, continuing training and education?

**Mr. Mark Toland:** Absolutely. They have what is called continued professional development, and it is beyond the Garda college. They have trained sergeants and gardaí, traditionally based on divisions, but in the moratorium on recruitment they stopped doing the continued professional development, and some of those units collapsed. They no longer existed. They are just starting to build up that capacity again but they are playing catch up. They are probably four or five years behind some of the training. They are retraining the majority of gardaí in interview techniques training, and that is a significant and ambitious target to try to achieve. Our Crime Investigation report suggested that training needs analysis to consider the critical needs and the gaps in terms of gardaí out policing now.

In terms of the new course, the feedback on the participants coming through the new course is very positive. The new training programme will give many of those people coming through the system now the skills, but they have a gap of people between 2009 and 2016 who probably did not get the training they needed. They are now trying to play catch up.

**Deputy Jim O’Callaghan:** Does Mr. Toland believe the Garda currently has the expertise to investigate very serious and sensitive offences such as sexual offences and, on the other side, white collar crime?

**Mr. Mark Toland:** They have some excellent detectives, and I have met and engaged with many people who have got very high skills. What I do not like is the way they approach an investigation. If there is a murder today in Tipperary, as a division, Tipperary will manage that murder investigation. The local superintendent takes charges. They have to call in people from

some of the national units around the division. That is not an approach we would recommend. In all the other jurisdictions we visited they would have a national unit that investigates very serious crimes like homicide. They would come in to investigate the crime and allow the division to deal with less serious crimes, such burglary and robbery, and some of the sexual assaults. They have the skills; they are merely not in the right place.

The sexual assault piece is interesting. There is a need to develop a specific training course for the investigation of sexual assaults, particularly child sexual abuse.

**Deputy Jim O’Callaghan:** Does Mr. Toland believe that the upper echelons of An Garda Síochána take the Garda Inspectorate’s reports and recommendations seriously?

**Mr. Mark Toland:** I think so. I think they see them as challenging. Numerically, there is a significant challenge.

The Commissioner has agreed to move to a divisional model. The reason I keep mentioning that is it is the biggest change since the Garda Síochána came into existence. It is a significant structural change.

They accepted the 212 recommendations on crime and now they have the challenge of trying to deliver them. The new protective services bureaux investigating sexual assaults is something that we recommended in 2012, and is now coming on-stream. There is a significant change.

The language used by the Commissioner is different. It is about implementation. It is about trying to get things done, but there is an enormous number of previous recommendations that must now be implemented. That is a challenge but the commitment is there.

The gardaí we engage at operational level are passionate about what they do. The gardaí themselves, their own staff, want to see this change happening. The public wants to see the change. The challenge for them is showing their own staff they are going to change and they need to do that by delivering some of the pieces in the plan as quickly as possible, not slowly.

**Deputy Jim O’Callaghan:** I take it from that the Garda Inspectorate is satisfied with the co-operation it is getting from An Garda Síochána in respect of its reports.

**Mr. Mark Toland:** We have a very good working relationship. They do not always like what we say. We try and say it as it is. We try and give the reality check. Sometimes it is difficult to hear the message. We try and recognise they have some very hard-working gardaí trying to do their best. We are merely recommending that they operate in a different structure with a different system, and to get rid of paper. The organisation is so bureaucratic with paper records and it needs to get the technology in place to give it the data to make it a much smarter organisation.

**Deputy Jim O’Callaghan:** The Garda Inspectorate has a specific statutory objective, which is to ensure that the resources available to the Garda are used so as to achieve and maintain the highest levels of efficiency and effectiveness. We talk a lot about failings on the part of An Garda Síochána but it is also important to look to see what can be done to improve morale within the force. Would Mr. Toland agree that improving morale will improve efficiency and effectiveness, and if so, what can the Garda Inspectorate do to improve Garda morale?

**Mr. Mark Toland:** We found that many of the gardaí we engaged had never been through a

similar process with their own organisation. We ran workshops to which we brought in gardaí from every rank and grade. Some gardaí said to us that is the first time that anyone has engaged them about what would make a difference. They know the answers. If I sit down and engage a group of detectives, they know the answers to a lot of the challenges facing their organisation. We have written a chapter about leadership and about what difference that can make, but a major part of that was engagement within their own organisation bringing in staff with the knowledge and expertise because they themselves know the answers. We found there is a lot one can do.

Certainly, having supervisors on duty to motivate, lead and direct gardaí is a very important issue. If a supervisor is there who comes on, briefs gardaí, motives them and gives them a task to do for the day, one will find that gardaí will react well to that. We included a whole section about recognising good work. They can do a lot more, such as simply saying, “Thank you”, more formal recognition, and making gardaí feel valued.

If one looks at the Reserve, one has a group of individuals who are volunteers who are giving up their time to come in and police. They are highly motivated individuals.

With many aspects of leading staff, there are no costs. It is about giving time. It is about spending time and about senior managers being very visible with their staff. I always try to take myself out from behind my desk to go and drive a patrol car or to patrol with my staff because a senior manager has not lost his or her policing powers. The senior managers need to be out more with their staff and to spend more time with them, to be more visible. That will certainly make an impact on morale.

**Deputy Jim O’Callaghan:** I thank Mr. Toland.

**Deputy Jack Chambers:** I thank both witnesses for coming in and making their presentation.

My first question relates to the current regulatory structure that has been established with the Policing Authority, and its powers. They mentioned that the Garda Inspectorate submits its reports and recommendations to the authority and it has stated it has not the capacity to investigate or explore them all. Could they provide an international context for our structures and how the Garda Inspectorate fits within what has been created and constructed with the Policing Authority? We were talking about systems and governance from a policing perspective, but from a regulatory perspective, are we spreading our regulatory resources too thinly across too many organisations which will inhibit effective governance and oversight? Much of what the inspectorate talks about is something we have heard from both GSOC and the Policing Authority. The inspectorate has nine staff plus themselves, the Policing Authority has 13 and is trying to hire more, and GSOC has numbers in the 20s. Would this be a long-term issue where each says it has a resource problem which then constrains their capacity to investigate and explore the different reports properly?

On that, the inspectorate mentioned specifically that it does not have an implementation function in terms of having supervisory intervention but that the Policing Authority does. With the inspectorate’s systems and progression of focus in terms of its reports, can it be guaranteed that the Policing Authority will focus on what the inspectorate is trying to focus on? Do they see the point I am trying to make? Could they provide an international context for what we have created because it appears what has been created is very much reactive politically? We have created the authority based on some of the issues we have seen in recent years but is this

the right embryonic structure now and will it work in the long term?

**Ms Éimear Fisher:** The situation here is that the three organisations, GSOC, the Policing Authority and the Garda Inspectorate, are clear on each of our individual roles. When the Policing Authority was being set up, there was some discussion in relation to our role, etc. We do not believe that there is any difficulty in relation to clarity of role and in relation to overlap or gap existing because we have regular communication with them. We have never had a difficulty in relation to resources and I would think that anyone looking at the work that we have done in the reports to date would say that we have used resources quite well, with only nine support staff and three inspectors. There is no difficulty as far as we are concerned in relation to the effective use of our resources.

In regard to the other bodies, their functions are quite discrete and quite clear. I am not sure what would be gained by putting the three of them together. We have quite distinct roles.

**Deputy Jack Chambers:** I did not suggest that.

**Ms Éimear Fisher:** That has been suggested to some extent. In the setting up of the Policing Authority, it was suggested that the roles might be rolled up together.

In regard to the implementation, there is value in our having a separate existence, from the point of view of independence, to be able to go into a situation and identify the problems and bring forward solutions. The Policing Authority has its strong role in questioning and calling to account the Commissioner in relation to broader issues as well as the implementation of those particular recommendations themselves.

**Mr. Mark Toland:** Unlike the Policing Authority, we can look at all functions of An Garda Síochána. The Policing Authority cannot look at issues around State security or some of those more sensitive issues. We can look at every area of policing and we are slightly different.

On inspections, the much of what I have done in the inspectorate has involved external agencies and other Departments. We have started to look at issues because policing is about more than merely what the Garda Síochána can do. It is about the courts. It is about the Office of the Director of Public Prosecutions. In the most recent report, we look at Tusla. We have gone far beyond the police service.

In other jurisdictions, they are all very different. The UK now has moved to police and crime commissioners rather than a policing authority, but in England and Wales, they have a completely separate policing inspectorate because they do not want to lose the focus on policing. We would not like to be consumed into another organisation that necessarily takes us away from policing.

**Deputy Jack Chambers:** Unlike here, they have an implementation function on a statutory basis.

**Mr. Mark Toland:** Her Majesty's Inspectorate of Constabulary does fulfil a similar function to ours. It makes recommendations but the police services are obliged to implement those recommendations.

We looked at the situation Northern Ireland. There is a board but, obviously, there is a political element to that. Interestingly in Scotland, where there is an inspectorate and a policing authority, the inspectorate can actually inspect the policing authority in respect of some of its

functions, but it has not yet used that power.

There have been discussions in Ireland on whether there should be a criminal justice inspectorate to examine issues concerning the Probation Service, prisons and policing and, potentially, some of the core issues. These discussions have taken place and we have been involved in them. We see merit in broadening the criminal justice aspect to take in sectors other than just the police. An Garda Síochána is a really important aspect and we would not like to lose the inspectorate's focus on policing in Ireland.

**Deputy Jack Chambers:** On what was mentioned about Scotland, does Mr. Toland believe the inspectorate's statutory functions should be wider to enable it to examine the Policing Authority on the basis that it collaborates on an ongoing basis in the creation of the policing plan? As I have raised with the Commissioner and the Policing Authority, can they properly review and monitor a plan in which they have been actively involved? Does the inspectorate believe its remit should be widened in this regard?

**Mr. Mark Toland:** It is not for us to decide what Government policy should be.

**Deputy Jack Chambers:** Given the inspectorate's statutory function regarding governance structures for policing effectively and efficiently, would it be appropriate in the context of what we have created with the Policing Authority?

**Mr. Mark Toland:** The important thing for us is to keep our independence. That means our reports being more widely accepted. If we were part of the Policing Authority or had responsibility for it, it might not-----

**Deputy Jack Chambers:** In terms of oversight.

**Mr. Mark Toland:** It was not regarded as an appropriate way to go in this jurisdiction. It is not our decision. The operation to which I referred only happens in Scotland. It does not operate in London or Northern Ireland.

**Deputy Jack Chambers:** Does Mr. Toland have any opinion on that operation?

**Mr. Mark Toland:** It is not something we have considered and we have not been asked to do so. It is not included in the legislation and-----

**Deputy Jack Chambers:** The effectiveness and efficiency of policing are covered in the legislation. The Policing Authority is actively involved in the creation of the policing plan. This is linked with policing and how it is planned. Therefore, there is a link.

**Ms Éimear Fisher:** I can see the point the Deputy is making. It is really clear. Our current role is helped by the fact that we have a focus on An Garda Síochána. To be perfectly honest, we have more than enough to be doing to be able to focus on that role.

**Deputy Jack Chambers:** Reference was made to intrusive supervision of the PULSE system. What would Mr. Toland like to see changed in that regard? Reference was made to sergeants having a role. With regard to other organisations or structures, who would Mr. Toland like to see intrusively supervise it?

**Mr. Mark Toland:** When I refer to intrusive supervision, I am talking about front-line supervision, with a supervisor present and on duty. With regard to governance, consider the system I mentioned. It involves a unit, separate from the operational environment, making deci-



sions on what a crime should be, classifications and detections. I refer to the centre in Castlebar, the Garda Information Services Centre, GISC. We have recommended and it has been accepted that it should be the decision-maker, taking responsibility from those who are assessed on their performance. This is in order that superintendents will not be making decisions on what a crime should be or when a crime is detected when it sits with their operational environment. It is a matter of taking that decision-making from them and having it carried out independently. This will result in consistency across the State in deciding what a crime should be. When I looked at crime statistics, I noted that in County Donegal an assessment of criminal damage might be made in the case of a certain incident but in County Kerry it might be called a burglary and somewhere else, a trespass. One of them is correct. A central unit will decide consistently across the State on what the crime should be in the circumstances in which it is detected. This represents a far better system and takes away any inference that somebody has made a decision that is inappropriate. Most of the problems were inconsistencies. Two individuals might have a slightly different opinion on a crime, but if there is a national unit to make the decision, one will start to have consistency in recording, particularly detections of a crime.

**Deputy Jack Chambers:** Mr. Toland has said he was told last year that measures had been implemented but that when he checked, the benefits had not been realised. Ms Fisher said there had been some traction in implementation but that the inspectorate would obviously like more. Has further progress been made? There was a negative outlook last year. Has there been an improvement this year?

**Ms Éimear Fisher:** Last year we were unhappy with the level of progress. We called it as it was at the time. The plans have now been put in place and the strategic transformation office is in existence. There was a challenge associated with the volume of recommendations made by the inspectorate and in other reports. Our understanding is that the plan is now in place. The Commissioner's modernisation and reform plan has been published and an office is overseeing its implementation. There is now more than traction and we are in the implementation stage, but we maintain the view that we would like to see more energetic implementation. It is always the case that we would like to see more timely implementation. Most of the 574 recommendations we have made to date, particularly the recent ones, have been sequenced according to short, medium and long-term priority. We would like to see the short-term recommendations implemented, followed, obviously, by the others thereafter. To answer the Deputy's question, there is a framework now in place, in addition to a structure and staff. We hope the traction will be a little speedier.

**Senator Frances Black:** I thank the delegates for attending and congratulate them on their recommendations. I am frustrated by the lack of implementation. If I feel frustrated, I cannot imagine what it must be like for the delegates.

Mr. Toland made a point about the problems encountered. Some of the recommendations from a few years ago, perhaps 2009, were not implemented. If they had been, we would not have the problems that arise today. Could we have an example of what they might be?

Ms Fisher referred in response to a question to the culture of blame. I would like to hear a little more about this.

If a body such as the inspectorate that really understood the recommendations, particularly regarding sexual and domestic violence and all of the points the delegation mentioned, were brought into the police force to oversee implementation, how long would it take to change the culture of the force and really make a difference? I suppose my question is the same as that of

Deputy Jack Chambers.

**Mr. Mark Toland:** I will speak first about implementation and some of the examples. On many occasions, going back seven years, we have made recommendations concerning sergeants and inspectors on duty on the front line, in operational units and in filling the gaps. That is a crucial gap in the organisation and we have constantly raised it as an issue. The O'Higgins report covers the years 2007, 2008 and 2009 and crimes when there was no supervisor on duty. Sometimes one will have inexperienced gardaí investigating crimes; it is necessary, therefore, to have a supervisor with them to lead, direct and train them. Many youngsters coming out of the college in Templemore at the time in question did not have a sergeant to train, look after and supervise them. That is a really important part of a young officer's career and it was a significant gap.

Civilianisation dates back nearly 20 years. The thrust of our last report was to try to get police officers working on tasks and roles in which their skills would be used. Twenty years ago there was a Government-sponsored report on civilianisation. It stated that every time a civilian member was brought in, there should be one police officer going out to perform a police officer's role, but that has not happened. Civilianisation has been woefully slow. There are many highly trained, experienced gardaí engaged in administrative roles and roles that do not require police skills. One might need technical skills, but it is a waste. That is because it is expensive to train them and it takes a long time. One then puts them into a role that a professionally trained member of support staff could do. Other organisations have tried to ensure that when they recruit a support staff member, they release a police officer for the front line. Those are two where, actually, we would have seen more police officers on the front line and more sergeants and inspectors available to supervise them properly.

**Ms Éimear Fisher:** On the blame culture, the position there was in relation to the hesitancy to use initiative and the hesitancy to take action in certain circumstances because if one put one's head above the parapet and did something wrong, one would be blamed. It could be career-threatening or career-damaging. In an organisation in which certainty is really important from the point of view of prosecution, that is almost understandable and it is not unique to the Irish police service. At the same time, it is a situation that hinders initiative. There has to be scope for leadership, vision and the encouragement of initiative. This has happened in the public sector and a wide variety of organisations. On the second question in relation to time, a change in culture can take years. It can take years from the point of view of international policing services. We have studied cultural change in New Zealand, Australia and other areas like that in police services and it can happen. There are steps. It is not something that is impossible; it is something that can happen. There are clear steps that can be taken along the way from the point of view of vision from the top and an agreement to the vision all the way up and down the ranks. Supervisors all through the ranks can agree with and understand the vision and the need to deliver it. The vision should be included in performance management through which there should be an assessment of how one has delivered on the vision of the organisation.

There are quick wins as regards the changing of culture. Culture has changed in large organisations. I give the example in an Irish context of the Courts Service. When the administration of the courts moved from the Department to the Courts Service when the latter was established, it had a particular insight into customer service. The service had working groups, a vision from the top, leadership and it worked and is continuing to work. It may not be perfect in all circumstances and I am sure organisations would agree with that, but culture can change. There are quick wins along the way, but it is something that cannot be done overnight. How-

ever, it is not quite overnight at the moment.

**Senator Frances Black:** Is bringing in a team to change the culture something that has worked previously? Have the witnesses seen it work where a team was brought in to work with the leadership in an organisation? Perhaps, the team has put a small bit of pressure on the leadership to try to get the implementation done. Do the witnesses have any experience of that?

**Ms Éimear Fisher:** Theoretically, culture that is encouraged or influenced from the outside is resisted in most complex organisations. Culture, where the vision is only at the top, is also resisted. While it is important to have some external expertise, culture must be bred from within an organisation. The most important point here is that there is a vision at the top that is understood and embraced by other leadership and other supervisory levels down through the organisation. While there is a need for some external encouragement and mechanisms, it must be bred internally.

**Senator Frances Black:** If there was new leadership, would that make a huge difference? If somebody came in and really wanted to make that change, would it then be implemented?

**Ms Éimear Fisher:** Having looked at other police forces, it is not necessary to have new leadership to have cultural change. In New Zealand and Australia, where there has been significant cultural change across very complex and very challenging cultural issues, it was the incumbent, sitting police commissioner who drove the change. What is necessary is a clarity of the vision in relation to the culture that is required and either a restatement of the values that are there or, at least, a rebranding of them. There should be a clear focus and a clear plan, which I believe is included in the modernisation and reform plan, to deliver that.

**Chairman:** Would Deputy Alan Farrell be kind enough to allow me to let Deputy Clare Daly in? She had indicated earlier one last, small supplementary and I know she has to leave at 10.30 a.m. for another pressing appointment. I do not want her denied.

**Deputy Alan Farrell:** That is no problem.

**Deputy Clare Daly:** I really appreciate that. I thank the team. It is no reflection on them. There were just two very short questions. One is on the call centre. It is an unfortunate title because it suggests young people in India, with whom there is nothing wrong, making decisions about police work. Are they supervised by a garda? What level of training do these people get? I note in relation to the references to civilianisation in court or prison work that the problem in Scotland was that a lot of it was done by private companies. I assume that is not the case here. What is the name of that team?

On the inquiries the inspectorate has initiated itself, is the sex abuse one the first? When are we likely to see an outcome there? On technology, it has been put to us by gardaí that while the new computerisation is useful, they are bogged down in more administrative work with fewer resources than before. Has that been the inspectorate's experience?

**Mr. Mark Toland:** On the first question, it is called the Garda Information Service Centre. It is one of the most professional group of people I have met. They have performance management data and are highly trained. They become experts in classification and gardaí have been involved in the training. There are now gardaí attached to the centre, which was not previously the case. They now have gardaí in there who can answer any technical questions and I was very impressed with them. It is a professional organisation.

**Deputy Clare Daly:** It is not a private company, is it?

**Mr. Mark Toland:** No, it is not private. It is part of An Garda Síochána. They are civilian employees and they are very impressive. They understand crime and are starting to become very adept in understanding what a crime is. They also have prompts so that they can ask a garda whether he or she has carried out a particular action at a crime scene. That is to assist gardaí when investigating crimes locally. They are very professional and I am very impressed with them.

On the child sexual abuse issue, we published a report in 2012. We are in the report-writing stage and would like to have that published before December. However, it has to go to the Minister first and she will then decide when it is published. We will try to get our piece of that work done this side of Christmas.

**Deputy Clare Daly:** Is that the only report the inspectorate has initiated? I am not criticising, I am just making inquiries.

**Mr. Mark Toland:** It is a report we completed in 2012. The Minister at the time asked us to go back and do a review. We are going back to do that now. The last question was on technology. I am sorry but I missed the thrust of the question.

**Deputy Clare Daly:** A lot of gardaí tell us they are nearly bogged down in filling out forms and computer updates in triplicate and do not have time for policing given how bogged down they are on the technological end. Is that true? Has it been the inspectorate's experience?

**Mr. Mark Toland:** They are woefully behind other police services in terms of available technology. PULSE has been upgraded and there have been significant changes. We are still recommending a new system. Gardaí need to get a computer-aided dispatch system in, so that calls from the public are recorded electronically. Paper still generates a great deal of the activity and they are trying to do a lot of things to reduce that. However, it is very bureaucratic and they could use e-mail more. There are technology systems and devices already available that gardaí should use more rather than becoming reliant on paper reports. They could put all their information onto the PULSE system instead of doing a separate paper report that can get lost. It is not an electronic, recorded system with times and dates when that information was put on the system.

**Chairman:** I call Deputy Alan Farrell and thank him for facilitating Deputy Clare Daly.

**Deputy Alan Farrell:** That is no problem. I thank the representatives of the inspectorate for coming in again. It is good to see the witnesses who we have met a good few times over the years. I will be as brief as I possibly can. I am conscious that the witnesses have been sitting for a while now. A number of statistics were identified in the opening statement and in the various reports of the inspectorate. A matter I have addressed before to all the policing bodies, as well as to current and former Commissioners, is the use of professional, non-sworn members or the professionalisation or civilianisation, as some call it, of police services. At the moment, 83% of our gardaí are deployed on front-line duties while 93% is the average in other jurisdictions. Will the inspectorate complete follow-up evaluations on the allocations and are there any measures within the inspectorate's suggested recommendations in the past or future that might assist the Commissioner in improving that statistic?

**Mr. Mark Toland:** Those are actually two separate things. The 83% refers to every member. That is every uniformed and detective member. Up to 83% of gardaí in the organisation

are on the front line. The definition of “front line” is quite wide, including anyone who has daily contact with the public. It could be someone receiving a 999 call, someone on a front counter, or someone dealing with a member of the public on the street. We found that other police services had tried to get rid of all of the back office support and become leaner at the top to protect that front line. Most European countries have suffered from recession and austerity, resulting in reduced police officer numbers. When we looked at the Garda Síochána over a five-year period, we did not see that same protection of the front line. It had lost many people from the front line but appeared to be supporting the back-office support. We felt that was the wrong approach.

Civilianisation is about professionalisation. When we talked to senior gardaí, such as superintendents and chief superintendents, they tended to talk about clerical support. Civilianisation to us involves people who examine fingerprints or a crime scene. There is a role for clerical support staff. However, we are looking at many of the technical aspects because they are training a police officer twice. They are training them to be a police officer and then to be, say, a fingerprint expert. There are many bright and energetic people coming out of universities with all sorts of qualifications which would mean they already have many of those skills. One only needs to train them to do the role, not to be a police officer.

We also found many police officers sitting in administration units. The divisional launch will immediately free up police officers to go back out on patrol-----

**Deputy Alan Farrell:** What was the number involved in non-operational activity?

**Mr. Mark Toland:** In *Changing Policing in Ireland*, we said conservatively 1,500. That does not include posts we had already identified in crime investigation, such as people answering the telephone, people at front counters and people looking after people detained in Garda stations. In most other policing services, those functions are now performed by support staff. The 1,500 does not include an enormous number every day who are performing roles in Garda divisions and stations. Conservatively, I would say the figure is 1,500.

**Deputy Alan Farrell:** While we have done the closure of rural Garda stations to death, I am conscious of Mr. Toland’s background experience in the UK. Comparatively speaking between ourselves and the United Kingdom in size and population, we have a massive number of Garda stations. I listened to Mr. Toland’s comments on people’s perceptions as opposed to his own and the fact we have a Victorian network. In my opinion, it has no place in our policing plans in terms of the maintenance and upkeep of X number of stations across this State when we do not need anything near that. Perception has actually governed policy for decades, which is wrong. What is Mr. Toland’s view on this?

**Mr. Mark Toland:** Ireland has a significantly higher number of stations than any other jurisdiction we have been to. Scotland was interesting because it has similar geographical challenges. We also went to Northern Ireland. Most police services have centralised some functions such as prisoners. Instead of having every station with two or three cells, which are probably not always fit for keeping people, police services are looking at how they can centralise the function with one properly staffed centre where prisoners can be brought.

The problem with that in Ireland is the geographical difficulty. One has to take into account that one does not want gardaí who have arrested someone travelling for long distances. Many police services have a central point to take someone who is detained in custody but with a fall-back they can open if needed. One has to be sensible.



Some of the Garda facilities I have visited were not in a fit state. One had a tree growing through the middle of it. Many of them were built 100 years ago and are not fit for modern policing. Many of them are not in the right place because of motorways and urban generation. Traditionally, the police station was located on the high street. Sometimes they are not always in the right place. It needs a strategic approach.

**Deputy Alan Farrell:** Where should a Garda station be located in a growing community?

**Mr. Mark Toland:** It needs to be in a place where the community has access. Deployment needs to be considered. In my last command, we had some of our units based in two places because of a motorway going through the middle of it. One needs to get to a place quickly in a 999 call which means many issues need to be taken into account. We have given them a new model around how they operate at division. They need to look at what facilities are available. I believe it is more than just Garda stations. It is libraries, other premises and clinics where the community knows a Garda will be at a certain time. They are starting to do that and there are some good examples.

The future remit of the Policing Authority will take us into this territory. For the first time, we will take a proper hard look at the dispersal of stations and facilities to assist the Garda Síochána to come up with a plan about how best to use those facilities and where best to put gardaí. I see a Garda station as a building for patrol officers where they start and finish. For the rest of the time, one wants them out and about engaging with the public. The public needs to know where it can access Garda services when they need them for non-emergencies.

**Deputy Alan Farrell:** Every time I ask a question of the current Garda Commissioner and Minister on technology, I get the reply that we are giving €30 million, or whatever, for improvements to the PULSE system. Clearly, PULSE is an out-dated system which one is constantly adding to but not actually addressing. Members of the Oireachtas would compare it with the system we use which is equally antiquated and ridiculous. However, it is there.

Are we flogging a dead horse, asking members of An Garda Síochána to actually use such a cumbersome and time-consuming system? I accept all systems for the recording of crime will be cumbersome, take time and officers will have to get over it. The blunt truth with regard to PULSE is that it is 30 years out of date. No amount of money will improve it unless it is replaced. What is Mr. Toland's view on that?

**Mr. Mark Toland:** The Garda has a difficult challenge because PULSE is an available system but there are other areas where there is no system. The dilemma is does one invest money on a new crime investigation and management system when one does not have a national call recording system. The Garda has decided to invest heavily in a call-recording system and is looking at a system where they can manage resources more effectively. Those are good systems in operation in any modern police service.

The decision has been taken to improve PULSE. Some tremendous improvements have been made. As I stated in my opening statement, the Garda has been able to use what it has in a far more efficient way.

One issue we found in crime investigation was the Garda was not using the technology it had to its full capacity. Some minor changes and use of that technology would make it far more efficient. We have recommended a new crime investigation system. The Garda will try to upgrade PULSE to deliver that system. It will introduce a new major crime investigation system.

If there is a homicide or kidnapping, the Garda will bring in new technology that will allow it to put statements on the system and be able to search words to manage serious investigations.

PULSE is here to stay for the immediate future. Obviously, from what has been done recently, the Garda can make changes to make it a far better and more robust system.

**Deputy Alan Farrell:** Earlier Mr. Toland referred to the recording of walk-ins and reporting of crime. While I do not like to bring up personal matters in the committee, I have personal experience of this. It is something people talk to me about fairly regularly. I have done it myself. When I finish work late at night and take my dog for a walk, I have often seen people dipping into bring banks and clothing banks in an organised fashion. I have called the Garda with a registration number and have called back a week later to find out that there has been no follow-up. It was never recorded. The gardaí in question said whatever they needed to say on the phone to get me off it. I do not identify who is calling but I should not have to. I find that frustrating, which is why when I heard Mr. Toland saying that those taking calls were not recording them, it sprang into my memory. This has happened a couple of times in the past seven or eight months. In terms of the implementation of a programme to ensure officers are doing it, how does the inspectorate oversee that? I know there are many structural changes it is recommending but at the same time, how does it oversee things in order that the systems are in place to ensure officers are recording crime effectively?

**Mr. Mark Toland:** Some divisions in Ireland, particularly in Dublin, have an electronic call recording system whereby if someone dials 999, it is answered by a call taker and they immediately create an electronic record. The minute we have that, there is capacity for supervision, and a sergeant at the end of a tour of duty or the supervisor in that control room should contact that individual member to remind them and ensure it goes on the PULSE incident recording system. We have made a very simple suggestion that the officer gives the number of the PULSE record in order that the call record can be correlated with the PULSE record. That is now starting to happen.

What cannot be legislated for or supervised is where a garda is approached on the street by a member of the public who tells that garda he or she has had his or her wallet stolen or has been a victim of crime. That individual garda must then put that crime on the system.

One of the issues for us concerns the way crimes are allocated for investigation. We have recommended a new model of allocation of crimes for investigation because that garda in the street becomes the investigator if he or she records that crime. If that garda does not record it, it is one less crime he or she has to investigate. That is not a good system so we are recommending specialist investigation units.

Domestic violence was one area that was worrying for me. We saw some shocking examples where a victim had reported an injury and either it did not get on the system in the first place as a crime or was recorded as some other incident but not a crime. That is unforgivable and needs to be dealt with because it is misconduct and failing to report a crime. That is not giving a good service to the public. Sometimes victims have rung up to find out how the investigation of their crime is progressing to find out it was never recorded in the first place. That needs supervision and a new investigation system will stop that because if a garda is going to deal with a domestic violence incident and there is a specialist unit that will investigate that crime, why would he or she not record it? That garda every reason to record it because a specialist unit will investigate it.

**Deputy Jonathan O'Brien:** It seems a bit ironic that if a person approaches a garda in the street to report a stolen wallet, it may not be recorded, yet if a person in a car is stopped by gardaí and he or she has no tax disc or he or she fails to produce his or her driving licence in a Garda station, that is definitely recorded. What is the difference? There is no doubt that failure to produce an insurance certificate at a station will cause a summons to issue.

**Chairman:** I will take Deputy Farrell.

**Deputy Alan Farrell:** That point about the production of discs and licences is an interesting one. I recall how, when I was in Mayo a few years ago, I was asked to produce my tax disc because I had forgotten to put it in the car window. Of course, I do not live in Mayo, so when I went home, I checked and found my tax was up to date. If they had checked the system, they would have been able to prove it. I got notification that I had not produced my disc, which of course I had, and at the time during which the matter was being investigated, my tax disc was valid. I just did not have it in the car window. The point made by Deputy O'Brien is an interesting one.

I agree with Mr. Toland's earlier comment that the Policing Authority was the final piece in the jigsaw in respect of oversight. In respect of all organisations but most especially given that the Policing Authority is the youngest of the three oversight bodies, in observing the creation of the authority and its progress towards operating at full tilt - I am not sure whether it is operating as such yet but I do not believe it is - does Mr. Toland think there are any identifiable legislative weaknesses in the inspectorate's role or remit or weaknesses through custom and practice in dealing with any of the other agencies with which it would have a direct function?

**Chairman:** Will Mr. Toland comment on Deputy O'Brien's observation?

**Mr. Mark Toland:** We would like the power to carry out unannounced visits so that we do not have to give three months notice that we are coming in to look at particular files. We would not use that power regularly. It is just that there would be some inspections where we think we should turn up and get a reality check.

In terms of traffic, I cannot comment on the recording. My teenage son drives. Sometimes he gets stopped and he is not quite sure what will happen at the end of the interaction and whether he is going to receive something in the post or whether he is being given a verbal warning. I have found that sometimes with traffic matters, some people, especially youngsters, leave an interaction with a garda unsure about whether they are going to be prosecuted or whether they have been given a good telling off.

A traffic matter is a single incident and gardaí have to produce a quick report or say that someone has been reported. With a crime investigation, a garda has to take statements from victims and witnesses, interview the suspect and put a case file together through to the Director of Public Prosecutions, DPP, or the superintendent will ask that garda a number of questions such as whether he or she has checked CCTV, so a crime investigation is a significant piece of work. Many gardaí currently assigned to 999 calls have no time built into their schedule to investigate crime. They will come on today and ask their sergeant for time to take a statement. We want investigation units where that time is built into their daily work rather than using gardaí who have three or four other functions to do, of which investigation happens to be one.

**Chairman:** Deputy O'Brien had an earlier brief supplementary.

**Deputy Jonathan O'Brien:** I have two brief supplementaries. We always talk about Garda

numbers as if they are the be-all and end-all of policing, but I am more interested in Garda hours and how we utilise them. Even I have had great difficulty in trying to find out not how many personnel are dedicated to investigating burglaries or sex crimes but how many Garda hours are spent in each area. We would get a better idea of whether resources are being utilised to the best of our ability if we stopped talking about numbers and spoke more about the hours. In particular, rostering is an issue.

We spoke a lot about cultural change but none of us touched on whistleblowers within the force. Has there been a cultural change within the force to be more accepting of people who wish to highlight deficiencies within the operation of or even incidences of corruption within the force? Has that cultural change been significant over recent years?

**Mr. Mark Toland:** In our last report, we produced a significant piece of work around what happens, namely, how many people turn up to work, what they do when they are at work and what the outcomes are. We found more people were on duty at 11 a.m. on a Tuesday than at 11 p.m. on a Saturday, when one would expect to be busy. We have recommended that they run a similar process. We carried out a live audit that examined what 11,000 gardaí were doing on Tuesdays and on Saturdays and what the outcomes were. We have put in a huge number of recommendations that they should run the process and ensure that, across Ireland, they have sufficient people with the right skills on duty at times when they are most needed. Again, it identified that there was an absence of supervisors in place across all divisions. I provided a separate addendum to the most recent report on rosters. The current roster is a one-size-fits-all model. In most other jurisdictions, this type of roster is designed for those officers called “regular units” who deal with 999 calls, it is not appropriate for detectives or community officers who need to be on duty at different times. Detectives are needed on duty during the day time and at court times, not at 1 a.m. or 2 a.m. unless there is a particular reason. We have identified a number of issues around appropriate rosters that are specific to the work being done rather than a one-size-fits-all roster.

We have no remit regarding whistleblowers. Many of the people we have dealt with are not raising corruption, rather they raise issues relating to poor systems or practices. Some of those, even senior officers at superintendent and chief superintendent level, have a fear about raising their hands to challenge an approach the organisation is taking or ask why it is not done differently. Sometimes, when they do say something, it is not always well received. On occasion, senior managers are afraid to challenge the direction of their own organisation. I worked in an organisation in which one would be in trouble if one did not raise issues and ask whether we were doing things the right way or whether they could be done differently. We have made recommendations to try to encourage them to get their own people to raise issues and take it down to the people on the ground floor who can raise an issue. It does not have to be about corruption. It could be about a poor system or paperwork or a question as to why something is being done. There is an absence of engagement at all levels to allow staff to give feedback about what would make the organisation a much better organisation.

**Chairman:** I thank Mr. Toland very much. He stated earlier that the resource allocation report published in 2010 referred to the need for a national computer-aided dispatch system. That was almost seven years ago. The crime investigation report in 2014 also recommended “the procurement of a computer-aided dispatch system to accurately record calls for service and enable the effective deployment of resources”. Has any progress been made in respect of this matter? During the four years between the two reports, there was no progress. What is the current position?

The highlighting of the identification of good practice in different Garda divisions and parts of the country is part of Mr. Toland's report. This was also covered as part of the crime investigation report of 2014, which also mentioned a new community policing model, crime prevention initiatives, cross-district crime operations and a number of technological initiatives to the credit of Garda management within those divisions. Mr. Toland highlighted the fact that these are not consistently applied across the organisation, yet his report is going directly to the Garda Commissioner. Is there any certainty that the neighbouring or distant divisions are at any time made aware of what is good practice, if not best practice, in the areas Mr. Toland has highlighted in his address? Have these examples been highlighted to other divisions directly by the Garda Síochána Inspectorate or is there another conduit that could be employed rather than depending on the Commissioner to disseminate the information?

**Mr. Mark Toland:** The computer-aided dispatch system has been rolled out to some divisions outside Dublin, including Galway, Waterford and Cork. The majority of other divisions do not have it. While it does not have to be the most expensive system, it needs funding. Around the time of our report, the Government had made €200 million available and this is one of the projects that is being progressed. In the interim, we have suggested that a cheap electronic database or recording system be introduced rather than waiting for the new system to be introduced in two years' time, or however long it takes. As an inspectorate, we go out and ask questions which result in paper searches. There is an absence of important management data that could tell management how busy they are, the types of calls coming in, the results of the calls and allow them to audit what the officers are doing in the hours available. This is a significant gap.

We have sometimes found, even within the same Garda division, that a district was doing something that the district next door was not doing. Even within one division, good practices was not always shared. The victims offices are an example of where we found good practice in Waterford and some of the Dublin divisions where a victims office was in operation. The Commissioner has rolled them out across the 28 divisions. A victim of crime can now contact a single office, instead of trying to get hold of an individual garda who dealt with the crime he or she experienced. This is very positive. There is a Garda professional standards unit that does a similar function to us internally. They often go to conferences where there are senior officers, who will deliver their findings and try to share good practice. There is also a Garda portal within their organisation so they can post good practice and initiatives they are running. They need champions in the organisation to ensure that where they identify something that is good practice, works and makes a difference, it is rolled out across all the divisions.

**Chairman:** That is exactly the phraseology I used in my most recent question to the Commissioner last week. I asked whether she is such a champion, and she said she is. I hope that proves to be the case. Mr. Toland has used strong language in terms of his assessment of the system across the board. He said it was "highly inefficient and negatively impacts on the deployment of resources". It is a strong statement and it should be highlighted and should not be lost in the overall presentation. Mr. Toland also said, "The current Garda culture is inhibiting change". This is a very strong statement and it needs to be noted and taken on board for all the right reasons. Mr. Toland also said, "While staff identified positives, such as a can-do culture and a sense of duty [all very welcome] many described the organisation as insular and defensive with a blame culture whereby many leaders are reluctant to make decisions and speak up". Mr. Toland referred to this in one of his responses. The word "many" is significant. When we spoke to the Commissioner last week, she was at pains, understandably, to reference the number of whistleblowers as being small - a handful - in terms of the overall number in the service of An



Garda Síochána, but many staff have a view of the organisation as insular and defensive and with a blame culture. In the engagements Mr. Toland has had, would many members have instanced situations he would have felt necessitated advice to refer to senior management or even to the newly prescribed means of highlighting these problems directly to GSOC through the protected disclosures process? Has such a situation ever presented in those engagements or has the Garda Inspectorate not been viewed by individuals members as an opportunity to reflect on serious matters, several of which have been highlighted in the recent past? The greater number of us are dependent on what the media tells us about these matters.

**Mr. Mark Toland:** We are careful about the language and tone we use in the report but we want to say it as we find it. We triangulate our evidence and our findings by checking case files, talking to staff, members of the public and other partner agencies. We, therefore, do not use just one strain of a finding to make a comment. When we make strong comments, it is because we have found three or four different sources. Ms Fisher mentioned earlier that we have spoken to more than 2,500 members of the organisation from the Commissioner through every rank to gardaí on the front line, civilian staff and reserves and we see people in rank order. We do not have focus groups where we mix with sergeants with inspectors with gardaí because we found that people are less willing to talk. We have not had any trouble getting people to talk to us. We can have a one to one and people are honest. I have had people who have admitted not recording crime. We have had people in large groups who have raised issues. We have done workshops and we have tried a different number of fora. People do not see us like GSOC, which is investigating them; they see us as an organisation that can help them with some equipment or can try to work through some of the blockages. Many people have said to us that they had never had that opportunity previously. We open doors for people to raise issues with us. We try to make sure our reports are balanced and fair but, most important, we want them to be accurate and drive change. We predominantly want to make sure that we help to make policing better to ensure the confidence of the community increases in policing. I am a police officer and I love going back into a Garda station because that is where I worked for 30 years. No aspect of this influences us. I could potentially be a recipient of Garda services tomorrow morning and, therefore, we try to make sure they deliver the best service.

With regard to the culture comments, that is what members said back to us at all ranks and grades. There were some positives. We always try to focus on the positives and not on the negative about being defensive and insular and not accepting sometimes that people have found mistakes in the organisation. Many people contact us. We give out our calling cards. Sometimes people come to us after a meeting or an interview. We always give people what we think is appropriate advice. People have raised issues with me about the way they have been dealt with by a supervisor and, in one place, I got their consent and I spoke to the chief superintendent personally after the visit to highlight an issue in a particular unit. We do not keep secrets. If we find something that is critical, we will always tell the senior officer in the place that we have been in order that he or she is made aware of it.

People also contact us. The public and gardaí ring us and send e-mails. We do not turn people away. If they want to come to see us, we are more than happy to meet them. We are particularly interested if it is a process issue. If it is a criminal matter or if it is an internal matter or related to corruption, we refer them to the appropriate body, such as GSOC, Transparency International Ireland and to their own organisation but we want to retain the confidence of the person who has come to us. We meet people and we try to make sure we provide appropriate support and advice. Most people who ring us tell us they agree with something in the report. After we published *Changing Policing in Ireland*, people contacted us because they could see

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something in the report that they felt they had contributed to. Many people rang us to thank us for putting this in the report in the hope that it would make a difference to their daily lives in policing.

**Ms Éimear Fisher:** I would like to reiterate the point made by Mr. Toland in respect of secrets and confidentiality. We treat all our interactions with members of the force, Garda staff and our stakeholders with the highest confidentiality. If an issue is raised about policy or it is an issue that rightly that needs further attention, we would never use identifying factors to name the individual, unit or whatever. Any identifying factors are stripped away and, therefore, the issue is raised in a way that maintains the confidence of the person. That is important to the inspectorate because of the confidentiality of the work we do.

**Chairman:** On behalf of the committee, I would like to extend a sincere thanks to Mr. Toland and Ms Fisher for their co-operation with us. I was creating an easement by saying an hour might do it but we have just clocked two hours. That underscores the huge interest in this meeting. I hope all members feel they have been properly accommodated during the question and answer session.

The inspectorate represents the last of our engagements in this series and we will move on to consideration of the report that we will present to the Minister as a result of our deliberations on this series of meetings. I invite the witnesses for a photograph with members. We are compiling a compendium of the guests we have had during this series.

*Sitting suspended at 11.10 a.m. and resumed in private session at 11.15 a.m.*

The joint committee adjourned at 11.40 a.m. until 9 a.m. on Wednesday, 26 October 2016.