

WHO CARES ABOUT AN GARDA SÍOCHÁNA?

It is undeniable that reform in the criminal justice system has been long overdue, while the significant failures have been felt most strongly by those of us and our families who have served over many years and walked in harm's way, writes police and security specialist John O'Brien, current member of the GSRMA Central Committee and Editorial Board.

Those of us in the wider Garda family care as do the vast majority of the public. We can comment on the past with credibility. We can use our experience to shape the future of the Garda Síochána. This is our duty and an example of our practical patriotism.

Make no mistake the shape and character of the Garda organisation is directly connected to the health of the nation. This should be all the more evident in these historic anniversary years. Traditionally there is rapport and acceptance between the service and every strata of Irish society. In my experience international police forces are deeply envious of this acceptance.

COMMISSION ON FUTURE OF POLICING

The Commission of the Future of Policing commenced in May 2017 and reported in September 2018 <https://goo.gl/cFmJVv>. The government initially and cautiously noted the report as follows:

In December 2018 the Minister for Justice and Equality, Charlie Flanagan TD, announced that at its meeting the Government endorsed the report of the Commission on the Future of Policing in Ireland and agreed to his proposal to accept all 157 key recommendations (136 in full and 21 in principle).

This statement alone is puzzling because there are 50 main recommendations. It's not clear what else is referred to by the Minister. The Commission had no domestic policing experience. The composition was a matter for government. It was arrogant and counterproductive to ignore valuable domestic experience. Thousands of retired Gardaí have served this country well, but our voices are rarely heard and even more rarely respected.



The Commission on the Future of Policing, chaired by Kathleen O'Toole, has undertaken a 'root-and-branch' review into the Force.

THE BLAME CULTURE

It is undeniable that reform in the criminal justice system was long overdue. It must be admitted that there have been significant failures, which are felt most strongly by those of us and our families who have served over many years and walked in harm's way.

Responsibility for these failures rests with powerful figures in the Department of Justice and An Garda Síochána. The untimely departure of two Ministers for Justice and two Garda Commissioners simply emphasises the need for change.

There have been many tribunals and investigations, which certainly have not covered politicians and Gardaí in credit. The paradoxical fact is that these reforming

exercises also lends itself to creating a blame culture.

This culture can very easily destroy the organisation that it strives to reform. On balance the Commission did not lend itself to this blame culture and this was much to the annoyance of other key actors like the Policing Authority.

THIS IS OLD GROUND

It is forgotten that that Gardaí went through a Strategic Management Initiative (SMI) led by Government from 1997 to 2002. This process covered much of the same ground and it was replete with all the buzz words.

In November 1997, the Government accepted, in principle, the recommendations set out in the Report of the Steering Group on the Efficiency and Effectiveness of An Garda Síochána. The SMI process made no difference ultimately due to lack of political direction and monitoring. Will this report suffer the same fate when the hoopla has died down?

POLITICAL IMPERATIVE

Fine Gael agreed to an Independent Alliance demand for a 'root-and-branch' review into the force. The Commission was chaired by the ubiquitous Kathleen O'Toole. The terms of reference were to consider, inter alia, the following:

1. The structures and management arrangements
2. The appropriate composition, recruitment and training of personnel
3. The culture and ethos of policing
4. The appropriate structures for governance, oversight and accountability
5. The legislative framework for policing

Were these questions answered and if so to what extent? Frankly the disparate group had little chance to cover this ground in the time space available to them.

SCOPE AND DISSENT

The scope of the task was simply beyond the resources and time allotted to the Commission. One of the key members Conor Brady resigned early on its deliberations.



“*There have been many tribunals and investigations, which certainly have not covered politicians and Gardaí in credit. The paradoxical fact is that these reforming exercises also lends itself to creating a blame culture. This culture can very easily destroy the organisation that it strives to reform.*”

He cited an apparent lack of public support for the Commission from government politicians.

“...since [former Garda Commissioner] Nóirín O’Sullivan stepped down there has been a lot of talk from the politicians about planning the future and accelerating the pace of reform, and I saw hardly any reference at all to the role of the commission and I felt that didn’t auger very well for its purposes” Irish Times 18.9.2017

Terms of reference required the Commission to consider the following:

*Existing and emerging issues identified as key challenges for Ireland’s model of policing, e.g., evolving nature of crime, society (including increasing diversity) and public expectations and their relevance to structures, service delivery models, public confidence, performance measures etc., and international benchmarks in relation to the delivery of the most effective policing,

*Best practices and changes in the policing models of other countries focused towards greater effectiveness and efficiency, and fostering public confidence in policing; and the relevance and applicability of such ideas in Ireland.

MORE STRATEGY THAN PLAN

The Commission’s Report reads more like a strategy statement than a detailed plan with specific recommendations. This approach could work provided there was a strong time linked Implementation Plan with provisional costings and time scales. Kathleen O’Toole made it clear that she was not being prescriptive. The future was left to the Minister and Government.

The Commission made some valuable proposals. I made the case for the designation of the Commissioner as CEO and the Minister as Chairman several years ago. The recommendations on Governance would see the Commissioner acquiring a raft of new responsibilities with enhanced powers.

He/she would report to an internal board. However the legal persuasive reporting line would be to the Minister for Justice. There are arguments for and against this proposition but the plain fact is that current legislation requires the Commissioner to report to the Minister and indeed to the Secretary General. This recommendation is probably seen as fulfilling the Accountability requirement.

The Oversight role will be fulfilled by the amalgamation of the Garda Inspectorate and Policing Authority in a wonderfully-named Policing Community Safety Oversight Commission otherwise to be known as PCSOC. In an RTE radio show Seán O'Rourke referred to this and other acronyms as Alphabet Soup! He has a very good point.

The Governance, Oversight and Accountability recommendations make sense but they are far too unwieldy for practical effect. There's a need to simplify the recommendations and would it be too much to include those with domestic policing experience in the implementation?

WHAT POLICING MODEL WORKS?

Gardaí provide policing and security services in a number of different environments, such as urban, rural, border, state security, organised crime and international co-operation. In short a National Police and Security Service.

It seems obvious that progressive countries similar to this construct should have been examined in detail and appropriate conclusions drawn. There is no evidence that this approach was followed.

It is a fact that reference is made to best practice in area of digital innovation and cyber security and general enhanced use of technology. These and many other observations are made at the level of general principles rather than as detailed specific and researched proposals.

The proposal for the deletion of the regional offices from the organisational structure, which is to be replaced by a small number of Assistant Commissioners at headquarters has considerable merit and would result in a flatter organisation with HQ much more in touch where policing matters, at the front line.

The much-vaunted recommendation on a District Policing Model has been around for 100 years and longer. It is agreed that the resourcing of that model has been sorely lacking and modern refinement is

ABOUT THE AUTHOR: John O'Brien

John O'Brien is a member of the GSRMA Central Committee and the Editorial Board. The former Detective Chief Superintendent holds an MSc Degree (Distinction) from the University of Leicester. John O'Brien was the National Head of Interpol and Europol and the Chairman of the European Heads Europol, The Hague, Netherlands.



He joined the Force in 1968 and has served in 17 different centres including Dublin, Templemore, Portlaoise, Dundalk and Garda HQ. He was deeply involved in welfare and representative organisations within the force. He retired in 2006 and now pursues a career as a police and security specialist.

most welcome. Self-evidently this model should have been fleshed at a level of detail in the report.

IRELAND POLICING TRANSITION

An Independent Oversight Commissioner and Oversight Body had been appointed to oversee the implementation of the Patten Report in Northern Ireland. Distinguished law enforcement professional Tom Constantine from the USA was asked to take this position. He agreed on the basis that he would have full independence in his role.

Interestingly the first challenge he faced was to his



Gardaí provide policing and security services in a number of different environments, in short a National Police and Security Service.

independence, which he resolutely defended and won. This Implementation Strategy adopted here is very different to the Northern Ireland process. It is much weaker and is lacking in independence and budget.

IMPLEMENTATION PLAN

The High Level Implementation Plan, which has been prepared with the input of the Implementation Group on Policing Reform, chaired by Ms Helen Ryan and endorsed by every Minister and Government Department, sets out an ambitious, but realistic, four-year plan for the implementation of the recommendations. This timescale is in line with the Commission’s own recommendations, according to Justice Minister Flanagan.

Can reform wait this long or is the can be kicked down the road once more? The interesting caveat that the chair needing not have police experience is in sharp contrast to the Northern Ireland experience where all members of the Oversight Body had law enforcement experience.

ALPHABET SOUP

The plan will be delivered across four phases over the implementation timeframe – Building Blocks; Launching; Scaling; and Consolidation. Building Blocks involving a bewildering array of Implementers, truly Alphabet Soup confusion.

Alphabet Soup Implementation

- **Cabinet Committee G**
- **High Level Steering Board on Policing Reform Chair: Secretary General, Department of the Taoiseach**
 - **Membership:** SG D/JE; SG D/PER; AGS Commissioner; Chair of the Implementation Group on Policing Reform. Other SGs may attend as required from D/Health; D/CYA; D/HPLG; D/EASP; D/CCAIE; D/Defence; D/FAT.
- **Implementation Group on Policing Reform Chair: Helen Ryan**
 - **Membership:** A/Sec DoT; A/Sec D/JE; A/Sec D/PER; A/Sec (or equivalent) AGS. Other A/Secs may attend as required from D/Health; D/CYA; D/HPLG; D/EASP; D/CCAIE; D/Defence; D/FAT.
- **Policing Reform Implementation Programme Office Based in the Department of the Taoiseach**
 - Resourced with appropriate expertise in the areas of project management; policing; justice; and public service reform.

BEATINGS WILL CONTINUE

Nature does not allow a vacuum and we can reasonably expect that the well-established narrative “blame and recrimination” will continue. This criticism is directed almost exclusively to the Garda Síochána and little blame attaches to political or the justice administration. This criticism will have a debilitating effect on the Gardaí and this will lead in turn to grave reputational damage and loss of public confidence.

I have listened, watched and debated the reform topic with many experts, commentators and media people. I have been struck by the fact the nature of prejudice is



Denis Bradley addresses the MacGill Summer School in 2017. Reference: <https://goo.gl/CN35zu>

blind.

It is difficult for me and others from the Garda family to be seen as neutral or objective. We are judged on the basis of the perceived ills of An Garda Síochána and the “experts” prognosticate, deliberate and recommend how “we” can be reformed. I have listened to one genuine expert who deserves respect if not total agreement.

Denis Bradley is a former Vice-Chair of the Policing Board in Northern Ireland. He has walked the walk and he is entitled to be listened to. He produced a Model for Oversight, Governance and Accountability which has a lot of merit, and delivered this extempore to the MacGill Summer School in 2017.

He had one particular thought — that elected politicians (and others) should be directly involved in the oversight and accountability

of the Garda service. In a sterile landscape his views deserve consideration and he is also of the view that sustained criticism of the policing system can in itself be counterproductive.

REFORM PLAYBOOK

Official Ireland is incapable of reforming itself without some help from its friends. The proposed reform playbook is cumbersome, confused and misdirected. Ultimately the politicians must take direct responsibility and stop hiding behind the fig leaf of quangos and coffee table experts.