

Building Trust and Confidence – Challenges and Opportunities for the Garda Síochána¹

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Summary: This paper, presented at the 8th Martin Tansey Memorial Lecture in April 2015, outlines the Garda Commissioner’s vision for An Garda Síochána and the programme for the transformation of An Garda Síochána to ensure a modern and professional culture founded on openness and transparency, good governance and robust policy oversight. Focusing on An Garda Síochána as a police service, its relationships with communities and building on the strengths of community policing, the paper describes the commitment of An Garda Síochána to respond to an increasingly diverse Ireland with enthusiasm as a human rights centred, world-class service.

Keywords: An Garda Síochána, police service, Ireland, community policing, transformation, change, human rights, victims, diversity, governance, leadership, organisational culture.

It is an honour and a privilege for me to have been invited to deliver the 8th Martin Tansey Memorial Lecture for the Association for Criminal Justice Research and Development (ACJRD).

The title of my talk this evening is ‘Building trust and confidence – challenges and opportunities for An Garda Síochána’.

I am mindful that we are here tonight in honour of Martin Tansey. He was a huge supporter of criminal justice initiatives such as the Juvenile Liaison Scheme.

The Garda Juvenile Liaison Scheme, established in October 1963, is just over fifty years in existence and was originally modelled on the Liverpool City Police scheme.

¹ This paper comprises the text of the 8th Annual Martin Tansey Memorial Lecture sponsored by the Association for Criminal Justice Research and Development delivered at the Criminal Courts of Justice Complex, Dublin on 1 April 2015.

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1963 in Ireland saw a rise in crime committed by juveniles and resulted in an inter-departmental committee being formed which made recommendations to deal with juvenile crime. The JLO scheme had no statutory legal origins and it was an extension of the common legal principle of police discretion. The second inter-departmental review in the late 1990s and early 2000 and the Children Act 2001 placed the JLO scheme on a statutory footing. Part IV of the Act introduced the Diversion Programme.

The objective of the Diversion Programme is to divert young people from further offending.

It has been described as the 'jewel in the crown' of the Irish criminal justice system and it continues to be one of our most celebrated interventions. Martin Tansey is described as a persistent advocate of community sanctions, where the justice system worked with the offender to give him/her a second chance.

As I indicated at my address to the Oireachtas Justice Defence and Equality Committee³ on Wednesday last, the last few years have been very challenging for An Garda Síochána. Like all public sector bodies, we have had to do more with less. We have also learnt some difficult lessons, and we are determined to build on our strengths such as the professionalism and dedication of our people to provide the best possible policing service to the communities we serve.

The invitation to address you this evening offered me the chance to set aside – albeit briefly – the 'little round of deeds and days' which occupy the week of a Garda Commissioner and, instead, to stand back and look at an organisation with a proud history, a complex present and a future filled with change and opportunity.

We, in An Garda Síochána, are committed to providing a policing and security service with the objectives of preserving peace and public order, protecting life and property, vindicating human rights, protecting the security of the State, preventing crime, bringing criminals to justice, including detecting and investigating crime, and regulating and controlling road traffic and improving road safety.

An Garda Síochána has a long-established tradition of fostering and developing close relationships within the communities it serves. The trust and integrity which has been built up between An Garda Síochána and the

³ Joint Committee on Justice, Defence and Equality, Wednesday, 25 March 2015, Annual Policing Plan 2015: Garda Commissioner, available at www.oireachtas.ie

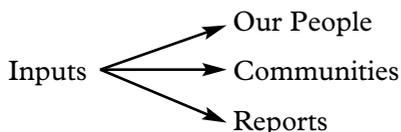
public is largely due to our proactive community engagement strategies.

Building and sustaining positive partnerships with all of our community stakeholders is the lifeblood of effective policing. In this regard, I believe that the concept of ‘community policing’ offers excellent potential for An Garda Síochána to optimise its delivery of an accountable, transparent and professional policing service to the people of Ireland.

I am committed to ensuring that we build on the strong ‘ethos’ of ‘community policing’ instilling a sense of community in all of our people, which will result in an increased level of community partnerships, a more visible Garda presence and a reduction in crime and the fear of crime in our communities.

Our 2015 Policing Plan, ‘Renewing the Past, Creating the Future’ focuses on how we are going to continue to discharge these duties while at the same time commencing on our journey of transformation.

Transformation Programme



Transformation for An Garda Síochána is not just about change. It is about reforming An Garda Síochána to ensure a modern and professional culture which is founded on openness and transparency, good governance and robust policy oversight.

The drivers of transformation

Recent reports⁴ have found certain deficiencies in the way An Garda Síochána carries out its work. To address these, a significant amount of time has been spent listening and learning. Some of the work undertaken includes:

- 700 recommendations from forty-one key inputs were reviewed and distilled into unique and overlapping recommendations.

⁴ Report of the Garda Síochána Inspectorate on Crime Investigation 2014, available at www.gsinspec.ie

- The recommendations were collated into a logical Programme of Work and fifty-eight unique initiatives were identified.
- Initiatives were categorised into three distinct areas: ICT, HR and Strategy.
- The programme must be delivered as a whole due to the vast amount of interdependencies between each initiative.
- Held Internal Staff Survey and face-to-face meetings.
- Quarterly Public Attitude Survey.
- Feedback from key internal and external stakeholders.
- Studied international policing change programmes in UK, US, New Zealand and Australian police services.
- A Strategic Transformation Office (STO) has been established to drive the successful implementation of Policing 2020 and Beyond. This office will plan, manage and co-ordinate the programme from design through assessing the benefits post-implementation. The STO will ensure a professional approach is applied, rigor and quality are embedded and successful implementation is achieved. The STO are working to finalise a five year plan to implement prioritised initiatives on a phased basis by 2020. Phase 1 is currently in progress and Phase 2 is in planning.
- Utilised a Strategic Spine – Risk, Compliance and Continuous Improvement Officers have been specifically assigned to ensure the initiatives are embedded in the regions, delivered consistently, specific benefits are realised and to ensure that risks/issues are highlighted and addressed.

We will also invest in our people – the right people in the right place at the right time – and ensure that a high regard for human rights led policing is instilled in all of our members.

We have started this process with 299 students in the Garda College with new training programmes and supports. They've received training that is innovative, unique and up to the minute. Training grounded in the day-to-day realities of policing.

On human rights, and reflecting on my earlier days as a young uniformed Garda and later on as a Drug Squad detective, I am conscious that in the course of every investigation – every search, every arrest, every contact with suspects, witnesses and victims and their respective families – that by engaging in a simple respectful and fair manner, respecting their disposition in life, that I was upholding these human rights standards.

My role was to ensure that every case I was involved in would be thoroughly investigated while at the same time ensuring that the constitutional guarantees held by every individual were adhered to.

Statistics are often assumed to be grey and boring, but one particular statistic from An Garda Síochána in the last year is the opposite.

Here it is:

Twenty-five thousand, five hundred (25,500). That's the number of applications Ireland's police service recently received for 200 Garda training positions in Templemore in the first Garda recruitment drive since 2009.

That tells us that, despite a couple of tough and defensive years, An Garda Síochána is a magnet employer. With a phenomenal reach:

- women, men
- twenty somethings and older
- applicants from Garda families and from new citizens
- from techies and athletes.

Twenty-five and a half thousand of them wanted to join the service. That's a statistic that says so much. It is a confirmation of the Minister for Justice's definition of An Garda Síochána as:

A national body with a proven and proud track record, widely trusted to do a complex and constantly evolving task.

The statistic – when set beside the numbers actually accepted for training in Templemore – also means that the much smaller number of those accepted represents the brightest and best of an impressive cohort.

You will note that, this morning at the Association of Garda Sergeants and Inspectors Conference in Trim, Co. Meath, our Minister announced that two new groups of 125 trainees will enter the Garda College over the coming months. This cohort, coupled with the 299 already in the system will ensure that the heartbeat of policing is reignited.

When they throw their caps in the air at the passing out ceremony, it will mark their joining the ranks of a service immeasurably different – and measurably the same – as the one I joined in 1981.

That moment with the flying caps. That moment – year after year, generation after generation – is filled with a powerful sense of pride, of collegiality, of belonging to something special, something that matters.

I joined an organisation I knew was special and that did something that mattered. At that time, the organisation included women but had no idea what to do with them. The only clarity was that women shouldn't be put in 'operationally dangerous' jobs. The organisation held little pools of unexamined protectionism – kindly meant, but restrictive of career-building.

I had a throwback to this recently when I watched footage of Gardaí at water protests. They were being pushed, jostled, challenged and abused both at the protest scenes and later on social media. Some of them were men. Many were women.

We've come a long way ... in the make-up of the service and in a whole plethora of other ways.

But we have also stayed the same. The pride is there. The sense of being at a point in a continuum of achievement, contribution and – yes, sacrifice. Because the reality is that today, just as was true fifty or forty or thirty years ago, sworn members of An Garda Síochána put their lives on the line each and every day.

The reality is that today, just as was true in the past, individual Gardaí go above and beyond the call of duty in a way that rarely gets noticed. But when it does get noticed, it makes a significant impact on the reality and the perception. In just one recent instance, two anglers, in the spirit of their civic duty, reported suspicious items to their local Garda in Roundwood.

The Garda walked into a reservoir to retrieve abandoned items glinting in the shallow water – and he changed history.

He contributed to justice for one individual, and he contributed to how the police service is viewed, not least because he didn't see himself as exceptional. As the Garda put it himself, versions of what he did were undertaken every day in locations right around the country.

It's what Guards do. Likewise, and not to diminish the excellent input of the full investigation team, the meticulous work undertaken by one of our civilian analysts Sarah Skedd is worthy of note and again has contributed enormously to positive public perception. It represented a true fusion of old fashioned diligent police work with modern forensic and analytical tools and the presentation of complex evidence to the jury in an understanding way.

The fact that these interventions became so public turned them into major contributions to the retrieval of trust that had been impacted.

It is painful to acknowledge loss of trust, but it is a reality.

Without trust, our job's impossible. That's why, since the day I became Commissioner, I've welcomed the opportunity to discuss the future of An Garda Síochána with anyone – group or individual – who wants to inform our thinking.

Now, whilst we can make changes, we need to ensure that they have a sustained impact.

And furthermore, when we set our priorities to service the community, we need to ensure we hear the voice of the community. We need to be able to measure the impact of our policies and the demand of the communities.

The data we receive from victims is the report of the actual crime. Whilst this is important information for any subsequent investigation it tells us little about the experience of the victim. Indeed, over the last few years there have been no regular mechanisms by which to systematically judge the public and victims' perceptions and experience of crime.

Furthermore, there have been no regular mechanisms for us to systematically measure the crime issues that the public want the organisation to focus on.

To fix this, last year we launched a new Public Attitudes Survey. It's designed so that:

- It runs on a quarterly basis.
- We measure what people feel our priorities should be, perceptions and experiences of crime, as well as perceptions and experiences of An Garda Síochána.
- We do this by interviewing 1,500 respondents. We do this across the country and aim for a nationally representative sample of the Irish population.
- Our aim in the first year is to build up the survey to cover four quarters (6,000 respondents) and then look for statistically significant change on a rolling quarterly basis. We will be able to do this by Q4 2015.

This will provide us a means of not only assessing individuals' perceptions of us as an organisation, but to measure change on an on-going basis in satisfaction, confidence and trust in the organisation.

We will use this survey to assess and track whether we are successful in the public view and the victim's experiences.

We have already had some indicative findings from the first survey run in Q4 2014.

There have been some interesting insights into how people have a different view of crime levels nationally versus in their locality and the potential impact this has on how they feel we are delivering community policing.

When asked what we should focus on, the emphasis was on crimes against the person: assaults, sexual offences and robberies. Indeed, human trafficking offences also scored high.

Respondents on the whole want increased visibility, whether working with the local community or foot and bike patrols.

These are some indicative findings – we will obviously wait for the sample size to increase for us to have greater confidence in the findings – but it is clear that there are challenges we must translate into opportunities to improve the service we provide. An opportunity to transform into a modern, effective, twenty-first century policing service.

But before anybody gets the idea that I'm criticising previous administrations, I'm not. They met the needs of their time. The needs of our time are different, and we've learned that the hard way.

Sometimes, change comes gradually, and sometimes – as in, right now – it happens explosively. When it happens explosively, then the task is to be out in front of reform, to drive change from within, not just accept it under duress.

This means taking control of our future, while welcoming stronger oversight from the proposed Independent Authority, as well as GSOC and the Garda Inspectorate. Equally important, it means remaining accountable to the communities we serve.

It means building on what is good in our culture – and there's much that's good about our culture – our esprit de corps, our community ethos, our dedication to duty and public service that are essential to our ability to delivering policing – while recognising and exorcising the negative elements of that culture – our insularity, our deafness to external criticism, and our instinctive rejection of internal dissent.

We, An Garda Síochána, are proud of what we do and where we have come from. We are ready to step up to becoming a human rights centred, world-class police service.

In the legal context, I am very much aware that effective policing must ensure that all actions are taken with due consideration of the provisions

of the Constitution, the Garda Síochána Act 2005, Irish statute and common law, the European Convention on Human Rights, European Convention on Human Rights Act 2003 and the United Nations Convention against Torture. An Garda Síochána have recognised that external independent advice on human rights is essential.

The Strategic Human Rights Advisory Committee (SHRAC) plays a valuable role in providing advice both to me and Garda Management in the context of the following:

- developing a human rights framework for monitoring actions of An Garda Síochána
- progressing human rights compliance through training, learning and development
- human rights proofing and auditing of policies, procedures and guidelines.

I mentioned the Garda Síochána Act 2005 which was a significant legislative initiative that brought clarity to the management and oversight of policing in this country. But it is legislation that's approaching its tenth anniversary.

Ireland has changed, changed utterly in those ten years. Economically. Demographically. In terms of diversity, expectation – everything. The Act is currently being revised to reflect these changes.

Bottom line: the Act needs revising and a key element of that revision is the establishment of an Independent Policing Authority.

The way I envisage it working is that the Garda Commissioner would be accountable to the Policing Authority in respect of all policing matters.

And on national security, the Commissioner would report to the Minister, the Oireachtas and the Government. This is a model used in a number of other countries, particularly in Scandinavia.

Whatever model proves best we'll implement. An Garda Síochána is not standing still. We are making our own changes for the better.

As I outlined, we are finalising our transformation programme. A comprehensive five year plan, incorporating a number of inter-dependent initiatives, prioritised on the basis of community impact.

We have commenced implementation across a number of initiatives – most importantly, our attitude and approach to victims.

As the Garda Inspectorate's recent report and surveys of victims of crime have found, An Garda Síochána generally provides a good service

to victims of crime, but many felt disappointed by the lack of information and consistency in the delivery of the service. I set about ensuring the implementation of a better and more consistent victim support service within An Garda Síochána.

The implementation of new Divisional Victim Service Centres will provide a central point of contact for any questions, issues or problems victims of crime are experiencing as their case is being investigated and moves through the criminal justice system.

The United Nations and the Parliament and Council of Europe have acknowledged crime victims as a group deserving of rights and as a result the EU Directive 2012/29/EU is being transposed into domestic legislation in November 2015.

It will establish the minimum standards for the rights, support and protection of victims of crime.

I am confident that An Garda Síochána will be fully compliant with this Directive to establish the minimum standards for the rights, support and protection for victims of crime.

As such, victims of crime will be placed at the centre of An Garda Síochána and I am committed to providing a respectful, reassuring, responsive and reliable victim centred service addressing the needs and expectations of all victims of crime. This work will be conducted in partnership with community groups, statutory agencies and voluntary organisations.

This Divisional Victim Service is in addition to the service provided by all operational members who are responsible for ensuring the delivery of an honest, accountable, respectful and professional Garda service to all victims of crime in accordance with legislation and Garda policy, regardless of their background or social status. Gardaí will be conscious of the protection needs of victims at all times, particularly vulnerable victims.

I referred earlier to how Ireland has changed so much in the last ten years. We are an increasingly diverse society.

The Ireland v Poland football international at the Aviva Stadium last Sunday bears testimony to this change, with the Polish team appearing to almost be playing a 'home game'.

In policing such a diverse Ireland we must remember that that difference can lead to discrimination. To this end, An Garda Síochána understands the need to work sensitively with the vulnerabilities attached to the nine strands of diversity as specified in the Equal Status Act 2000.

Society is confronted with the phenomena of intolerance in its many forms including racism and homophobia.

An Garda Síochána must be sensitive to the reality of the impact of these crimes on individual victims in the greater community. We must together treat it with the seriousness it deserves, aiming to eradicate it from society in its entirety.

An Garda Síochána's network of Ethnic Liaison Officers (ELO) was established to provide a sensitive and sensitised service to members of minority communities based on the understanding of their needs and fears as potential victims of racism and hate crime, and most importantly in relation to their subsequent contact with the Gardaí.

ELOs are appointed nationwide and their main role is to instigate and maintain contact with local community groups and employ innovative means to break down barriers in assisting the more marginalised in our society to gain access to Garda services.

Notwithstanding the fact that we are extremely attentive to the vulnerabilities pertaining to the very fact of being a member of a minority group, we realise the necessity for maintaining constant consultation with groups in order to be acquainted with any developments that require professional Garda attention.

Our members endeavour to be vigilant in relation to the everyday concerns of minorities, which include: fear of violence, ridicule and discrimination by society; fear of reporting hate/racist incidents because of perceptions of ridicule, discrimination and inaction.

I am aware that many of these concerns emanate from the history of discrimination suffered by minorities worldwide. These are some of the real concerns that I hope that our ELOs can continue to assist minority individuals to overcome while at the same time encouraging the reporting of any crime, racially motivated or otherwise, to An Garda Síochána.

The Garda Racial Intercultural and Diversity Office (GRIDO) established in 2000 continues to promote Garda policies which serve to integrate minority ethnic groups in Ireland, and which promote social inclusion, equality, diversity and participation of immigrants in the social, political and cultural life of their communities.

This is done directly through regular consultation by Garda management with minority community representatives at local level; the appointment of ELOs within every Garda district; the Garda station 'Open Day' initiative; the recruitment policy regarding members of

ethnic and cultural minorities; and the taking of steps to prevent and detect racism in Irish society.

The existence of GRIDO continues to play a vital role in endeavouring to ensure the provision by Garda staff of a quality non-discriminatory, sensitised and personalised service to minorities throughout Ireland.

I was encouraged to see representatives of various religious minorities attend our recent annual Garda Mass for Deceased Members – Hindus, Sikhs, Pentecostal, Presbyterian, Jews and Muslims gathered and prayed with us at Aughrim Street Catholic Church.

For me, to witness members of the Sunni, Shia, Ahmadiyya and Sufi Muslim sects sitting side by side during the ceremony struck me and stays with me as a display of respect and acceptance of all groups in Irish society regardless of differences – religious or otherwise.

All those present hold a stake in policing in this society through their constant engagement with An Garda Síochána.

They proffer assistance and guidance to us on what it is they want from a professional police service that enables anti-discrimination based Garda service provision.

Following the Minister's announcement this morning of additional recruitment for An Garda Síochána, I was delighted to read that the move was welcomed by the Immigrant Council of Ireland which asked us to make an effort to encourage applications from people of a migrant background.

My response – you are pushing an open door!

One of the history buffs in Garda Headquarters pointed out to me, over the past few days that the Peelian Principles – the basic tenets underpinning the British police service – were not actually developed by Sir Robert Peel, but by the police commissioners of the day. The division was clear and productive, back then:

- It was Robert Peel's job to lay down policy, to establish the mission and controls for the new service.
- It was the job of the commissioners to take that policy and drive it into understood standards and lived behaviours within the police service.

In the same way, Garda management must drive Government policy into understood standards and lived behaviours within the police service. Into what is called the 'culture' of An Garda Síochána.

Culture is how any organisation does its business. It's as simple as that.

Some of what constitutes ‘culture’ can be governed or at least informed by stated standards or mechanisms like the Protected Disclosures legislation or regulations protecting people from being bullied, harassed or victimised in the workplace.

I will certainly not tolerate bullying, harassment or intimidation of any type of any of our members.

But culture is much more than minimum standards and protection of people in the workplace.

- It’s about pride and place.
- It’s about trusting colleagues and being trusted by the people we serve.
- It’s about wanting to be, not best in class, but better than best in class, from the reserve to the topmost ranks.

That’s it, as far as I’m concerned. For as long as I serve in this role, I’ll drive ahead on all of those objectives. We cannot afford to stand still.

Our transformational plans will see significant changes in how the organisation is managed and how we deliver our service. They must meet the needs articulated by the Minister and the aspirations articulated by rank-and-file Gardaí right around this country.

They will move An Garda Síochána beyond apology to full confident delivery on a refreshed agenda.

Our mission is to stand between the citizen and chaos, guarding the peace that is essential to civilised living.

We’re out on the streets, twenty-four hours a day, seven days a week, three hundred and sixty-five days a year.

We’re stopped by tourists, we’re stopped for a chat, and we’re stopped by those in distress. We’re in constant and varied interaction with the public, all day, every day.

As a bare minimum, the public we exist to serve is entitled to a police service that treats it with respect and courtesy, not to mention dignity.

As a bare minimum, our police service must respond to an increasingly diverse Ireland with enthusiasm and openness.

One encounter at a time.

One of the oldest principles in police investigation applies here. I remember being fascinated the first time I read about Dr Edmond Locard,⁵ the ‘Sherlock Holmes of France’.

⁵ Dr. Edmond Locard (1877–1966).

Because – long before electron microscopes or DNA testing – Locard worked out that, as he put it, ‘Every contact leaves a trace.’

Wherever he touches, whatever he leaves, even without consciousness will serve as a silent witness against him. His fingerprints or footprints. His hair. The fibres from his clothes, the glass he breaks, the tool mark he leaves, the paint he scratches, the blood or semen he deposits or collects. All of these and more, bear mute witness against him. (Locard’s Exchange Principle⁶)

Locard was talking about physical evidence back at the beginning of the twentieth century. In the twenty-first century, we’ve begun to realise that, in addition to shedding fibres and cells, we shed impressions.

Locard’s assertion that ‘Every contact leaves a trace’ applies to more than the inanimate. Every contact between every member of An Garda Síochána and a member of the public leaves a trace on both sides. It’s up to us to make sure it’s a good impression.

We’re at a point in the organisation’s history where we are being given the chance to remould it. We have the personnel: over 15,000 dedicated highly professional men and women. We have a great history.

And – above all – we have the positive impetus provided by negative events. Negative events force us to stand back from what the Minister has called the ‘accretion of habits’ and re-examine ourselves and our organisation in a brutally honest way.

As a result, this is an incredibly exciting time to be leading An Garda Síochána. It’s an opportunity wrapped up in a challenge with URGENT written all over it.

Decisions made over the next few months will have repercussions for society for decades – and for the dedicated men and women of An Garda Síochána in their service of that society.

It is critical that we strike the right balance between continuity and change so that what is good about An Garda Síochána is retained, and what is not is rectified.

And that we never lose sight of the wider goal, which is to build a police service for Ireland which is quite simply the best of its kind in the world.

⁶ Paul Kirk (1953), *Crime investigation: physical evidence and the police laboratory*, New York: Interscience Publishers, Inc.

Yes, we have also learnt some difficult lessons and we are determined to build on our strengths such as the professionalism and dedication of our people to provide the best possible policing service to the communities we serve.

We are part of what Martin Tansey described as the Criminal Justice Family, the work of which requires patience, humility, courage, an understanding that there are competing human rights, and the capacity to balance those rights.

Before I conclude, one final point.

From the day I was appointed Deputy Commissioner, I have always referred to An Garda Síochána as the Irish Police Service. I have never referred to An Garda Síochána as ‘The Force’.

Because I believe that term is a dated one, unrelated to current realities.

We are a service:

- to individuals
- to communities
- to a country.

I belong to a great organisation.

We are the Guardians of the Peace.

For now and for the future.