GARDA
INSPECTORATE
PROMOTING EXCELLENCE & ACCOUNTABILITY

Report of the Garda
Síochána Inspectorate

CRIME INVESTIGATION

OCTOBER
2014

THE OBJECTIVE OF THE GARDA SÍOCHÁNA INSPECTORATE IS:

'To ensure that the resources available to the Garda Síochána are used so as 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.'

(s. 117 of the Garda Síochána Act 2005)

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FOREWORD

The prevention and investigation of crime and disorder is the primary function of every police organisation worldwide and the Garda Síochána is no exception. Over the years, there has been some modernisation with enhancements to the processes and technology used to investigate crime in Ireland, but a holistic view has not been the driver; but rather the crisis of the day. This approach may have been sufficient to address issues in the past; but today's policing environment needs a much more comprehensive solution to overcome the challenges that now face the Garda Síochána.

In July 2012, the Inspectorate team began work on its remit from the Minister for Justice and Equality to review the entire crime investigation process utilised by the Garda Síochána. The inspection has included all of the ancillary and support processes involved in investigating crime and reviewed the day to day work of Garda Síochána staff.

In May of 2014, after the release of the Guerin report, the newly appointed Minister for Justice and Equality requested that the Inspectorate expand its work on the crime investigation inspection, to address managerial, operational and procedural concerns identified within the Guerin report and to provide a report thereon. After our review of the Guerin Report; and given the work undertaken by the Inspectorate in this report, it is clear to the Inspectorate that many of the issues indentified in that report are still problematic today.

Over two years of research including, policy review, field inspections and focus group sessions the Inspectorate has examined the Garda Síochána's crime investigation practices and informed this inspection. The Inspectorate has also described in detail, the processes involved in the everyday investigation of crime in Ireland, in order to show the significant challenges and complex inter-relationships involved in these processes.

The Inspectorate has found a police service in critical need of modernisation of its crime investigation operational and support infrastructure. The absence of up to date technology and dated inefficient investigative processes and policies, combined with poor internal audit controls, inconsistent case management and poor supervisory practices have led to the systemic operational deficiencies identified in this and other recent government initiated reports. As a result, potentially hundreds of thousands of Garda staff hours and resources, which should be spent on front-line policing, are currently allocated to those inefficient processes.

The issues identified in this report are not entirely the sole responsibility of the police service. The Garda Síochána is only one component of what should be a national criminal justice *service*. Although a major component of the "criminal justice system", many of the things they are required to do in the investigation of crime are influenced by other parts of the "system". As noted in the Inspectorate's recent report on Fixed Charge Processing System, the components of this service must work collaboratively, allowing for no single agency's processes to detract from the whole of the criminal justice service's public responsibility to be efficient and effective in using the resources provided to them. For the criminal justice system, resource inefficiencies include delays and increased costs caused to one criminal justice service partner by the action or inaction of another. In the interests of the common good inefficiencies in the system must be addressed in a holistic manner by regular collective collaboration between all criminal justice partners and this should include funding matters. It is for these reasons that the Inspectorate is again recommending that the Government establish a criminal justice working group, similar to the one recommended in the Fixed Charge Processing System Report, charged with overseeing the implementation of all the accepted recommendations in this report.

The systemic challenges and deficiencies identified during this inspection are not unique to the Garda Síochána. Problems regarding the reporting, recording, classifying and detecting of crime have been reported in other police services. New York City recently addressed these issues and received a report and recommendations for correction of problems identified by a distinguished blue ribbon panel, commissioned by the Police

Commissioner and recent published reports of some UK police services found evidence of under recording of crime numbers. However, public accountability requires a remedial response; with appropriate focus on ensuring that confidence in the criminal justice system is maintained.

This Crime Investigation Report should be viewed as a 'watershed' opportunity; making significant interim, short, medium and long-term recommendations to ensure that the Garda Síochána's investigative processes align with, and even exceed international practice. This is a detailed report, covering nearly a dozen moving parts of a complex process that involves multiple agencies and institutions that directly and indirectly influence the crime investigation process in Ireland. If only one or two of these parts were not functioning properly, the extent of reform recommended here might not have been as wide ranging. However, the Inspectorate found deficiencies in several areas of the investigative process, with many of them cumulatively exacerbating the problems found in other areas.

This inspection has identified several deficiencies in recording practices, supervision and governance over recorded crime and the level of recorded detections for those crimes. The veracity of crime recording in Ireland must be addressed immediately. It is for this reason that the Inspectorate is making substantial recommendations to get it right from the first contact with a victim reporting a crime and through every stage of the investigative process.

Many of the recommendations are dependant on the acquisition of modern technology used by most international police organisations. It is recommended that the first priority for strategically dealing with these deficiencies is the immediate procurement of an integrated Computer Aided Dispatch (CAD), Human Resource Management (HRMS) and Criminal Investigation/Case Management system for the Garda Síochána. The Inspectorate is mindful that this technology can provide the modern tools needed to inform more efficient and effective operational decisions. However, it cannot take the place of good management practices and supervision in the investigation of crime.

It should be pointed out that many of the recommendations, including those for the purchase of CAD and HRMS technology, are not new. Several were made in various forms in previous Inspectorate reports but were never fully implemented. The Inspectorate has reiterated and updated several of these prior recommendations, as they are even more urgent today. All the recommendations in this inspection will be referenced and complementary to the holistic and forward focused recommendations in our forthcoming review of the entire structure and administration of the Garda Síochána under the Haddington Road Review.

The Crime Investigation Report highlights issues requiring urgent and ongoing attention to meet the criminal justice needs of victims and the wider public of Ireland.

Finally, it is important to point out that the Inspectorate found many good practices in place locally in many of the divisions and national units visited and has referenced some of them in the report. The Inspectorate was also impressed by the hundreds of hard working and dedicated rank and file officers, reserves and support staff we met in every region, that were doing their best to get the job done, not withstanding these inefficient processes, dated technology and poor management practices identified in the report. The Inspectorate wishes to thank everyone we met with during field visits for their candour, thoughtful comments and suggestions for making the Garda Síochána a more efficient and effective community policing service for Ireland.

Robert K. Olson
Chief Inspector

ACKNOWLEDGEMENT

GLOSSARY

AFIS	Automated Fingerprint Identification System
ANPR	Automatic Number Plate Recognition
ATM	Automated Teller Machine
BURG	Burglary
CAB	Criminal Assets Bureau
CAD	Computer Aided Despatch
LAPD	Los Angeles Police Department
CCC	Central Command and Control
CCJ	Criminal Courts of Justice
CCIU	Computer Crime Investigation Unit
CCTV	Closed Circuit Television
CHIS	Covert Human Intelligence Sources
CIO	Criminal Intelligence Officer
CJIP	Criminal Justice Interoperability Programme
CJU	Criminal Justice Units
CPD	Continued Professional Development
CPS	Crown Prosecution Service
CSE	Crime Scene Examiner
CSO	Central Statistics Office
DDM	Dedicated Decision Maker
DMR	Dublin Metropolitan Region
DMR N	Dublin Metropolitan Region North
DMR S	Dublin Metropolitan Region South
DNA	Deoxyribonucleic Acid
DO	District Officer
DPP	Director of Public Prosecutions
DV	Domestic Violence
DV/SA	Domestic Violence/Sexual Assault

DVSAIU	Domestic Violence and Sexual Assault Investigation Unit
EAW	European Arrest Warrant
ECHR	European Convention on Human Rights Act, 2003
ELO	Ethnic Liaison Officer
ERU	Emergency Response Unit
FCR	Force Crime Registrars
FLO	Family Liaison Officer
GBFI	Garda Bureau of Fraud Investigation
GERM	Garda Establishment Resource Model
GIM	Garda Information Message
GISC	Garda Information Service Centre
GLO	Garda Liaison Officer
GMP	Greater Manchester Police
GNDU	Garda National Drugs Unit
GNIB	Garda National Immigration Bureau
GPS	Global Positioning System
GPSU	Garda Professional Standards Unit
GRIDO	Garda Racial Intercultural and Diversity Office
GSAS	Garda Síochána Analysis Service
GSOC	Garda Síochána Ombudsman Commission
GVLO	Garda Victims Liaison Office
GYDO	Garda Youth Diversion Office
HMIC	Her Majesty's Inspectorate of Constabulary
HOLMES	Home Office Large Major Enquiry System
HR	Human Resources
HSE	Health Service Executive
IAS	Information Analysis Service
ICVS	Independent Custody Visitors Scheme
IDVA	Independent Domestic Violence Advisor
IOM	Integrated Offender Management

IOMU	Integrated Offender Management Unit
IP	Internet Provider
IRC	Incident Room Coordinator
JLO	Juvenile Liaison Officer
KPI	Key Performance Indicator
LGBT	Lesbian Gay Bisexual Transgender Officers
MAPPA	Multi Agency Public Protection Arrangements
MARAC	Multi Agency Risk Assessment Conference
MAT	Mandatory Alcohol Testing
MATAC	Multi-Agency Tasking and Coordinating
MDT	Mobile Data Terminal
MIMS	Major Investigation Management System
MO	Modus Operandi
MPS	Metropolitan Police Service
MPV	Mechanically Propelled Vehicle
NBCI	National Bureau of Criminal Investigation
NCIS	National Criminal Intelligence Service
NCIU	National Criminal Intelligence Unit
NCRS	National Crime Recording Standards
NSDA	National Study of Domestic Abuse
NIBRS	National Incident Based Reporting System
NIM	National Intelligence Model
NSIR	National Standard for Incident Recording
NSMU	National Source Management Unit
NSS	National Support Services
NSU	National Surveillance Unit
NYPD	New York Police Department
OCU	Organised Crime Unit
PACE	Police and Criminal Evidence Act
PAF	Performance Accountability Framework

PALF	Performance and Learning Framework
PEMS	Property and Exhibits Management System
PINS	Prison Identification Notification System
PIU	Paedophile Investigation Unit
PSNI	Police Service of Northern Ireland
PULSE	Police Using Leading Systems Effectively
PTSN	Prisoner to Station
RPSTN	Report to Station
RSU	Regional Support Units
SBD	Secure By Design
SCD	Specialist Crime Directorate
SCI	Specialist Child Interviewers
SCRS	Scottish Crime Recording Standard
SCRT	Serious Crime Review Team
SDU	Special Detective Unit
SHO	Station House Officer
SIO	Senior Investigating Officer
SIS II	Schengen Information System
SID	Scottish Intelligence Database
SOLO	Sexual Offence Liaison Officer
SOP	Standard Operation Procedure
SORAM	Sex Offender Risk Assessment and Management Model
TACU	Tasking and Co-ordinating Unit
TI	Telephone Intercept
TIC	Taken into consideration
TLU	Telecom Liaison Unit
TNA	Training Need Analysis
VIPER	Video Identification Parade Electronic Recording
VOL	Victim, Offender and Location
WA	Western Australia
WROTI	Written Record of Taped Interview

SUMMARY OF FINDINGS AND RECOMMENDATIONS
INTRODUCTION

The Introduction provides the background information on the terms of reference for the inspection, the structure of the Garda Síochána and the crime levels in Ireland over a seven year period. It also outlines the methodology and structure of the report, and the recommendations of the Inspectorate to provide for a more efficient and effective process for crime prevention and crime investigation.

Introduction	Key Points/Findings
Garda Structure	• Geographically the country is divided into six regions headed by an assistant commissioner; each region is divided into divisions headed by a chief superintendent; each division is divided into districts headed by a superintendent (also known as a district officer); • The structure then descends from superintendent to inspector, sergeant, and to garda level;
Level of Crime	• Recorded crime incidents (which excludes traffic offences and some miscellaneous offences) show a peak of total recorded crime of 296,705 in 2008, and a consistent year on year reduction of crime to 229,579 in 2013; • In this time period there was a significant reduction in intoxicated driving and public order offences; 8,000 fewer drug offences and 1,400 more burglary offences; • Crime detection rates reached a peak of 69% in 2008 and slightly reduced to 66% in 2012; • Crime counting rules, definitions and legislation make international comparisons difficult;
Methodology of the Report	• Main focus of the report is on the volume crime incidents of assaults; burglary; domestic violence; vehicle crime; and robbery; • Field visits were carried out in seven divisions and in national units with over 1,000 garda members and staff interviewed in one to one or rank/grade specific groups; • Visits were carried out to external stakeholders including the Probation Service, HSE, Courts Service, County/City Managers, Joint Policing Committees and victims support groups; • Visits were also carried out to international policing services in Northern Ireland, England, Scotland, Wales and Denmark. Written and video conference contacts were made with US, Australian and New Zealand police services; • Approximatively 1,500 PULSE crime and incident records were examined in detail;

Introduction	Key Points/Findings
Volume Crime Case Reviews	• 158 calls for service were randomly selected from the seven selected divisions made by members of the public were examined throughout the report. All information on the 158 calls was requested and the full process of crime investigation over a twelve month period from reporting, to recording, to investigation, to prosecution was tracked. The service provided to victims was also examined;
Structure of this Report	• The report contains a large number of recommendations which are divided into those which can be implemented in the short term (zero to six months), medium term (six to twenty-four months) and long term (more than twenty-four months); • Most of the recommendations are directed towards action by the Garda Síochána but there are other responsible organisations and authorities within or relevant to the efficiency of the crime investigation process; • A number of recommendations fully reiterate or update recommendations previously made by the Inspectorate;
Report Findings	• Overall impression of the Garda Síochána is of an organisation with a majority of very dedicated and committed staff who strive to make their communities safer places; • The report shows that despite poor technology, some weak processes and gaps in supervision, a lot of decent men and women work very hard on a daily basis to deliver a good policing service;
The Way Forward **Recommendation 1**	• It is essential that the report is considered holistically to ensure that the maximum benefit can be derived from this inspection; • It is recommended that the Department of Justice and Equality establish and task a criminal justice service group, comprised of the agencies and stakeholders that are responsible for community safety in Ireland, with overseeing the implementation of all of the recommendations accepted from this report.

PART 1: CRIME PREVENTION

This part of the report looks at the role and deployment of Garda Crime Prevention Officers, the use of technology in crime prevention as well as the role of local community and business groups in helping to prevent crime and anti-social behaviour in their local areas.

Crime Prevention	Key Points/Findings
Crime Prevention in the Garda Síochána **Recommendation 1.1** **Recommendation 1.2**	• Crime prevention should be the number one priority for any police service; • Garda Síochána has not published a crime prevention strategy that articulates how resources will be used more effectively to reduce crime; • Crime prevention specialists are not always engaged at the early stages of planning applications for major developments to provide advice on crime prevention design;
Crime Prevention Officer **Recommendation 1.3** **Recommendation 1.4**	• Inconsistent approach to the use of Crime Prevention Officers (CPOs) across the seven selected divisions; • CPOs are not always invited to attend local crime management meetings; • Good practice initiatives led by CPOs, include developing watch schemes and text alerts; • Literature not available from the National Crime Prevention Unit (NCPU);
Crime Survey **Recommendation 1.5**	• Crime surveys are generally carried out after a crime has taken place; • CPOs do not have the capacity to complete crime surveys for the majority of persons who require advice; • An inconsistent approach in the provision of crime prevention packs to victims of crime; • An inconsistent approach to the monitoring of crime surveys on business premises. Limited follow up to ensure recommendations were implemented;
Watch Schemes **Recommendation 1.6** **Recommendation 1.7** **Recommendation 1.8**	• Text alert schemes, some very positive feedback but schemes are reliant on individual gardaí to pass on relevant information; • Neighbourhood Watch, Community Alert (NWCA) and other related schemes are an excellent way to engage local communities; 30% of schemes are dormant; • There are few metrics in place to measure success of NWCA crime prevention schemes; • Garda Website information on crime prevention could be improved; • A new community policing model has been introduced in a division in the Dublin Metropolitan Region focussing on local garda ownership of geographically defined small areas;
Property Marking **Recommendation 1.9** **Recommendation 1.10** **Recommendation 1.11**	• Crime prevention measures such as property marking and DNA marking are underdeveloped; • Need for more detailed analysis to identify if particular crimes are impacting on particular community groups;

Crime Prevention	Key Points/Findings
Engage the Public **Recommendation 1.10**	• Need to engage the public in reducing crime and reporting suspicious activity; • Fear of crime can often be higher than the reality;
Anti-Social Behaviour **Recommendation 1.12** **Recommendation 1.13**	• Reduction in community policing units; • Needs a problem solving approach; • Limited use of anti-social behaviour legislation; • International police services have identified and focused activity on repeat locations for calls for service;
Partnership Working **Recommendation 1.14**	• Lack of co-location with key partner agencies and an absence of a statutory footing for partnership working; • Legislation in other countries brings key agencies together; • Opportunities for key agencies to tackle crime by joint working; • Joint Policing committees should be fully engaged in crime prevention initiatives.

PART 2: DIVISIONAL POLICING

A divisional policing model will help the Garda Síochána be more efficient and effective in crime investigation. This part of the report looks at the district and divisional management structure, including the operation of senior detectives at a divisional level; supervision of crime investigation, the deployment of resources at a divisional level, as well as an examination of the operation of the pilot garda roster.

Divisional Policing	Key Points/Findings
Divisional Approach to Local Policing/ Delivery of Local Policing **Recommendation 2.1** **Recommendation 2.2**	• Variation in the size and operation of the ninety-six districts; • High levels of autonomy in decision-making of district officers with implications for the consistency of incident management, crime recording and detections; • Some districts operate almost as separate entities within a division; • Disproportionate amount of district officer time taken up on matters related to administration, human resources and investigation of Garda Síochána Ombudsman Commission complaints; • Duplication of administration functions between district and divisional administration units; • Unnecessary bureaucracy; • Significant numbers of gardaí in non-operational roles performing administration functions;
Functionality Versus Geographical Responsibilities of all Divisional Superintendents **Recommendation 2.3**	• Non physical barriers negatively impact on delivery of policing services in the district structure; • Imbalances in the allocation of members across districts; • Different decisions were sometimes made in respect of crime investigation across divisions; • Detective Superintendents are not responsible for crime investigation;

Divisional Policing	Key Points/Findings
Postings and Transfers **Recommendation 2.4**	• Members are promoted and sometimes posted far away from home, impacting on service delivery and personal circumstances; • Divisional chief superintendents have no role in determining the transfer of superintendents to division; • Working patterns, availability and retention of 'Travelling Superintendents' has implications for overall crime and district management;
Senior Garda Visibility **Recommendation 2.5**	• Senior gardaí carry out many administrative functions which reduces time to spend with staff; • Perceived lack of visibility and engagement of senior gardaí with staff;
Supervision of Crime and Incidents **Recommendation 2.6** **Recommendation 2.7**	• Significant gaps in front-line supervision, particularly with 24/7 patrol sergeants; • Front-line supervision of crime is crucial; • Introduction of the new pilot roster has further reduced the presence of sergeants; • Numbers of uniform inspectors varied across all of the divisions visited; • Large portfolio of responsibilities of inspectors means that their crime responsibilities do not always get the attention required;
Detective Resources **Recommendation 2.8** **Recommendation 2.9**	• DMR divisions have both detective superintendent and detective inspectors; • Outside of the DMR, detective superintendents usually operate on a regional basis, covering more than one division; • In the DMR, the detective inspector is the most senior detective in the district, with responsibility for all detectives working in their district; • Outside of the DMR, detective inspectors operate on a divisional basis and are the most senior detective; • Detective inspectors and detective superintendents have to approach individual district officers for use of resources and funding; • Pilot roster has impacted negatively on the availability of detective sergeants for supervision;
Deployment of Resources **Recommendation 2.10**	• Garda resources are not allocated in terms of policing need and crime levels; • Significant number of members in specialist duties and in Headquarters; • Large number of local specialist units sometimes leading to demarcation of responsibilities with units only dealing with certain calls; • Variation in the numbers of detectives and detective aides deployed in divisions;
Garda Fleet **Recommendation 2.11**	• Lack of suitable garda vehicles for operational policing; • No rationale for the allocation of the garda fleet; • Deployment of significant numbers of garda vehicles to specialist units;
Garda Roster **Recommendation 2.12**	• Pilot garda roster provides members at specific times and has members on duty at times when not required; • Creation of a fifth unit has negatively impacted on the availability of numbers of frontline staff and supervisors;

Divisional Policing	Key Points/Findings
	• Roster is negatively impacting on the availability of detective resources;
	• Four day rest period built into the roster is impacting on the continuity of crime investigations;
Crime Briefings **Recommendation 2.13**	• Members are not routinely paraded at commencement of duties; • Where parades were observed, some did not adequately task and brief members; • Members are not de-briefed at the end of a tour of duty;
Performance Management **Recommendation 2.14**	• While there are clearly many hardworking members, there is no way to objectively measure performance; • No individual performance management system in the Garda Síochána; • A perception that underperformance is not being adequately addressed;
A New Model **Recommendation 2.1**	• A new model of service delivery is recommended; • The Inspectorate's proposal of a functionality model outlines a new way of operating.

PART 3: FIRST RESPONSE

This part looks at the various ways that members of the public contact the Garda Síochána, how that contact is managed and recorded, and the levels of service provided.

First Response	Key Points/Findings
Recording Calls from the Public **Recommendation 3.1** **Recommendation 3.2** **Recommendation 3.3** **Recommendation 3.4** **Recommendation 3.5** **Recommendation 3.6**	• First encounter with the public is critical; • Need focus of 'getting it right first time' at an incident; • A Computer Aided Dispatch (CAD) system operates in Dublin with a centralised Command and Control; • Stand alone CAD pilot programmes in operation in four other divisions; • Outside of Dublin, many divisions record calls on paper records; • A large proportion of calls from the public go directly to garda stations; • Garda Síochána has plans to introduce control rooms regionally; • Lack of analytical information on the volume, nature and responses to calls in non-CAD divisions; • No evidence of incident grading, risk assessment, times of dispatch or times of arrival in non-CAD divisions; • Non-CAD control rooms call takers are gardaí; • In the DMR, some untrained gardaí are creating CAD messages; • No single non-emergency number in Ireland; • There are more control rooms and less technology in Ireland relative to international police services; • Insufficient recording options on CAD to accurately measure specific crime category; • Call takers are not routinely providing callers with an estimated time of arrival of a unit and limited evidence of re-contacting a caller to explain unforeseen delays;

First Response	Key Points/Findings
Control Room Operations **Recommendation 3.7** **Recommendation 3.8** **Recommendation 3.9** **Recommendation 3.10**	• No evidence of any formal system of grading and prioritisation of calls in non-CAD control rooms; • No data to analyse Garda Síochána performance outside the DMR; • Missing data in relation to times of arrival, times of assignment of a unit and times of arrival at a call in some CAD records and more frequently in non-CAD rooms; • Opportunity to use support staff to release members for front-line duties; • DMR Command and Control Centre has a mixture of garda and support staff; • Outside of the DMR, gardaí are generally deployed to perform all of the control room functions; • Control rooms outside of DMR sometimes operate below minimum staff levels;
Supervision in Control Rooms **Recommendation 3.11**	• Outside of the DMR there was a general absence of a formal supervisor; • A practice of control rooms asking if there is a unit available to deal with a call, rather than assigning directly; • Where units do not respond to requests to attend calls, this practice can often go unchallenged by supervisors;
Deployment of Units **Recommendation 3.12** **Recommendation 3.13** **Recommendation 3.14** **Recommendation 3.15**	• Technology to track and pinpoint locations of garda members on patrol, based on the position of garda radios and patrol cars is available to the Garda Síochána, but is only activated in DMR North Central; • Limited evidence of cross district deployment of resources within the same division, and less evidence of gardaí dealing with calls in other divisions; • Unhelpful demarcations of the types of situations that specialist, traffic and other units will deal with; • Under utilisation of garda reserves through practices such as placing a reserve as a third person in a patrol car; • A lack of supervision and direction of reserve members;
Responding to Calls **Recommendation 3.16**	• Control rooms staff do not always have access to the totality of resources available to them; • Good compliance levels of people booking on and off with control rooms in some divisions, and poor levels in others;
Starting the Investigation **Recommendation 3.17** **Recommendation 3.18** **Recommendation 3.19** **Recommendation 3.20**	• One region visited is keen to implement a pilot that focuses on call takers starting an investigative process at the point of taking a call; • Control room staff do not always have the time or the available technology to conduct risk assessments; • Lack of in-car technology to access garda data, such as mobile data terminals and satellite navigation systems;
Deployment of First Responders **Recommendation 3.21** **Recommendation 3.22** **Recommendation 3.23** **Recommendation 3.24**	• In most cases regular units are the first responder and will complete the full investigation of that crime; • Regular units are often under pressure to move to the next call for service, resulting in some aspects of initial investigations being postponed; • Other police services have moved to an approach of assigning resources specifically for a first response and are not assigned to the full crime investigation;

First Response	Key Points/Findings
	• Greater Manchester Police extended the remit of their control rooms to include identifying fast time trends and moving resources to prevent a second offence; • Other police services operate scheduled appointment cars;
Actions at a Crime Scene and Recording Outcomes **Recommendation 3.25** **Recommendation 3.27** **Recommendation 3.28** **Recommendation 3.29**	• Inconsistencies in actions completed at a crime scene; • Large amount of statements taken, in many cases where there is no prospect of a prosecution taking place; • Lack of availability of patrol sergeants and inspectors to supervise is a contributory factor in poor crime investigations; • CAD incidents are closed when a unit informs a control room that they are finished; however, there may still be outstanding work to be completed in relation to the call; • Rationale is not recorded on CAD and paper messages as to why a call does not result in a PULSE incident; • Most frequently closed incidents are coded RPSTN "report to station", but often no garda report is created;
Crime Scene Examiners (CSEs) **Recommendation 3.26**	• CSEs receive five weeks training, and little Continuing Professional Development (CPD); • No performance indicators for CSEs; • Some CSEs struggle to deal with work demands and are called to cases with few forensic opportunities; • CSE examination results are not always recorded on PULSE; • There are no Garda databases to record retrieval of tools or shoe marks;
Crime Reporting at Garda Stations **Recommendation 3.30**	• Reception areas of some garda public offices are unsuitable for discussing matters of a sensitive nature; • Some stations do not have a suitable private room to meet with victims; • Inconsistencies in the information displayed in garda stations;
Volume Crime Case Reviews	• As part of this review, the Inspectorate tracked 158 calls from members of the public to the Garda Síochána across the seven divisions visited and found poor recording and deployment systems in place, in some cases resulting in the non-attendance of a garda; • Little or no evidence of a supervisor checking paper or CAD records; • A total of 44 calls of the 158 calls reviewed were not recorded on PULSE; • Reasons for not recording a crime included the victim was unwilling to make a complaint, victim taking time to consider what they would do, victim leaving the scene before the arrival of a garda or the victim advised to call into a garda station;
Non-Recorded Crime **Recommendation 3.31**	• Crimes are not always recorded; • Domestic Violence cases are not always correctly recorded; • Some low level incidents are not recorded; • Approach of the first member is crucial;
Non-Recording **Recommendation 3.32**	**Victims Comments** • Crimes reported were not always recorded; **Supervision** • Limited evidence of supervision;

First Response	Key Points/Findings
	Calls from the Public
	• Not always recorded;
	Unrecorded Crime
	• Difficult to determine levels of unrecorded crime;
	• Other policing jurisdictions found police non-recording could be as high as 24%;
	• Inspectorate's 2010 report on Child Sexual Abuse found similar issues with non-recording;
	• Failure to record a crime is unacceptable;
	• Other police services have developed national standards for incident recording.

PART 4: INCIDENT RECORDING

This part of the report examines the recording, classification, review and supervision of incidents on the PULSE system.

Incident Recording	Key Points/Findings
Incident Recording Structures **Recommendation 4.1** **Recommendation 4.2** **Recommendation 4.3** **Recommendation 4.4** **Recommendation 4.5**	• PULSE is a national incident recording system and not a crime investigation or case management system; • Garda Síochána has crime counting rules that determine when a crime should be recorded; • Limitations on the amount of data PULSE can hold with insufficient mandatory fields; • Crime investigation and case management system which should be integrated with CAD technology is required; • Two assistant commissioners perform separate roles of corporate responsibility for incident recording and information management; and for crime administration and crime counting rules;
Recording Entries on PULSE **Recommendation 4.6** **Recommendation 4.7** **Recommendation 4.8**	• Garda Information Service Centre (GISC) maximises garda time on patrol by providing a 24/7 telephone and TETRA radio PULSE incident creation service; • Opportunities to use GISC more effectively and to create more detailed crime records; • GISC creates 16,000 of the 18,000 weekly PULSE incidents; • Some members wait until the end of their duty to create one or more PULSE incidents, placing GISC under pressure at shift changeover time. This results in a lost opportunity for supervisors to check incidents were correctly investigated; • Garda members complained of poor radio signal as a reason for not contacting GISC from a crime scene; • Many divisions have high compliance rates in excess of 90% for using GISC to create incidents, while other divisions have much lower rates; • Incidents created by GISC call takers result in fewer review/clarifications requests than incidents created by divisions; • Significant numbers of PULSE crimes and incidents are created after a member finishes their tour of duty. Nationally, almost 10% of PULSE incidents examined were created over a week later;

Incident Recording	Key Points/Findings
Crime and Incident Classification Recommendation 4.9 Recommendation 4.10 Recommendation 4.11 Recommendation 4.12	• GISC has an advisory role in the classification and incident type, but the garda member is the final decision-maker in cases; • GISC identified regular incorrect classifications of burglaries as criminal damage; attempted burglaries as criminal damage or trespass, and minor assaults as non-crimes; • PULSE records do not always reflect the gravity of the crime committed; • Poor narrative sections on PULSE, lacking details related to crime scene investigations, suspects and witnesses; • Information on PULSE narratives can be altered, with the changes only visible to viewers with higher level access; • Instances where wording on PULSE narratives were changed, accompanied by an incorrect re-classification of a crime to a less serious offence;
Supervision of PULSE Data and Incidents Recommendation 4.13 Recommendation 4.14 Recommendation 4.15	• Limited evidence of supervisors checking PULSE incidents to ensure the correct recording of crime; • Unnecessary duplication of PULSE records with paper reports; • Members have unrestricted access to PULSE records; • Other police services restrict access to sensitive investigations;
Classification of Crime and Other Incidents - Sampling	• Based on a sampling of 500 PULSE crime records, the Inspectorate found 30% to be incorrectly classified and insufficient detail in 16% of cases to determine if the classification was correct; • In many cases, the Inspectorate found PULSE narratives suggesting more serious offences;
Initial Classification of Non-Crime Incidents- Sampling Recommendation 4.16	• On the basis of the PULSE records examined, significant numbers of crimes were incorrectly classified in a non-crime category; • A high proportion of PULSE incidents were recorded under 'Attention and Complaints' and 'Property Lost' (Non-crime categories); • Incidents under these categories are not provided to the CSO for statistical purposes;
Volume Case Reviews	• Of the 158 Volume Case Reviews, 114 were recorded on PULSE, of which 90 were designated as a crime; • The Inspectorate disagreed with 32% of the classifications shown on PULSE. There was insufficient detail to make a determination in 6% of cases; • Assaults had lower rates of correct classification (38%);
Reviewing PULSE Incidents Recommendation 4.17	• Reviewers at GISC are conducting between 16,000 and 17,000 reviews per week with a three to four week backlog; • District officers have the final approval in relation to crime classification; • Instances occur where crime classifications are reviewed by GISC and classifications changed by a member either before it was reviewed by GISC or in some cases, following sign off by GISC;
Review/ Clarifications Recommendation 4.18	• Approximately 420,000 Review/Clarifications issued to members by GISC staff seeking further information, or in some cases clarifying crime classification, are outstanding;

Incident Recording	Key Points/Findings
	• Inspectorate found the Review/Clarification questions and comments raised by GISC to be valid;
	• Instances where Review/Clarifications requests are sometimes ignored;
	• No further action is usually taken by GISC if the request is ignored;
	• An inconsistent approach amongst reviewers in challenging crime classifications;
	• GISC has no designated responsibility to check crime detections;
Crime Classification – The Future **Recommendation 4.19**	• GISC should be the final decision-maker in the classification of crime;
	• GISC have a much higher level of consistency in crime classification;
	• Inspectorate believes that there are systemic failures in recording practices and non-compliance with crime counting rules.

PART 5: CRIME MANAGEMENT

This part looks at the management of a crime or an incident that is recorded on PULSE. The process of crime classification and re-classification is also addressed.

Crime Management	Key Points/Findings
Role of Senior Managers	• Assistant Commissioner Crime and Security leads on crime counting rules;
	• Divisional chief superintendents produce an annual policing plan;
	• District officer leads on all crime matters. The Inspectorate found that the experience of individual post holders varied;
District Daily Accountability Meetings **Recommendation 5.1**	• Performance Accountability Framework (PAF) meetings are used to discuss crime incidents at district level;
	• Inconsistencies with frequency of meetings;
	• Limited discussion on who should be investigating crime and crime counting rules at PAF meetings;
	• Garda Síochána is developing a standard PULSE enquiry to be used at all PAF meetings;
Crime Management **Recommendation 5.2** **Recommendation 5.3**	• No electronic crime management system in the Garda Síochána;
	• Garda Síochána do not have dedicated crime management units;
	• No process for closing cases;
	• No standardised approach to supervision, tracking cases and making sure that investigations are completed diligently and expeditiously;
	• Unlike other jurisdictions, there is no formal process of crime screening and unsolved cases are kept open indefinitely;
	• Too many cases receive both primary and secondary investigation with the result that too much time is spent on cases that may never be solved;
	• Crimes usually investigated by the first member on scene at an incident;
	• No clear protocol on what crimes detectives investigate;
	• Instances of cases assigned to gardaí who had retired or who were on extended leave;

Crime Management	Key Points/Findings
Reclassification of Crime	• 8.5% of all crimes recorded on PULSE were reclassified over seventeen month period from January 2011 to May 2012;
	• Inspectorate selected eight crime categories and examined 2,372 crimes reclassified between January 2011 and May 2012 in the seven divisions visited;
	• Six of the eight categories significantly moved to a lesser crime type;
	• In 83% of cases, reclassification resulted in a crime moving to a less serious offence;
	• The greatest percentage movement to a lesser crime took place in the categories of burglary, robbery and assault harm;
	• Domestic disputes showed the highest percentage change to a more serious offence;
	• A large number of incidents were moved to the non-crime category of Attention and Complaints, with assault minor incidents and domestic disputes featuring highly in these figures;
	• Conversely, a number of incidents initially classified as Attention and Complaints moved to crime categories;
	• In focus groups with members, it was highlighted that crimes are sometimes reclassified incorrectly or changed to a non-crime category;
	• PULSE records were viewed by the Inspectorate in which gardaí had recorded on PULSE that they had reclassified a crime as a result of directions from a supervisor;
PULSE Incident Sampling	The Inspectorate directly accessed the PULSE system and sampled 393 reclassified incidents from live PULSE incident records. A database was created with detailed information from each record:
	• Inspectorate found 71% of crimes incorrectly reclassified with insufficient information to make a determination in 11% of the cases;
	• No recorded rationale to explain the reclassification in many cases;
	• In the majority of cases the initial classification was correct;
	• Crimes of burglary and attempted burglary are not always recorded correctly and as a result there is significant under-recording;
	• Assault minor cases were sometimes incorrectly reclassified to Attention and Complaints as a result of a reluctance of a victim to assist with a prosecution;
	• Most reclassifications of robbery went to a less serious crime type, such as theft person or theft;
	• Assaults, criminal damage and theft other crime incidents moved to the non-crime category of Attention and Complaints;
	• 31% of the Attention and Complaints reclassified were moved to sexual assault crime category;

Crime Management	Key Points/Findings
Other Crime Counting Rule Issues **Recommendation 5.4** **Recommendation 5.5**	• Examples of multiple crimes, that were not always linked on the PULSE system; • Cases where multiple offences were committed, but only one crime was actually recorded on PULSE; • Where there was a clear justification to invalidate a crime, this action was not always completed; • Any member of the Garda Síochána can change a crime classification, without approval or supervision review; • From a sample of PULSE incidents invalidated by the Garda Síochána, the Inspectorate found 62% correctly invalidated, 34% incorrectly invalidated and 4% insufficient detail to determine classification;
Crime Management Units and Reclassification of Crime **Recommendation 5.6** **Recommendation 5.7** **Recommendation 5.8**	• Crimes reclassified without supervision; • July 2013 instruction by the Garda Síochána stated that a PULSE incident narrative should justify the reclassification of a crime; • GISC should play a more enhanced central role in crime reclassification and divisions should not be allowed to reclassify a crime without the authority of GISC; • Many people with responsibility for crime counting rules have received no formal training or refresher training; • Crime management units operate in other jurisdictions; • Other police services operate a system of crime registrars with responsibility for checking compliance with crime counting rules; • Other jurisdictions have introduced national crime recording standards; • Other jurisdictions limit reclassification authority to people designated as Dedicated Decision Makers;
Reclassifying Crime **Recommendation 5.9** **Recommendation 5.10**	• Concern with accuracy of crime recording, crime classification and crime reclassification; • At present, too many people are allowed to make decisions on classifications and reclassifications and far too few people are checking to make sure that those decisions are correct; • Needs to be a baseline year for recorded crime to enable comparison; • Inspectorate recommends an annual audit of incident and crime recording by an independent body.

PART 6: INVESTIGATING CRIME

This part looks at how serious crime is investigated. It also looks at how detective resources are allocated, trained and deployed. Crime investigation is a core function of any police service.

Investigating Crime	Key Points/Findings
Current Position	• Not all gardaí are available for operational duties or used to investigate crime and deal with incidents;

Investigating Crime	Key Points/Findings
	• Total recorded crime since 2008 has reduced year on year; • Serious crime represents 4.5% of all crime; • Crime, non-crime and other workloads analysed showed wide variance across the seven divisions visited;
Divisional Resources to Investigate Crime and the Allocation of Crime Investigation	• Absence of written protocol in place explaining what crimes are investigated by individual units creates inconsistency; • Limited evidence of the reallocation of a volume crime from a regular unit garda to a detective garda; • Examples of regular unit gardaí investigating serious crime such as rape, threats to life, aggravated burglary and child sexual abuse. In other policing jurisdictions these types of crimes are usually investigated by trained detectives or officers assigned to specialist investigative units; • In more rural areas, the allocation of a serious crime might be determined by who is available, rather than who has the skills and experience to investigate a particular crime; • Responsibilities of traffic units must include investigating collisions, crime prevention and crime investigation; • Inconsistent approach to the role of community gardaí in crime investigation; • Community gardaí should be allocated for crimes to investigate; • A DMR division has reconfigured the functions of first response and community policing units; • Drug units focus on intelligence led operations, but are sometimes deployed to target prolific burglary offenders; • With the introduction of the pilot roster some pro-active specialist units were disbanded or reduced in numbers, whilst administration units retained many gardaí that could be redeployed to operational duties; • Administrative posts should always be reduced first to maintain patrol numbers delivering policing services; • Local specialist units may have reached the point of unsustainability in their current format;
Detective Resources and the Role of the Detective in Crime Investigation **Recommendation 6.1** **Recommendation 6.2** **Recommendation 6.3** **Recommendation 6.4** **Recommendation 6.5** **Recommendation 6.6**	• No clear written protocol about what crime a detective should and should not investigate; • Disconnect between what senior gardaí thought detectives investigate and what they do in practice; • Perception that detectives only get involved in investigations after a regular unit officer has identified a suspect; • Good practice to move detectives to a new working environment when selected for promotion or on appointment to detective; • Deployment of 6% of total detectives in policy and administration units in Garda Headquarters; • Limited evidence of detectives routinely investigating volume crimes offences; • Detectives should have responsibility in the investigation of volume crime;

Investigating Crime	Key Points/Findings
	• All detective units in a division should operate on a divisional basis; • Large number of trained detectives or gardaí appointed as detectives in non-investigative roles or with no connection with crime investigation; • Routine patrolling and armed duties by specialist units does not require trained detectives; • Regional Support Unit (RSU) scheme should be extended to cover the DMR, removing the role from trained detectives; • Detectives, without formal training were appointed in post for two or three years and in some cases ten years before receiving training; • No formal process or specific training and development programme for detective aides towards becoming detectives; • Limited continuous professional development for detectives; • Some detectives are investigating complex crimes without any specific training e.g. fraud investigation; • Garda Síochána should introduce a formal trainee detective programme focussing on developing and selecting future detectives; • There are approximately 700 untrained detectives; • Under performance of detectives must be addressed, rather than accommodated; • Current detective roster is ineffective and inefficient for crime investigation or good victim care; • Roster impacting on crime investigation and supervision;
Foundation Training for Gardaí **Recommendation 6.7**	• Garda Síochána needs to conduct a Training Need Analysis (TNA) for gardaí that completed foundation training, post 2005. Following the TNA, the Garda Síochána needs to develop a specific training programme; • New training course – first intake in September 2014; • Foundation training 2000-2009. Estimated that only 25% of the available training time was spent on operational policing and criminal investigation; • Accelerated recruitment programme was highlighted as a reason for changing the delivery of training to a lecture based approach; • Minimal assessment and screening processes in place before students were attested as gardaí; • No practical training and guidance to ensure that the Garda Síochána produced a garda prepared for the demands of a modern police service;
District Detective Units Investigation of Crime	• Inspectorate conducted analysis of three district detective unit workloads: • Each district had a small detective unit; • Variance in number of crimes investigated per detective 9 – 55 crimes; Detectives and detective aides investigate same type of crimes; • Some detectives investigated 100 crimes a year and some less than ten crimes per year;

Investigating Crime	Key Points/Findings
National Support Services **Recommendation 6.9** **Recommendation 6.10** **Recommendation 6.11** **Recommendation 6.12** **Recommendation 6.13** **Recommendation 6.14** **Recommendation 6.15**	• National Bureau of Criminal Investigation (NBCI) do not lead any murder investigations but provide short term assistance with particular investigative skills; • Investigation of garda criminality and corruption requires specialist skills, but the use of NBCI's Investigation Section for this purpose is not best use of resources; • Investigation Section needs to be released to investigate murders on a full time basis; • NBCI has become a repository for sensitive enquiries and crimes which do not fit into other unit's responsibilities; • Poor fingerprint recovery at crime scenes is a key concern with no performance data available on the quality of crime scene examinations; • Opportunities to provide enhanced IT that allows the electronic transmission of fingerprints directly from crime scenes to Fingerprint Section; • Technical Bureau should attend all murder enquiries and other serious crimes; • In some cases the Incident Room Co-ordinator appointed is inexperienced in that role and may not always know how to make best use of specialist resources; • Absence of a Major Investigation Management System (MIMS) is a gap which should be filled; • Combining Serious Crime Review Team (SCRT) and the Investigation Section is a more effective way of managing these two units; • Other police services use Independent Advisory Groups to provide assistance in managing local community issues; • Decision logs are not used; • Good system of Family Liaison Officers;
Current System of Murder Investigation **Recommendation 6.16** **Recommendation 6.8**	• Responsibility for the investigation of a murder rests with a district officer; • Many divisions and regions have developed good skills in murder investigation; • Garda Síochána should have dedicated investigation teams that deal with all murders and other specified serious crime; • Current location of NBCI sometimes prohibits more activity in the Southern, Western and Northern regions. There are opportunities to place the NBCI into strategic locations that provide national coverage; • In the early stages of an investigation it was sometimes difficult to find gardaí with the necessary skills and experience; • Under the current structure, detective superintendents should lead investigations;
Other National Units with Investigative Responsibilities	• Garda Bureau of Fraud Investigation receives all fraud cases for assessment and allocates crime for investigation. Crime investigations can be protracted and some cases are complex; • There are a number of other national units which investigate crime; • Garda Síochána needs to prepare for cybercrime threat; • Opportunities to merge national units such as the Garda National Drugs Unit and the Organised Crime Unit;

Investigating Crime	Key Points/Findings
	• Structure of national units will be examined by the Inspectorate as part of Haddington Road Review;
Rape and Serious Sexual Assault Investigation **Recommendation 6.17**	• Regular unit gardaí often undertake the primary investigation of rape and sexual assault investigation and in many cases remain as the investigating garda. These crimes are some of the most difficult investigations that an investigator will face; • Inspectorate does not agree with garda policy that the investigation of serious sexual offences can be performed by all front-line gardaí; • Rape and serious sexual assault cases should always be investigated by detectives and supervised by a senior detective; • Other police services have dedicated rape investigation units;
Volume Crime Investigation	• Detectives are not investigating large numbers of volume crimes and this is a lost opportunity to use their skills and expertise; • Regular units investigate the majority of volume crimes; • Regular units have no time set aside in their roster for completing investigations;
Domestic Violence Investigation **Recommendation 6.18**	• Limited evidence that Domestic Violence (DV) policy is audited or monitored to ensure that it is implemented at an operational level; • No recorded evidence that divisional nominated inspectors are checking DV calls or ensuring accurate recording and classification on PULSE; • Follow-up visits do not always happen (DV Policy - call back within one month); • High number of calls to domestic incidents with low volume of arrests recorded on CAD; • A difference in the service provided to victims where a court order was in place to protect the person and where no such court order existed; • Absence of supervision of calls to DV incidents by control rooms. Supervisors do not always check the actions of gardaí dealing with DV cases and are not asking why an offender was not arrested; • Identified many cases of domestic violence where a crime had occurred, but it was wrongly recorded as an 'Attention and Complaint' or a case of 'domestic dispute – no offence disclosed'; • Inconsistent approach to dealing with victims of DV who initially make a statement of complaint, but later decide that they do not want to go to court; • Different garda attitudes towards DV. While some members demonstrated an understanding of DV, others were unaware of the complex reasons why many DV victims return to their abusive partners and the broader challenges faced by DV victims; • Some gardaí are providing a very good level of service to victims and help them to obtain the relevant protection or barring orders at court. These gardaí also visited victims after the initial call. However, some members displayed negative attitudes towards DV by referring to calls as problematic, time consuming and a waste of resources. Examples provided where assaults were recorded in non-crime categories;

Investigating Crime	Key Points/Findings
	• An arrest of an offender at the time of dealing with a crime or breach of an order sends an important message to all parties that this crime will not be tolerated; • Garda Síochána needs to re-appraise both their strategic and operational response to DV; • Other police services have multi-agency groups that focus on repeat victims and violent offenders;
Racist and Homophobic Incidents **Recommendation 6.19**	• Recorded levels of racist and homophobic crimes are very low; • Other jurisdictions have specific offences for aggravated crimes; • Divisions have trained Ethnic Liaison Officers and Lesbian Gay Bisexual Transgender Officers that have a liaison role with communities and can assist with investigations;
Investigation Plans **Recommendation 6.20** **Recommendation 6.21** **Recommendation 6.22** **Recommendation 6.23** **Recommendation 6.24** **Recommendation 6.25** **Recommendation 6.26**	• Limited evidence of investigation plans and no plans were found on PULSE; • Minimal evidence that details of secondary investigations are recorded on the PULSE system; • Across seven divisions, supervisors were unable to say how many crimes individual gardaí were investigating; • Individual member case loads are high; • Regardless of the seriousness of the crime, gardaí are given three months to complete an investigation and this often stretches towards the six month time limit for summary offences; • Specialist interviewers take statements from child victims of sexual or physical abuse or serious neglect; • In one court visited, 20% of the summonses issued were late submissions; • Supervisors were unable to provide details about how many people were shown on PULSE as a suspect, who had not yet been arrested; • Decision of some investigating gardaí not to record a known suspect's details on PULSE. This information is not recorded in case another member arrests that person and takes credit for that detection; • Lapsed criminal cases found where there was an identified suspect for a crime, but the six month time limit for proceedings had passed; • Long delays in obtaining forensic examination of computers and other technology; • Opportunity to regionalise the Computer Crime Investigation Unit (CCIU); • Significant delays in obtaining mobile phone subscriber information from some service providers; • Unnecessary delays with crime investigation; • Majority of crime investigations should be concluded within a maximum of twenty-eight days;

Investigating Crime	Key Points/Findings
Other Investigative Opportunities **Recommendation 6.27** **Recommendation 6.28** **Recommendation 6.29** **Recommendation 6.30** **Recommendation 6.31** **Recommendation 6.32**	• No garda national CCTV database to assist investigators in crime investigation; • There are opportunities to develop Automatic Number Plate Recognition (ANPR) on existing camera networks; • In the absence of an electronic case management system, a standard national case file protocol would ensure consistency in application; • Obtaining pre-charge advice should be available to all investigators; • Limited evidence of supervision by sergeants and inspectors before a file was sent to a district officer; • Need to move away from paper files and paper based management systems to electronic IT solutions; • Absence of effective supervision at all stages of many volume crime investigations; • Many crimes without any obvious lines of enquiry are still technically under investigation. It is clear that in many cases, no further investigation ever takes place; • There is no electronic case file management system; • One division is using software to track case files and monitors progress; • In two district stations inspected, superintendents are making the decision to close investigations; • There is no crime screening process to determine if the cases are solvable; • Garda Síochána needs to introduce a process that brings a crime investigation to a natural conclusion;
Developing New Ways to Investigate Crime **Recommendation 6.33** **Recommendation 6.34** **Recommendation 6.35**	• Develop telephone reporting and telephone investigation of crime; • Develop opportunities for extending on-line reporting of crime and reduce the bureaucracy of the current process; • With the creation of the new proposed divisional policing model, the Garda Síochána must ensure that detective resources are fully utilised in the investigation of both serious (non-homicides) and volume crime; • Develop a model of dedicated investigation teams that deals with all serious crimes and a significant percentage of volume crime investigations; • There should be a crime management process for allocating crimes, based on agreed protocols.

PART 7: THE VICTIM'S EXPERIENCE

Part 7 looks at the victims experience following a crime and the various supports mechanisms that are in place. There are two important stages for victims, (i) the initial contact (ii) follow-up contact throughout an investigation.

The Victim's Experience	Key Points/Findings
Garda Support Services **Recommendation 7.1** **Recommendation 7.2** **Recommendation 7.3**	• National support services for victims of crime includes a National Crime Victims Helpline, a Victims of Crime Office and the Irish Tourist Assistance Office; • Garda Victim's Liaison Unit has contact with victims' groups;

The Victim's Experience	Key Points/Findings
Recommendation 7.4	• Garda Síochána has a number of dedicated victims support services including: Garda Family Liaison Officers who are appointed to serious crime cases. Some divisions have Victim's Offices as a single point of contact for victims of crime; • The information of the Garda Síochána website should be updated in preparation for the EU Victims Rights Directive; • Two letters are sent to victims of crime on behalf of the district officer. The first letter contains the investigating member's name, the garda station contact details and the victim's helpline contact details. A second letter is sent once an offender is identified and the case has progressed; • Across divisions there is 89% compliance with issuing letter 1 and 74% compliance with issuing letter 2; • No letters are currently sent to victims of domestic violence or sexual assault or cases where the victim is vulnerable to avoid further risk to them; • Victims of property crimes were far more positive than victims of domestic violence in terms of feedback of their experiences; • Victims groups referred to delays or failures of gardaí in getting statements of complaint, arrests in domestic violence instances are not always made unless a barring order is in force, and criminal cases being adjourned on numerous occasions; • Little or no evidence of supervisors contacting victims to determine the levels of service provided; • An unwillingness of victims to make a statement of complaint sometimes results in a crime not being recorded; • In many cases there is no follow-up with a person who does not make a statement of complaint; • PULSE does not have a facility to remind investigators to update victims; • Inspectorate met with and spoke to a number of victims and family members. Eight interviews are included; • Inconsistencies across divisions in contact with victims; • From September 2014, Garda Síochána are introducing victim offices across all twenty-eight divisions;
Victim Interviews **Recommendation 7.5** **Recommendation 7.6**	• Overall the Inspectorate found an inconsistent approach to updating victims and no national garda standard as to how or when this contact should take place; **Volume Case Reviews** • In 43% of the cases that were investigated by the gardaí, there were no updates on PULSE in the twelve months following the creation of the record; • Some victims who contacted the Inspectorate reported good initial action, but less satisfactory follow-up; **Victim Views on Follow-up Contact** • Many victims are not being kept up to date with developments in their case and find it extremely difficult to contact their investigating officer: • When victims contact garda stations and the investigating officer is not present, no other officer is taking responsibly for assisting them;

The Victim's Experience	Key Points/Findings
	• Calls are not always returned;
	• Many victims would like to have the option of using e-mail to communicate directly;
	• Crimes often take a long time to investigate;
	• Good examples of victim contact were found in divisions that use community gardaí to visit victims;
	Findings on Victim Supports
	• Front-line gardaí and detectives recognise the importance of updating victims, but often cannot find the time to do so;
	• In one division visited a Victims Office has responsibility for updating victims;
	• Limited use is made of the update facility on PULSE which prompts members to contact victims one day, one week and one month after the crime was committed;
	• There is no formal process to monitor the quality and service provided to victims;
	• There is no garda policy or procedure for dealing with people who are repeat victims of crime.

PART 8: INTELLIGENCE LED POLICING

This part reviews the units gathering intelligence, the range of contributors of intelligence and the intelligence systems used by the Garda Síochána. It also reviews how intelligence is developed and used to investigate crime.

Intelligence Led Policing	Key Points/Findings
Importance of Intelligence **Recommendation 8.1**	• Security and Intelligence Division is the central repository for intelligence in relation to state security and serious crime;
	• Intelligence Section focuses on intelligence relevant to state security;
	• National Crime Intelligence Unit (NCIU) focuses on serious and organised crime;
	• Garda Síochána has conducted a high volume of operations and there is an absence of formal prioritisation at a corporate level;
	• NCIU is responsible for security vetting new entrants to the Garda Síochána, such as recruits and reserves;
	• People vetted for entrance to the Garda Síochána are not subject to further security vetting at any later stage;
Surveillance **Recommendation 8.2** **Recommendation 8.3** **Recommendation 8.4** **Recommendation 8.5** **Recommendation 8.6** **Recommendation 8.7**	• Garda pilot roster is severely impacting on the availability of National Surveillance Unit (NSU);
	• NSU unable to service all of the demands placed on the unit;
	• Many regions and other national units have developed their own small surveillance teams;
	• Other national units see merit in having their own surveillance equipment, such as tracking devices for cars;

Intelligence Led Policing	Key Points/Findings
	• No garda policy, instructions or training about the recording of decisions during an operation;
	• Armed officers are attending incidents and on occasions an on-scene commander (usually an inspector) is not always available;
	• With the advancement of telephone applications, the Garda Síochána needs to upgrade technology;
	• Reports produced by Garda Statistical Analysis Service (GSAS) are of a high quality and senior gardaí stated that they use them to better inform operational decisions;
	• Many examples at regional and national level where analysts and gardaí are analysing similar intelligence in the same buildings, but in different offices;
	• In the absence of an investment in an IT solution, the Inspectorate believes that analysts should be trained and provided with access to the data available to Information Analysis Service (IAS) staff;
	• Large numbers of gardaí on a daily basis, collecting and storing statistics and information;
	• Inspectorate found duplication in activity and the lack of automation often demands manual searches for data;
	• PULSE system contains a large number of management and information reports that are not always used;
	• Garda Síochána has a Telephone Liaison Unit that provides a single point of contact for communication service providers and telephone interception issues;
National Intelligence Model **Recommendation 8.8** **Recommendation 8.9**	• Garda Síochána work to a national crime intelligence model, but there is no written document outlining what this model is, how the model works and what processes should take place to make sure that resources are targeting prolific offenders; • Most other countries operate a national model of intelligence; • Tasking and co-ordinating meetings are an integral part of any effective model; • Opportunity to develop a single intelligence hub for National Support Services;
Garda Síochána Internal Crime Meetings **Recommendation 8.10**	• Garda Síochána convenes a number of different crime meetings at national, regional, divisional and district levels; • The success of a good intelligence system is the evaluation process of identifying effective and ineffective operations and initiatives; • Process of using checkpoints or other such activity should be part of the tasking process, needs to be intelligence led and results must be recorded and evaluated; • Needs to develop a tasking and co-ordinating process at all levels that reviews intelligence and crime trends, identifies priorities and allocates appropriate resources; • Tasking meetings should be held at three specific levels: national, regional and divisional;

Intelligence Led Policing	Key Points/Findings
Recommendation 8.11	• Important to co-ordinate the activity of national units and to provide a structured forum for regions and divisions to seek the assistance of units, such as the National Surveillance Unit; • Senior garda member should chair all tasking meetings, particularly at a national level; • National units have their own separate intelligence sections. Within National Support Services (NSS), the Inspectorate found six separate intelligence units. Some of these units work in the same building, but operate separately; • Considerable variance in the methods employed by detective superintendents to ensure that intelligence was utilised effectively; • Inspectorate did not find any clear formalised process for determining how regional units are deployed; • Detective superintendents should be responsible for all aspects of the effective management and use of intelligence; • No Standard Operating Procedure (SOP) for Interpol Unit staff and in particular for the desk officer;
Criminal Intelligence Units in Garda Divisions **Recommendation 8.12** **Recommendation 8.13** **Recommendation 8.14** **Recommendation 8.15** **Recommendation 8.16** **Recommendation 8.17** **Recommendation 8.18** **Recommendation 8.19** **Recommendation 8.20**	• Criminal Intelligence Officers (CIOs) are based in garda districts; • Inspectorate believes that there are benefits to be gained by creating a single divisional intelligence hub; • CIOs spend a considerable amount to time undertaking administrative tasks, such as the uploading of prisoner photographs onto PULSE. It would be a much more effective use of resources to allocate these administrative tasks to police staff; • A Standard Operating Procedure (SOP) is required to clarify the functions and operating practices of a CIO; • No evidence that CIOs regularly attended unit briefings or parades to either provide intelligence or to encourage gardaí to input actionable intelligence reports; • Limited evidence of Crime Scene Examiners (CSEs) routinely supplying information to CIOs about particular methods used by suspects at crime scenes and recording this on PULSE; • District intelligence units described intelligence as a one-way flow of intelligence from local policing units to national units with little in return; • Needs to be a clear process (i) to decide how the high volume of intelligence received by national units is managed, and (ii) to seek opportunities to utilise local specialist units to action intelligence; • Most national and local specialist units greatly restrict the level of information and intelligence they put on PULSE as there is unrestricted access to the PULSE system; • PULSE allows alteration of records by changing some of the details of the record (such as changing a date of birth) without supervision oversight;

Intelligence Led Policing	Key Points/Findings
	• Inordinate amount of CIOs time is spent correcting inaccurate and poor quality intelligence reports;
	• No evidence of supervisors checking the quality of PULSE intelligence reports;
	• Inspectorate understands that there are a significant number of children under the age of seven and infants under the age of one on PULSE intelligence records;
	• High volume of duplicate PULSE intelligence records for the same person;
	• Intelligence units at local and national levels should have full access to interrogate and monitor open source intelligence;
	• In both divisional and national units, the Inspectorate found that many intelligence units still retain paper intelligence records dating back many years;
	• Operational gardaí should be briefed daily with the latest intelligence on crime and tasked to complete actions that will reduce opportunities for crime or locate a person(s) suspected of crime;
	• Significant variance in the amount of formal training that CIOs had received;
	• Continual training on intelligence gathering and data protection requirements should be provided;
Information Sharing	• Limited evidence of information sharing protocols;
	• Close relationships and trust are used by gardaí and partners as the basis for sharing information;
	• Partnerships in Ireland are not statute based;
	• The Data Protection Act provides for the disclosure of information for the purposes of investigation, prevention and detection of criminal offences, but the Inspectorate found no clear guidance for members as to how this should operate on a day to day basis;
	• Sharing of information by the Criminal Assets Bureau is a good model that could be replicated;
Covert Human Intelligence Sources (CHIS) **Recommendation 8.21** **Recommendation 8.22**	• The Major Investigation Management System (MIMS) system has provided a more sustainable IT platform for recording and monitoring CHIS;
	• Success of a CHIS system requires all gardaí who have contact with the public to encourage people to come forward with information and where someone is suitable, to refer them to the source unit for assessment;
	• There is an absence of performance management data to show the outcomes from CHIS in respect of the numbers of arrests and seizures that resulted from CHIS intelligence;
	• Current approach to CHIS has resulted in gardaí becoming reluctant to engage with people who may be able to provide useful intelligence for fear of breaching garda policy;
	• Detectives and other gardaí are not permitted to gather or use intelligence from criminals;
	• Inspectorate recognises that criminals have to be managed within clear safeguards, but the current approach is not encouraging the effective use of a valuable source of criminal intelligence;
	• Limited evidence that volume crime intelligence is provided by CHIS and the Inspectorate believes that intelligence sources must be refocused towards volume crime;

Intelligence Led Policing	Key Points/Findings
Crime Stoppers and Garda Confidential **Recommendation 8.23** **Recommendation 8.24**	• Limited evidence of Crimestoppers information being received or that the intelligence was actioned; • There is no formal tracking system that monitors Crimestoppers information and what happens when that information is sent to a national unit or a local division for action; • Having two different numbers (Crimestoppers and Garda Confidential) is unnecessary and confusing;.
Open Crime Information	• There should be a system of open crime information to inform the public about local crime levels;
Way Forward	• The impact of limited allocation of resources requires the Garda Síochána to be more strategic about how it prioritises work and how it deploys available resources; • High quality intelligence must support and drive the operational response to crime investigation, prevention and the identification of risk.

PART 9: INVESTIGATION AND DETENTION OF SUSPECTS

This part explores the investigative process of gathering evidence to identify suspects and the decision-making process in relation to how to deal in an offender. Part 9 also examines what happens when a person is taken to a garda station.

Investigation and Detention of Suspects	Key Points/Findings
Investigation of Suspect **Recommendation 9.1**	• When a person is shown as a suspected offender the crime is usually shown as detected; • Inspectorate found that many crimes shown as detected on the day the crime is recorded and in some cases without compliance with the Crime Counting Rules;
Making an Arrest	• Consistently, members gather evidence before considering an arrest; • Many cases where interviews took place many months after the crime was committed; • Obtaining some technical and forensic evidence can take several years, which is significantly impacting on the timing of an arrest; • Many suspected offenders are not subsequently charged after arrest; • DPP and Garda Síochána should review the current process for providing pre-charge advice to investigators; • Distinct advantages to the timely arrest of a suspect, including: an early opportunity to interview the suspects; increase opportunities to secure corroborating evidence and reduce opportunities for suspects to re-offend;
Barriers to Arrest	• New pilot roster has added to the delays in arresting suspects; • At certain times of the day, resources are short and an arrest of a suspect might remove all available responders in that area;

Investigation and Detention of Suspects	Key Points/Findings
	• Victims of crime who have consumed alcohol may be sent away, with the onus on the victim to contact the gardaí later if they want to report a crime;
	• Many examples of crimes that were notified to gardaí, but were not recorded as crimes or were recorded as a non-crime incident in the Attention and Complaints category;
	• A number of issues were identified with obtaining victim and witness statements including: some were left with a perception that the gardaí did not want to investigate the crime when it was first reported; some significant delays in obtaining victim and witness statements and broken appointments;
	• Inspectorate found PULSE incidents and case files where a victim was unwilling to make a statement of complaint. However, there was no recorded evidence of any attempts to persuade a victim to assist with a criminal investigation;
	• In cases examined, it sometimes took several months to take a statement from a victim and in one very serious assault case, some six months later a statement had not been taken;
	• Need to develop clear guidelines on when it is appropriate to take a withdrawal statement and how that process should be appropriately supervised;
	• Photo-fit is an important investigative tool that should be more widely available to help to solve crimes;
	• Greatest risk to an investigator is the opportunity for a suspect to commit a further offence in the absence of a diligent and expeditious investigation of the initial crime;
Supervision and Impact on Arrest	• Absence of intrusive supervision to ensure that crimes are investigated quickly and that identified offenders are arrested at the earliest opportunity;
	• Suspects are not always entered onto PULSE for a variety of reasons and a supervisor checking a PULSE record could be unaware that there is an identified suspect;
	• There is a paper based approach to supervision of crime investigation. In many cases, investigating gardaí are required to provide unnecessary written reports on crimes on the progress of an investigation;
	• PULSE does not allow supervisors to search for the details or numbers of outstanding suspects for their unit or for their geographical area;
	• No clear national standards or policies about crime investigation;
	• Face to face daily contact with a supervisor is essential to ensure that investigations are progressed;
	• There are suspects details recorded on PULSE, where there is no recorded evidence of action taken to locate them;
Investigation and Interviewing of Suspects **Recommendation 9.2**	• A significant number of examples taken from the 158 Volume Case Reviews are highlighted: • Good examples of serious cases that were dealt with promptly in terms of gathering evidence and effecting arrests;

Investigation and Detention of Suspects	Key Points/Findings
	• Evidence that crimes were not recorded and investigated at the time of reporting; • Victim and witness statements were not always taken and in some cases there was no further victim contact; • There is an absence of supervision of interviewing; • Unnecessary delays in dealing with identified suspects; • Some poor quality victim and witness statements; • Some investigations were not effectively progressed; • Long delays in gathering and viewing CCTV evidence; • Crimes recorded on PULSE twelve months later and after the request for information from the Inspectorate;
Garda Professional Standards Unit (GPSU) **Recommendation 9.3** **Recommendation 9.4**	• In reports compiled by the Garda Professional Standards Unit (GPSU), there are similar findings to those identified by the Inspectorate; • GPSU has significantly changed the way examinations are conducted and the Inspectorate welcomes this new approach, finding it to be a much more intrusive and evidence-based process; • Where comparisons could be drawn with GPSU examinations, the Inspectorate found similar findings, which included: domestic violence cases inappropriately categorised; unsatisfactory investigation of sexual assaults and inappropriate recording of sexual assaults in the non-crime category of Attention and Complaints; an inability to find out the results for calls for service; statements and other papers undated; tardiness in investigations and long delays in submission of files for directions;
Dealing with Persons in Garda Detention **Recommendation 9.5** **Recommendation 9.6** **Recommendation 9.7**	• In more rural areas, discretion is often applied when considering whether to arrest or not; • Members are trained in the use of rigid handcuffs but the equipment has not been issued; • Vast majority of sergeants and gardaí performing the member-in-charge role responsible for detained persons, have received no specific training. Garda Síochána has developed a new training course for those performing this role; • During inspection visits to divisions outside of the main cities, the Inspectorate regularly found no persons actually detained in custody; • There are multiple small custody facilities, each staffed by a member-in-charge or Station House Officer (SHO); • During visits to custody areas, the Inspectorate did not find any secure custody area; • In other countries, there are moves towards health services taking responsibility for medical care provision for those in custody; • Garda Síochána should engage key partner agencies to develop action plans for managing people that are suffering with mental health issues who come to the attention of garda members for care and not for criminal matters;

Investigation and Detention of Suspects	Key Points/Findings
Recommendation 9.9	• Garda Síochána needs to conduct a full review of all custody facilities and explore opportunities for rationalisation, centralisation and where opportunities exist, to co-locate with other justice partners; • Other police services have Independent Custody Visitors who attend police stations to check on the welfare of persons detained; • The six hours initial detention period is short and an increase in detention without charge would provide more time (where required) to fully investigate most offences; • Part 2 of the Criminal Justice Act 2011 provides a new system to make more effective use of detention periods. This allows the period of detention to be suspended and the person released. Many investigators did not appear to be aware of this provision; • The subject of detention times and authorities for detention should be reviewed by the Garda Síochána with key criminal justice partners to determine if the detention period is sufficient for the effective investigation of an offence; • In other jurisdictions police services drug test people arrested for specific crimes;
Custody Records in Garda Detention **Recommendation 9.8** **Recommendation 9.10**	• Paper-based custody records are cumbersome and not user-friendly. A new version is being developed, but it is not yet in operational use; • Many parts of the custody record that require completion are not always filled in and some court cases are lost because custody records were not fully completed or details in the custody records conflicted with other documents; • PULSE prisoner logs were not always created or updated and many persons were still shown as being in custody, although released some time previously; • Custody records should be classified as primary or best evidence and disclosed as part of a case file in a court case; • Garda Síochána must operate an electronic and fully integrated custody management system; • Other police services have prisoner processing units that manage persons detained to release arresting officers to go back out on patrol; • Identification processes for suspects are generally live parades – other police services have moved to electronic systems;
Interviewing Suspects in Detention **Recommendation 9.11**	• The requirement to write contemporaneous notes of an interview and subsequent typing of those notes is a waste of resources; • Internal review of interview training has identified deficiencies in the interview training provided; • Not all gardaí have received basic interview training and those that did receive training, may not be fully equipped with the skills to conduct interviews; • Since 2005, approximately 5,000 gardaí have joined the Garda Síochána and a large majority of those gardaí have not received any or appropriate interview techniques training;

Investigation and Detention of Suspects	Key Points/Findings
	• The issue of silences and inferences requires attention in terms of training for those involved in interviewing; • There is no system to quality assure taped interviews;
Evidence of Arrest and Gathering Evidence **Recommendation 9.12** **Recommendation 9.13**	• In selected divisions inspected, the Inspectorate found one district where a supervisor periodically reviewed garda notebooks; • Quality of the entries in garda notebooks viewed by the Inspectorate were sometimes poor and did not appear to adhere to any particular notebook rules; • There should be standard operating procedures for the recording of entries in garda notebooks; • Garda Síochána needs to improve investigative skills for gathering best evidence; • Many typed garda statements were undated and this included statements completed by supervising officers; • Conversely, most victim and non-garda witness statements checked by the Inspectorate were dated; • Many other police services do not use note books for recording evidence; • Garda Síochána needs to develop a national Standard Operating Procedure for conducting address searches for detained persons;
Fingerprints and Photographs **Recommendation 9.14** **Recommendation 9.15**	• It has become common practice in garda stations to ask persons detained to voluntarily provide their fingerprints; • Gardaí routinely take fingerprints with consent, in respect of other offences outside of the statutory powers; • Inspectorate supports the removal of the practice of taking fingerprints voluntarily, but recommends legislative changes to devolve the authority for the taking of fingerprints from an inspector to a custody sergeant; • Fingerprints are taken either through the Automatic Fingerprinting Identification System (AFIS) or manually with ink. All persons arrested should be taken to a station where AFIS is operating and wet ink fingerprinting should only be used if AFIS is not working; • AFIS provides an instantaneous result on fingerprints; • Limited knowledge by the member-in-charge of how to obtain results from AFIS; • Ensuring photographs and fingerprints are taken should be supervised by the member-in-charge; • Fingerprints are not always taken for persons arrested for serious offences; • Post conviction at court, the Garda Síochána has the power to take fingerprints for persons summonsed to court. In 2013, only 389 prints were taken out of 6,830 that should have been obtained; • 68% of fingerprints are taken on AFIS – there are significant variances across divisions; • Only 45% of fingerprints were taken in 2012/13 for those detained in garda stations who should have had fingerprints taken; • In 2013, of all persons who should have had fingerprints taken, 66% were not taken; • Systemic failure to effectively deal with persons in garda custody for crimes where fingerprints should always be taken;

Investigation and Detention of Suspects	Key Points/Findings
Identification Processes	• A welcome provision in the Criminal Justice (Miscellaneous Provisions) Bill, 2010 to provide regulations for the use of video identification; • Courts should be able to draw inference from a refusal to participate in an identification process; • Inspectorate supports the intention to legislate for the process of conducting parades, but it must be accompanied by training for gardaí and a move towards an electronic system; • No standard operating procedure about how personal identity is verified;
Exhibits and Property Management **Recommendation 9.16**	• Garda Síochána are rolling out a Property and Exhibit Management system (PEMS); • Inspectorate welcomes the concept of Property and Exhibits Management System (PEMS) as a process of managing property. PEMS is not a national property IT system; it is a local standalone database in some divisions operating independently from other PEMS stores, including the Technical Bureau and the Forensic Science Laboratory; • Gardaí and sergeants, in some places are managing stores, which the Inspectorate does not view as a role which requires a sworn member; • Garda Síochána should be developing an electronic system that will, in the long term, allow bar coding of all exhibits, including DNA, which would track exhibits from crime scenes to laboratories for analysis; • Future technology which is developed in the Garda Síochána, should be capable of integration with other garda and key partner agency IT systems; • Some excellent property stores operating outside of PEMS and this was usually associated with good supervision by a station sergeant; • Other property stores were overflowing with items and with no clear systems to store and find property; • Exhibits and other property items in garda stations located in all sorts of places, including garda lockers;
Legislative Changes **Recommendation 9.17**	• The recommendation contains a number of legislative changes designed to improve the efficiency and effectiveness of crime investigation.

PART 10: OFFENDER MANAGEMENT

This part of the report looks at the management of young and adult offenders. It also examines risk areas in bail and warrant management.

Offender Management	Key Points/Findings
Young Offenders **Recommendation 10.1** **Recommendation 10.2**	• Where a young person between the age of twelve and eighteen years has their details entered onto PULSE in connection with a crime and are categorised as a 'suspected offender' they must be referred to the Garda Youth Diversion Office (GYDO) who make decisions about the suitability of caution or charge for the offence;

Offender Management	Key Points/Findings
	• Director of GYDO makes decisions across all crimes;
	• Garda Síochána has 115 Juvenile Liaison Officers (JLOs) that manage cases involving young offenders;
	• In cases unsuitable for cautions, some youths are not prosecuted;
	• Approximately 80% of all referrals to Juvenile Liaison Officers are accepted onto the scheme;
	• Referrals for some cases are delayed;
	• GYDO has no performance targets and does not record statistics on outcomes in connection with re-offending rates;
	• JLOs would prefer a procedure where a caution is given with or without a supervision order rather than the current formal and informal caution system;
	• A numbers of offenders are given several cautions before being placed before the courts;
	• JLOs do not consider themselves qualified to deal with young people with severe emotional and behavioural difficulties;
	• Young people are sent for treatment without mandatory attendance, particularly sex offender treatment;
	• One in twenty cases dealt with by JLOs use restorative justice processes;
Diversion Programmes	• Up to 5,000 young people are referred to diversion programmes annually;
	• Opportunity to create a co-located multi-agency youth offender service;
	• In 2015, the Irish Youth Justice Service will role out the full version of an assessment tool to all diversion programmes which can be used to develop an intervention plan for the children referred;
Adult Offenders **Recommendation 10.3** **Recommendation 10.4**	• Work with young offenders is far more established than the programmes for adult offenders;
	• A large number of effective policing operations on high risk and prolific offenders are conducted, but there is not a co-ordinated, multi-agency approach to offender management;
	• A number of regional approaches to offenders who operate across regional and divisional boundaries with a focus on the identification of suspect offenders;
	• Restorative justice is far less developed and resourced for adults than for young offenders;
	Release programmes and supervision orders
	• Compliance rates with community returns, which provides earned temporary release, appear to be high;
	• Probation officers reported that they find it difficult to obtain a copy of the garda case précis or statement of facts for the purpose of creating a pre-sanction report for the courts;
	• Those on shorter prison sentences do not always receive treatment programmes to impact on re-offending behaviour;
	• No examples were found of application of orders to place restrictions on certain activities following release from prison as provided for under Section 26 of the Criminal Justice Act, 2007 (as amended);

Offender Management	Key Points/Findings
Integrated Offender Management **Recommendation 10.5** **Recommendation 10.6** **Recommendation 10.7**	• Garda Síochána has developed a new pilot scheme called the Strategic Approach to Offender Recidivism (SAOR) to manage prolific offenders in a consistent way across divisions. This was launched in the DMR Region and was accompanied by training and briefings to key personnel; • In March 2013, the Irish Prison Service and the Probation Service launched a joint strategic plan whose objectives include the management of prolific offenders in a consistent way and in partnership with key agencies; • Opportunity to create a co-located multi-agency integrated offender management service;
SORAM	• A joint model of sex offender management was introduced in June 2010 called the Sex Offender Risk Assessment and Management (SORAM) which brings together the Garda Síochána, HSE and the Probation Service to establish the risk of reoffending; • In divisions where SORAM was operating, there appeared to be a better understanding of the requirements of the need to risk assess. SORAM is a way of co-ordinating the response to a small, high risk group of offenders; • In some divisions, SORAM was described as a dynamic process and in others as being very slow and evolving; • Once the gardaí are notified of the registration of a sex offender in their area, a risk assessment takes place to assess the risk posed by the offender; • Some gardaí and those involved in SORAM are untrained in risk assessment; • Garda Sex Offender Management Unit (SOMU) do not always receive notification from a court that a person is required to register following conviction and in some cases an offender is not notified of the registration requirement; • Garda would like to see the seven day period to register reduced to three and would like an obligation to be placed on offenders to attend their local garda station; • With three information systems in operation across the SORAM agencies, there are barriers to sharing of information on sex offenders; • Garda Paedophile Investigations Unit (PIU) deals with a large number of requests from districts in cases under investigation. Unnecessary time is wasted as result of system restrictions on sending information electronically. There is limited access to social media available at district level; • The PIU has poor IT resources;
Warrants **Recommendation 10.8** **Recommendation 10.9** **Recommendation 10.10** **Recommendation 10.11**	• Warrants and summons are sometimes issued in false names and addresses; • Gardaí often receive warrants without a date of birth or other identifying features; • Other police services use national and local media to publish photographs of most wanted persons to engage the public in helping to find them; • Bench warrants issued in Dublin City courts are put directly onto PULSE. Outside of Dublin, bench warrants are sent from the court by post or hand delivered, which adds delays to executing the warrant; • Circuit court warrants are sent directly to garda stations; • Penal and estreatment warrants are sent by post to garda districts. Where large numbers are sent they can take between three weeks and three months to enter onto PULSE;

Offender Management	Key Points/Findings
	• A warning marker (WTR) is placed on PULSE that a warrant has been issued for a person. This does not update the original PULSE record for the crime the suspect was linked to, and it does not link the warrant to the address where the person resides;
Warrants Received, Executed and Cancelled **Recommendation 10.12** **Recommendation 10.13** **Recommendation 10.14** **Recommendation 10.15** **Recommendation 10.16** **Recommendation 10.17**	• Garda Síochána had approximately 122,000 warrants on hand in January 2014, a 1% reduction on the previous year; • Garda Síochána executed 50,350 warrants in 2013. Of the total number executed, 84% were new warrants. A total of 13,049 warrants were cancelled in 2013; • All gardaí are involved in the execution of warrants in some divisions, whereas it is the role of the warrants units in others; • Currently districts manage their own warrants; • Some warrant unit support staff do not have access to PULSE intelligence and prison data; • Bench and committal warrants carry the highest risk and are a priority for warrants units; • There can sometimes be difficulties in finding the original warrants and charge sheets for court appearances; • Two warrant audits conducted by the Garda Síochána found that 22% of all warrants could not be located on the day of the audit; • Charges are not always brought in cases where a person bailed from a garda station or from a court, who has signed a bond, fails to attend court. Failing to do so removes the opportunity to raise this as an objection to granting bail in the future; • Letters are often sent asking people to hand themselves in at a garda station. This is an effective option, however, it appears that on occasions there is no follow up action; • In some cases gardaí are not arresting persons wanted on a bench warrant as it would involve the arresting member attending court; • Limited recorded evidence of action taken to execute a warrant; • Very little evidence of the execution of historical warrants; • Lack of policy providing guidance as to when a warrant may be cancelled; • Warrant units received a notification not to execute estreatment warrants that were issued before 2013. As a result, thousands of such warrants were cancelled; • Gardaí often spend several hours trying to find a prison that will accept a person who is wanted on a penal warrant. Often persons committed to prison for failure to pay fines are released immediately; • No correlation between the numbers of warrants in some divisions and the numbers of staff employed in warrant units; • The current system of penal warrants is inefficient and needs to be addressed;
Bail **Recommendation 10.18** **Recommendation 10.19**	• Persons who should be kept in custody are sometimes released on station bail when the local court is not sitting on the next day; • An inconsistent understanding amongst gardaí about objecting to bail and when to use Section 2 Bail and when to use the O'Callaghan rules;

Offender Management	Key Points/Findings
	• A risk of complacency amongst gardaí based on a belief that people get out on bail and there is no point in objecting;
	• Attending High Court bail appeals can take up a considerable amount of members time;
	• Multiple bail conditions are sometimes attached to persons awaiting trial. This creates challenges for the Garda Síochána in terms of ensuring that conditions are monitored;
	• Court bail decisions are not recorded on PULSE;
	• In relation to signing on at a garda station, there were multiple signing on books in stations visited, limited space for entries; with little process for a daily check of the signing-on books to identify anyone that had failed to present themselves;
	• Some good evidence of managing people on curfews;
	• The absence of a direct power of arrest when a person breaches bail conditions adds an unnecessary delay in the process of bringing a person back to court;
	• Some districts have unmanageable numbers signing on at garda stations;
	• PULSE has a bail application to electronically record people signing on but it is not always used;
	• Difficult to abstract information on previous convictions from PULSE.

PART 11: DETECTING AND PROSECUTING CRIME

This part looks at the detection and prosecution of crime. The success of many police services is usually assessed on the ability to reduce crime and solve crime. Detecting crime is an important element of policing and influences public confidence in the criminal justice system.

Detecting and Prosecuting Crime	Key Points/Findings
Crime Counting Rules **Recommendation 11.1**	• Rules governing the detection of crime are contained in the text of a Garda Síochána HQ Directive which is generally referred to as the Crime Counting Rules;
	• The main criteria for considering whether or not a crime should be recorded as detected include criminal proceedings based on sufficient evidence; or a young person dealt with on a diversion programme and a number of situations where there is sufficient admissible evidence to charge but proceedings can not or will not be brought forward for a number of stated reasons;
	• Crime counting rules in many other jurisdictions are more detailed and have stricter rules on detections than those being used by the Garda Síochána;
	• Many district officers were not aware of a requirement to review unsuccessful prosecutions, and no evidence was provided that this takes place;
	• New guidance procedures are required to enhance compliance with crime counting rules;
	• In many examples, detections are claimed early without finishing the case and charging or summonsing an offender;

Detecting and Prosecuting Crime	Key Points/Findings
Divisional Detections **Recommendation 11.2** **Recommendation 11.3** **Recommendation 11.4** **Recommendation 11.5**	• No evidence of quality assurance at regional or headquarter level to determine if detections are correctly recorded; • Detections across the seven divisions visited show a wide variation in detection rates across different crime categories; • Some detection status codes are confusing and use investigation outcomes rather then detection outcomes, as some descriptions, such as 'under investigation', 'proceedings complete' or 'committed for trial'; • Good practice was found in a number of cases where an investigator had entered details of the detection in the PULSE narrative and highlighted that the person has been charged or summonsed; • Many detected crimes were found on PULSE, with the status code field left blank; • Many instances of PULSE incidents, with recorded detection codes that did not have an associated charge, summons or a caution with it; • On many occasions a crime is shown as detected on the same day that the PULSE record is created; • GISC is not assigned any role in the review of detections; • The third category under the Crime Counting Rules where there is sufficient admissible evidence to charge but proceedings can not or will not be brought forward for a number of stated reasons, allows considerable scope for district officers to detect a large percentage of crime when a suspect is identified; • A number of cases in the third category are shown as detected but no rationale is given; • On checking two HQ Directives issued in 2013,[1] the Inspectorate did not find any mention of detections and specifically who has responsibility for checking the validity of a detection; • GISC should have a key role to play in crime detections and to establish if a crime is detected that there is evidence to support it; • Limited evidence of supervision of detected crime on PULSE or in case files; • Other policing jurisdiction use Dedicated Decision Makers (DDMs) to make a decision on whether a crime is detected; • There are no restrictions on PULSE to prevent a member from showing a crime as detected. PULSE also allows a retrospective detection date to be entered; • A Garda Crime Registrar should be appointed with responsibility for introducing systems to ensure compliance with detection, counting rules and be the final decision maker for any appeals raised about decisions;

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1   There were two HQ Directives: (i) A review of PULSE incidents roles and responsibilities of GISC sergeants, garda and district officers and (ii) A review of PULSE incidents supervisory responsibilities.

Detecting and Prosecuting Crime	Key Points/Findings
Pulse Sampling of Detections **Recommendation 11.6** **Recommendation 11.7** **Recommendation 11.8** **Recommendation 11.9** **Recommendation 11.10** **Recommendation 11.11** **Recommendation 11.12** **Recommendation 11.13** **Recommendation 11.14**	The Inspectorate requested detection data from the Garda Síochána in the form of a PULSE search of key volume crime areas in a three month period in 2012 of the seven districts visited: • Of 2,195 crimes reported, 946 were recorded on PULSE as detected, resulting in a detection rate of 43%; only 390 of the total detections had a charge or a summons attached to the PULSE incident. On examination, the Inspectorate's view is the correct detection rate is 26%; • Inspectorate examined 318 of the 556 PULSE incidents where there was no charge or summons recorded; • In 60% of a sample of incidents reviewed, the detected date was the same as the reported date for the crime; • A number of crimes were shown as 'no proceedings authorised by a district officer', but the PULSE record had no rationale to explain why the case was detected; • Many of the detections on PULSE were claimed well in advance of meeting the criteria for detecting a crime; • In relation to young offenders there was a practice of prematurely detecting a crime before a young offender was deemed suitable for the diversion programme; • A significant number of JLO cases recorded as detected, even though the person was marked on PULSE as unsuitable for the scheme; • Progressing cases deemed unsuitable for a Garda Youth Diversion Office (GYDO) caution varied across the divisions visited; • The reasons for retaining a detection after a non-conviction must be recorded on PULSE. Otherwise, the PULSE record should be amended to change the incident as not detected; • Divisions and districts have conducted audits of drug cases and found large numbers of cases where drugs have been seized and no proceedings have been taken; • Volume Crime Review Cases, twenty-nine out of 158 cases were recorded as detected. Of those twenty-two were correctly recorded; • There is no adult caution system for possession of drugs; • Garda Síochána are recording some incidents as crimes on PULSE and showing a detected crime under the category of 'Informal Caution'. This process creates a crime and creates a detection. This is usually for less serious offences, but such a detection adds to the overall detection rates. The Inspectorate does not support the use of 'Informal Cautions'; • There are opportunity to extend the use of Fixed Charge Penalty Notices to include other minor crimes; • Crimes that were reclassified as part of 'Operation Look-Back' were in most cases reclassified to a less serious crime. For these crimes, there were no suspects and they were undetected. In many of the cases examined, the Inspectorate did not agree with the change in category; • Offenders are not always informed that a crime is shown as detected against them;

Detecting and Prosecuting Crime	Key Points/Findings
	• In one district the district officer, detective superintendent and a detective sergeant made decisions to change burglary offences to a less serious crime where there was no rationale to explain why a crime was moved to another category. A reduction in the number of recorded crimes such as these burglary offences automatically improves an existing detection rate for that particular crime category, without solving any more crimes; • Incidents initially recorded on PULSE in a non-crime category such as Attention and Complaints, where the identification of a suspect was subsequently made and a detection claimed was accompanied by a reclassification to a crime; • Many examples where a crime was shown in a less serious category than the PULSE record, the victim's statement of the case file suggested; • Detection rates are lower than those claimed and this does not take into account crimes that are not recorded on PULSE or crimes that are shown in the wrong category. Crime must be recorded accurately, so that claimed detections are correct; • Inspectorate advocates an internal auditing process for crime counting rules, conducted by a Garda Crime Registrar, outside of the operational command and without responsibility for crime recording or crime detecting; • An annual inspection of detections should be conducted by an independent body;
Investigation Outcomes **Recommendation 11.15**	• Many less serious cases go very close to the six month time limit before an application is made for a summons; • Significant delays in many non-time statute barred cases, often taking over twelve months to reach summons application stage; • Not all divisions track warrants to check service; • Inefficient system for service of summonses; • Opportunities to reduce the number of repeat witness summonses in court trials; • There are many occasions when a garda is aware that an offender needs to be summonsed, but they fail to start the process within the six month time limit; • An absence of supervision to ensure that cases were progressed or that cases about to lapse were progressed in time; • In one district, progress is monitored to ensure that action is taken to serve a summons; • Where summonses are not served, in some cases there can be up to five re-issues; • Unable to obtain data to determine how many summonses were not served and were not re-issued;
Court and Prosecution Processes **Recommendation 11.16**	• Absence of good data created and shared between the Court Service, the DPP, the Garda Síochána and other agencies involved in the prosecution process; • Development of good partnership data will enable criminal justice partners to take action to address obstacles in bringing cases to an earlier conclusion;

Detecting and Prosecuting Crime	Key Points/Findings
Court Processes **Recommendation 11.17**	• Recommends a review of district court structures to ensure the best possible alignment with the proposed changes to the Garda Síochána structures; • Cases can be dismissed where there were unacceptable and undue delays in investigations; • Cases may be dismissed because of failure to properly disclose evidence; • Cases are often remanded on several occasions and in some cases for long periods of time; • A district court visited estimated that 80% of cases are adjourned; • Pre-trial hearings are a welcome process which should be extended to district court cases listed for trial; • Wide variation in who presents cases in court and the abilities of those performing this role. The Inspectorate observed several members in courts and while most were very proficient, some lacked the skills to perform this role; • Court presenting is not a rank dependant position but requires a person with the skills to present criminal cases in court; • Court presenting scheme should in the absence of a state prosecution scheme for district courts, not only deal with first hearings but also present all contested cases at district court level;
Inefficiencies in Criminal Justice Processes **Recommendation 11.18** **Recommendation 11.19** **Recommendation 11.20**	• Charge sheets are sometimes not provided in good time to courts; • Arranging court dates around garda rosters and annual/sick leave often provides enormous challenges and cases are sometimes listed on dates when key garda witnesses are unavailable; • Data is not collected on cases that are struck out due to the non-attendance of victims or witnesses. It is important to collect that data for analysis and to identify trends; • Non-controversial written witness statements should, where possible be admissible in evidence. Through increased use of this provision, there is great potential to significantly reduce the numbers of professional and private witnesses that are called to court; • Breaches of suspended sentences are not always brought to the attention of a court; • The efficiency and effectiveness of the Garda Síochána would be assisted through the provision of pre-charge advice to investigators; • Gardaí perform a host of court roles such as general security and outside of the DMR, looking after jurors; • Examples given of court convictions and suspended sentences not recorded on PULSE; • Use of video-linking by the Courts Service, the Prison Service and by the Garda Síochána is a welcome initiative; • Other countries have strategic partners on criminal justice boards that remove operational barriers in criminal justice processes; • Other police services operate divisional criminal justice groups to bring together partner agencies; • Many other police services have criminal justice units at a divisional level that manage post charge criminal cases and provide a single point of contact for all prosecutions.

ADDENDUM

This part is the result of a request by the Minister for Justice and Equality, Ms Frances Fitzgerald, T.D. pursuant to section 117 of the Garda Síochána Act, 2005 to carry out an inquiry into all the crime investigation and other garda management, operational and procedural issues identified in the Guerin Report.

Addendum	Key Points/Findings
Overview of the Guerin Report	• The Guerin Report specifically relates to the review of one specific district although the report identifies issues pertaining to the Cavan/Monaghan division. The Report states "the purpose of this review is not to make findings of fact or to determine any disputed question of fact or law."; • Inspectorate's findings in the Crime Investigation Report refer to seven divisions; • The Crime Investigation Report contains over 200 recommendations and on reviewing the issues identified in the Guerin Report it does not make any additional recommendations to the Crime Investigation Report;
First Steps at a Crime Scene and Incident Recording	• The Guerin Report highlighted issues in relation to gathering evidence at a crime scene and inaccurate entries on PULSE including, delays in retrieving evidence, no entries in garda note books, missing reports, inaccurate and incorrect entries on PULSE, alternation to the narrative on PULSE; • Inspectorate found similar issues and has made recommendations to address each of these points made including: the removal of the ability to change the narrative on PULSE; introduction of a crime investigation and case management system and recommendations to improve the recording of calls through the introduction of a national electronic recording system;
Crime Investigation	• The Guerin Report highlighted poor standards in crime investigation including: delays in taking statements; delays in completion of investigations; absence of note book entries; flaws in the maintenance of the chain of evidence; late summonses and issues with identification parade management and interviewing; • Inspectorate found similar issues and has made recommendations to address each of these points raised including; the adoption of minimum standards of investigation; the introduction of dedicated investigative units and enhanced technology to allow for crime investigations to be accurately recorded and cases tracked through an electronic case management system;
Crime Management	• The Guerin Report highlighted issues in relation to the late submission of case files; undated statements; non-reassignment of investigation files when the investigating officer is on long term leave and investigative actions not progressed; • Inspectorate found similar issues and has made recommendations to address each of these points raised including: a crime investigation and case management system that captures all information relating to a crime and the introduction of crime management units at divisional level;

Addendum	Key Points/Findings
Supervision	• The Guerin Report highlighted issues in respect of senior garda visibility including: front-line supervision; performance monitoring; abstractions; frequency of turnover of superintendents; absence of inspectors and failure to comply with directions from superior officers went without action; • Inspectorate found similar issues and has made recommendations to address each of these points raised including: enhanced supervision for call handing, incident recording, crime management, crime investigation and detections; a new divisional structure for enhanced supervision; clear roles of responsibility for supervisors and increased front-line supervision to ensure crime is effectively investigated;
Training	• The Guerin Report identified issues in respect of gathering evidence at a crime scene including: inaccurate entries on PULSE; monitoring arrangements for probationary gardaí and inexperienced gardaí investigating crime; • Inspectorate found similar issues and has made recommendations to address each of these points raised including: conducting a training needs analysis of front-line gardaí to identify gaps in skills and to provide training to address priority areas;
Victims	• The Guerin Report highlighted issues with the interaction with victims at the time of reporting a crime including: follow-up contact with victims; unsatisfactory treatment of victims; misleading victims on progress of case files; discouragement of victims proceeding with an investigation and passive treatment of victims with occasions when victims were brought face to face with a suspected offender by gardaí; • Inspectorate found similar issues and has made recommendations to address each of these points raised including: a process of contacting victims; establishing the service provided and obtaining customer feedback;
Detections and Monitoring of Suspects	• The Guerin Report highlighted issues with the management of suspects involved in crime and the recording of detections including: management of bail at garda stations; recording of detections prematurely; number of statute barred cases and discrepancies in custody and bail records; • Inspectorate found similar issues and has made recommendations to address each of these points raised including: management of named suspects in a crime requiring immediate attention; enhanced supervision of detections; changes to custody management; and bail and warrant management which should be electrically monitored;
Communication and Use of Intelligence	• The Guerin Report highlighted issues in relation to the sharing of information and contact between senior gardaí and members including: poor communication between ranks, divisions, within stations and with external organisations; important information not shared across divisions and the recording of children on PULSE; • Inspectorate found similar issues and has made recommendations to address each of these points including: improvement in how the Garda Síochána facilitate good information sharing internally across the organisation and externally with partners to tackle crime and disorder and an urgent review of the recording of children on PULSE;

Addendum	Key Points/Findings
Discipline	• The Guerin Report identified issues in the disciplinary process for dealing with neglect of duty and highlighted that no case led to disciplinary proceedings being brought against supervisors or management;
	• Inspectorate found issues relating to supervision including: investigations not conducted in a prompt and efficient manner and no action was taken to address any lack of supervision in these cases, with the focus appearing to be solely on the individual garda that dealt with the original response call;
	• Inspectorate did not examine the disciplinary process issue in the Crime Investigation report. These are not matters which fall within the Inspectorate's remit. The Inspectorate proposes that the efficiency of the internal disciplinary process be further considered by the Department of Justice and Equality in conjunction with the Garda Síochána and the Garda Síochána Ombudsman Commission;
Bailieboro Examination 2010	• The Guerin Report identified an examination undertaken by the Garda Professional Standards Unit (GPSU) of the Bailieboro District and highlighted an issue regarding policing processes;
	• Inspectorate reviewed the GPSU examination of Bailieboro together with template questions and notes of interviews. The full review and findings of this examination by the Inspectorate are outlined in the Addendum to this report.

RECOMMENDATIONS

INTRODUCTION

Recommendation 1

The Garda Inspectorate recommends that the Department of Justice and Equality establish and task a criminal justice service group, comprised of the agencies and stakeholders that are responsible for community safety in Ireland, with overseeing the implementation of all of the recommendations accepted from this report.

PART 1
CRIME PREVENTION

Recommendation 1.1

The Inspectorate recommends that the Garda Síochána develops and implements a crime prevention strategy that articulates how garda resources will be used to prevent crime. (Short term)

Recommendation 1.2

The Inspectorate recommends that the Garda Síochána agrees a protocol with local authorities to ensure that major development planning applications are reviewed by crime prevention officers trained in environmental design. (Medium term).

Recommendation 1.3

The Inspectorate recommends that the Garda Síochána develops a Standard Operating Procedure for the use of crime prevention officers to reduce offending opportunities. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Review the need to deploy sergeants and sworn members as crime prevention officers.

Recommendation 1.4

The Inspectorate recommends that the Garda Síochána National Crime Prevention Unit provides central co-ordination and support to crime prevention officers activity to ensure consistency of deployment. (Short term).

Recommendation 1.5

The Inspectorate recommends that the Garda Síochána develops a national standard for conducting crime surveys and providing crime prevention literature. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Create a national standard crime prevention pack for Garda Síochána priority crime victims;
- Ensure that all gardaí are trained to an appropriate level to conduct an effective crime prevention survey;
- Ensure that surveys for businesses are monitored and checked for compliance and crime outcomes.

Recommendation 1.6

The Inspectorate recommends that the Garda Síochána reviews the process for providing information to text alert schemes and explores options for enhancing the information that is provided. (Medium term).

Recommendation 1.7

The Inspectorate recommends that the Garda Síochána conducts an analysis of crime hot-spots to identify priority areas for re-launching dormant schemes or developing new ones. (Short term).

Recommendation 1.8

The Inspectorate recommends that the Garda Síochána reviews the provision of crime prevention advice on the Garda Website and seeks to adopt best international practice. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Promote crime prevention information that is available on the Garda Website.

Recommendation 1.9

The Inspectorate recommends that the Garda Síochána promotes property marking initiatives through local Neighbourhood Watch and Community Alert schemes and explores the application of DNA products. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Consider sponsorship opportunities.

Recommendation 1.10

The Inspectorate recommends that the Garda Síochána tasks garda analysts to conduct enhanced analysis of crime in respect of identifying trends in victims and developing activity to reduce victimisation rates. (Medium term).

Recommendation 1.11

The Inspectorate recommends that the Garda Síochána explores new technology opportunities for the use in prevention and detection of crime. (Medium term).

Recommendation 1.12

The Inspectorate recommends that the Garda Síochána conducts analysis of call data on a divisional basis to identify the top places that generate demand for policing services and introduces initiatives to reduce the impact on local policing. (Medium term).

Recommendation 1.13

The Inspectorate recommends that the Garda Síochána conducts a review of the use of anti-social behaviour legislation and ensures that the available powers are used effectively. (Medium term).

Recommendation 1.14

The Inspectorate recommends that the Garda Síochána designates chief superintendents to engage key strategic partners to address key issues that impact on all partner agencies and to develop joint plans to tackle local crime and disorder. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Ensure that Joint Policing Committees are fully engaged in crime prevention activity.

PART 2
DIVISIONAL POLICING

Recommendation 2.1

The Inspectorate recommends that the Garda Síochána implements a new divisional model of delivering policing services. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop a divisional approach to the deployment of detective units;
- Create a single divisional intelligence hub;
- Develop a single divisional administration unit and redeploy any additional resources to crime investigation or front-line policing services;
- Develop a divisional approach to the deployment of regular units;
- Develop a divisional approach for the deployment of specialist units i.e. drugs units, traffic and community policing;
- Seek all opportunities to utilise police staff to release gardaí for operational roles.

Recommendation 2.2

The Inspectorate recommends that the Garda Síochána develops a bureaucracy taskforce on a national level that brings together representatives from divisions and specialist units to prioritise key actions for reducing unnecessary bureaucracy and waste of resources. (Short term).

Recommendation 2.3

The Inspectorate recommends that the Garda Síochána develops a new model of functionality for divisional superintendents. (Medium term). (See Delivery Divisional Model Functionality Responsibilities Chart 2.11)

To achieve the above recommendation, the following actions need to be taken:

- Establish key functional roles at the divisional level and appoint superintendents to fill these roles;

- Appoint a detective superintendent or crime manager for each division, with responsibility for crime investigation and criminal justice issues;

- Line management of all divisional detectives and other crime resources to be placed with the senior detective.

Recommendation 2.4

The Inspectorate recommends that the Garda Síochána develops a new model for posting people and particularly those on promotion. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Restrict the number of people that are forced to travel long distances;

- Engage chief superintendents in selection processes for senior staff by creating role specific requirements for the post;

- Allow chief superintendents to decide on the specific posting of superintendents and senior staff;

- Succession planning for chief superintendents and superintendents should include a period of working alongside the incumbent officer;

- Introduce minimum term tenure for chief superintendents and superintendents;

- Develop a new approach to the posting and deployment of superintendents and other supervisors.

Recommendation 2.5

The Inspectorate recommends that the Garda Síochána develops a visibility model for senior gardaí and a model for engagement with staff. (Medium term).

Recommendation 2.6

The Inspectorate recommends that the Garda Síochána develops a policing model that has at least one uniform inspector on duty in each division at all times. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Create new roles and responsibilities for inspectors.

Recommendation 2.7

The Inspectorate recommends that the Garda Síochána develops a policing model and that has at least one dedicated uniform patrol sergeant on duty in each division at all times. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Create new roles and responsibilities for patrol sergeants.

Recommendation 2.8

The Inspectorate recommends that the Garda Síochána develops a policing model that places detective inspectors under the line management of a divisional detective superintendent. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Update the roles and responsibilities of detective inspectors.

Recommendation 2.9

The Inspectorate recommends that the Garda Síochána develops a policing model for divisional detective units that provides effective supervision of detective resources. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Create new roles and responsibilities for detective sergeants.

Recommendation 2.10

The Inspectorate recommends that the Garda Síochána designs a national resource allocation model that allocates resources fairly and matches resources to policing needs. (Long term).[1]

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1 This recommendation was contained in the Report of the Garda Síochána Inspectorate, Resource Allocation, October 2009 (page 7).

Recommendation 2.11

The Inspectorate recommends that the Garda Síochána design a national vehicle allocation model that allocates resources fairly and matches resources to policing needs.

To achieve the above recommendation, the following key action needs to be taken:

- Take account of the Haddington Road Review recommendations.

Recommendation 2.12

The Inspectorate recommends that the Garda Síochána completes the review of the pilot roster, with particular focus on the availability of front-line supervisors and the impact of the roster on detective units and on the investigation of crime.

To achieve the above recommendation, the following key action needs to be taken:

- Take account of the Haddington Road Review recommendations.

Recommendation 2.13

The Inspectorate recommends that the Garda Síochána implements a system that delivers an effective briefing, tasking and de-briefing process to all operational members. (Short term).

Recommendation 2.14

The Inspectorate recommends that the Garda Síochána develops a performance management system that holds individuals to account and deals with under performance. (Medium term).[2]

To achieve the above recommendation, the following key action needs to be taken:

- Take account of the Haddington Road Review recommendations.

PART 3
FIRST RESPONSE

Recommendation 3.1

The Inspectorate recommends that the Garda Síochána implements a command and control system that accurately records calls for service and effectively identifies and uses all available resources to manage demand more efficiently. (Medium term).[3]

Recommendation 3.2

The Inspectorate recommends that the Garda Síochána (i) allows only trained members to create and update live CAD messages and (ii) improves practices in non-CAD stations. (Medium term).

Recommendation 3.3

The Inspectorate recommends a Department of Justice and Equality working group review the feasibility and impact of a single non-emergency number.[4] (Long term).

Recommendation 3.4

The Inspectorate recommends that the Garda Síochána rationalises the number of control rooms in operation and moves towards a small number of call centres.[5] (Medium term).

Recommendation 3.5

The Inspectorate recommends that the Garda Síochána develops a broader range of Computer Aided Dispatch (CAD) incident assignment codes and ensures that divisions without CAD are accurately recording the type of incident and the full details of what has happened. (Short term).

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2   Report of the Garda Síochána Inspectorate, Resource Allocation, October 2009, (Page 7).

3   Report of the Garda Síochána Inspectorate, Resource Allocation, October 2009 made several recommendations covering this matter.

4   A similar recommendation on the introduction of a non-emergency number was made in the Inspectorate's report, Resource Allocation, October 2009.

5   A similar recommendation on the number of Control Rooms was made in the Inspectorate's report, Resource Allocation, October 2009.

Recommendation 3.6

The Inspectorate recommends that the Garda Síochána provides an estimated time of arrival at the first point of contact and updates callers with details of undue delays in attendance. (Short term).[6]

Recommendation 3.7

The Inspectorate recommends that the Garda Síochána introduces divisional data on call demand and performance data against Garda Charter targets for management review and action. (Short term).

Recommendation 3.8

The Inspectorate recommends that the Garda Síochána (i) grades all calls received from the public, (ii) records the time a unit is deployed, the time of arrival and the time a unit is finished with a call. (Short term).[7]

Recommendation 3.9

The Inspectorate recommends that the Garda Síochána implements minimum staffing levels for control rooms and ensures compliance. (Short term).

Recommendation 3.10

The Inspectorate recommends that the Garda Síochána explores all opportunities to reallocate police support staff to control room duties, thereby releasing gardaí for front-line duties. (Medium term).

Recommendation 3.11

The Inspectorate recommends that the Garda Síochána implements a system of control room supervisors. (Long term).

Recommendation 3.12

The Inspectorate recommends that the Garda Síochána immediately activates the portable radio and vehicle location systems. (Short term).

Recommendation 3.13

The Inspectorate recommends that the Garda Síochána maintains the current CCTV links with any move to centralised call centres. (Long term).

Recommendation 3.14

The Inspectorate recommends that all control rooms have details of all operational units to allow for direct deployment to calls. (Short term).

Recommendation 3.15

The Inspectorate recommends that the Garda Síochána fully utilises the skills and training provided to reserves in an operational capacity. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Where a reserve is assessed as competent, allow them to conduct independent patrol;
- Where a reserve is assessed as competent, provide them with the authority to enforce powers for which training was provided.

Recommendation 3.16

The Inspectorate recommends that the Garda Síochána:

(i) Implement a resource management system that is fully integrated with CAD and any other management deployment system. (Medium term).

(ii) In the interim, ensure that all available divisional and national unit staff book on and off with regional or divisional control rooms. (Short term).

Recommendation 3.17

The Inspectorate recommends that the Garda Síochána delivers awareness training to all call takers on the importance of gathering, recording and actioning information received during the first call. (Short term).

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6   Report of the Garda Síochána Inspectorate, Resource Allocation, October 2009

7   As previously recommended in the Report of the Garda Síochána Inspectorate, Resources Allocation, October 2009.

Recommendation 3.18

The Inspectorate recommends that the Garda Síochána develops a risk assessment process that identifies and relays important information that should be available to gardaí who are assigned to an incident. (Medium term).

Recommendation 3.19

The Inspectorate recommends that the Garda Síochána ensures that all gardaí notify a control room when they come across an incident directly and where that incident will require further action. (Short term).

Recommendation 3.20

The Inspectorate recommends that the Garda Síochána improves the mobility of garda resources by developing mobile technology for use by gardaí and particularly for use in vehicles. (Long term).

Recommendation 3.21

The Inspectorate recommends that the Garda Síochána develops a Standard Operating Procedure based on the concept of 'getting it right first time'. (Short term).

Recommendation 3.22

The Inspectorate recommends that the Garda Síochána reviews the role of first response and develops a new model of response policing. (Medium term).

Recommendation 3.23

The Inspectorate recommends that the Garda Síochána develops new approaches to responding to calls for service, such as using appointment cars and burglary reporting units. (Medium term).[8]

Recommendation 3.24

The Inspectorate recommends that the Garda Síochána develops new approaches in control rooms to ensure that members are pro-active to fast time information and crimes that are being reported. (Short term).

Recommendation 3.25

The Inspectorate recommends that the Garda Síochána creates and implements minimum standards of investigation for key crime types, including the volume offences of burglary, robbery, theft, domestic violence and assault reviewed in this report. (Medium term).

Recommendation 3.26

The Inspectorate recommends that the Garda Síochána develops new Standard Operating Procedures for Crime Scene Examiners (CSEs). (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Review the standard training for CSEs, and ensure consistency with international best practice;
- Ensure that CSEs have appropriate equipment to retrieve evidence at crime scenes;
- Provide better station facilities to allow examinations to be conducted in a professional manner;
- Develop additional forensic databases such as tool and shoe marks;
- Establish performance indicators for all CSEs;
- Provide CSEs with continuous professional development;
- Provide ongoing training for all gardaí on crime scene management.

Recommendation 3.27

The Inspectorate recommends that the Garda Síochána ensures a clear rationale is recorded as to why no PULSE incident number was created where CAD and paper records for calls suggest that a crime has taken place. (Short term).

Recommendation 3.28

The Inspectorate recommends that the Garda Síochána ensures that CAD incidents are not closed without a PULSE incident number or in cases where there are outstanding actions or outstanding suspects. (Short term).

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8   Report of the Garda Síochána Inspectorate, Resources Allocation, October 2009.

Recommendation 3.29

The Inspectorate recommends that the Garda Síochána develop a broader range of CAD incident result codes that accurately record the type of incident. (Short term).

Recommendation 3.30

The Inspectorate recommends that the Garda Síochána audits public office facilities and improves their design to facilitate a more customer focussed environment. (Long term).

Recommendation 3.31

The Inspectorate recommends that the Garda Síochána creates a Standard Operating Procedure for dealing with victims of crime. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Provide clear guidelines about when to record a formal statement of complaint;
- Develop a standard national approach for follow-up enquiries with victims who have left a crime scene prior to the arrival of gardaí;
- Promote the importance of the first interaction with a victim of crime.

Recommendation 3.32

The Inspectorate recommends that the Garda Síochána introduce a National Standard for Incident Recording. (Long term).

In the interim, the following key action needs to be taken:

- Appoint a lead/champion for incident recording standards (See Part 5 recommendation for crime recording).

PART 4
INCIDENT RECORDING

Recommendation 4.1

The Inspectorate recommends that the Garda Síochána develops additional categories and sub-categories on PULSE that provide better data descriptions of key crime types and non-crime types. (Medium term).

Recommendation 4.2

The Inspectorate recommends that the Garda Síochána develops a new national crime investigation/records management system that records all information and actions taken relating to the investigation of a crime. This system must be compatible with new CAD and resource management systems as recommended in Part 3. (Long term).

Recommendation 4.3

The Inspectorate recommends that the Garda Síochána informs the Garda Information Service Centre (GISC) of any non-sensitive operations that will require additional GISC assistance. (Short term).

Recommendation 4.4

The Inspectorate recommends that the Garda Síochána designates one senior manager as the lead for both crime counting rules and the Garda Information Service Centre. (Short term).

Recommendation 4.5

The Inspectorate recommends that the Garda Síochána increases the number of mandatory fields on PULSE, (nationality, GPS etc.), to ensure more information is obtained to provide greater accuracy in PULSE incident recording. (Medium term).

For this to take place, the Garda Síochána must:

- Consult with Garda Síochána Analysis Service (GSAS) and the Central Statistics Office (CSO) to determine what mandatory fields are necessary to support accurate details for crime data and analysis.

Recommendation 4.6

The Inspectorate recommends that the Garda Síochána enforces the policy for members to contact GISC from the location of an incident to create a PULSE report, rather than contacting GISC at the end of a tour of duty. (Short term).

To achieve the above recommendation, the following action needs to be taken:

- Resolve the issue of garda radios terminating contact to GISC after a certain length of time.

Recommendation 4.7

The Inspectorate recommends that the Garda Síochána enforces the policy that all divisions achieve a minimum of a 95% compliance rate for using GISC to create PULSE incidents. (Short term).

Recommendation 4.8

The Inspectorate recommends that the Garda Síochána enforces compliance with the policy that all PULSE crime incidents are recorded as soon as possible and in any case within a tour of duty. (Short term).

Recommendation 4.9

The Inspectorate recommends that the Garda Síochána creates drop-down menus or other prompts to assist GISC call takers in obtaining appropriate investigative details to ensure the right crime classification is created at the time of the initial call from a garda. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Develop quality assurance processes, inclusive of supervisory review, to ensure that crimes are correctly recorded.

Recommendation 4.10

The Inspectorate recommends that the Garda Síochána immediately establishes policy that prohibits the changing of narratives and any other records on the PULSE system. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop an IT solution to prevent the ability to change original narratives or other records on the PULSE system;
- Create PULSE tabs for all PULSE record changes, including updates, which include the name of the member making the changes, and the time and date that changes were made.

Recommendation 4.11

The Inspectorate recommends that the Garda Síochána takes action to improve the quality of the PULSE narratives. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Explore opportunities to increase the narrative character field in the PULSE system;
- Improve narrative recording through development of clear guidelines and minimum information requirements for narratives and other records generated in the PULSE system;
- Improve the quality of PULSE records with timely incident recording and updates on crime investigations;
- Ensure that any updates to a PULSE incident record clearly articulate what updates occurred and why.

Recommendation 4.12

The Inspectorate recommends that the Garda Síochána audits PULSE to determine the level and scope of change of PULSE information records after their initial creation. (Medium term).

To achieve the above recommendation, the following needs to be audited:

- Changes to any of the following fields after initial entry:
  o PULSE narrative;
  o Individual intelligence records (fields to include name, date of birth and vehicle registration numbers);
  o Court sentences;
  o Warrants;
  o Specific crime types or incidents types where changes are more prevalent, such as the volume crime offences identified in this report.
- Staff who have repeated actions of changing PULSE information records.

Recommendation 4.13

The Inspectorate recommends that the Garda Síochána develops and circulates policy clearly defining the roles and responsibilities of GISC and front-line supervisors in respect of classification of crimes and supervision of the initial investigation of a crime or other incident. (Short term).

To achieve the above recommendation, the following key area needs to be addressed:

- A PULSE record must contain a mandatory supervisory approval/review field to capture supervision and review of the PULSE records by front-line supervisors.[9]

Recommendation 4.14

The Inspectorate recommends that the Garda Síochána directs that all information and updates regarding criminal investigations are recorded on PULSE rather than on paper memoranda. (Short term).

Recommendation 4.15

The Inspectorate recommends that the Garda Síochána institutes security standards for the access and review of PULSE records, using an IT security solution, such as levels of access rights, to prevent unauthorised and unofficial access to PULSE records. (Medium term).

Recommendation 4.16

The Inspectorate recommends that the Central Statistics Office should receive all PULSE record incident data including non-crime categories to facilitate analysis and reporting of crime statistics. (Short term).

Recommendation 4.17

The Inspectorate recommends that the Garda Síochána establishes a target for GISC to review PULSE incidents within 72 hours of the initial report. (Medium term).

Recommendation 4.18

The Inspectorate recommends that the Garda Síochána creates a robust internal governance practice by establishing a Standard Operating Procedure for PULSE record entries and their audit and review. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Create a quality assurance process to evaluate the crime classification decisions of GISC Reviewers;
- Introduce control measures to reduce the number of review/clarifications that are currently generated;
- Develop an IT solution, such as a prompt on the Garda Síochána Portal, to inform a member and their supervisor that there is a PULSE review/clarification pending;
- Stop the practice of using PULSE to recognise good work;
- Ensure that GISC reviews and review/clarification requests remain open, visible and accessible to GISC;
- Develop a mandatory completion requirement in the PULSE information record system for all GISC review/clarification requests.

Recommendation 4.19

The Inspectorate recommends that the Garda Síochána designates GISC to be the final decision maker in the classification of a crime or an incident. (Short term).

PART 5
CRIME MANAGEMENT

Recommendation 5.1

The Inspectorate recommends that divisions hold a daily accountability meeting that is structured and reviews incidents and crimes on a divisional basis to ensure appropriate action and tasking. (Short term).

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9 The Garda Síochána has recently introduced a new supervisory tab for sergeants to monitor crime investigation.

Recommendation 5.2

The Inspectorate recommends that the Garda Síochána develops a crime screening process with established solvability factors. (Short term).

Recommendation 5.3

The Inspectorate recommends that the Garda Síochána establishes a crime management unit model on a divisional basis. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Development of operating protocols for all crime management units.

Recommendation 5.4

The Inspectorate recommends that the Department of Justice and Equality initiate a process, in which the CSO should have a central role, towards the development of new Crime Counting Rules. (Medium term).

Recommendation 5.5

The Inspectorate recommends that the Garda Síochána publishes policy establishing the roles and responsibilities of all staff in regard to the reclassification and invalidation of PULSE incident records, with GISC having the final decision authority. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Allow GISC full PULSE incident access, including the ability to view records that are reclassified or invalidated.

Recommendation 5.6

The Inspectorate recommends that the Garda Síochána introduces a system of Dedicated Decision Makers on a divisional basis. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Develop policy that requires members to obtain Dedicated Decision Maker approval prior to any request for reclassification or invalidation of a PULSE incident record.

Recommendation 5.7

The Inspectorate recommends that the Garda Síochána introduces National Crime Recording Standards. (Medium term).

Recommendation 5.8

The Inspectorate recommends that the Garda Síochána introduce a Force Crime Registar (FCR) with responsibility for the accuracy and integrity of the recording of incidents, crimes and detections. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- The FCR needs to be outside of operational line command;
- Subject to any selection process, an interim FCR should be immediately appointed.

Recommendation 5.9

The Inspectorate recommends that the Department of Justice and Equality initiate a process, in which the CSO should have a central role, towards the designation of a baseline year for crime recording. (Short term).

Recommendation 5.10

The Inspectorate recommends that the Department of Justice and Equality consider appointing an independent body to conduct annual audits of incident and crime recording standards. (Medium term).

PART 6
INVESTIGATING CRIME

Recommendation 6.1

The Inspectorate recommends that the Garda Síochána aligns all district detective units into a divisional model. (Medium term).

Recommendation 6.2

The Inspectorate recommends that the Garda Síochána reduces the current abstractions that take detectives away from crime investigation. (Medium term).

Recommendation 6.3

The Inspectorate recommends that the Garda Síochána identifies the unnecessary deployment of all detectives in non-investigative roles and assigns them into criminal investigation posts. (Medium term).

Recommendation 6.4

The Inspectorate recommends that the Garda Síochána extends the Regional Support Units across all regions. (Long term).

Recommendation 6.5

The Inspectorate recommends that the Garda Síochána reviews the selection, training, appointment and transfers of detectives. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Create a structured selection and training programme for future detectives;
- Develop a selection process that is perceived as fair and selects the best possible candidates for the role of detective;
- Ensure that all current detectives are sufficiently skilled, including additional detective training as required;
- Ensure new detectives are trained prior to appointment;
- Review the process of detective transfers and the loss of detective status.

Recommendation 6.6

The Inspectorate recommends that the Garda Síochána develops a training package on crime investigation that includes disclosure training for all gardaí involved in crime investigation. (Long term).

Recommendation 6.7

The Inspectorate recommends that the Garda Síochána conducts a Training Needs Analysis for members that completed foundation training post 2005, and develops a training programme that addresses any identified gaps in garda investigation skills. (Long term).

Recommendation 6.8

The Inspectorate recommends, in the interim period of any operational or structural changes, that the Garda Síochana ensures that a divisional or regional detective superintendent take responsibility from district officers for the investigation of a murder or other major enquiry. (Short term).

Recommendation 6.9

The Inspectorate recommends that the Garda Síochána develops an Internal Affairs investigation unit and removes garda internal investigations from the remit of Investigation Section. (Medium term).

Recommendation 6.10

The Inspectorate recommends that the Garda Síochána removes the specialist crime investigations from Investigation Section and reallocates those crimes to other investigation units. (Medium term).

Recommendation 6.11

The Inspectorate recommends that the Garda Síochána replaces "Job Books" with a Major Investigation Management System to electronically record all actions in connection with a major incident. (Long term).

Recommendation 6.12

The Inspectorate recommends that the Garda Síochána replaces the use of diaries and other ledgers with a national standard Garda decision making log. (Medium term).

Recommendation 6.13

The Inspectorate recommends that the Garda Síochána includes the Serious Crime Review Team (SCRT) as part of a new major investigation team. (Medium term). (See also recommendation 6.16)

Recommendation 6.14

The Inspectorate recommends that the Garda Síochána ensures that cold case review recommendations provided to Senior Investigating Officers (SIOs) are reviewed and progress monitored. (Short term).

Recommendation 6.15

The Inspectorate recommends that the Garda Síochána develops Independent Advisory Groups. (Medium term).

Recommendation 6.16

The Inspectorate recommends that the Garda Síochána develops major incident investigation teams that investigate murders and other specified serious crimes. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Remove the responsibility for homicide investigation from the district superintendent to a major incident investigation team;
- Establish major incident teams on a geographical basis that meet the policing demands of major incident investigations;
- Utilise existing National Bureau of Criminal Investigation (NBCI), Technical Bureau, regional and divisional resources to create the new teams.

Recommendation 6.17

The Inspectorate recommends that the Garda Síochána implements victim-centred policy and good investigative practices in rape and other sexual offences. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Train dedicated officers to undertake the initial investigation of a serious sexual assault, including the taking of a victim's statement. The training should include forensic retrieval, rape trauma, victim care and statement taking;
- Allocate all investigations to trained detectives;
- Implement a formal review process for undetected sexual offences.

Recommendation 6.18

The Inspectorate recommends that the Garda Síochána, working with Cosc and key strategic partners, implements victim-centered policy and good investigative practices in Domestic Violence (DV). (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- The Domestic Violence and Sexual Assault Investigation Unit (DVSAIU) must perform a national monitoring function to ensure compliance with the Garda Síochána DV Policy;
- Assign secondary investigation responsibility for DV crimes to dedicated investigation teams;
- Conduct analysis of domestic related murders to inform garda policy on harm reduction;
- Engage victims of DV and support agencies to improve garda awareness of the particular needs of DV victims. This should form part of a garda training and awareness programme;
- Ensure that all calls for DV are properly supervised from the receipt of the call to the recording of the crime or incident;
- Ensure that all crime of DV and incidents of domestic dispute are recorded on PULSE, irrespective of the willingness of a victim to make a statement of complaint;
- Ensure that positive action is taken where there are clear opportunities to arrest;
- Implement a risk assessment process that is completed at all DV incidents;
- Ensure that the corporate training package on DV is delivered to all front-line officers;
- Update the Garda Síochána website with information that is easy to find and provides clarity on the service that a victim of DV can expect;
- Ensure that the requirement for follow up visits is recorded and supervised;
- Ensure that all DV incidents are reviewed at Daily Accountability Meetings;
- Ensure that all victims of DV and parties involved in domestic disputes receive details of DV support organisations.

Recommendation 6.19

The Inspectorate recommends that the Garda Síochána implements a victim-centered policy and good investigative practices in racial, homophobic and other similar crimes to encourage victims to report offences. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Ensure that all crimes containing elements of hate or discrimination are flagged on PULSE;

- Create clear modus operandi features on PULSE that allow the accurate recording of the nine strands of the Diversity Strategy;[10]

- Develop third party reporting sites to accommodate victim reporting;

- Review the decision to merge the role of ELO/LGBT officers.

Recommendation 6.20

The Inspectorate recommends that the Garda Síochána develops investigation plans for crimes that are recorded on PULSE. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Investigation plans must be approved by supervisors and recorded on PULSE.

Recommendation 6.21

The Inspectorate recommends that the Garda Síochána ensures that all investigation updates are recorded on PULSE e.g. CSE examinations. (Short term).

Recommendation 6.22

The Inspectorate recommends that the Garda Síochána conducts a national audit of lapsed criminal cases and introduce a system to ensure that investigations are progressed in a timely manner. (Short term).

This is linked to a recommendation in Part 11, with regard to lapsed cases that are recorded as detected.

To achieve the above recommendation, the following key actions need to be taken:

- Address the causes for lapsed cases;

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10 The Garda Síochána Diversity Strategy covers nine strands of diversity but PULSE does not have MO features that allow the accurate recording of crimes under each strand.

- In the absence of an electronic case management system, develop a filing and tracking system to significantly reduce the number of cases which are not progressed in a timely manner.

Recommendation 6.23

The Inspectorate recommends that the Garda Síochána conducts a review of the availability and deployment of child specialist interviewers and with the HSE, to review the process of creating interview transcripts. (Medium term).

Recommendation 6.24

The Inspectorate recommends that the Garda Síochána conducts an urgent review of the approach taken to computer examination and significantly reduces the time taken to provide evidence to investigators. This should include the resources required to provide an effective service and to explore options for creating units in key geographic locations. (Short term).

Recommendation 6.25

The Inspectorate recommends that the Department of Justice and Equality and the Garda Síochána engage telephone service providers to reduce the current delays in providing call data. (Medium term).

Recommendation 6.26

The Inspectorate recommends that the Garda Síochána reduces the time scales for crime investigation from three months to a maximum of twenty-eight days. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Record all suspected offenders' details on PULSE;

- Develop a search facility on PULSE to identify named suspects not yet arrested;

- Take witness and victim statements at the time of dealing with a crime where there is a likelihood that a suspect will be arrested;

- Re-allocate crime investigations for any garda who is transferring, retiring or is on extended absence from work.

Recommendation 6.27

The Inspectorate recommends that the Garda Síochána develops a national CCTV database that contains details of all systems that are operating. (Long term).

Recommendation 6.28

The Inspectorate recommends that the Garda Síochána should, with its partner agencies, explore the option of developing Automatic Number Plate Recognition system (ANPR) on existing camera networks. (Long term).

Recommendation 6.29

The Inspectorate recommends that the Garda Síochána implements a standard national case file. (Short term).

Recommendation 6.30

The Inspectorate recommends that the Garda Síochána develops a national electronic case file management system. (Long term).

In the absence of an electronic case file management system, the following actions need to be taken:

- Reduce the number of unnecessary case files that are created;
- Keep original or primary case files in a secure place and ensure that access is tracked and that they are available if required for investigative purposes;
- Ensure that case files are not taken outside of a garda station without the permission of a supervisor;
- Develop an electronic process for passing cases files from one unit to another and particularly to the DPP.

Recommendation 6.31

The Inspectorate recommends that the Garda Síochána implements systems to improve the quality of supervision of crime investigation, including the development of a tab on PULSE to record all supervision of an investigation. (Short term).

Recommendation 6.32

The Inspectorate recommends that the Garda Síochána introduces a national policy and procedure for bringing an investigation to a conclusion. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Ensure that the process includes formal updates to victims, witnesses and suspects.

Recommendation 6.33

The Inspectorate recommends that the Garda Síochána develops new systems for recording and investigating crime. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop telephone reporting and telephone investigation of crime;
- Further develop opportunities for extending on-line reporting of crime and reduce the bureaucracy of the current process.

Recommendation 6.34

The Inspectorate recommends that the Garda Síochána creates divisional investigation units to investigate designated volume crimes. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Release regular units from investigating high volumes of crime;
- Create volume crime investigation units that utilise detective resources;
- Publish clear protocols about the type of crimes units will investigate.

Recommendation 6.35

The Inspectorate recommends that the Garda Síochána provides clarity about the crime investigation role of divisional specialist units, such as drugs and other tasking units, traffic units and community policing units. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Publish clear protocols about the type of crimes specialist units will investigate.

PART 7
THE VICTIMS EXPERIENCE

Recommendation 7.1

The Inspectorate recommends that the Garda Síochána updates PULSE letters to reflect the free phone number for the Crime Victims Helpline. (Short term).

Recommendation 7.2

The Inspectorate recommends that the Garda Síochána improves the information provided to victims and particularly to victims of sexual assaults, domestic violence or those who are vulnerable for any other reason. (Short term).

In support of the above recommendation, the following key action needs to be taken:

- Develop a card or information leaflet with support agency and other contact details, particularly for domestic violence and sexual assault to provide to victims at the time of recording the crime.

Recommendation 7.3

The Inspectorate recommends that the Garda Síochána introduces compliance rates for divisions of 100% for sending Letter 1 and a minimum of 90% for sending Letter 2. (Short term).

Recommendation 7.4

The Inspectorate recommends in the absence of a case management system, that the Garda Síochána explores software options that would provide a reminder that a victim needs to be updated. (Short term).

Recommendation 7.5

The Inspectorate recommends that the Garda Síochána adopts the following practice in its policy and approach to dealing with victims and witnesses. (Short term):

- Create a national standard for victim and witness contact with set timescales and set events that will result in an update to a victim or witness;
- When a victim of crime or a witness contacts a garda station for an update to create a process where someone takes ownership of that enquiry;
- Provide clear guidance and, where necessary, training to all gardaí on their roles and responsibilities with regard to victims of crime;
- Create a mandatory field on PULSE that identifies repeat victims of crime;
- Create a policy and a process for identifying and managing repeat victims of crime;
- Create a tab on PULSE to record all victim updates or attempts to update a victim;
- Provide external e-mail access for all investigating gardaí;
- Review the approach taken by gardaí to the initial contact with victims of assault and domestic violence (this complements the recommendations on DV in Part 6);
- Ensure a consistent standard of victim referral to support agencies;
- Ensure that in appropriate cases victims are provided with the Victim Impact Assessment Guidelines;
- In consultation with the DPP to consider the use of Community Impact Assessments.

Recommendation 7.6

The Inspectorate recommends that the Garda Síochána reviews the approach and quality assures the supervision of victim contact. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop a quality call back system which monitors the quality of the service provided to victims of crime to ensure that the good work of gardaí is acknowledged as well as dealing with those who consistently provide a poor service;

- Provide guidance, and where necessary training, to existing supervisors and newly promoted supervisors on their roles and responsibilities for ensuring appropriate victim care.

PART 8
INTELLIGENCE LED POLICING

Recommendation 8.1

The Inspectorate recommends that the Garda Síochána reviews the security vetting process to consider a need for additional vetting prior to specific appointments or promotions. (Short term).

Recommendation 8.2

The Inspectorate recommends that the Garda Síochána conducts a review of the use and prioritisation of surveillance and the availability of surveillance equipment and training to non-national surveillance units. (Medium term).

Recommendation 8.3

The Inspectorate recommends that the Garda Síochána conducts a review of the training and development for decision making and recording of decisions for those managing pre-planned and spontaneous incidents. (Medium term).

Recommendation 8.4

The Inspectorate recommends that the Garda Síochána conducts a review of the training and availability of on-scene commanders to take command of pre-planned and spontaneous armed incidents. (Medium term).

Recommendation 8.5

The Inspectorate recommends that the Garda Síochána ensure that technology is upgraded before the implementation of 4G. (Medium term).

Recommendation 8.6

The Inspectorate recommends that the Garda Síochána designates GSAS as the professional lead for developing standards for the collating,

analysis and evaluation of intelligence to ensure that professional standards are maintained. (Short term).

Recommendation 8.7

The Inspectorate recommends that the Garda Síochána provides GSAS analysts with full access to PULSE data. (Short term).

Recommendation 8.8

The Inspectorate recommends that the Garda Síochána implements a national intelligence model/process. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop national standards for the way that intelligence units operate at national and divisional levels;
- Develop a corporate intelligence tasking and co-ordinating meeting that is chaired by a senior officer;
- Develop a regional and divisional intelligence tasking and co-ordinating process;
- Ensure that every operational garda and reserve is assigned a daily intelligence task;
- Conduct a review of all national units that are operating intelligence units and to ensure that GSAS analysts are aligned to intelligence units;
- Ensure that check points and other pro active initiatives are intelligence led, outputs are accurately recorded and evaluations are conducted to identify what works well.

Recommendation 8.9

The Inspectorate recommends that the Garda Síochána amalgamates the current National Support Services intelligence units into a single intelligence hub. (Short term).

Recommendation 8.10

The Inspectorate recommends that the Garda Síochána conducts a review of Interpol Unit and in particular the management of enquiries, minimum staffing levels of the unit and the IT infrastructure. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Create a Standard Operating Procedure for Desk Officers.

Recommendation 8.11

The Inspectorate recommends that the Garda Síochána develops divisional intelligence units. (Medium term).

Recommendation 8.12

The Inspectorate recommends that the Garda Síochána creates a Standard Operating Procedure clarifying the functions and operating practices of a criminal intelligence officer. (Short Term).

Recommendation 8.13

The Inspectorate recommends that the Garda Síochána ensures that the Garda Information Service Centre, investigators and specialist staff include modus operandi in all PULSE incident records. (Short term).

Recommendation 8.14

The Inspectorate recommends that the Garda Síochána implements a system of regular intelligence audits and daily spot checks to ensure that intelligence on the PULSE system is only accessed for a legitimate purpose. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Introduce a process to ensure that supervisors check the intelligence that their staff are accessing to ensure that the searches conducted are linked to a criminal investigation, a pro active operation or other legitimate purpose;
- Explore IT security solutions that will limit access to intelligence records based on user security levels.

Recommendation 8.15

The Inspectorate recommends that the Garda Síochána provides a basic training programme to members and police staff, including GISC, on intelligence led policing, to increase awareness of the value of criminal intelligence, to provide information on data protection issues and to provide clarity on the system operating in the Garda Síochána. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Develop a drop-down menu for GISC to improve the quality of intelligence on PULSE.

Recommendation 8.16

The Inspectorate recommends that the Garda Síochána ensures that supervisors check the quality of intelligence records submitted by members. (Short term).

Recommendation 8.17

The Inspectorate recommends that the Garda Síochána conducts an urgent review of the recording of childrens' details as an intelligence record on PULSE. (Short term).

Recommendation 8.18

The Inspectorate recommends that the Garda Síochána restricts the creation of PULSE intelligence records to a Criminal Intelligence Officer. (Short term).

Recommendation 8.19

The Inspectorate recommends that the Garda Síochána tasks Criminal Intelligence Officers with a review of PULSE for duplicate records and inaccurate intelligence records. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Introduce a system to identify and remove intelligence that is inaccurate or misleading;
- Allow CIOs to recommend removal of inaccurate information with the approval of a supervisor;
- Provide clear direction on the merging of duplicate intelligence records.

Recommendation 8.20

The Inspectorate recommends that the Garda Síochána provides clear guidance on the retention and disposal of collators' cards which contain personal identifying information. (Short term).

Recommendation 8.21

The Inspectorate recommends that the Garda Síochána tasks regional Criminal Human Intelligence Sources units to engage with divisions to encourage the referral of persons who are suitable to be considered for registration. (Medium term).

Recommendation 8.22

The Inspectorate recommends that the Garda Síochána conducts a review of the corporate approach to the use of Criminal Human Intelligence Sources to ensure that it provides measurable outcomes in relation to volume crime. (Long term).

Recommendation 8.23

The Inspectorate recommends that the Garda Síochána conducts a review of the use of Crimestoppers and Garda Confidential. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Evaluate outsourcing Crimestoppers so that it is independent of the Garda Síochána;
- Provide one 24/7 365 confidential line;
- Develop electronic reporting for the public to be easily able to report intelligence information;
- Implement a central tracking system that ensures that intelligence is effectively actioned.

Recommendation 8.24

The Inspectorate recommends that the Garda Síochána initiates a process with public service information bodies, including the Central Statistics Office, to develop on-line crime mapping information. (Medium term).

PART 9
INVESTIGATION AND DETENTION OF SUSPECTS

Recommendation 9.1

The Inspectorate recommends that the Garda Síochána reviews the current PULSE status codes, in conjunction with recommendation 11.2 to clarify investigation and detection status codes. (Short term).

Recommendation 9.2

The Inspectorate recommends that the Garda Síochána conducts an examination of the process of dealing with named suspects in a criminal investigation. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop a national Standard Operating Procedure to reduce delays in identifying and locating suspects; and to provide clear protocols for arrest and charging suspected offenders;
- Ensure that suspected offenders are arrested at the earliest opportunity;
- Develop the use of photo fit identification as an investigative tool;
- Review and update as necessary, the guidance provided by the Garda Crime Investigation Techniques Manual.

Recommendation 9.3

The Inspectorate recommends that the Garda Síochána reviews the programme of examinations conducted by the Garda Professional Standards Unit (GPSU). (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Ensure that the GPSU are tasked pursuant to the high risk issues including those identified in the Crime Investigation Report, such as reviews of compliance of PULSE policies on entries, classification and reclassification of crime and detections;

- Establish a robust process of monitoring the implementation of GPSU recommendations.

Recommendation 9.4

The Inspectorate recommends that the Garda Síochána provides all future GPSU reports to the Garda Inspectorate. (Short Term).

Recommendation 9.5

The Inspectorate recommends that the Garda Síochána issues rigid handcuffs to gardaí trained in their use. (Short term).

Recommendation 9.6

The Inspectorate recommends that the Department of Justice and Equality convene a working group to explore the following recommendations in respect of health care provision and demand reduction for persons in custody. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Review and implement international best practice for improvement in health care provision for persons detained in custody;

- Develop clear and unambiguous protocols among the strategic partners for dealing with persons, in both public and private locations, that are suffering from mental health issues and in urgent need of medical attention;

- Establish clear and unambiguous protocols among strategic partners for an appropriate response to young persons who are taken to garda stations, particularly after normal office hours; (See page 28, Young Offenders in Custody)

- Ensure a comprehensive risk assessment process for detention of prisoners.

Recommendation 9.7

The Inspectorate recommends that the Garda Síochána engages key partner agencies to develop an effective drug arrest referral scheme for those detained in garda stations. (Medium term).

Recommendation 9.8

The Inspectorate recommends that the Garda Síochána develops and implements a technology based custody system to ensure appropriate oversight and management of persons in custody. The Inspectorate recognises that this a long term solution, but the planning and development should start now. (Long term).

In the interim, to achieve the above recommendation, the following key action needs to be taken:

- Develop a more user friendly and detailed paper custody record which contains all relevant information for a detained person and ensures through active supervision that entries are accurate.

Recommendation 9.9

The Inspectorate recommends that the Garda Síochána conducts a full review of custody provisions to include centralisation/ rationalisation of facilities, and potential for improvements to security arrangements, supervision and training. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

Facilities
- Rationalise the current custody facilities and move to a smaller number of improved purpose built custody suites;
- Centralise custody facilities on a regional basis (urban areas) and a divisional basis outside of cities; (Long term)
- Seek opportunities to share/develop custody facilities with partner agencies;
- Introduce digital clocks in custody suites.

Operations
- Appoint dedicated custody sergeants with responsibility for persons in custody;
- Appoint civilian detention officers;
- Ensure that only trained personnel are deployed into custody suites;
- Ensure that all gardaí are fully aware of the provision to suspend custody;

- Provide effective supervision and guidance to investigators dealing with a person in garda detention;
- Ensure that prisoner logs are completed correctly.

Recommendation 9.10

The Inspectorate recommends that the Garda Síochána considers the implementation of case progression units aligned to centralised custody facilities. (Medium Term).

Recommendation 9.11

The Inspectorate recommends that the Garda Síochána addresses the existing skills gap for gardaí trained in interview techniques, statement taking and disclosure. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Identify and assess the skills gap in interview techniques training;
- Train all garda members involved in the interviewing of witnesses or suspects to Level 1 and 2 standard;
- Provide Level 3 and 4 training courses to ensure sufficiently trained garda members are available to interview suspects involved in serious crime;
- Introduce a line management protocol to check the quality of taped interviews.

Recommendation 9.12

The Inspectorate recommends that the Garda Síochána improves investigative skills for gathering best evidence, including the taking of witness statements, arresting, interviewing suspects, gathering CCTV and the disclosure of evidence. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Ensure that garda notebooks are completed to a high standard and that supervisors check notes books as outlined in the Garda Code;

- Ensure that all gardaí present at an incident complete a notebook entry including any evidence of an arrest or incidents that took place;
- Consider the implementation of a separate booklet for completing arrest notes;
- Develop clear guidance on the recording of contemporaneous notes;
- Ensure that all statements are dated and signed at the foot of each page and after the last line of a person's statement;
- Introduce a system to ensure that a supervisor checks the quality of statements taken from victims and witnesses;
- Implement a national standard for the taking of a withdrawal witness statement;
- Ensure that PULSE is used to record the gathering and attempts to gather evidence.

Recommendation 9.13

The Inspectorate recommends that the Garda Síochána ensures that where appropriate, addresses of detained persons are searched. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop a Standard Operating Procedure for conducting address searches for detained persons;
- Develop a national standard form for search logs.

Recommendation 9.14

The Inspectorate recommends that the Garda Síochána conducts an urgent examination of the whole process of fingerprinting and photographing persons detained in custody and those who are convicted of an indictable offence at court. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Use AFIS Livescan digital fingerprinting technology for all fingerprints;

- Implement a system to ensure that the requirements of Section 28 Criminal Justice Act, persons subject to mandatory fingerprint identification, are fulfilled;
- Train all frontline gardaí to take AFIS fingerprints and how to obtain results;
- Develop a Standard Operating Procedure to ensure 100% compliance with the taking of fingerprints, photographs and other samples;
- Reduce the authority level for authorising fingerprints from an inspector to a custody sergeant;
- Provide divisions with regular management information on fingerprint compliance;
- Introduce a tracking system to monitor the progress of fingerprint identifications;
- Create a protocol to search for and merge multiple intelligence records with AFIS records to ensure proper identification information exists in the PULSE records system.

Recommendation 9.15

The Inspectorate recommends that the Garda Síochána examines the effectiveness of the current process for conducting identification parades and moves towards an electronic system of identification parades where appropriate. (Medium term).

Recommendation 9.16

The Inspectorate recommends that the Garda Síochána conducts an urgent examination of the current process for exhibit and property management. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Implement an integrated IT solution to record all property seized and to track its movements across all of the systems (Long term);
- Complete the roll out of the Property and Exhibits Management System (PEMS) across all divisions and national units;

- Develop a national drugs register to ensure consistent inventory and data entry by all drugs units;
- Review the production of exhibits (photographs/maps) at court and seek opportunities to use technology to reduce costs;
- Introduce technological opportunities to provide immediate transfer of crime scene exhibits for examination;
- Nominate a person at national/divisional level to have responsibility for forensic samples to ensure they are sent for analysis.

Recommendation 9.17

The Inspectorate recommends that the Department of Justice and Equality convene a working group to explore options for legislative change to improve the effectiveness and efficiency of crime investigations. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Extend the detention time in custody without charge;
- Address the legislative gap in the powers of gardaí to detain a person arrested for minor offences, who after six hours, is still incapable of looking after themselves;
- Provide authority for the Garda Síochána to fingerprint, photograph and obtain DNA from all persons detained at a garda station, as commensurate with international identification standards;
- Consolidate all legislation dealing with powers of arrest, search and detention to facilitate compliance and ensure consistency across relevant legislation;
- Develop a Code of Practice for the treatment and detention of persons in garda custody;
- Consider mandatory drug testing of persons detained for "trigger offences" including but not limited to burglary and robbery;
- Remove the requirement to contemporaneously record notes at the time of a taped interview;

- Resolve the issues in respect of tape transcripts and a move to a Written, Record or Tape and Interview (WROTI) type system;

- Designate a custody record as primary evidence, to record all actions in a person's custody record and to remove the need for statements to be completed for all interactions;

- Introduce an Independent Custody Visitors Scheme to provide for custody care assurance;

- Improve the use of technology in court documentation and exhibits in criminal justice cases;

- Establish the process of identification parades in law and to consider the implications when a suspect refuses to participate;

- Review the requirements for maintaining a chain of evidence for an exhibit and seek to reduce the necessity for chain of evidence witnesses completing statements and attending court.

PART 10
OFFENDER MANAGEMENT

Recommendation 10.1

The Inspectorate recommends that the Department of Justice and Equality convene a cross-departmental and multi-agency working group to progress the development of a co-located and fully integrated youth offender service. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Examine the role of the Garda Youth Diversion Office (GYDO), in pre-charge decision-making processes involving juvenile offenders suspected of serious crimes such as murder and rape;

- Consider the application of a suitable engagement or diversionary scheme for those aged under twelve who come to the notice of the Garda Síochána;

- Promote the use of restorative processes in accordance with the Children Act, 2001;

- Introduce an information sharing protocol between Juvenile Liaison Officers and diversion programmes to assist in the identification and treatment of behavioural issues;

- Reassess the process of formal and informal cautions;

- Produce evidence-based performance measures to assist in the planning of diversionary activity;

- Engage with a research partner to develop best practice in regards to the GYDO process and the Garda School Programme to ensure efficiency and effectiveness;

- Review the participation requirements for treatment programmes for young offenders and particularly those who have committed sexual offences.

Recommendation 10.2

The Inspectorate recommends that the Garda Síochána improves the current operation of the Garda Youth Diversion Programme. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- Ensure that all eligible cases are referred to GYDO for decisions;

- Ensure that the processing of young offenders is completed in a timely manner;

- Ensure that cases deemed as unsuitable for JLO cautions are progressed towards prosecution;

- Evaluate and clarify garda policy in the application of multiple cautions.

Recommendation 10.3

The Inspectorate recommends that the Department of Justice and Equality convene a multi-agency working group to progress the development of a co-located multi-agency and fully integrated adult offender management service. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Focus on those who present the highest risk to community safety;
- Promote the use of restorative processes;
- Evaluate the treatment of offenders with addictions during short term sentences;
- Review the process for managing those offenders due to be released from prison;
- Ensure that the provisions in law, such as Civil Orders for managing offenders post sentence, are considered in appropriate cases;
- Consider electronic monitoring and other initiatives to monitor offenders;
- Research and publish performance measurements of offender management effectiveness.

Recommendation 10. 4

The Inspectorate recommends that the Garda Síochána improves the current operation of the adult offender management programme. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Increase the divisional and regional co-ordination of the management of prolific offenders;
- Promote the application of restorative justice;
- Provide the Probation Service with a copy of the precís or statement of facts to assist with preparation of pre-sanction reports;
- Fully inform the Probation Service of garda views for pre-sanction reports, to ensure that probation reports contain the views of the investigating garda;
- Develop the use of post release Civil Orders.

Recommendation 10.5

The Inspectorate recommends that the Garda Síochána, HSE and the Probation Service conduct annual reviews of the progress of individual SORAMs. (Medium Term).

To achieve the above recommendation, the following key actions need to be taken:

- Provide oversight and governance to locate those offenders who have failed to provide proper notice pursuant to the requirements of the Sex Offenders Act 2001;
- Assess the exchange of information between the agencies with ongoing review of IT solutions for improved data sharing;
- Ensure that all members of SORAM receive appropriate training and particularly those involved in the risk assessment process;
- Provide for interagency communication and training to ensure that good practice is shared;
- Mandate that divisions provide bi-annual information returns on registered sex offenders;
- As part of a functional model for divisions, the detective superintendent should be responsible for SORAM.

Recommendation 10.6

The Inspectorate recommends that the Garda Síochána assesses the working practices and technology needs of the Sexual Offences Management Unit and the Paedophile Investigation Unit. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Resolve the current IT issues that are impacting on service delivery such as the sharing of potential evidence, the delays in examination of images and the potential for two investigations to run concurrently on the same suspect(s) (See Recommendation 6.24);
- Ensure minimum staffing levels rather than all members in the unit resting on the same day;
- Ensure that all persons convicted of sexual offences have their fingerprints, photographs and DNA taken.

Recommendation 10.7

The Inspectorate recommends that the Department of Justice and Equality convene a multi-agency working group to consider the following changes to the registration and management of sex offenders. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Following a conviction in court to ensure that all offenders are notified of a requirement to register under the Sex Offenders Act;
- Ensure that the Sexual Offences Management Unit are always informed of an order made against an offender;
- Consider a reduction from seven days to three days in the requirement to register with the garda and to a requirement to register at the garda station where they will be residing;
- Consider a requirement for an offender to confirm registration annually.

Recommendation 10.8

The Inspectorate recommends that the Garda Síochána in conjunction with the Courts Service reviews the process for tracking warrants from the courts to garda stations. (Short term).

Recommendation 10.9

The Inspectorate recommends that the Garda Síochána creates a Standard Operating Procedure for identity verification. (Medium term).

Recommendation 10.10

The Inspectorate recommends that the Garda Síochána reviews the system of PULSE warning markers and sources an IT solution to ensure that markers are automatically flagged to an address or an incident on PULSE to which that person is connected. (Medium term).

Recommendation 10.11

The Inspectorate recommends that the Garda Síochána seeks opportunities, such as media, to engage the general public in helping to find wanted persons. (Short term).

Recommendation 10.12

The Inspectorate recommends that the Garda Síochána provides the same level of access to garda and partner agency IT systems for all warrant unit staff. (Short term).

Recommendation 10.13

The Inspectorate recommends that the Garda Síochána initiates a prosecution for persons, who having entered into a bond fail to appear at court. (Short term).

Recommendation 10.14

The Inspectorate recommends that the Garda Síochána conducts a review of historical warrants to establish if the original case is still capable of proof. (Short term).

Recommendation 10.15

The Inspectorate recommends that the Garda Síochána develops a standard policy about when a warrant can be cancelled. (Short term).

Recommendation 10.16

The Inspectorate recommends that the Garda Síochána develops a Standard Operating Procedure for the management of warrants. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Move to a divisional approach for the management of warrants;
- Confirm that all warrants are entered onto the PULSE system;
- Ensure that all reasonable opportunities to execute a warrant are explored and entered on PULSE;
- Provide for good supervision around dealing with warrants and failures to execute warrants;
- Provide appropriate staffing levels in all warrant units;
- Ensure that a person in garda custody is never released without searching for and executing outstanding warrants.

Recommendation 10.17

The Inspectorate recommends that the Department of Justice and Equality convene a multi-agency working group to examine and consider the following changes to the processing of warrants. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop a centralised location for warrants and charge sheets;
- Provide for a centralised and dedicated warrants court;
- Reconcile court warrant records and PULSE warrant records;
- Remove the requirement for an arresting garda to attend court on the first appearance for a person arrested solely on a warrant;
- Develop a system to ensure that warrants are placed on PULSE immediately;
- Review the requirement for High Court and Circuit Court bench warrants to return to those courts on a first appearance;
- Consider the scanning of warrants onto PULSE and the acceptance of the scanned PULSE copy by the court in the absence of the original warrant;
- Review the process of managing penal, estreatment and similar warrants and consider other options for the recovery of non-payment of fines;
- Review the practice of issuing stayed warrants;
- Review Section 13 Criminal Justice Act 1984 in respect of the twelve month time period to bring a prosecution to court;
- Improve the process for obtaining search warrants out of court hours;
- Consider the use of electronic committal warrants from courts to prisons.

Recommendation 10.18

The Inspectorate recommends that the Garda Síochána conducts an urgent examination of the use of bail. A national Standard Operating Procedure should be created for the whole process of bail management. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Ensure consistent standards in the use of station bail and cash lodgements;
- Ensure objections for bail are raised in all appropriate cases;
- Review the types of bail conditions imposed on offenders and provide guidance to investigating officers to ensure a consistent approach;
- Ensure that bail conditions are entered onto an person's PULSE intelligence record with a warning marker;
- Provide appropriate legal awareness and other update training for those managing bail;
- Provide protocols and supervisory oversight for effective management of bail conditions that require sign-on at garda stations;
- Promote the use of curfews as a bail condition;
- Ensure that gardaí are tasked to monitor compliance with bail conditions;
- Improve the current monitoring of bail on PULSE and ensure that the IT infrastructure allows electronic monitoring;
- Ensure that breaches are always brought to the attention of a court;
- Ensure that Section 2A of the Bail Act is used in appropriate circumstances;
- Develop a court presenters scheme for High Court applications;
- Promote the use of video-links for court bail applications wherever possible;
- Improve the recording of bail and court convictions on PULSE and create a more efficient system for extracting information for court cases.

Recommendation 10.19

The Inspectorate recommends that the Department of Justice and Equality convene a multi-agency working group to consider the following changes to the operation of bail processes. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Provide a power of arrest to gardaí to deal with bail offences;
- Develop a bail notification system from courts to garda divisions;
- Review the effectiveness and rationale for the current system, where those on temporary release are required to sign-on at garda stations.

PART 11
DETECTING AND PROSECUTING CRIME

Recommendation 11.1

The Inspectorate recommends that the Department of Justice and Equality initiate a process, in which the CSO should have a central role, towards the development of new Crime Counting Rules for detections. (Medium term).

Recommendation 11.2

The Inspectorate recommends that the Garda Síochána creates two distinct procedures and data fields for recording the investigation update and the detection status of an incident on PULSE. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Create a mandatory field on PULSE that notes the name, rank and registered number of the person recording a crime as detected;
- Create new Detection Status Codes that reflect the accurate detection outcome;
- Create a new investigation status field which reflects the current status of an investigation;
- Mandate that each Detection Status Code which refers to 'proceedings commenced' or 'proceedings completed' have a charge, summons or caution directly linked to it.

Recommendation 11.3

The Inspectorate recommends that the Garda Information Service Centre (GISC) is assigned responsibility for ensuring that detections are authorised and correctly recorded on PULSE. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Include detections as part of the mandatory GISC review process;
- Develop a drop-down menu or aide memoire to assist GISC call takers to validate detections;
- Ensure that a review of detection status is conducted in respect of cases where a conviction is not obtained at court.

Recommendation 11.4

The Inspectorate recommends that the Garda Síochána appoints and trains Dedicated Decisions Makers on a divisional basis with responsibility for approving a PULSE record to be recorded as detected. (Short term).

Recommendation 11.5

The Inspectorate recommends that the Garda Crime Registrar as described in Part 5 has responsibility for validating detections and ensuring compliance with the Crime Counting Rules. (Medium term).

Recommendation 11. 6

The Inspectorate recommends that the Garda Síochána amends the PULSE system to remove the facility for retrospectively recording a detection date. (Short term).

Recommendation 11.7

The Inspectorate recommends that the Garda Síochána develops Standard Operating Procedure, which stipulate that all detections should only be claimed on the day that a charge, summons or caution is delivered for adults and young offenders. (Short term).

Recommendation 11.8

The Inspectorate recommends that the Garda Síochána conducts an audit of all lapsed cases and any that are shown as detected must be changed to undetected status. (Medium term).

Recommendation 11.9

The Inspectorate recommends that the Department of Justice and Equality convene a working group to consider extending the legislation governing the adult cautioning scheme to include possession of drugs and other suitable offences. (Medium term).

Recommendation 11.10

The Inspectorate recommends that the Department of Justice and Equality convene a working group to consider extending the legislation governing the adult cautioning scheme to include conditional cautioning. (Medium term).

Recommendation 11.11

The Inspectorate recommends that the Garda Síochána ceases the practice of issuing informal cautions as a detection option and expunges PULSE records that contain this detection status. (Medium term).

Recommendation 11.12

The Inspectorate recommends that the Department of Justice and Equality convene a working group to consider extending the use of fixed charge penalty notices to include other minor crimes and to cease the practice of sending unpaid FCPNs to gardaí to issue summonses. (Medium term).

Recommendation 11.13

The Inspectorate recommends that the Garda Síochána ensures that suspected offenders are formally notified about any crime shown as detected against them. (Short term).

Recommendation 11.14

The Inspectorate recommends that the Department of Justice and Equality convene a working group to consider the implementation of an annual audit of detections by an independent body. (Medium Term).

Recommendation 11.15

The Inspectorate recommends that the Department of Justice and Equality convene a working group to ensure a more efficient summons process system. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Examine the issue of summons service and explore new ways to deal with summonses such as E-Service;
- Introduce a court and garda tracking system to monitor actions taken;
- Reduce the time taken from the date of the offence to the first court date;
- Introduce a performance management system for all stages of the process;
- Remove the need to routinely re-issue witness summonses for cases that are remanded to another date;
- Ensure court outcomes are correctly recorded on PULSE (See page 37);
- Extend the court presenter scheme to cover summons courts.

Recommendation 11.16

The Inspectorate recommends that the Department of Justice and Equality convene a working group to develop, design and implement a system which provides joint criminal justice performance data on case management. (Medium term).

Recommendation 11.17

The Inspectorate recommends that in the interim, the Garda Síochána extends the role of the court presenters scheme to include all the prosecution role in courts, across all divisions. (Medium term).

Recommendation 11.18

The Inspectorate recommends that the Department of Justice and Equality convene a working group to examine the current process for providing pre-charge advice and feedback to investigators on why a case is unsuitable for prosecution. (Medium term).

Recommendation 11.19

The Inspectorate recommends that the Garda Síochána introduces Criminal Justice Units. (Medium term).

Recommendation 11.20

The Inspectorate recommends that the Garda Síochána, along with key partner agencies introduces criminal justice groups at a divisional level. (Medium Term).

Recommendation 11.21

The Inspectorate recommends that the Department of Justice and Equality consider the establishment of a Criminal Justice Board equivalent to deliver a more effective criminal justice service. (Medium term).

The following matters need to be considered:

- Ensure that criminal cases do not lapse;
- Consider the extension of pre-trial hearings;
- Address inefficiencies with charge sheet processes and court orders;
- Reduce unnecessary and repeated court appearances by witnesses;
- Ensure specialist measures are available for victims and witnesses;
- Develop joint agency data on case timeliness and factors affecting the outcome of criminal cases;
- Accurately capture court conviction information in all courts;
- Develop video-linking to create efficiencies for garda and other witnesses;
- Review the use of gardaí in court security roles and escorting of remand prisoners;
- Review the management and process for dealing with those offenders who commit offences whilst on suspended sentences.

INTRODUCTION

1. Background

This report arises from a request by the Minister for Justice and Equality for an inspection of the allocation of garda resources to crime prevention and investigation.

The terms of reference set out by the Minister required the Inspectorate:

"to examine and report on the allocation of garda resources, in particular detective resources at district and divisional levels, for the purpose of crime prevention and investigation. The examination should identify relevant best international practices and have particular regard to:

- *Garda policies, practices and procedures for preventing and investigating crime;*

- *Crime-related demands on the Garda Síochána and the allocation of personnel and other resources to meet them;*

- *Garda systems for recording crime, managing crime caseloads and monitoring the progress of individual crime investigations;*

- *Arrangements for the selection, appointment and training of detectives;*

- *Establishment of local ad hoc specialist units to investigate crime;*

- *Availability of specialist support for complex investigations."*

2. Garda Structure

The Irish police service, the Garda Síochána, is headed by the Garda Commissioner, who is responsible to the Minister for Justice and Equality, who in turn is accountable to the Irish Parliament (Oireachtas). The core functions of the service are:

- The detection and prevention of crime;
- The protection of national security; and
- Improving road safety through prevention and enforcement strategies.

At the time of commencing the inspection, the senior management team consisted of a Commissioner supported by two Deputy Commissioners, a Chief Administrative Officer, nine Assistant Commissioners, and Executive Directors of Finance and Services, Information and Communication Technology, Director of Communications and a Chief Medical Officer.

The staffing of the Garda Síochána, as at 31 August 2014, is set out in Chart 1.

Garda Síochána Regions

Chart 1

Garda Síochána Strength, 31 August 2014

Commissioner	0
Deputy Commissioner*	1
Chief Administrative Officer	1
Assistant Commissioner	8
Executive Director of Finance and Services	1
Principal Officer	5
Chief Superintendent	41
Superintendent	140
Assistant Principal Officer	14
Inspector	300
Higher Executive Officer	79
Sergeant	1,946
Executive Officer	84
Garda	10,447
Staff Officer/District Finance Officer	187
Clerical Officer	1,371
Other support staff (including teachers)	66
Industrial (including cleaners)	247
Reserves	1,143
Total	16,081

Source: Department of Justice and Equality, October 2014.

*Acting as the Interim Commissioner

Geographically, the country is divided into six regions, each of which is headed at Assistant Commissioner level. Each region is divided into divisions commanded by a chief superintendent (divisional officer) and each division is divided into districts commanded by a superintendent (known as a district officer). The structure then descends from superintendent to inspector, sergeant, and to garda level. Divisions and regions also have a number of police support staff in a variety of different grades. In recent years, the service introduced a cohort of garda reserves who provide assistance to gardaí on a voluntary basis. There are twenty-eight garda divisions and 564 garda stations in the country.

3. Level of Crime in Ireland

It is important, when considering the allocation of garda resources, to have a clear understanding of the level and type of crimes being reported and the systems operated by the Garda Síochána to prevent and detect crime and the overall management of crime investigations.

As is the case in other countries, the rate of crime recorded by the police in Ireland does not represent the total level of crime committed. The Crime Survey for England and Wales[1] has estimated that one out of every four crimes committed are represented in official police statistics. A major reason for under-recording is victim and/or witness reluctance to report crime. For example, the most recent national survey on crime and victimisation in Ireland (the Central Statistics Office Quarterly National Household Survey 2010), reported that 45% of assaults were not reported to the gardaí and that "the most commonly cited reason for not reporting assaults to the gardaí was that the incident was not sufficiently serious enough." Similar findings were noted for thefts without violence, thefts from vehicle, burglary, and vandalism. The CSO Interpreting Crime Statistics briefing note suggests other factors influence the reporting rate,

such as "the need to report for insurance purposes, perceptions about the likely success of criminal proceedings and the severity of sentence."

While not the same as the number actually committed, the number of crimes reported to and recorded by the gardaí are an important indicator of crime levels and crime trends, and form a critical basis for garda strategic and operational plans.

In addition to reported incidents, crimes also come to the attention of the gardaí through patrols, routine enquiries, alarm activations, pro-active investigations or surveillance work.

Most countries have written rules, (usually referred to as Crime Counting Rules) stipulating the way crime data is recorded for statistics. The counting unit can vary from the offence, the case or court outcome. In Ireland, as in many other countries, a criminal offence is recorded when there is a reasonable probability that a criminal offence took place and there is no credible evidence to the contrary. The test is that of reasonable probability – whether it is more likely than not that a criminal offence took place. If that criterion is satisfied, even where the victim does not want the matter taken any further, a criminal offence should be recorded.

Chart 2

**Total Recorded Crime in Ireland
2006 to 2013**
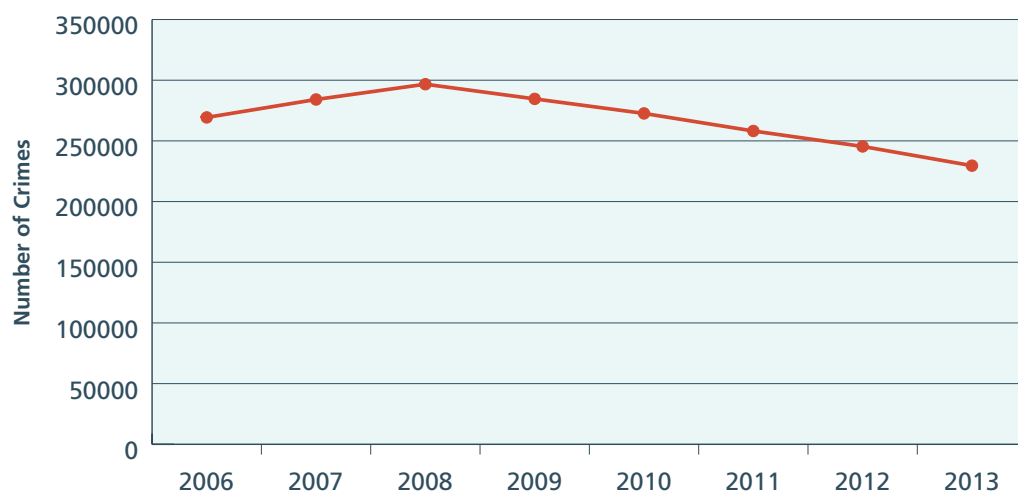
Source: CSO crime data, aggregated by Garda Inspectorate.
2006 marks first year of use of Irish Crime Classification System which replaced the Headline/Non-Headline classification.

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1   ONS (2013) Crime in England and Wales, Year Ending June 2013. London: Office for National Statistics.

Charts 2 to 4 show an indication of (1) overall crime levels, (2) the overall detection rates, and (3) the number of recorded crimes per police officer in Ireland. This information is provided for the purposes of a general context only at this stage, and later parts in this report provide a deeper examination of crime levels and deployment of resources.
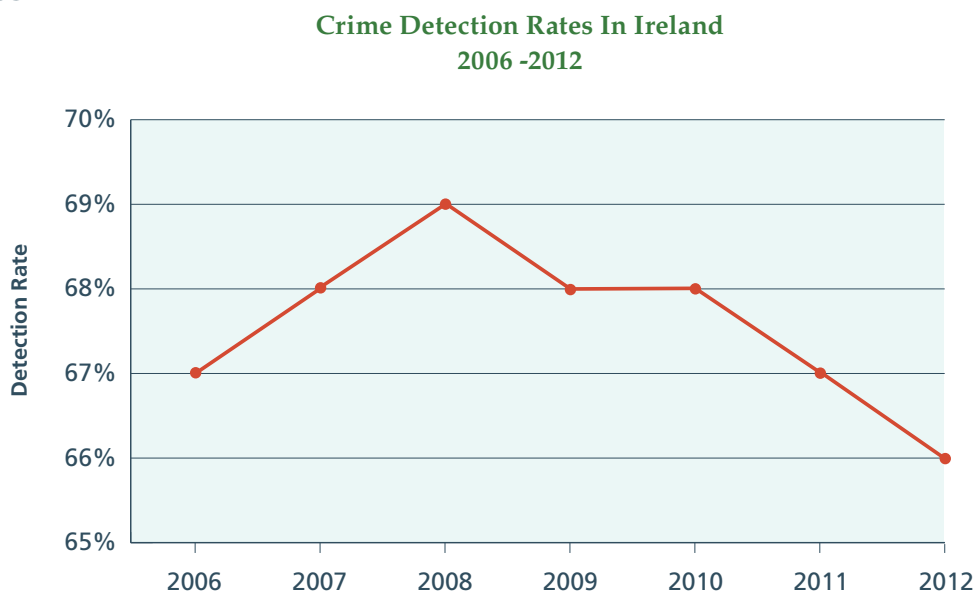
The Garda Inspectorate wanted to compare recorded and detected crime in Ireland with other similar jurisdictions. Internationally, this is not a current practice that is generally used due to differences in crime definitions, legislation, accounting periods and the crime recording categories. Comparing crime between jurisdictions in this way can misrepresent the actual incidence of crime. Having consulted with relevant stakeholders, it was decided not to draw direct comparisons with the data of other police services, but to look at crime trends in Ireland over an extended period of time. In 2006, Ireland changed the way that crime was categorised and adopted the Irish Crime Classification System, which is in operation today. This further increased the difficulty in conducting international comparisons.

Chart 2 shows the total recorded crime incidents between 2006 and 2013. This includes the majority of crimes but excludes traffic offences and some miscellaneous categories as the volume of these incidents distorts the crime picture. The trend line shows a peak of total recorded crime of 296,705 in 2008, and a consistent year on year reduction in crime to 229,579 in 2013. Total recorded crime in most jurisdictions can be affected by police generated activity, such as drugs and public order offences. Comparing the recorded crime in 2008 with 2013 shows a reduction of recorded offences of over 67,000. The following figures show the difference in specific crime categories between 2008 and 2013:

- 11,025 less offences of intoxicated driving;
- Nine fewer homicides;
- 8,000 fewer drug offences;
- More than 25,000 fewer public order offences;
- Just over 1,400 more burglary offences;
- Criminal damage reduced by over 15,000 offences.
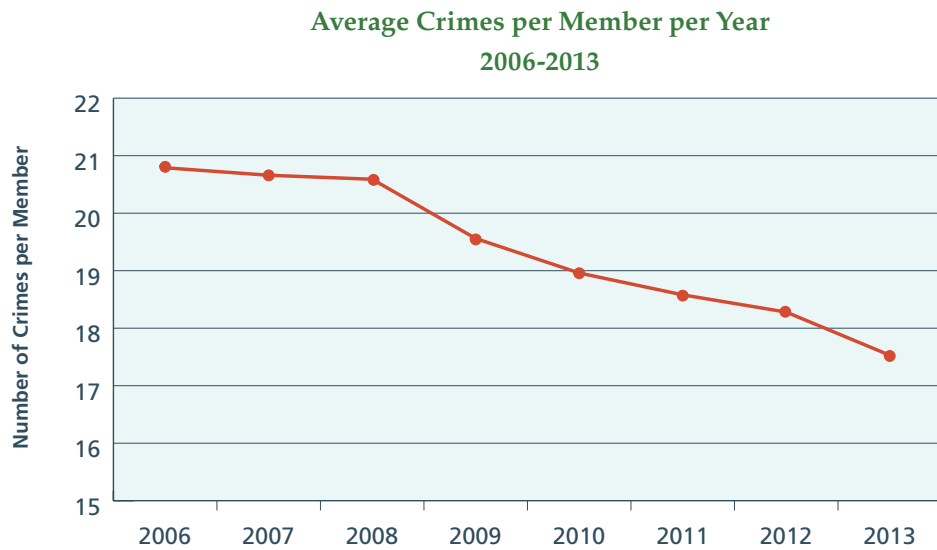
Chart 3 shows the total detection rate in Ireland for all recorded crime 2006-2012. Detection rates reached a peak of 69% in 2008 and have slightly reduced to 66% in 2012. As previously explained, countries use different rules to record a crime as detected.

Chart 3

**Crime Detection Rates In Ireland
2006 -2012**

Source: CSO detection data, aggregated by Garda Inspectorate.

Chart 4

Average Crimes per Member per Year
2006-2013

Source: CSO crime data; strength data supplied by the Garda Síochána aggregated by Garda Inspectorate.

Though the Inspectorate would have liked to have compared Ireland with other policing jurisdictions, the same complications outlined above also apply in respect of detection rates. In some police jurisdictions, detections can only be claimed when there is a specific disposal, i.e. a charge, summons or a caution. In addition, detection rates may vary across crime categories.

Chart 4 shows the average number of crimes per member per year over a seven year period. This peaked in 2006 at just under twenty-one crimes per member, and has shown a steady decline to just over seventeen crimes per member in 2013. Workloads are further explored in Part 6.

4. Methodology

Following consideration of the terms of reference, it was decided to focus this inspection on volume crime, i.e. crimes which due to their frequency have a significant impact on the community and the ability of the local gardaí to tackle it. Volume crime offences such as: street robbery, burglary, vehicle crime, domestic violence and assaults are typically committed by prolific offenders. Targeting police resources on hotspots, recidivist volume crime offenders and repeat victims can have a significant impact on crime levels and community safety. The main focus of this report is on the following volume crimes:

- Assaults;
- Burglary and related offences;
- Domestic Violence;
- Vehicle crime;
- Robbery.

This type of crime may often be considered to be less serious than highly profiled crime such as murder or subversive activity but in reality, volume crime can have a high impact in

a community and lead to high levels of fear and insecurity. It therefore demands a highly efficient and professional response.

Serious crime is low in Ireland, but when such a crime occurs, victims rightly expect that an experienced investigator will take on their case and bring it to an effective conclusion. This inspection examined the process of serious crime investigation and in particular, the choices that are made by the Garda Síochána about who will investigate a particular type of crime, the training received by the investigator, the support provided by national and specialist units, the timeliness and the quality of the investigation conducted.

Prior to the inspection, the Inspectorate conducted a series of familiarisation visits to divisions to obtain a general overview of crime, which broadly informed the inspection planning process. The inspection then gathered material through:

- Formal information requests to the Garda Síochána;
- Structured interviews and focus groups;
- Field visits to all garda regions and seven divisions therein;
- Detailed data analysis of the garda incident recording system (PULSE[2]);
- Examination of case files;
- Examination of samples from the Computer Aided Dispatch (CAD) system and paper based dispatch records;
- Field visits to comparable jurisdictions;
- Desk-based research.

Having met with the then Garda Commissioner and the Garda Síochána senior management team, the Inspectorate visited seven of the twenty-eight garda divisions, one in each garda region and two in the Dublin Metropolitan Region. The divisions chosen provided a balance of urban and rural policing challenges.

Field Visits

Each field visit to garda divisions and all national units involved structured interviews with rank-specific focus groups, specialist focus groups, police staff, local association representatives and reserves, thereby ensuring representation of all relevant garda stakeholders. Approximately 1,000 garda members and staff were interviewed in either one–to–one interviews or in rank/grade specific focus groups. To assist with the field visits, the Inspectorate asked the seven selected divisions and all national units to complete a pre-visit self assessment template with background information on the specific areas under review.

These field visits were facilitated by the local divisions and national units. This included releasing staff to meet with the Inspectorate. The participation, ideas and suggestions provided by all those interviewed is very much appreciated by the Inspectorate. The contributions of all the people that met with the Inspectorate are reflected in many of the recommendations in this report.

External Stakeholders

During field visits, interviews were also conducted with local representatives of the Probation Service, the HSE, the Courts Service, the relevant State Solicitor, County Manager, the Chairperson of the Joint Policing Committees and some victim support services. Each field visit was followed by de-briefing the divisional officer on key observations. A full list of stakeholders is provided at Appendix 1.

Research Visits

International field visits were made to the Police Service of Northern Ireland (PSNI), Police Scotland, London Metropolitan Police (MPS), Surrey Police Service, Hertfordshire Police, West Yorkshire Police, Greater Manchester Police, South Wales Police and the Danish Police Service. Meetings were also held with the Home Office in London and the police inspectorates in England and Wales, Scotland and Northern Ireland. In addition, the Chief Inspector gathered material at two major police conferences in the USA with chief officers of the major city police departments in the USA, Canada and UK. A questionnaire template was also circulated to a large network of US and

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2   PULSE is an acronym for Police Using Leading Systems Effectively. PULSE is an I.T. enabled Service Delivery Project. PULSE comprises of seventeen operational and integrated system areas, e.g. Crime Recording, Processing of Prisoners and Traffic Management.

Canadian police. The Inspectorate also held video-conference calls with the Western Australian and New Zealand police.

Data Analysis

The material gathered from the interviews in Ireland was cross-checked against five main data sets from samples of:

1. Volume Crime Case Reviews;
2. PULSE entries;
3. Computer Aided Dispatch (CAD[3]) and control room call data;
4. Case files and custody records;
5. Formal information request to the Garda Síochána.

These data sets will be referenced regularly in every part of this report.

PULSE Crime and Incident Recording

The Garda Síochána has an incident and crime recording system called PULSE. When a crime or an incident is reported to the Garda Síochána, a PULSE record is required to be completed and a crime recorded when there is reasonable probability that a crime took place.

Volume Crime Case Reviews

An important component of the crime investigation report was the identification and tracking of 158 calls made by members of the public to the Garda Síochána in 2012, reporting that a crime had taken place.

During field visits to the seven divisions, the Inspectorate checked electronic and paper records of calls received at garda stations to reports of assault, burglary, domestic violence, robbery and vehicle crime. These are the types of crimes that are dealt with on a daily basis by garda districts.

The 158 calls selected consisted of at least four calls per division inspected, for each of the above five crime categories. In some cases, it was unclear from the record of the call as to what action was taken with the crime and as a result, some additional

calls were also included. The calls were randomly selected from the available records and on the basis that a member of the public, who contacted the Garda Síochána, stated that a crime had been committed when they made the call.

Each call identified was categorised as a case. All information recorded by the Garda Síochána on the 158 cases was requested and reviewed from the first point of the call, through to the conclusion of the investigation. The information requested included any PULSE record that was created for the calls received, the details of any suspect that was identified and any case files or records relating to an arrest, detection or prosecution.

In its examination of these cases, the Inspectorate focused on calls received, in most cases, twelve months before the Inspectorate conducted field visits. By concentrating on calls received in 2012, it allowed the examination to consider the full process of a crime investigation over a twelve month period from reporting through to a prosecution. It also provided a good opportunity to review incident recording and record keeping, which are vital for the proper and thorough investigation of crime.

The process of examination conducted by the Inspectorate is referred to as the Volume Crime Case Reviews. The examination of these cases focused on:

- The recording of the original calls from the public;
- The initial response and investigation of the incident or crime;
- The recording of the incidents or crimes on PULSE;
- The investigation process and who investigated the crime;
- Management of any suspects and the detection (solving) of a crime;
- The outcome of any court prosecution or other criminal justice disposal;
- And most importantly, the service that was provided to victims.

Following the request for information on these cases, the Inspectorate received a large amount of related PULSE records, case files and other

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3 Computer Aided Dispatch (CAD) is an electronic system that records the details of all emergency and non-emergency calls.

documents. In response to the information supplied, the Inspectorate requested additional information and documentation from the seven divisions.

Parts 2 to 11 of this report examine what happened to those 158 cases from the time of that first call to the Garda Síochána, through to any court appearance for a suspect that was identified.

PULSE Data Analysis and Sampling

As part of the inspection process the Inspectorate carried out extensive analysis of the use of PULSE as an incident and crime recording system. The analysis included:

- Initially, a desktop examination of data provided by the Garda Síochána following a request for information by the Inspectorate. This information request sought data on a range of topics including deployment and fleet information as well as details relating to incident recording;
- The second involved direct sampling of almost 1,500 PULSE crime incident records by the Inspectorate. This sampling took the form of a number of visits to Garda Headquarters to examine the PULSE system. The exercise in sampling resulted in the collection of PULSE incident record information, which became the basis of the Inspectorate's analysis on incident classification, reclassification and detections.

Contact with Victims

Victims are at the heart of this report and the Inspectorate reached out to victims in a number of ways. The intention was to establish the level of service provided by the Garda Síochána or other criminal justice partners and most importantly to understand the experience of victims. Following the selection of the 158 Volume Crime Case Reviews, the Inspectorate wrote a letter to some of the callers who contacted the gardaí about those crimes, asking for an opportunity to discuss the level of service provided. The Inspectorate did not attempt to contact callers in cases involving domestic violence or assaults where a letter might cause difficulties for the person who called for help. The Inspectorate sent the letter via the Garda Victims Liaison Office who sent an accompanied letter to

the victims of those crimes. The Inspectorate also spoke to victims of crime who were referred by the Crime Victims Helpline and non-governmental organisations (NGOs). The Inspectorate was also contacted directly by victims of crime.

The material provided by the victims who spoke to the Inspectorate has been very valuable in the consideration of this report and has greatly informed the recommendations.

5. Structure of this Report

This inspection was the most extensive piece of work conducted by the Inspectorate to date. It examined the whole operation of the core investigative functions of the Garda Síochána, including crime policies, procedures and training.

This report contains a large number of recommendations designed to assist the Garda Síochána in delivering the best possible customer service efficiently. It includes recommendations to improve implementation of policy and to modernise equipment and technology. In order to ensure maximum opportunity for implementation, the recommendations are divided into those which can be implemented in the short term (zero to six months), medium term (six to twenty-four months) and long term (more than twenty-four months). Most of the recommendations are directed towards action by the Garda Síochána but there are other responsible organisations and authorities within or relevant to the efficiency of the crime investigation process. The Department of Public Expenditure and Reform, the Department of Justice and Equality, the Irish Prison Service, the Office of the Director of Public Prosecutions (DPP), the Courts Service, Probation Service, Forensic Science Laboratory and other partner agencies all have parts to play in ensuring that the criminal justice and investigation system runs efficiently and effectively. Change within the Garda Síochána will make a difference, but it is only through a cross-organisational collaborative approach that real and lasting progress can be made.

It should be noted that this report has been written prior to the establishment of the proposed Garda Síochána Authority. It may be that the Authority will be responsible for some of the functions

relevant to the recommendations in this report. At the time of the completion of this report, the Inspectorate was not in a position to assess the impact of the establishment of the Authority on the ownership of recommendations. This is a matter which will have to be considered by the Department of Justice and Equality, in conjunction with the Inspectorate, once decisions on the roles and functions of the Authority have been finalised.

A number of the recommendations fully reiterate or update recommendations previously made by the Inspectorate. It is the Inspectorate's view that had action been taken to implement several of those recommendations, the findings of this inspection would be quite different.

Presentation of the Report
Because of the complexity of each step in the crime investigation process, the report is divided into eleven separate parts which can be read separately, but which are intrinsically linked. The report is constructed as follows:

- Part 1 outlines the crime prevention process;
- Part 2 focuses on the crime investigation context, structure and deployment;
- Part 3 examines calls for service and the first steps in an investigation;
- Part 4 reviews the recording of crime incidents;
- Part 5 looks at crime management;
- Part 6 examines how crime is investigated;
- Part 7 is a very important part, reviewing how victims are dealt with in the investigation of crime;
- Part 8 explores the gathering and evaluation of information for policing intelligence purposes;
- Part 9 focuses on the investigation of suspects and detention at garda stations;
- Part 10 examines young and adult offender management;
- Part 11 completes the review of the process with a very important section on detection of crime and bringing offenders to justice.

The Appendices include additional charts and a list of the groups interviewed.

During the final stages of this inspection, the Minister for Justice and Equality requested the Inspectorate to examine the issues identified in the Guerin Report in the context of the Crime Investigation inspection. The Inspectorate's report on this matter is included as an Addendum.

It must be noted that the overall impression gleaned from the field visits is of an organisation with a majority of very dedicated and committed staff who strive to make their communities safer places in which to live, visit and work. The lengths to which many members go to do their duty properly may not always be clear to the general public, but the Inspectorate met many committed members and staff, some of whom take personal risks on a daily basis to make Ireland a safer place. The findings in this report in no way diminish their efforts. On the contrary, the report shows that despite poor technology, some weak processes and gaps in supervision, a lot of decent men and women work very hard on a daily basis to deliver a good policing service.

6. The Way Forward

This report contains a large number of recommendations for action by the Garda Síochána and other organisations, whose work impacts on the delivery of criminal justice in Ireland. The report highlights areas requiring immediate action. It is essential that the report is considered holistically to ensure that the maximum benefit can be derived from this inspection.

Recommendation 1
The Garda Inspectorate recommends that the Department of Justice and Equality establish and task a criminal justice service group, comprised of the agencies and stakeholders that are responsible for community safety in Ireland, with overseeing the implementation of all of the recommendations accepted from this report.

The Inspectorate has also been requested to review the structure and operational deployment of the Garda Síochána under the Haddington Road Agreement. Throughout this inspection, the Inspectorate identified issues which will be further developed in the Haddington Road Review. These issues are referenced in this report.

GARDA
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PROMOTING EXCELLENCE & ACCOUNTABILITY

Crime
Prevention

CRIME INVESTIGATION REPORT

PART 1 | CRIME PREVENTION

1.1 INTRODUCTION

The number one priority for any police service must be the prevention of crime.

Before embarking on the journey through the crime investigation process, it is important to remember that many crimes can be prevented. Police services place great emphasis on trying to prevent a crime from occurring in the first place. The crime prevention process is also about reducing police demand and particularly reducing the numbers of people who become a victim of crime. Prevention saves personal costs to victims, organisational costs across the public sector, particularly in the criminal justice services, as well as societal costs.

Most crime is opportunist, such as the burglar who commits a crime because a possibility arose and not because it was planned. New opportunities for crime arise through new products entering the market, and criminals find new ways to commit offences. It is important that police services influence manufacturers and architects to design products and buildings that reduce offending opportunities for criminals.

Early in the 19th Century, Sir Robert Peel outlined nine basic principles of policing, which became the foundation for policing in countries around the world. The following are three of those principles that refer to crime prevention and are still relevant today:

- The basic mission for which the police exist is to prevent crime and disorder;

- Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public;

- The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.

1.2 Crime Prevention

In all parts of this crime investigation report, crime prevention is strongly featured. The following table shows the aspects of crime prevention that are covered in Parts 2 to 11 of this report and how changes in police activity can prevent crime.

Parts of the Report	Crime Prevention Activity
Part 2 **Divisional Policing**	• **Change to a divisional structure to release gardaí for pro-active patrolling;** • **Focus superintendents on crime prevention and crime investigation;** • **Enhance front-line supervision;** • **Develop a resource allocation process that matches resources to policing demands;** • **Review the Garda Síochána roster to ensure that it matches resources to demands;** • **Ensure that all operational units are briefed, tasked with a crime prevention initiative and de-briefed at the end of a tour of duty.**
Part 3 **First Response**	• **Improve the recording of calls from the public and deployment of available resources;** • **Respond to fast time crime incidents by re-deploying resources to prevent further crimes;** • **Provide data on call demand to allow better deployment of resources;** • **Deploy garda reserves in a more pro-active way such as patrolling crime hot spots;** • **Improve the quality of crime scene examinations to identify offenders.**
Part 4 **Incident Recording**	• **Improve the categorisation of crime to allow for more accurate analysis;** • **Increase garda visibility by ensuring that gardaí do not have to return to a garda station to complete a record of a crime;** • **Ensure that GPS co-ordinates are included in all crime records;** • **Reduce delays in completion of crime recording to allow for more accurate analysis of particular crime types and dissemination of data for crime briefings.**
Part 5 **Crime Management**	• **Improve the re-categorisation of crime to allow for more accurate analysis of particular crime types and patterns of offending;** • **Improve crime management processes to release gardaí for pro-active patrolling.**
Part 6 **Investigating Crime**	• **Reduce crime investigations required by regular unit gardaí to release uniform units to conduct crime prevention activity;** • **Reduce incidents of domestic violence by providing a better service to victims and focusing on violent offenders;** • **Effectively use CCTV and ANPR in crime prevention and crime investigation;** • **Reduce the time taken to investigate crime and to deal with suspected offenders.**
Part 7 **The Victims Experience**	• **Provide information on support organisations and networks for victims of crime;** • **Develop a policy to identify and respond to repeat victims of crime.**
Part 8 **Intelligence Led Policing**	• **Use intelligence to task all operational units daily;** • **Focus Garda Síochána operations on those offenders who present the greatest risks;** • **Develop information sharing protocols with key partners agencies;** • **Develop Covert Human Intelligence Sources on volume crime offending;** • **Enhance confidential call lines to encourage members of the public to report suspicious and criminal behaviour.**
Part 9 **Investigation and Detention of Suspects**	• **Reduce the time taken to investigate crimes with named suspects;** • **Improve garda skills in gathering evidence and interviewing suspects;** • **Develop an early arrest referral scheme for those prolific offenders who are drug users.**
Part 10 **Offender Management**	• **Develop a multi-agency co-located integrated youth offending service;** • **Promote the use of restorative justice processes;** • **Develop a multi-agency, co-located and integrated adult offender management service;** • **Ensure that high risk sex offenders are closely monitored;** • **Prioritise high risk warrants and warrants for high risk offenders;** • **Ensure that high risk offenders on bail are closely monitored.**
Part 11 **Detecting and Prosecuting Crime**	• **Ensure that cases with named suspects are progressed effectively;** • **Reduce delays in bringing cases to court;** • **Reduce the number of gardaí involved in court processes and release members for operational duties.**

The table highlights the importance of crime prevention activity to prevent crime through intelligence led policing and good offender management processes.

1.3 Crime Prevention in the Garda Síochána

Crime Prevention Policy in the Garda Síochána

In 2013, the Garda Síochána published a document entitled 'Community Crime Prevention Programmes'. The document highlights the importance of engaging local communities in activity that encourages the two-way flow of information between the police and the community and engages local people in looking after their own communities. However the Garda Síochána has not published a crime prevention strategy that articulates how all available resources will be used more effectively to reduce crime. The Inspectorate believes that crime prevention should be the number one priority for the Garda Síochána and that there should be one comprehensive and strategic document outlining how garda resources will be used to prevent crime.

> **Recommendation 1.1**
>
> **The Inspectorate recommends that the Garda Síochána develops and implements a crime prevention strategy that articulates how garda resources will be used to prevent crime. (Short term)**

White Paper on Crime and Anti-Crime Strategy

The Inspectorate is aware that work by the Department of Justice and Equality on the development of a White Paper on Crime, which incorporates a National Anti-Crime Strategy; is at an advanced stage, following an extensive consultation process. As policing responses are a key component of the Strategy, finalisation of this project needs to be considered in the context of developments with respect to the review of governance arrangements for the Garda Síochána.

Designing Out Crime

'Designing out crime' is a concept which explores crime prevention opportunities at the stage of product development or creating plans for major developments and is an important aspect of crime prevention. In the US, Crime Prevention through Environmental Design (CPTED) is a component in all police crime prevention units. The Garda Síochána are also committed to CPTED and offer services on the Garda website, but the Inspectorate found limited evidence that the Garda Síochána are engaged with manufactures and architects to design out crime in new homes and buildings in Ireland. In the UK, 'Secure by Design' (SBD) is a well established crime prevention process in the design phase of building developments. Research over thirty years shows that police recorded crime levels are lower on SBD estates, residents in those estates felt safer and importantly offenders felt less comfortable entering SBD properties.

Garda National Crime Prevention Unit

The Garda National Crime Prevention Unit (NCPU) is part of the Community Relations Division and is centrally based in Dublin. This is a small unit that provides support to operational divisions and national units in respect of crime prevention advice. In particular, the unit provides support to divisions that are trying to establish new Community Alert and Neighbourhood Watch schemes.

The unit also provides crime prevention advice on the Garda Portal (the Garda Síochána internal website) and for the benefit of the public on the Garda Síochána external website.

As a result of budgetary limitations during the last four years, the unit has had limited capacity to supply literature, such as crime prevention packs for victims. It has also stopped hosting an annual conference for garda crime prevention officers. The unit has the remit for developing crime prevention policy, but there has been limited policy development over the last few years.

Garda Crime Prevention Officers

Each division should have a dedicated Crime Prevention Officer (CPO), usually at sergeant rank. The Inspectorate supports the use of crime prevention officers, although assignments should

be based on skills and should not be dependant on rank or sworn powers status. Some of the divisions visited did not have a CPO at the time of the field visit and divisions were told that the vacancy could not be filled. The Inspectorate understands that authority to replace those CPOs has now been granted.

In other jurisdictions, crime prevention specialists are particularly engaged at the early stages of planning applications for new major developments, providing advice on all aspects of crime prevention design. As part of the planning application process, plans are sent to local police divisions for their views. In major developments, police crime prevention officers play a significant role and planning committees take into account recommendations from crime prevention officers, before planning decisions are made. Sometimes changes can be small, such as increased lighting or security fencing and sometimes the recommendations can be extensive, such as including CCTV systems or redesigning parts of the development. Currently in Ireland, there is no formal process to pass plans to CPOs. As part of the inspection process, the Inspectorate met with County or City Managers across the seven divisions and CPOs in post. All of those interviewed saw obvious merits in this approach, but currently have no formal process for referring such plans. This needs to be addressed to ensure that crime prevention is fully considered in any major development. Some of the Garda CPOs are trained in environmental design, but these skills are not always sought or applied.

Recommendation 1.2

The Inspectorate recommends that the Garda Síochána agrees a protocol with local authorities to ensure that major development planning applications are reviewed by crime prevention officers trained in environmental design. (Medium term).

This is a recommendation that may need to be considered in conjunction with the Department of the Environment, Community and Local Government.

Deployment of Crime Prevention Officers

The Inspectorate found an inconsistent approach to the use of CPOs across the seven divisions visited. Some CPOs are invited to attend local crime management meetings and some are not included. The Inspectorate believes that CPOs should be fully engaged in all crime meetings and particularly at tasking and co-ordinating meetings. In terms of crime prevention, a good model of approach is to focus on Victim, Offender and Location (VOL). CPOs can play a key role in both victim and location target hardening,[1] which will greatly impact on offender behaviour.

Good Practice

During field visits, the Inspectorate identified the following good practice initiatives led by crime prevention officers:

- **Developing local business watch schemes;**

- **Launching text alert schemes;**

- **Participating in local radio shows;**

- **Crime prevention initiatives such as 'Farm Watch' that included cross border co-operation with the PSNI.**

A CPO described crime investigation and crime detection as only impacting on a very small percentage of the public, but crime prevention can help everyone.

Recommendation 1.3

The Inspectorate recommends that the Garda Síochána develops a Standard Operating Procedure for the use of crime prevention officers to reduce offending opportunities. (Short term).

To achieve the above recommendation, the following key action needs to be taken:
- Review the need to deploy sergeants and sworn members as crime prevention officers.

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1 A security term for crime prevention initiatives to strengthen the security of a business or a home to reduce the risk of a crime.

Crime prevention officers informed the Inspectorate that the National Crime Prevention Unit (NCPU) used to provide more literature and more direction. Initiatives previously generated by the NCPU included monthly crime prevention themes that ensured that Garda CPOs were consistently deployed.

Recommendation 1.4

The Inspectorate recommends that the Garda Síochána National Crime Prevention Unit provides central co-ordination and support to crime prevention officers activity to ensure consistency of deployment. (Short term).

Crime Surveys

CPOs and gardaí conduct crime surveys to improve home and business security and provide crime prevention advice. Crime surveys are generally an assessment of the security of a home or a business with recommendations to improve security and safety. This can be practical advice, such as better window locks in a home and information to businesses about safer cash handling arrangements.

Surveys are often completed after a crime has taken place, although it is more productive to try and offer a crime survey to prevent a crime from occurring. CPOs do not have the capacity to complete crime surveys for the majority of people who require crime prevention advice. This is usually provided by a garda at the time of dealing with a crime, or a community garda is asked to provide security advice to a person or community group concerned about becoming victims. The Garda Síochána must ensure that gardaí are provided with the necessary skills to conduct crime prevention surveys. Following burglary offences, community gardaí are often tasked to revisit a victim and to call on neighbouring properties to advise occupiers that a burglary has taken place. This is good practice, as it alerts communities to the fact that a burglar may be operating in that area.

CPOs are usually tasked to complete surveys for businesses, or after a serious crime has taken place or where the victim is particularly vulnerable. With business premises, there was an inconsistent approach to the monitoring of crime surveys. Some

CPOs complete business surveys, but do not check to see if recommendations were implemented. Some CPOs re-visit businesses and are often frustrated when recommendations are not put in place as they do not have authority to ensure compliance.

Across the divisions visited, the Inspectorate found an inconsistent approach in the provision of crime prevention packs to victims of crime. Crime prevention packs are usually provided to victims of burglary to try and minimise the opportunity of a repeat offence. In some divisions, crime prevention information was made available to victims of burglaries. In other divisions, no literature was available. The Inspectorate believes that there should be a national standard to delivering crime prevention advice and to the provision of literature to victims of crime.

Recommendation 1.5

The Inspectorate recommends that the Garda Síochána develops a national standard for conducting crime surveys and providing crime prevention literature. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Create a national standard crime prevention pack for Garda Síochána priority crime victims;
- Ensure that all gardaí are trained to an appropriate level to conduct an effective crime prevention survey;
- Ensure that surveys for businesses are monitored and checked for compliance and crime outcomes.

Text Alert

The NCPU launched 'Text Alert' in 2013, which allows the gardaí to send fast-time information to members of the public who have signed up to the scheme. This is now operating in several divisions and requires members of the scheme to pay a small sum to receive messages.

During community meetings attended by the Inspectorate, there was some very positive feedback on text alert schemes where communities receive regular information. The Inspectorate was also informed that some text alert schemes often rely

on an individual garda to send out alerts. It was reported that if that garda is not at work, members of the scheme do not receive information. Some police services have incorporated text alert into police telephony systems and messages are sent directly from control rooms, rather than relying on an individual officer to send out messages. The Inspectorate is aware of successful notifications from text alert schemes that have led to the prevention of a crime or the arrest of an offender.

Recommendation 1.6

The Inspectorate recommends that the Garda Síochána reviews the process for providing information to text alert schemes and explores options for enhancing the information that is provided. (Medium term).

How Can the Public Help?

As mentioned earlier, many crimes are opportunist and CPOs publish messages through local radio, newspapers and Crimecall to remind people not to leave items on display in vehicles and for householders to remember to lock doors and close windows when they are going out. Another public message reminds young people who are stopped and asked for the time by a stranger to be careful as this can be used as an opportunity to snatch and steal their mobile phone.

The Garda Síochána needs the public to report suspicious behaviour before a crime takes place. Where a person believes that a crime is about to be committed they should dial 999 and report the circumstances. In Part 8 of this report, there are details of other options on how to report suspicious activity to the Garda Síochána in non-emergency circumstances.

Watch Schemes

Since 1985, the Garda Síochána has developed 1,345 Community Alert Schemes (rural schemes), 2,345 Neighbourhood Watches Schemes (urban schemes) and a number of business watch and specialist schemes such as Campus Watch. Half of all Neighbourhood Watches are operating in Dublin. These schemes are developed locally by districts and divisions and rely on support from community policing gardaí and local crime prevention officers.

The various schemes are an excellent way of engaging local communities and businesses in crime prevention initiatives and particularly to look after members of the community who are vulnerable. Schemes require local co-ordinators, who operate on a street and area level for maximum effectiveness. This allows gardaí to link into a small number of representatives from individual schemes, who co-ordinate the activity of scheme members.

Schemes are often initially very effective as community members are engaged and focused on activity to reduce crime. Whilst schemes should be self-sufficient, they require information on crimes that are occurring and occasional visits at meetings from local gardaí. Over time, and particularly if successful in reducing crime, community members can lose interest in the scheme, which can become dormant (inactive). Of the schemes in operation, gardaí have estimated that approximately 30% are currently dormant and need to be re-launched. Schemes are most successful when members are actively involved by reporting incidents to the gardaí and holding meetings with residents.

During field visits, the Inspectorate found that all divisions had reduced the numbers of community gardaí and two divisions effectively had no full-time community officers. The Inspectorate was informed that the loss of community officers was already impacting on the service provided to community watch schemes.

On an annual basis, divisional chief superintendents and district officers are required to meet with Neighbourhood Watch and Community Alert members operating in their area.

Are Schemes in the Right Place and are they Working?

Apart from the numbers of Neighbourhood Watch and other schemes in operation, there are very few garda metrics that measure the success of schemes. The Inspectorate was unable to establish if schemes are actually operating in crime hot-spots and in the right places and whether crime in the areas where schemes are operating is increasing or decreasing. The identification of the location of schemes and crime hot-spot locations would assist prioritisation in re-launching dormant schemes or developing new ones.

Recommendation 1.7

The Inspectorate recommends that the Garda Síochána conducts an analysis of crime hot-spots to identify priority areas for re-launching dormant schemes or developing new ones. (Short term).

Fear of Crime

Fear of crime can often be disproportionately higher than the reality of becoming a victim. This can have a major impact on peoples' lives and can affect particular community groups, such as the elderly. Fear of crime can be impacted by a number of factors, such as high profile incidents and increased or sensationalised media reporting. The visible presence of patrolling gardaí and regular information about crime in a community area can significantly help to reduce the fear of crime.

Most districts maintain a register of vulnerable members of the community and gardaí are tasked to call on people to provide reassurance and practical crime prevention advice.

There are currently no indicators in place to measure the fear of crime. The last Public Attitude Survey (PAS) was completed by the Garda Síochána in 2008. At the time of finalising this report, the Inspectorate was informed that the Garda Síochána intends to conduct a PAS and has invited tenders for the contract.

Garda Website

Most CPOs expressed the view that the Garda Website for crime prevention could be improved. The Inspectorate was informed that businesses and local people often use websites other than the Garda Síochána website, for crime prevention advice.

Recommendation 1.8

The Inspectorate recommends that the Garda Síochána reviews the provision of crime prevention advice on the Garda Website and seeks to adopt best international practice. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Promote crime prevention information that is available on the Garda Website.

New Community Policing Model

A new community policing model has been introduced in the North Central Division of the Dublin Metropolitan Region.

Good Practice

In this division, the customer base has been segmented along geographic, demographic, and socio-economic lines, with specific focus on local garda ownership of geographically defined small areas (based on the CSO census data 2011). Individual community gardaí have adopted a targeted approach to formal, pro-active management of key customer groups and their respective requirements; analysing those requirements and responding to them through investigations and operations. Key groups covered include victims, main stakeholders, residents of the small areas and recidivist offenders. All issues are logged and tracked using internal structures, which includes close management oversight and accountability.

The model focuses on a customer-centric approach and customer information is obtained through local community interviews and questionnaires. The response to issues raised includes policing operations such as 'Tempest' and 'Spire', which tackled anti-social behaviour associated with drug related activity.

Property Marking

During the inspection the Inspectorate found that property marking had not really progressed as a concept. CPOs informed the Inspectorate that there is limited equipment made available to do this. Property marking equipment is not provided from central budgets.

In other policing jurisdictions, concerted efforts have been made to encourage the members of watch schemes to mark property and particularly items of sentimental or high value. Neighbourhood Watch and Community Alert schemes provide an excellent platform to encourage and help people to mark their property. The marking of property serves two purposes. Firstly, to deter criminals from stealing property that may be traced back to

the scene of a crime and secondly, to enable the police to return any recovered property. Bicycles are frequently stolen and often police services recover bicycles, but are unable to restore them to the rightful owner. Marking bicycles though schools and Neighbourhood Watch schemes is an area that could be utilised. In some jurisdictions, ultraviolet marker pens are sponsored and distributed at neighbourhood watch meetings. In the US, some police stations have electric marking tools that are available to Neighbourhood Watches to mark items of property.

Use of DNA

DNA is increasingly being used as a crime prevention tool and it has opened up a new approach to crime prevention and detection. DNA products can be applied to property items and can be linked to a specific address. This approach to property marking is operating in New Zealand, the U.S. and in the UK.

Businesses can install DNA systems that activate when a burglary occurs, coating a suspect with a fine DNA spray. The spray leaves a DNA imprint that is only visible under ultra violet (UV) light. Home owners are able to use DNA kits to mark items of value, which can be traced back to where it was stolen. Some police services are also using DNA in decoy vehicles, where an item is left on display and a suspect breaking into the car is coated in DNA. Officers conducting searches on a suspect's address use UV lamps and many police stations now have UV lamps at points of entry for offenders brought into custody. Notices of the application of the system are posted as a deterrent to a criminal entering an area or approaching a house. This system is of benefit to businesses and private homes and the return of items of sentimental value can have a significant impact on a victim's recovery. In some policing areas, the local authority and the police provide DNA marking kits for areas where burglary offences are most prevalent.

The issue of providing property marking equipment including DNA may be suitable for sponsorship activity.

Recommendation 1.9

The Inspectorate recommends that the Garda Síochána promotes property marking initiatives through local Neighbourhood Watch and Community Alert schemes and explores the application of DNA products. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Consider sponsorship opportunities.

Victims

For targeted crime prevention advice, there is a need for more detailed analysis of crime to identify if a particular crime is impacting on a particular age group of victims or a particular community. This allows far more targeted crime prevention activity.

Recommendation 1.10

The Inspectorate recommends that the Garda Síochána tasks garda analysts to conduct enhanced analysis of crime in respect of identifying trends in victims and developing activity to reduce victimisation rates. (Medium term).

Distraction Burglaries

There are a number of criminals who target vulnerable people by using deception to gain entry into homes or businesses, using a variety of methods; such as purporting to be officials from utility companies or the gardaí. Once inside, offenders steal property and often leave a victim unsuspecting that a crime has taken place. The impact of this sort of crime is significant and sometimes victims are too embarrassed to report the crime. In cases of very vulnerable people, offenders often return and victims are repeatedly targeted.

Other police services use digital systems, which are effectively small CCTV cameras that can be concealed in suitable places. The devices are fitted by the police, who download recordings following a crime to identify and prosecute suspects. This sort of evidence removes the need to rely on the evidence of a victim, who may not be able to identify the suspect, and often the footage provides sufficient

evidence to secure a conviction at court. It is another initiative where police and local authorities have purchased devices and deploy them to protect vulnerable members of the community.

Recommendation 1.11

The Inspectorate recommends that the Garda Síochána explores new technology opportunities for the use in prevention and detection of crime. (Medium term).

Reducing Demand

Internationally, police services regularly attend the same locations to deal with similar types of calls, sometimes involving repeat victims and suspects, or a particular nightclub, a street or a person that regularly comes to notice. Often, different police officers are sent to deal with the identical situations and there is no ownership to look for a long term solution. Other policing organisations have examined hot-spot locations and people that generate regular calls for police services. Western Australia Police identified the top twenty places that required police attendance. By focusing on problem solving and crime prevention initiatives, the number of calls to these places reduced by 50%. New Zealand Police identified the fifteen most difficult areas to police, and targeted resources on tackling the issues that led to high incidents of crime and anti-social behaviour. Problem Orientated Policing is a much used international model for addressing long term community problems.

Recommendation 1.12

The Inspectorate recommends that the Garda Síochána conducts analysis of call data on a divisional basis to identify the top places that generate demand for policing services and introduces initiatives to reduce the impact on local policing. (Medium term).

Dealing with Anti-Social Behaviour

During community meetings attended by the Inspectorate, participants said that anti-social behaviour is not effectively addressed and that community members regularly contact the gardaí about recurring problems. Addressing complex problems with sometimes very challenging individuals is not always the sole remit of the Garda

Síochána. Often individuals causing problems are known to more than one agency. In many police services, long term problem solving is taken on by community or neighbourhood officers who engage partner agencies to look for long term solutions. With the reallocation of community police officers the Garda Síochána will need to consider what partner agencies should be involved and internally who will deal with long term community issues.

With regard to anti-social behaviour legislation, the Inspectorate found some evidence of divisions issuing behavioural warnings to persons causing harassment, alarm or distress but limited evidence of any banning orders obtained or full anti-social behaviour orders in existence. Obtaining a banning order requires the issuing of three or more behavioural warnings in a six month period. This enables a power of arrest for any breach.

Recommendation 1.13

The Inspectorate recommends that the Garda Síochána conducts a review of the use of anti-social behaviour legislation and ensures that the available powers are used effectively. (Medium term).

CCTV Mobile Buses

Marked and highly visible CCTV mini-buses are a good example of interagency working in the UK. In many cases, they are funded by local authorities and in Westminster (London) two CCTV buses are fully operated by local authority staff. The buses are used to prevent crime and not to deal with traffic matters. The buses overtly record as they patrol and are parked in key hot-spot locations to prevent crime and disorderly behaviour. The CCTV buses provide a good deterrent in high crime areas and, if a crime occurs, provide an opportunity to identify suspects who may have been captured on footage.

Partnership Working

In the UK, legislation ensures that partner agencies work closely together to tackle crime and disorder. Local authorities often take the lead for crime prevention and other community safety initiatives. West Yorkshire Police has developed the Safer Leeds Community Safety Partnership that brings together the police, local authority and other key parties. This initiative includes co-location of police and

partner agency resources and the local authority head of services is responsible for the partnership. Responsibilities of the partnership include management of the counter-terrorism strategy and the co-ordination of various multi-agency panels for monitoring high risk sex offenders, domestic violence victims and perpetrators of violent crime. The partnership has an intelligence unit that analyses crime and disorder, co-ordinates the sharing of information and has easy access to partner data, such as health and social care.

There are many crimes and challenges that impact on more than one agency, such as domestic violence, anti-social behaviour, street drinking and violence. The Inspectorate believes that divisional chief superintendents should engage local senior partners in key organisations, such as local authorities and the HSE, to tackle long term issues that impact on all services. Partner agencies also regularly visit vulnerable people at home. Other police services have engaged health workers and social workers and briefed them on what information would help the police to prevent a person from becoming a victim. This arrangement also allows the police to receive notifications from partner agencies.

At present in Ireland, partner agencies are not statutorily required to collaborate to tackle crime and disorder and partnerships across the seven divisions visited operated in many different ways. The Inspectorate did not identify any division where partner agency staff are co-located. Local authorities visited in the seven divisions expressed an interest in how partnerships operate in other policing jurisdictions and particularly where joint working arrangements are in place. The absence of a statutory footing for partnerships allows some agencies to disengage from joint working.

Joint Policing Committees (JPCs) were established under the Garda Síochána Act in 2005 to allow collaboration on local policing issues between garda divisions, local authorities, elected members and community representatives. JPCs currently operate in all twenty-eight divisions. The Inspectorate believes that these groups should be fully engaged in crime prevention activity.

The Inspectorate believes that tackling crime and disorder and making places safer requires many agencies to work together, to agree shared priorities, to co-locate resources where appropriate and to facilitate sharing of partner data. A stronger divisional focus, with a single point of contact, will facilitate enhanced partnership development and working.

Recommendation 1.14

The Inspectorate recommends that the Garda Síochána designates chief superintendents to engage key strategic partners to address key issues that impact on all partner agencies and to develop joint plans to tackle local crime and disorder. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Ensure that Joint Policing Committees are fully engaged in crime prevention activity.

Divisional Policing

GARDA INSPECTORATE
PROMOTING EXCELLENCE & ACCOUNTABILITY
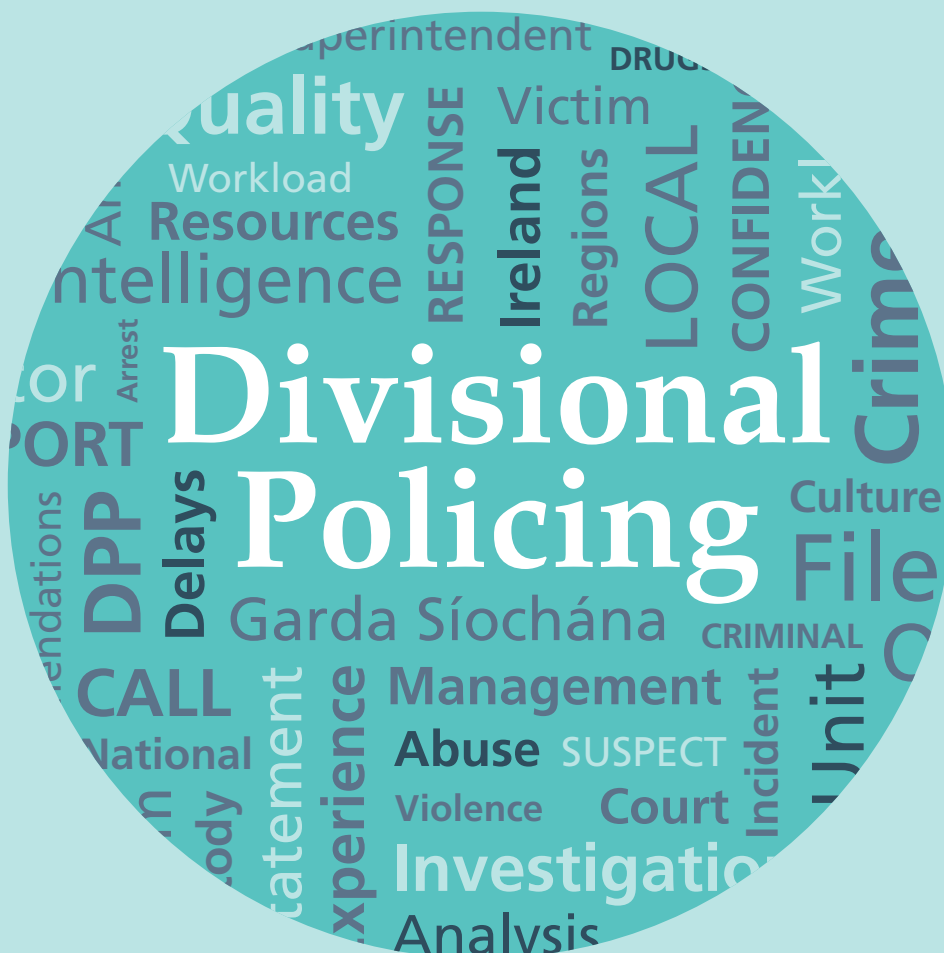
CRIME INVESTIGATION REPORT

PART 2   DIVISIONAL POLICING

2.1 INTRODUCTION

Ireland is divided into six policing regions, each managed by an assistant commissioner. Within those regions there are a total of twenty-eight policing areas called divisions. In general, divisions are aligned to county boundaries, although a number of divisions cover two counties. Each division is commanded by a chief superintendent with responsibility for the delivery of all policing services, including crime investigation. Within divisions there are a number of garda districts that are managed by superintendents.

In Ireland, divisions and districts are the real heart of the police service, having responsibility for the day-to-day contact with members of the public, particularly victims of crime and delivering the vast majority of front-line policing services.

This part of the report looks at the crime profiles at divisional level, the current divisional management structure, the role of senior managers and particularly the responsibility of detective supervisors for the deployment of resources to investigate crime. It also introduces the various resources currently available to tackle crime and broadly indicates how alternative deployment could provide a better service. A more detailed examination of current garda resources and the process of investigations is provided in further parts of this report. This part of the report recommends a model for the delivery of local investigative policing services.

2.2 Divisional Crime Profiles

For statistical purposes, all crime reported in Ireland is recorded in the division where the offence took place. There are some small variations to this, such as when a complex fraud takes place and it is difficult to determine where the crime actually occurred. In these circumstances, the crime is recorded at the division where the victim made the complaint about a crime.

Response to Complaints of Crime

As mentioned in the introduction to this report, the Inspectorate visited seven of the twenty-eight garda divisions, two in the Dublin Metropolitan Region and one in each of the other five garda regions. The intention was to visit at least one division in each region to allow comparison across the regions and to visit a broad range of divisions that provided a balance of both urban and rural policing challenges.

Throughout this report, a number of types of crime are specifically examined, and the Inspectorate focused on what happened when a victim or someone on their behalf contacted the Garda Síochána to report that a crime had occurred.

The Inspectorate took the following approach to determining how the Garda Síochána manages calls for service and crime investigation:

- What was the initial response by the first garda that dealt with the victim and the action taken to gather evidence;

- If a crime occurred, how was that recorded on the Garda Síochána crime recording system;

- Who investigated the crime and how long did it take;
- What was the outcome of the investigation;
- Was the victim updated on developments in their case.

Types of Crime

Serious Crimes

Serious crime in Ireland is relatively low compared to other police jurisdictions.[1] These crimes are by their definition, the more serious and violent offences that occur, such as murder, rape and aggravated burglary. This inspection has examined what happens when a serious crime takes place, who is in charge of the investigation and what resources are used to conduct an investigation.

There are a large number of national and specialist units that are available to provide assistance with a serious crime. This report examines what takes place when a more serious crime occurs and the support provided by national units.

Volume Crime

The majority of crimes that gardaí investigate are those that are referred to as volume crimes.[2] These are crimes, which through their sheer volume have a significant impact on the community and are the types of crimes that gardaí deal with on a daily basis. Examples of crimes in this category include assault, burglary, car crime, robbery and domestic violence. Some of these volume crimes are clearly serious offences.

Domestic Violence

Domestic violence is a high volume crime that has a dramatic impact on victims and extended families. It is a crime where the offence often takes place in the home and the offender is known from the outset. In Ireland, domestic violence is not a specific category of crime. This means that an assault committed within the home by somebody in a relationship, or a previous relationship with the victim, should be categorised as an assault and a marker placed on the crime record to show that it was a domestic violence offence. This is really important, as the failure to correctly mark a crime as domestic violence related, will make it very difficult to establish the true levels of such crimes.

Sometimes arguments take place within the home where no specific crime has taken place. Where gardaí are called to such an incident and there is no specific crime apparent or criminal complaint made, the incident must be recorded as a 'domestic dispute – no offence disclosed'. This is not a distinct crime in law, but an incident category, and the PULSE entry under this category is a formal record of garda attendance.

Other Crimes of Note

Whilst drug offences are not one of the main crimes that feature in this report, the Inspectorate recognises that many of the volume crimes committed are carried out by those who may commit crime to fuel a drug habit. As part of this report, the Inspectorate will specifically look at that category of offender and identify opportunities to divert them away from crime. The Inspectorate examined cases of possession of drugs and the outcomes of those cases.

Cybercrime is another crime that is not specifically featured in this report, but the Inspectorate recognises that this is a crime with increasing reports and will become a significant volume crime in the future with the growth in new and expanding technology.

158 Volume Crime Case Reviews

Throughout this report, each Part will discuss the findings of a sample of calls to the Garda Síochána selected by the Inspectorate from each of the seven divisions. Following field work visits to divisions in the six regions, the Inspectorate randomly selected at least twenty calls per division for a total of 158 calls across the following five crime types:

- Assault;
- Burglary;
- Domestic Violence;
- Robbery;
- Vehicle Crime.

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1   Serious crime is fully explained in Part 6 of this Report.
2   Volume crime is fully explained in Part 6 of this Report.

The selection of calls made in 2012 was designed to allow a minimum of twelve months to elapse in order to see what action was taken following the call. It will become evident in the various parts of this report that this request caused significant difficulty for the Garda Síochána. In providing details and case files for each call, and it identified discrepancies in recording and investigative practices.

The process of examining these cases is referred to in each part of the report as the Volume Crime Case Reviews. The Inspectorate conducted most of the field visits in 2013; and selected calls for review received by the Garda Síochána from members of the public some twelve months earlier.

2.3 Divisional Crime Levels

Chart 2.1 shows the overall recorded crime statistics across the twenty-eight divisions in 2012. This is based on information provided by the Garda Síochána to the Central Statistics Office (CSO) and excludes some traffic offences and some other minor offences. The inclusion of traffic offences significantly impacts on crime statistics. The information is displayed by the number of crimes per 100,000 population and the position of each division relative to the national average, of the 243,968 total crimes reported in 2012. This display is not for comparison purposes but to show recorded crime levels.

Chart 2.1 shows a wide variance across the divisions. It is important to recognise that a smaller residential population, high footfall and higher crime levels will obviously impact on this data.
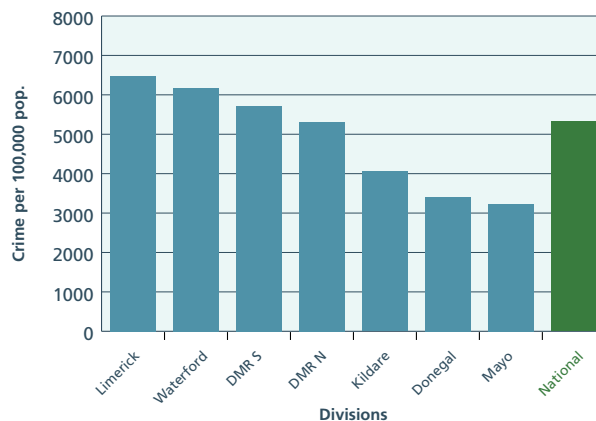
Chart 2.1

All Recorded Crime in Ireland
By Division 2012 Per 100,000 Population
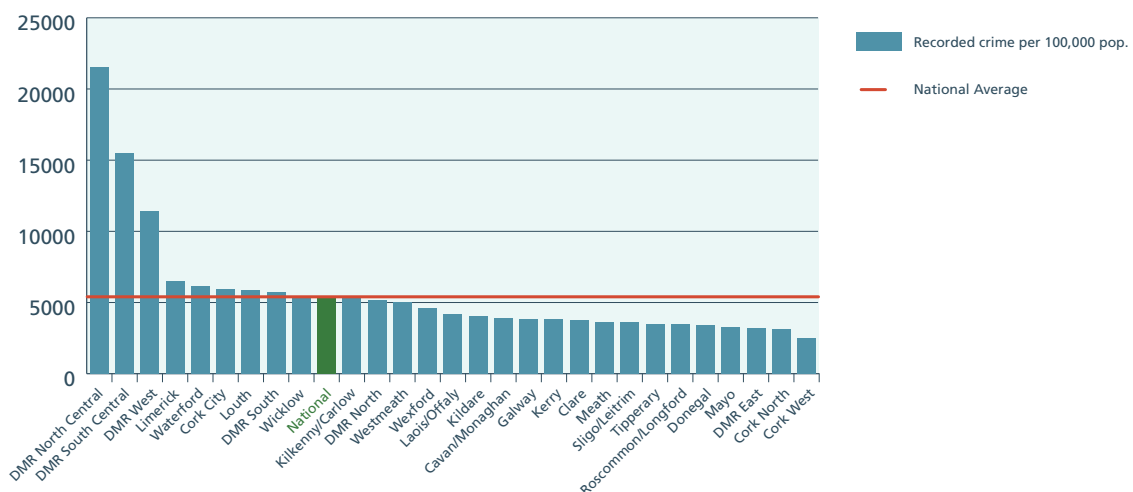
Source: Garda Inspectorate calculations using CSO 2012 data and CSO 2013 data.

Chart 2.2

All Recorded Crime Per 100,000 Population
in the Selected Garda Divisions and the National Average 2012

Source: Garda Inspectorate calculations using CSO 2012 data and CSO 2013 data.

Crime Levels in the Divisions Visited

Chart 2.2 shows the total crime levels recorded in 2012 per 100,000 population for the divisions examined as part of this inspection.

The variances in crime levels in the divisions visited are also highlighted in this chart.

Crime Types

Charts showing the crime levels for four of the five volume crimes, which are the focus of this inspection, are contained at Appendix 3. This crime data is important when considering the various sampling processes that are discussed in later parts of the report. The Garda Síochána was unable to provide reliable data for domestic violence crimes.

2.4 A Divisional Approach to Local Policing

Divisional Model of Policing

In most comparable policing services, the equivalent of a division is the heart of local policing and while there will be a number of other police stations operating within a division, the model is very much divisionally based.

This crime investigation report will highlight a number of significant and compelling issues that support a move away from the current district structure, towards a divisional model. This can effectively happen overnight, without additional cost and with limited impact on local policing. The main change is to the management of functions, as outlined in this part and changes to working practices from district to divisions can be sequenced over a period of time.

Divisional Chief Superintendents

Divisions are generally aligned to county boundaries with a chief superintendent in overall charge. The Inspectorate found variations in the way that chief superintendents operated across the seven divisions visited. In some divisions, chief superintendents appeared to be involved in all elements of policing and in others appeared to be more policy-oriented and district officers were the focal point for operational decision making. The number of gardaí in each division varies greatly, with some chief superintendents working with more than 600 members and some working with less than 300.

Gardaí in Non-Operational Posts

In garda districts, the Inspectorate found a significant number of members in non-operational roles. Of particular note were the high numbers working in administration units, doing functions that did not require sworn powers or police expertise and are more suitable for police support staff. In one division, the Inspectorate found five gardaí deployed in a divisional administration unit.

The Inspectorate acknowledges that there will be occasions when gardaí are restricted to a station, but where practicable should be in roles that release other gardaí for patrol, such as public offices or control rooms, not in administration units. The Inspectorate believes that across Ireland, a significant number of garda resources could be released and reinvested into crime investigation or other front-line services.

Administration Units

In all divisions visited, each district has:

- Its own separate administration unit;
- A further overall divisional administration unit, sited within one of the district stations.

Some divisions also had other units doing administrative tasks, such as a sergeant-in-charge office.

All staff in these units reported duplication of some functions. With regard to crime investigation and case files, the Inspectorate found many examples where both the divisional and the district administration units were keeping copies of the same case file in the same building.

Other policing jurisdictions have moved to a single divisional model of administration. The Inspectorate believes that all the district administration units should be amalgamated into one unit that services the needs of the division. A single divisional administration unit would be more efficient and would release a

considerable number of people currently working on administrative duties for assignment to other operational roles.

Unnecessary Administration

Throughout the fieldwork, the Inspectorate found that case papers, case files and reports dominate the operation of divisions. In one district station:

- The administration unit logs correspondence and reports;
- Sends them to the Public Office (in the same building);
- The same documents are logged in another register which are then collected by individual sergeants who maintain their own register.

The Inspectorate was informed by senior gardaí that they are still expected to write and sign reports that are sent to regional offices and headquarters, when in many cases an e-mail would appear to be sufficient. There are clearly opportunities for better use of the e-mail system and reducing the volume of unnecessary reports that form part of every day life in divisions.

The issue of bureaucracy should be addressed as a national and corporate issue rather than individual divisions trying to break through the many obstacles and barriers that exist to prevent change.

Good Practice

The Inspectorate found some good examples where individual administration units were scanning documents and reducing the amount of paper records kept. The introduction of a national Garda Síochána correspondence system to some divisions is seen as good practice and the Inspectorate would encourage the roll-out across all divisions to be completed at the earliest opportunity.

Operational Structure

The Inspectorate believes that the Garda Síochána should develop a new policing model to deliver local policing services. Divisions are well established and the Inspectorate supports the retention of divisions, but recommends a new approach that changes the current district structure to a divisional one. This approach will not necessarily require station closures. The lead for a division should remain as a chief superintendent, supported by a number of superintendents with specific roles for key functions. The intention is to free up senior garda time from administrative tasks and to allow them to spend more time with front-line gardaí and local communities. These functions will be discussed in section 2.6.

Within districts, there are a number of units and individuals that must be part of a new divisional structure. This includes detective units and Criminal Intelligence Officers (CIOs) who should be amalgamated into divisional units. CIOs are fully discussed in Part 8 and should be co-located in newly developed divisional intelligence hubs. Throughout this report, the Inspectorate will recommend changes to the way crime is investigated that will support a new model of policing.

The Inspectorate notes that the Garda Síochána has already considered models for operating at divisional level and assigning senior gardaí to functional roles, rather than with geographic responsibilities. The Inspectorate believes that the Garda Síochána are ready to remodel the delivery of local policing based on divisions, rather than on the current district structure. This crime investigation report contains recommendations to deliver better policing services and more effective crime investigation. The current district structure is a barrier to delivering a more efficient service and the time is right to move to a new and more efficient way of using resources.

A move to a divisional structure will remove many of the inconsistencies that currently exist and the Inspectorate believes that it will be much easier to implement and monitor Garda policies across twenty-eight divisions, rather than ninety-six districts.

Recommendation 2.1

The Inspectorate recommends that the Garda Síochána implements a new divisional model of delivering policing services. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop a divisional approach to the deployment of detective units;

- Create a single divisional intelligence hub;

- Develop a single divisional administration unit and redeploy any additional resources to crime investigation or front-line policing services;

- Develop a divisional approach to the deployment of regular units;

- Develop a divisional approach for the deployment of specialist units i.e. drugs units, traffic and community policing;

- Seek all opportunities to utilise police staff to release gardaí for operational roles.

Recommendation 2.2

The Inspectorate recommends that the Garda Síochána develops a bureaucracy taskforce on a national level that brings together representatives from divisions and specialist units to prioritise key actions for reducing unnecessary bureaucracy and waste of resources. (Short term).

2.5 Delivery of Local Policing

Districts and District Officers

Within divisions there is a further structural breakdown into garda districts, and within these districts there are a number of stations. Districts have responsibility for the delivery of policing services in clearly defined geographical areas. The numbers of districts within a division ranges from two in Meath to six in Galway. As at April 2014, there are twenty-eight divisions, ninety-six districts and 564 garda stations in Ireland.

Garda districts are managed by uniformed superintendents, referred to as the district officer. Each district officer has responsibility for providing policing services in their assigned areas with key responsibilities including:[3]

- Identifying district priorities and creating plans and operational goals;

- Consulting and engaging local communities and other stakeholders;

- Crime investigations;

- Prosecutions;

- Crime detection;

- HR, resource and finance functions;

- Investigating Garda Síochána Ombudsman Commission complaints and internal discipline;

- Ensuring discipline and professionalism of all staff.

At the time of the inspection, the number of people in each district managed by district officers varied greatly from approximately thirty in the smaller districts to nearly 300 in the larger ones. The Inspectorate does not believe that management or cost efficiencies are delivered by a superintendent supervising very small numbers of staff. In effect, at the smaller stations and, in the absence of other supervisors, superintendents are performing a front-line supervision role, in addition to their management responsibilities.

A district officer is in sole charge of a defined geographical area within a division. Within a district, a superintendent has responsibility for providing a good police response to emergency calls, for ensuring that crime is effectively investigated and for making decisions as to whether to prosecute people for certain crimes committed in that area.

District officers informed the Inspectorate that they believe success or failure as a district officer is based on whether crime is rising or falling in the district and the ability to detect offences that have occurred. This perception of success criteria has, in some divisions visited, encouraged district

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3   Source: The Garda Code: Superintendent management and leadership responsibilities.

officers to focus solely on their specific district, rather than looking across all the other districts in the division and making decisions based on the best needs of the whole division. The Inspectorate found that in many cases, districts operate almost as separate entities within their divisions. This can manifest itself in pockets of competition between superintendents within the same division and in some places it hindered the better deployment of resources. Conversely, where superintendents worked well together and shared resources, the Inspectorate found a much more co-ordinated response to crime.

Good Practice

> **In one division, the Inspectorate found a good example where two superintendents shared resources to tackle a spate of burglaries and car crimes. This resulted in two cross-district crime operations that reduced the crime levels in this area.**

The district officer carries the full weight of responsibility for all operational matters, is the ultimate decision maker in all aspects of crime investigation and is responsible for the management and welfare of their staff. During field work visits to regions and divisions, the Inspectorate found a gap in senior management police staff support in terms of human resource management and financial expertise. This level of staff support is not available locally to divisions and districts and a large proportion of senior garda time is spent on people management, welfare and finance; which takes superintendents away from their main role of providing an effective policing service in their area. This will be further addressed in the Haddington Road Review.

An additional function for district officers outside of the Dublin Metropolitan Region (DMR) is the responsibility for prosecuting criminal cases in the local district courts. This is time-consuming in terms of case preparation, court time and completing case files at the conclusion of a court sitting. This is a role that could be performed by other gardaí, and the Inspectorate has previously made a recommendation about releasing superintendents

from this process.[4] The role of presenting court cases is further discussed in Part 11 of this report and the forthcoming Haddington Road Review.

Another function that takes up a lot of a superintendent's time is the investigation of public complaints against gardaí made to the Garda Síochána Ombudsman Commission. Currently, 30% of those complaints are returned to the Garda Síochána for investigation. District officers are nominated to investigate complaints against members in other districts and do not investigate their own staff. As a result, district officers have to travel to conduct interviews and in more rural areas the distance can be considerable. This is an area that is currently under review by the Department of Justice and Equality. If changes are made to the authority responsible for the investigation of garda complaints, the number of complaints investigated by the Garda Síochána is likely to fall. Another area of responsibility is the number of internal garda investigations for breaches of discipline. This function also takes many superintendents away from the main management role of preventing and investigating crime and disorder in the local area.

Throughout this inspection and during pre-inspection visits to garda stations, the Inspectorate met with many district officers. Their skills and experience varied greatly from those with good experience of managing crime to those with limited exposure and experience in this area. District officers are the key decision makers for all aspects of crime and particularly in deciding what category of crime will be recorded and whether that crime is shown as detected (solved). There are ninety-six individual district officers making key decisions about crime. In regard to the Crime Counting Rules,[5] the Inspectorate found wide inconsistency in the way that the rules are interpreted and applied.

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4   This recommendation, contained in the Report of the Garda Síochána Inspectorate, Policing in Ireland - Looking Forward, August 2007 (page 27), was rejected by the Garda Síochána, and was restated in the Report of the Garda Síochána Inspectorate, Front-Line Supervision, April 2012, (page 27).

5   Crime counting rules are a standard approach to categorise, record, measure and analyse crime.

When senior gardaí were interviewed as part of this process and questioned about decision making with regard to crime, it was clear that district officers are viewed as the person with full responsibility for making decisions. This report will show that there is very little evidence of intrusive supervision at an organisational level about how districts operate and the decision-making of the district officer. A district officer effectively has the final decision on all aspects of crime and how it is managed.

This report will show that the isolated and unsupervised nature of decision-making has direct consequences for the way that incidents are managed, the way that crime is recorded and the way that detections are claimed.

Regional Detective Superintendents

In the five regions outside of the DMR, there are regionally based detective superintendents with responsibility for more than one division. Assistant commissioners were very positive about the contribution of the regional detective superintendents and saw their role as pivotal in managing organised criminality and serious offending that crossed divisional and international borders. These superintendents are not directly accountable for local divisional crime and in many ways perform an advisory role to the divisions. Regional detective superintendents have additional responsibility for specialist units such as regional armed support and surveillance units.

Divisional Detective Superintendents

Within the DMR, detective superintendents are attached to each division and although more engaged with local divisional crime, they are still highly focused on more serious cases; such as organised criminality and offenders operating across divisions. The detective superintendent in the DMR usually has responsibility for managing divisional crime scene examiners (forensic experts), but does not control any of the divisional detective resources, including the divisional detective inspector.

The relationship between the divisional detective superintendents and the district officers is on the whole a very good one, but in some divisions, the Inspectorate found it to be more complex and at times it is somewhat strained in respect of funding of operations and criminal investigations. Detective superintendents do not control any budgets and are required to approach individual district officers when operations require funding.

Some of the detective superintendents who met with the Inspectorate were unclear about their role within a division. In many respects they are used in a similar advisory role to those operating on a regional basis and are used to assist and support district officers. The Inspectorate believes the current deployment of detective superintendents is a lost opportunity for using many of these detective superintendents crime investigation skills to address the challenges posed by volume crime.

2.6 Functionality versus Geographical Responsibilities of all Divisional Superintendents

There are two main models of divisional police management used by police services.

The first is the geographical model used by the Garda Síochána, which aligns superintendents to defined geographical areas. Within that area the superintendent is responsible for all policing issues, including all crime investigation, traffic administration, providing a 24/7 response to calls from the public and delivering community policing. This model relies on an omnicompetent superintendent. The Garda Síochána views the alignment of superintendents on a district level as very important to local communities.

The second model more commonly used by police services is a functionality model that aligns superintendents to particular areas of responsibility such as:

- Crime investigation and prosecutions;
- Operations (responding to calls from the public) and public order planning;
- Partnerships, community policing and administrative functions.

In this model, a division has one superintendent leading on a key area of responsibility, rather than the system used by the Garda Síochána, where

every district officer leads on the same functions, but within their own districts. The functionality system provides much greater consistency in approach to key functions e.g. one superintendent leads on responding to calls from the public and ensures that across the division there is consistency in approach. It also allows a chief superintendent to look at the skills of the superintendents and to post people to roles that best suit their skills or to align a superintendent to a function which addresses an area of development.

In other policing jurisdictions, the functional role of crime investigation and prosecution falls to the most senior detective, which is seen as best use of their crime investigation skills. Uniform superintendents usually perform all of the other roles in a functional model.

Barriers

The district structure has many barriers that negatively impact on delivery of policing services. Police services operating the functionality model find that it provides much greater flexibility to move resources around divisions, without having to negotiate with other superintendents. In other police services, an officer posted to a division can be moved anywhere within that division. In the case of a serious crime, the Inspectorate identified a case where a detective inspector had to ring all of the district officers in the division to request some of their detective resources. In most cases such requests are not refused, but this process added an unnecessary delay to the investigation of a serious crime. In one of the seven divisions visited, there was a complete imbalance of sergeant numbers across the various districts. Despite a severe shortage of sergeants at one district and a larger number in another, the chief superintendent was reluctant to direct people to move.

Inconsistency with decision making and operating procedures features throughout this report and sometimes within the same division. The Inspectorate found that units were deployed in a variety of ways and decision-making in respect of crime investigation and policy compliance was inconsistent. A move to functionality would ensure a much more consistent approach to decision-making and application of Garda Síochána policies.

Functional responsibilities would also allow senior managers to look at where all of the divisional units are located and, if more efficient, to relocate units to provide a better customer service. For example, it might be more efficient to move all detective resources to one or two central locations, or to operate units from garda stations with good custody facilities. Functionality allows managers to focus on their areas of responsibility and make choices about where resources should be located in order to improve service delivery.

The Inspectorate acknowledges that the geography of some divisions, particularly with regards to very remote areas, presents policing challenges not faced in more urban divisions. In addition, the numbers of staff and crime levels are very different across the divisions and a functionality model will need to be adjusted for urban and rural needs. As part of the Haddington Road Review, the Inspectorate will further develop divisional management team models.

Recommendation 2.3

The Inspectorate recommends that the Garda Síochána develops a new model of functionality for divisional superintendents. (Medium term). (See Delivery Divisional Model Functionality Responsibilities Chart 2.11)

To achieve the above recommendation, the following actions need to be taken:

- Establish key functional roles at the divisional level and appoint superintendents to fill these roles;

- Appoint a detective superintendent or crime manager for each division, with responsibility for crime investigation and criminal justice issues;

- Line management of all divisional detectives and other crime resources to be placed with the senior detective.

2.7 Postings and Transfers

There are three types of postings that apply to gardaí. Firstly, on completing foundation training, gardaí are posted to one of the twenty-eight divisions. Secondly, on promotion, chief superintendents, superintendents, inspectors and sergeants are posted by Human Resources Division at Garda Headquarters to fill vacancies within divisions, national units and specialist posts. Finally, when a member wants to transfer or move to a specialist post, a transfer application is submitted and managed centrally by Human Resources.

With regard to people posted on promotion, the Inspectorate found that many people are posted very long distances away from their home, which has a considerable impact on travel arrangements and personal circumstances. For some, this involves long journeys to work on a daily basis and for others it entails finding accommodation nearer to the new place of work.

There are a number of consequences to this approach and one of the main disadvantages is the reluctance of some excellent candidates to apply for promotion. There is also a significant cost factor for the Garda Síochána in terms of payments for those who have to relocate closer to the new place of work.

With regard to postings, divisional chief superintendents play no part in determining the transfer of superintendents to their division and have no influence on their assignment as a superintendent within the division. There are a number of divisions that are more demanding than others and this would include divisions with high crime rates or those that manage large sporting events. These posts often require specialist skills and are not always the best place to send a newly promoted superintendent, particularly where the member has limited operational experience. In other policing jurisdictions, it is usual for a division to publish the role that is available, and to highlight the necessary skills that are required for the post. Within a division, a chief superintendent should be able to decide the best role for a newly arriving superintendent, based on the skill and experience required, and also to allow for the re-assignment of other superintendents who may wish to change their

role. Succession planning for chief superintendents and superintendents should include a period of working alongside the incumbent officer.

'Travelling superintendents' was a term frequently mentioned during field visits. This refers to a superintendent, usually posted on promotion to a district that is a long way from home. There are some exceptions to the rule, but in many cases the superintendent does not want to work a long way from home and most importantly, the members and police staff in that district become aware very quickly that the superintendent does not want to be there. During one field visit, the Inspectorate found that a newly promoted superintendent handed in a transfer application on their second day in the new post. This is not an isolated occurrence, and the Inspectorate is aware of one district that had four new 'travelling superintendents' in four years. The Inspectorate was also informed that some individuals who are posted a long way from home are committing to Dublin-based projects or other initiatives that regularly take them back to the area in which they previously worked. This is an additional abstraction that takes them away from managing their district. The constant churn of superintendents and other supervisors is not good for leadership, management of the district, crime management or for building relationships and trust with the local community and key partners. The Inspectorate also received negative feedback from partner agencies that have to regularly build new relationships with senior gardaí.

The working patterns of these superintendents were also raised as a issue, with some superintendents arriving in the district at some point on a Monday and leaving at some point on a Thursday. Policing is a 24/7 business and it requires superintendents to be available at all times of the day, particularly at weekends for local community events. With regard to crime investigation, it is very important that a superintendent is fully engaged in the role and has the time and commitment to robustly supervise the investigation of crime.

The Inspectorate also met a number of supervisors who were travelling long distances to work or living away from home for extended periods, who provide an excellent service. The Inspectorate

welcomes the recognition of this issue by the Interim Commissioner and the transfers that took place recently to move people closer to home.

Other policing jurisdictions take a different approach to postings, inviting those selected on promotion to nominate places where they can travel to without necessitating a change of personal address. It is good practice to have a clear tenure policy and agree tenure with newly promoted or transferred officers. Internationally, many police services place a minimum tenure of two to three years for divisional chief superintendents and for superintendents taking up a new post. As part of the Haddington Road Review, the Inspectorate will address the area of promotions and postings.

Recommendation 2.4

The Inspectorate recommends that the Garda Síochána develops a new model for posting people and particularly those on promotion. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Restrict the number of people that are forced to travel long distances;

- Engage chief superintendents in selection processes for senior staff by creating role specific requirements for the post;

- Allow chief superintendents to decide on the specific posting of superintendents and senior staff;

- Succession planning for chief superintendents and superintendents should include a period of working alongside the incumbent officer;

- Introduce minimum term tenure for chief superintendents and superintendents;

- Develop a new approach to the posting and deployment of superintendents and other supervisors.

2.8 Senior Garda Visibility

A gap identified throughout this inspection is the disconnect between Garda Síochána policy and the implementation of that policy in daily policing. The current role of a superintendent is to ensure that garda policy is transferred into operational activity. Ensuring that adherence to policy requires senior managers to be visible and to spend time with staff. During focus groups with all ranks, the perceived lack of visibility of senior gardaí was raised. While many senior gardaí stated that they have an 'open door policy', it was highlighted that very few step outside of that door and engage with their staff.

The lack of meaningful engagement between members and senior gardaí was noted by the Inspectorate. With divisions and districts where members and police support staff are working in different buildings and on different shifts, the contact was far less and in some cases non-existent. When asked about patrolling, senior gardaí generally reported that they do patrol, but when questioned, it appeared that this was usually as part of a local event such as a concert. The feedback from focus groups reported a limited amount of patrolling by senior gardaí. This may seem like a small issue, but the leadership importance of spending time with those delivering front-line services cannot be underestimated. Spending time with staff allows people to raise issues that senior managers can address and often those on front-line duties have good ideas about how to resolve policing problems.

In garda national units, where chief superintendents, superintendents, senior gardaí and members were in the same building, it was often easier for members to have contact with managers. It was however noticeable that with national units, there was very little structured interaction between senior gardaí and their staff. In many units it was reported that the focus groups conducted by the Inspectorate at the time of field visits were, for many, the first structured opportunity to raise issues about working practices. Most superintendents reported being overburdened with administrative tasks and this reduces their ability to spend more time with their staff.

To ensure senior manager visibility, the Inspectorate recommends that divisions and national units should have a system of allocating responsibility of visibility to a senior manager on rotation. Each senior manager must be given specific tasks to complete, such as to attend a number of parades, to go on patrol and to have meaningful engagements with staff. Assigning specific periods to senior gardaí does not stop another member of the senior team from engagement activity, but it does ensure that every week, at least one of the senior members is providing visibility.

The Inspectorate welcomes the recent introduction of communication meetings with all staff led by the Interim Garda Commissioner.

There are other good divisional practice initiatives that operate in other policing services, which include annual divisional commendation ceremonies for officers and police staff for members of the public to recognise acts of bravery or outstanding performance of duty. The presentation of the annual divisional Policing Plan to all staff is another such opportunity, allowing senior managers to meet with every member of staff to discuss the policing priorities for the year ahead, to deliver key messages and most importantly, to engage and consult with staff.

Recommendation 2.5

The Inspectorate recommends that the Garda Síochána develops a visibility model for senior gardaí and a model for engagement with staff. (Medium term).

2.9 Supervision of Crime and Incidents

Uniform Inspectors

Uniform inspectors are key to supporting the work of district officers. At the time of the inspection visits, the numbers of uniformed inspectors varied greatly across divisions visited; from thirteen in the DMR North to one in Mayo. In the DMR, some of the inspectors are in charge of units that provide first response to calls from the public, but with limited numbers outside of the DMR, this is not always possible. In one division visited, the number of inspectors allocated has decreased

from eleven to six and resulting in an absence of inspector coverage on a 24/7 basis. In most other policing jurisdictions, an equivalent division will always have an inspector on duty at all times. This is key to ensuring that serious incidents are well managed from the outset, that garda policies are implemented and to provide leadership and visibility for operational members and police staff.

The Garda Code sets out specific roles and responsibilities for all garda members by rank. In addition to those responsibilities, districts and divisions also allocate responsibilities to supervisors. The Inspectorate found that inspectors have large portfolios of responsibilities, which include some crime investigation elements, such as domestic violence, sex offenders, case files and warrant management. When vacancies arise in the inspector rank the responsibilities of those who leave a division or a national unit are assigned to the remaining inspectors. During focus groups with inspectors, it was clear that as the breadth of responsibilities expands, their crime responsibilities do not always receive the attention required. In one division, an inspector had twenty-nine specific responsibilities, including the very significant one of domestic violence. As part of the Haddington Road Review, the Inspectorate will examine the numbers and deployment of inspectors and deliver a model for more effective supervision.

Recommendation 2.6

The Inspectorate recommends that the Garda Síochána develops a policing model that has at least one uniform inspector on duty in each division at all times. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Create new roles and responsibilities for inspectors.

Front-Line Uniform Sergeants

Perhaps one of the most important elements in garda supervision is the role of a uniform sergeant. Traditionally, regular units were led by a number of sergeants who provided that first line of supervision in terms of briefing gardaí before patrol, attending incidents to ensure a good response and checking

that crimes are correctly recorded and investigated. Throughout this inspection, the allocation of sufficient numbers of these front-line supervisors was raised as a real area of concern for the Garda Síochána. Prior to the implementation of the new garda roster, some regular units were already operating without a sergeant on each unit, as identified in the Front-line Supervision Report. The introduction of the roster has further reduced the presence of sergeants in front-line operational roles.

With the recommendation to change to a divisional model, the Inspectorate believes that there are opportunities to amalgamate regular units. This must be accompanied by the allocation of dedicated patrol sergeants that cover 24/7 to respond to calls and to provide guidance to patrolling units. This cannot be a sergeant that has other administrative functions. The Inspectorate's Front-Line Supervision Report completed in 2012 recommended that each station operating a 24/7 service should have a 24/7 patrol sergeant.[6] This report will show that there is an absence of front-line supervision and the lack of availability of sergeants is having a detrimental impact on crime investigation.

Recommendation 2.7

The Inspectorate recommends that the Garda Síochána develops a policing model and that has at least one dedicated uniform patrol sergeant on duty in each division at all times. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Create new roles and responsibilities for patrol sergeants.

2.10 The First Responders
Regular Units

As required under the pilot roster,[7] districts have five dedicated teams 24/7 (A-E) called regular units, deployed from each district station. Their primary role is to respond to both emergency and non-emergency calls received from the public.

The first responders to calls are most likely to be the garda that investigates the crime or incident recorded as a result of the call.

Members on regular units also fill 24/7 positions within a garda station such as the public office dealing with callers, control rooms answering telephone calls and looking after people who are arrested.

This report will show that regular unit gardaí are responding to most calls received from the public and investigating the vast majority of crimes recorded in districts. Coupled with a reallocation of regular unit gardaí, due to the implementation of the new roster, members are under pressure and mistakes are being made in criminal investigations. This report will recommend some major changes to the way that first responders are deployed in the future, with a view to releasing members from the volume of investigations that they currently hold. This approach will allow regular units to become responders to calls and not full-time investigators of crime.

2.11 Detective Resources

All divisions have access to senior detectives at both superintendent and inspector ranks. DMR divisions have an added advantage in having both a detective superintendent and detective inspectors within their divisions; but outside of the DMR, detective superintendents usually operate on a regional basis, covering more than one division.

Detective Inspectors

Within the DMR, detective inspectors are based in each district. Whilst there is a detective superintendent covering the division, the inspector is primarily the most senior detective in the district.

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6   Report of the Garda Síochána Inspectorate, Front-Line Supervision, April 2012, Recommendation 3.

7   A new roster was introduced in April 2012 on a pilot basis.

This officer has responsibility for all detectives working in their district and reports to the district officer.

Outside of the DMR, detective inspectors operate on a divisional basis and are effectively the most senior detective within the division. The detective inspector is in a similar position to the detective superintendent, who is not responsible for all of the detective resources in districts within the division. A district officer has responsibility for all of their resources and similarly to the detective superintendent, the detective inspector has to approach individual district officers for use of resources and funding[8] for operations. In other policing jurisdictions, senior detective managers can deploy resources to deal with crime and have a dedicated budget to fund their own policing operations. Whilst a detective inspector officially reports to a district officer and in some places to the divisional chief superintendent, in practice they see the detective superintendent as the main person to whom they report.

If a serious crime takes place in a division or a district, the detective inspector will usually take on the role of the Senior Investigating Officer (SIO). An SIO leads an investigation and for a period of time this will reduce their ability to manage day-to-day divisional crime investigations.

Recommendation 2.8

The Inspectorate recommends that the Garda Síochána develops a policing model that places detective inspectors under the line management of a divisional detective superintendent. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Update the roles and responsibilities of detective inspectors.

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8   Travel and subsistence expenses and overtime costs.

Detective Sergeants

Detective sergeants are key individuals in the day-to-day supervision of crime investigation and managing detective resources. The allocation of detective sergeants to this function is an issue for the Inspectorate. With the implementation of the new roster, many detective sergeants are effectively not available Monday to Friday during office hours, when they are most needed for advice and guidance.

In some districts with limited detective sergeants providing supervision across five units working the garda roster is challenging and detective sergeants on the roster struggle to maintain regular contact with detectives. (This is further discussed in Part 6). Some detective sergeants have decided to remove themselves from the roster to provide better coverage and better supervision. The Inspectorate believes that the impact of the roster on the availability of detective sergeants and their ability to effectively supervise detective resources has been negative.

Recommendation 2.9

The Inspectorate recommends that the Garda Síochána develops a policing model for divisional detective units that provides effective supervision of detective resources. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Create new roles and responsibilities for detective sergeants.

Detective Gardaí and Detective Aides

The Inspectorate found that where divisional officers felt that they needed additional detectives, they were restricted in the ability to appoint new detectives into vacant posts. As a result, some divisions are managing with what they have and others have supplemented detectives with uniform gardaí attached to detective units. These gardaí are referred to as 'detective aides'. Some divisions have reached a point where there are comparable numbers of detectives and detective aides.

Detective aides do not receive any formal detective training, but alongside detective colleagues, are investigating the full range of crimes. The use of detectives and detective aides is fully explored in Part 6.

2.12 Deployment of Resources

The terms of reference for this inspection specifically requested that the Inspectorate should examine the allocation of garda resources, in particular detective resources at district and divisional levels, for the purpose of crime investigation; and that this examination should have regard to relevant international practice. The most valuable resource available to the Garda Síochána are the actual members, support staff and reserves. This inspection has specifically looked at how people resources are used and where there are opportunities to use them more effectively.

Regular units are supported by other uniformed district and divisional units, such as traffic units and community policing officers that generally have responsibility for a specific geographical area. There are also a number of other groups of persons that provide support for crime investigation, such as juvenile liaison officers, criminal intelligence officers, crime prevention officers and crime scene examiners.

Armed support in Dublin is provided by the Special Detective and Emergency Response Units and outside of Dublin by Regional Support Units.

These units provide fast time support for incidents that pose a significant risk to the safety of the public or officers.

All divisions have officers that are not in uniform, but who are available for patrol and operations, such as detective units, drug units and task forces. Most of the larger divisions have specific task forces that are used to tackle crimes such as burglaries and robberies.

The Garda Síochána has conducted an internal review of all garda specialist units and the Inspectorate will examine that report as part of the Haddington Road Review.

The use of a large number of specialist units can sometimes lead to demarcation of responsibilities with units that will only deal with certain calls. With recent reallocation in personnel from specialist units to regular units, the Inspectorate believes that the Garda Síochána has reached a point where many specialist units have become unsustainable in their present structure. The Haddington Road Review will identify opportunities to rationalise specialist units at national, regional and divisional levels and recommend a modern functional structure for the Garda Síochána.
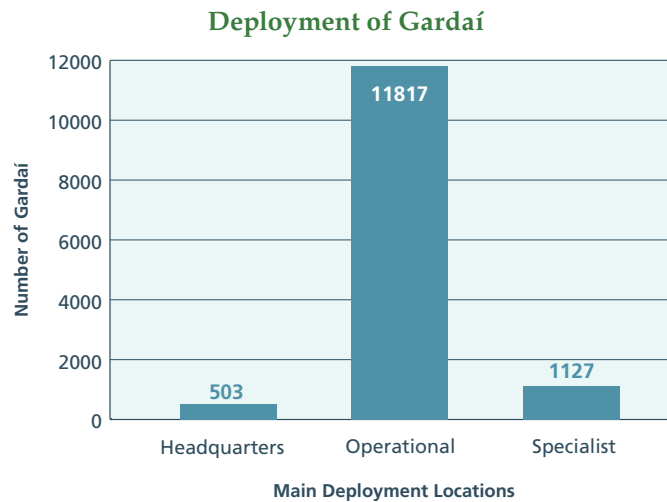
Chart 2.3

Deployment of Gardaí by Rank and Location as at February 2013
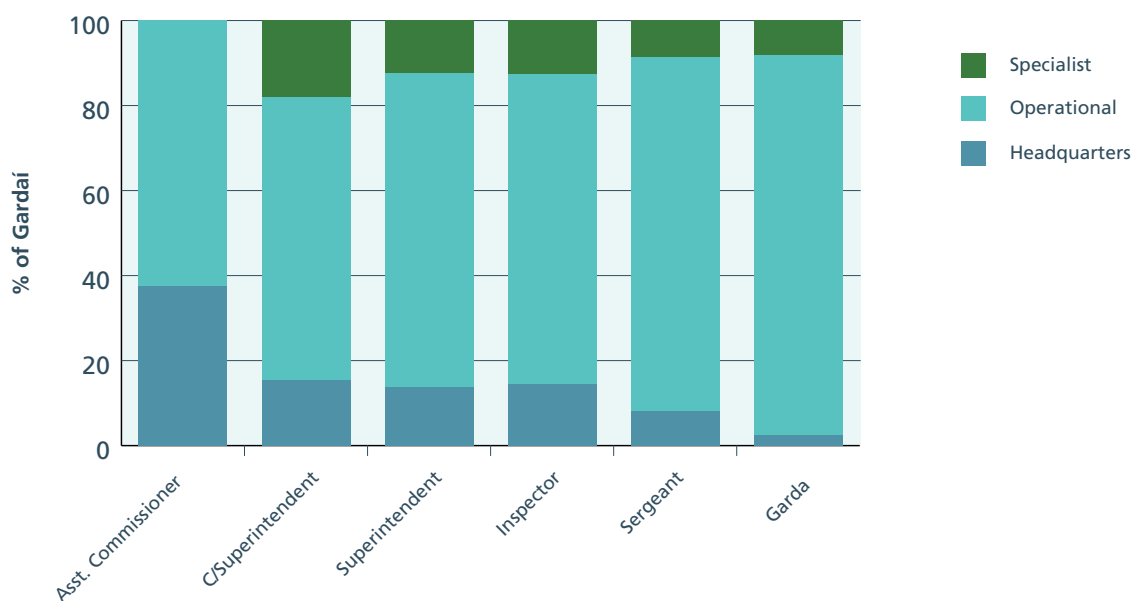
Source: PULSE data supplied by the Garda Síochána

Chart 2.4

Deployment of Gardaí

Source: Data supplied by the Garda Síochána February 2013

Deployment of all Garda Members

Chart 2.3 shows the deployment of all garda members by their rank across three main duty types.

There are a significant percentage of people in specific ranks such as inspector and sergeant working in non-operational roles at Garda Headquarters, as outlined in the chart.

The garda rank accounts for the largest number of members. Chart 2.4 shows the deployment of all garda members in three main locations across the twenty-eight divisions.

The majority of gardaí are based in divisions, but there are a significant number of gardaí in specialist duties and in Headquarters as outlined in Chart

2.4. The Haddington Road Review will recommend a structure that will release gardaí from non-operational posts back to front-line policing duties.

Divisional Deployment of Gardaí in the Selected Divisions

Chart 2.5 shows the deployment of gardaí across the twenty-eight divisions into eight duty types.

Across all twenty-eight divisions, only 56% of gardaí are attached to regular units, the main cohort that is currently investigating crime as outlined in Chart 2.5. The significant percentage of gardaí engaged in administrative and non-operational duties is noteworthy, with more gardaí in administrative/ non-operational posts than in community policing and an equivalent amount deployed on detective duties.

Chart 2.5

Deployment of Gardaí in Operational Divisions as at February 2013
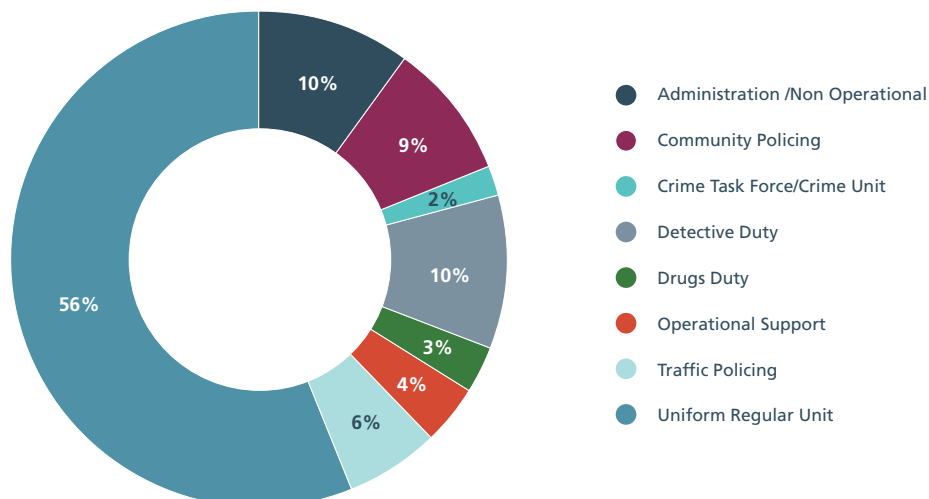
Source: Data supplied by the Garda Síochána February 2013

Chart 2.6

Analysis of Deployment in the Selected Divisions as at February 2013

Deployment Duty	D.M.R. Northern	D.M.R. Southern	Donegal	Kildare	Limerick	Mayo	Waterford	Average of 7 Divisions
Administration/ Non Operational	9%	9%	9%	8%	9%	10%	12%	9%
Community Policing	11%	10%	6%	0%	11%	1%	19%	8%
Crime Task Force/Crime Unit	4%	2%	1%	0%	0%	0%	3%	2%
Detective Duty	14%	15%	8%	10%	13%	8%	9%	11%
Drugs Duty	4%	4%	2%	1%	2%	2%	3%	3%
Operational Support	4%	6%	3%	3%	3%	3%	5%	4%
Traffic Policing	3%	2%	7%	13%	6%	7%	8%	6%
Uniform Regular Unit	51%	52%	64%	65%	56%	69%	41%	57%
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: PULSE data supplied by the Garda Síochána

Deployment by Duty Type in Seven Divisions

To build on the previous chart (2.5), chart 2.6 shows a breakdown of garda deployments by each of the selected divisions in the eight categories. In this chart, the highlighted areas show the divisions with the highest (in red) and the lowest (in orange) percentage of gardaí deployed in that duty type.

Chart 2.6 shows variations in deployments of gardaí to particular duties. The new garda roster is impacting on the choices made by divisions and is reflected in the removal of some community policing units. The Inspectorate noted that two divisions have more gardaí in administrative duty roles than in detective duties.

Detective and Detective Aide Divisional Deployments

Chart 2.7 shows the deployment of gardaí in detective and detective aide roles across the twenty-eight divisions as a percentage of total divisional resources as at February 2013.

Chart 2.7

Deployment of Detectives/Detective Aides in Operational Divisions
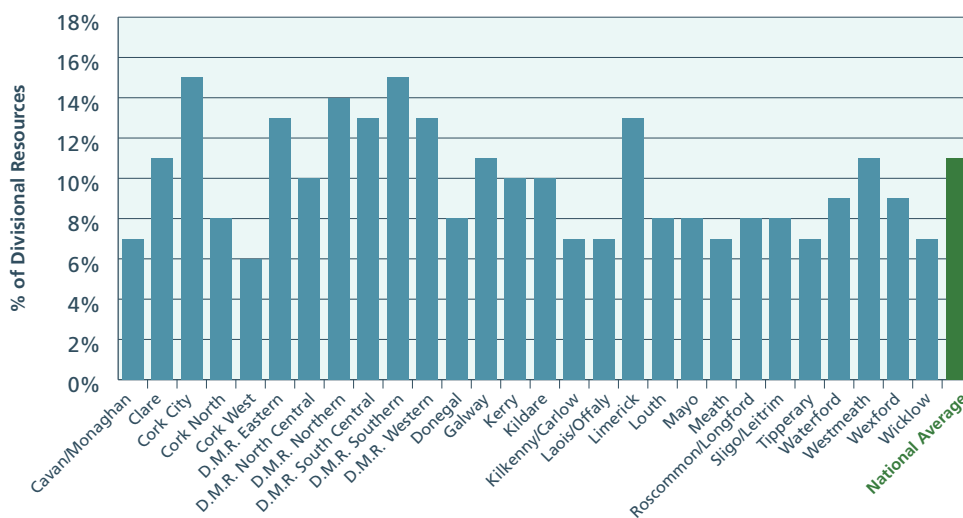
Source: PULSE data supplied by the Garda Síochána February 2013

The number of appointed detectives is an important factor for crime investigation. The chart shows a wide variance from division to division in the numbers of detectives and detective aides deployed. The investigative role of detectives and detective aides is further explored in Part 6.

Allocation of People Resources

During the inspection process, the Inspectorate did not meet any senior garda who was able to explain the rationale behind the numbers of people in particular divisions or in national units; and could not recall when the allocation of resources was last reviewed. The Garda Síochána has a model called GERM (Garda Establishment Resource Model) created in 1999 for allocating garda resources, but it has been a considerable period of time since this model redistributed staff. In many divisions and national units, it was difficult to determine the rationale behind the allocation of staff and it appeared that this was based on historical decisions that were not always still applicable and staffing levels were determined by the numbers of retirements or transfers. To enable planning at the start of a policing year, it is imperative that a head of unit knows how many people will be available at various points of the year. From the analysis of deployment data and from field visits to divisions and national units, it is clear to the Inspectorate that garda resources are not currently deployed in terms of policing need and crime levels.

A move to a divisional model of policing is an ideal opportunity to look at the choices made about where gardaí and support staff should be deployed in the future. The Haddington Road Review will provide more details about where those choices should be. Following any additional recommendations in the Haddington Road Review, the Garda Síochána must develop a new resource allocation formula that allocates resources efficiently, effectively and fairly to meet local policing and community demands.

The Inspectorate recommends that the Garda Síochána designs a national resource allocation model that allocates resources fairly and matches resources to policing needs. (Long term).[9]

2.13 Allocation of Other Resources

Vehicle Fleet

The vehicle fleet was raised as an issue during every field visit by gardaí of all ranks. There are clearly issues about the quality and type of vehicles used and the number available for use. These difficulties are having an impact on the ability of the Garda Síochána to respond to calls from the public and to provide a visible policing presence in some of the more rural parts of Ireland. This position is further exacerbated by the high number of daily abstractions, such as prisoner escorts that takes gardaí and vehicles away from other duties. The vehicle fleet issues are impacting on all operational units.

A lack of suitable vehicles has many impacts and the following issues were raised with the Inspectorate during field visits:

- Impact on garda responses to emergency calls;
- Overlap shifts in more rural areas are sometimes left without transportation to patrol;
- Insufficient vehicles for investigators impacts on the ability to take statements and conduct other enquiries;
- Vehicle pursuits are conducted in cars that are not designed for such activity;
- Reduced garda visibility;
- In the absence of a station van, cars are used to transport non-compliant persons to garda stations.

In one district visited, the only district detective had no access to a car and as a result the detective was moved to another garda district.

9 This recommendation was contained in the Report of the Garda Síochána Inspectorate, Resource Allocation, October 2009 (page 7).

With the closure of garda stations and particularly in more rural areas, the mobility of gardaí is very important to provide a physical policing presence in these areas. The Inspectorate is aware that the Garda Síochána is trying to address the issues with the vehicle fleet and central funding has been provided to assist with additional vehicles.

Sometimes a police service may have insufficient resources, and sometimes those resources may not be in the right place. The Inspectorate believes that both of those conditions exist with the vehicle fleet.

Chart 2.8 shows the allocation of garda cars by the main location types and a breakdown of whether the cars are marked (with police markings) or unmarked.

A significant proportion of garda vehicles are deployed in specialist roles, where there are significantly less gardaí. The percentage of unmarked cars is very high and as a proportion of

the vehicle fleet, is much higher than in other police services. The Inspectorate is aware that this can be affected by the earlier replacement of marked cars that are used far more often. A rebalancing towards additional marked cars is more expensive, but provides a much more visible policing presence than uniformed garda patrolling in a car without garda markings.

Linked to the allocation of people, the Inspectorate was unable to determine a rationale behind the allocation of garda cars to divisions. Chart 2.9 shows a comparison of garda cars per number of members across the twenty-eight divisions. There are wide variations in the allocation of cars to garda members ranging from one division, where the ratio of cars to members is eight, to another division with a ratio of just under sixteen members to each car.

Chart 2.8

Deployment of Garda Cars
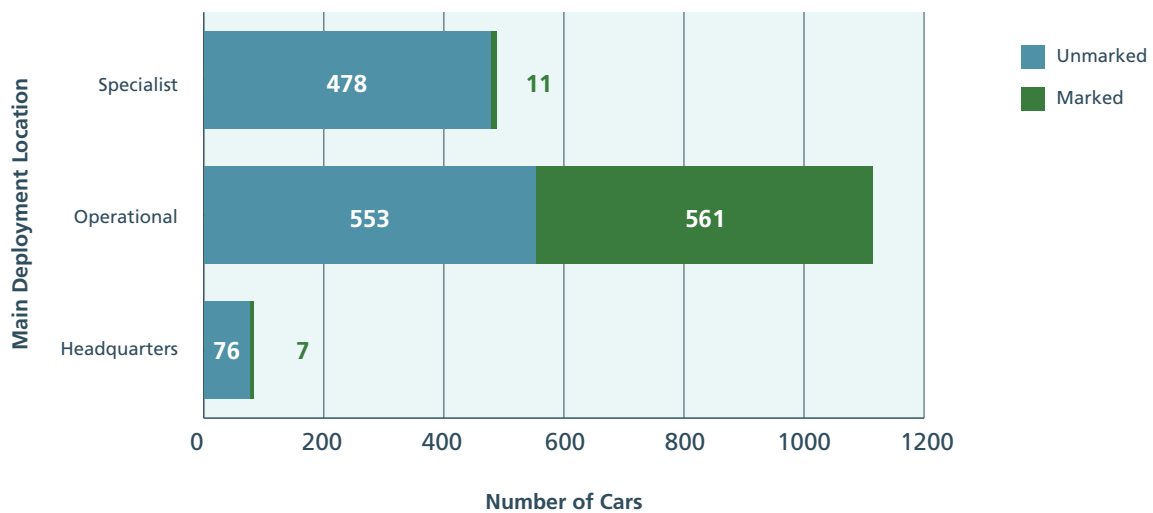
Source: Data as at 31 December 2012 supplied by the Garda Síochána

Chart 2.9
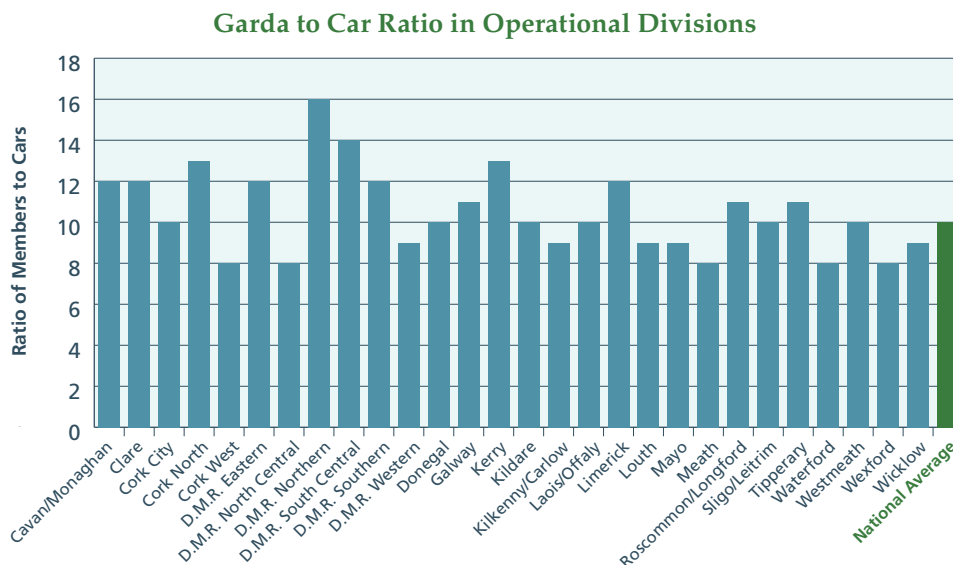
Garda to Car Ratio in Operational Divisions

Source: Data supplied by the Garda Síochána

Chart 2.10

Garda to Car Ratio in Selected Operational Divisions
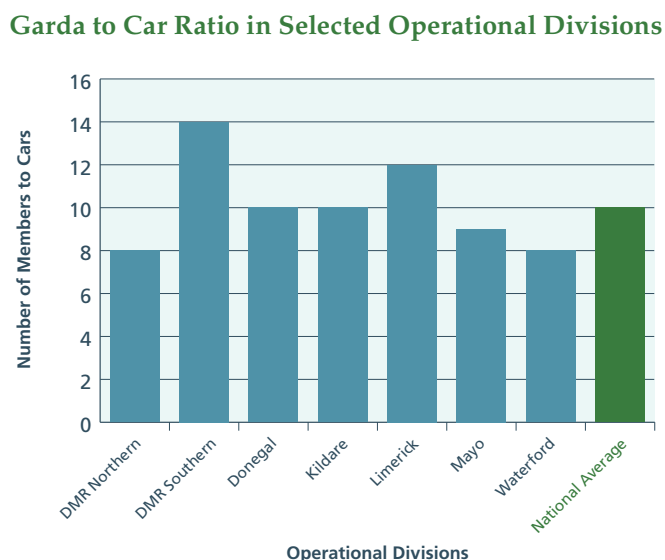
Source: Data supplied by the Garda Síochána

Chart 2.10 shows the ratio of members to cars in the selected divisions, with one division having fourteen gardaí to one car and another with eight.

Abstractions

Planned abstractions for vehicles and gardaí include conducting cash escorts, protection duties and fixed posts on a number of facilities. These abstractions remove both people and vehicles for that day. Whilst the Inspectorate still believes that other solutions for these tasks should be found, at least this is a known commitment. In addition, there are the unplanned abstractions of large numbers of gardaí and vehicles for escorts to and from courts

and prisons. This impacts on staffing levels of all uniform units and disrupts any planned activity that an individual may have for that particular day. The net result is fewer officers and cars to deal with calls from the public and broken appointments, where members have arranged to visit a victim of crime. The issue of escorts is the subject of a recommendation in Part 11.[10]

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10 A recommendation to this effect was made in the Report of the Garda Síochána Inspectorate, Policing in Ireland - Looking Forward, August 2007, page 27.

Recommendation 2.11

The Inspectorate recommends that the Garda Síochána design a national vehicle allocation model that allocates resources fairly and matches resources to policing needs.

To achieve the above recommendation, the following key action needs to be taken:

- Take account of the Haddington Road Review recommendations.

2.14 Garda Roster

In the 2009 Resource Allocation Report by the Garda Inspectorate, a recommendation was made to change the Garda roster in operation at that time. The Inspectorate recommended that the new roster should match resources to demand and comply with the European Working Time Directive. At that time the Inspectorate did not recommend any roster options and the Inspectorate was not involved in the development process for the current roster.

A change of Garda Síochána roster in April 2012 was a significant step, that moved the organisational roster effectively from a four shift and four unit (eight hour) roster, to a five shift (ten hour) roster. This required the creation of an additional fifth unit. This new roster applies to most inspector, sergeant and garda members; regardless of the role performed and the needs of their units. The new roster operates around members working six longer days followed by four days off duty.

Throughout the inspection, operational problems with the roster featured in every visit and during most focus groups. The impact of a 'one size fits all' roster is having a serious impact on policing in Ireland. The various parts of this crime investigation report will provide many examples of the difficulties that it has created. From a member's perspective, many people like the roster and the period of four days off. As the pilot has been in effect for over twenty-four months, members have arranged their personal circumstances around the roster and any subsequent change may impact on those arrangements.

The roster provides additional gardaí at particular times of the week who are available to deal with late night policing issues, but it also provides for additional members during an equal amount of time when not needed. The Garda Síochána planned to conduct a twelve month review of the roster, and at the time of the completion of this report it had not been finalised.

No additional staffing was reallocated to create the fifth unit and personnel had to be found from other units. The impact of the roster on working practices is perhaps greatest on regular units, district detective units and national units. In districts, members were taken from other regular units and from specialist duties to create a fifth unit. In some places, the net effect was that numbers in regular units were divided by five instead of four. Now each unit currently operates with greatly reduced numbers. This problem was particularly evident in rural districts. Some districts reduced the numbers of garda on traffic and community policing and some removed all full-time community gardaí.

The introduction of a four day off period is having a negative impact on the timely investigation of crime and particularly in respect of progressing investigations and maintaining contact with victims and witnesses.

Police services introduce rosters to ensure that resources better match policing demands and to ensure compliance with working time directives. The new roster does not meet the demands of policing in Ireland and many garda patrol and investigation days are now lost as a result of this change.

Impact of the Roster on Detectives

The new roster changed the way that detectives operate. Previously, they worked very much a Monday to Friday roster with limited coverage at weekends and generally two days off. This work schedule worked well for crime investigation and for court appearances. The pilot roster divided already small detective teams into smaller ones, operating a six days on and four days off pattern. In interviews, most senior managers and many detective gardaí described the roster as negatively impacting on

crime investigation. The four day break has greatly impacted on the continuity of investigations and for serious crime; the unavailability of detectives is a major problem. Many detective supervisors are working the new roster and are often unavailable for advice when needed most. In national units, the Inspectorate is aware that many detective gardaí are working the roster and are at work at times when not needed and are subsequently unavailable when they are required.

The roster is part of the Haddington Road Review and will be the subject of further consideration in that report.

Recommendation 2.12

The Inspectorate recommends that the Garda Síochána completes the review of the pilot roster, with particular focus on the availability of front-line supervisors and the impact of the roster on detective units and on the investigation of crime.

To achieve the above recommendation, the following key action needs to be taken:

- Take account of the Haddington Road Review recommendations.

2.15 Impact of the District Model on Operational Policing

Crime Briefings: 'Front-Line Supervision' Report

The Garda Inspectorate completed a report in April 2012 entitled 'Front-Line Supervision'. The report identified a number of key issues that required action and contained eleven recommendations for implementation. In respect of this part of the Crime Investigation Report, the following matters are still unresolved today:

- Significant gaps in front-line supervision, particularly with patrol sergeants;
- Parades and briefings do not occur in all divisions at the start of every tour of duty.

A traditional function in any police service is the holding of a parade or briefing at the start of each tour of duty (usually held three times per day at the times that regular units start their duty). This

provides an opportunity for supervisors to check who is on duty, to ensure that members have all their equipment and to provide a briefing on recent criminal intelligence. A key element of a briefing is the allocating of tasks to be completed for that day.

There is a Garda HQ Directive that places responsibility with district officers to ensure that there is a structured briefing for all operational members on the commencement of a tour of duty (referred to as 'parade'). The Inspectorate, in its report 'Policing in Ireland – Looking Forward' recommended a structured briefing of garda units at shift changeovers.[11] This should include information on incidents that have just occurred and intelligence on crime trends and active criminals.

Under the current district structure, small numbers of gardaí are starting their duty at different garda district stations across a division. During the inspection, the Inspectorate attended some of the district stations and found that there was an absence of parades in most places and invariably there was no sergeant or other garda supervisor available to brief members. There is an organisational risk when gardaí are sent out on patrol without information that is readily available about a person or an address where there is a potential risk to an officer's safety.

In most districts visited, members are very much left to work on their own initiative and in more rural districts, the Inspectorate observed numbers of gardaí coming on duty and going out on patrol without any briefing.

The Inspectorate observed a very good regular unit parade, which was well attended and members from several units also took part. However, following the parade, members confirmed to the Inspectorate that this was not usual practice. During parades, most members did not take out their garda note books to record information that was provided. This information included specific details of cars of interest and the names and details of wanted suspects. It is important that information provided is recorded before people leave a garda station. Some of the parades observed were lacklustre and

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11 Report of the Garda Síochána Inspectorate, Policing in Ireland - Looking Forward, August 2007, Page 27.

the Inspectorate did not feel that the supervisor was sending out a well briefed, tasked or motivated team.

Most police services' parades now have access to video-linking, which provides a facility for supervisors to ensure that all units receive a personal targeted briefing.

Crime Tasking

The most important part of any parade is the allocation of intelligence-led tasks to individual officers. Where no sergeant was present at a parade, there was a distinct absence of tasking, although at one district, tasking was allocated via a 'Duty Detail' station book system. At some districts, members were allocated tasks and these were usually to conduct checkpoints for crime or mandatory alcohol testing (MAT).

Besides being allocated tasks, it is equally important that officers provide details of whether they completed the task and what the outcome was. In terms of checkpoints, the Garda Síochána was unable to quantify what the actual outcomes were from checkpoints, such as how many arrests and prosecutions have resulted from this activity. This information is critical to determine if the check points were in fact conducted and if they were conducted in the right places.

Good tasking includes checking those offenders who have bail conditions and patrolling in defined areas (hot spot crime areas) to prevent crimes or to catch offenders. In Scotland and West Yorkshire, patrol officers are given specific crime areas (intelligence-led default tasking) to patrol when not dispatched to deal with an incident. This places officers in the right place at the right time, where crime is likely to be committed. The Inspectorate firmly believes that every patrolling member should be given a specific intelligence-led task for each tour of duty and should provide the result for that task at the end of the day. One division visited had a good system in place for conducting checks on people with bail conditions.

De-briefing

At the end of a tour of duty, a short de-brief by a supervisor is essential to ensure that all members are accounted for, to make sure that all incidents are correctly recorded and that any welfare needs of staff are catered for. It is also important to hand over any relevant information to the on-coming shift. The Inspectorate found a complete absence of de-briefing across all divisions, and a lost opportunity to ensure that all the tasks of the day are correctly recorded. This de-briefing process can be short, but it is essential to close that day's work. With gardaí sometimes working alone and in remote locations, it is important that supervisors check to make sure that they have returned safe and well after their day's work.

The consequences of failing to de-brief gardaí after each shift contributes significantly to many of the problems that will be outlined in this report in respect of incident and crime recording.

De-briefing after Serious Incidents

Following a serious incident, it is good practice to hold a separate de-brief to discuss the incident and ensure that all evidence is gathered. It is equally important to ensure that any gardaí that are or may be affected by the incident receive immediate support. Most gardaí that met with the Inspectorate had dealt with serious incidents and the vast majority were not formally de-briefed on the day and some did not receive the welfare support required. Peer Support (members designated to provide support) was mentioned as an option available in such cases, but most members preferred to talk to a trained professional, rather than a colleague.

The introduction of good parades and end of shift de-briefs should operate daily at every division in Ireland.

Good Practice

One division has introduced an integrated briefing held on Tuesday and Thursday mornings. All available staff are required to attend and a combination of different units are briefed. The district officer hosts the briefing, which is used to tell people about recent criminal intelligence and to discuss new policies or procedures. Those attending find the briefings useful and to some extent they fill a void arising from the reduction in divisional training days. This is not an operational briefing where people are tasked, but it is a good way of providing information and allowing staff an opportunity to discuss recent events and new policies and to interact with senior officers.

Recommendation 2.13

The Inspectorate recommends that the Garda Síochána implements a system that delivers an effective briefing, tasking and de-briefing process to all operational members. (Short term).

2.16 Performance Management

The Inspectorate is aware that the Garda Síochána is developing a new Performance and Learning Framework (PALF), but it is at an early stage and unlikely to be used to hold an individual to account for poor performance. There is a real sense of frustration throughout the Garda Síochána that unproductive members are not dealt with appropriately.

Another common theme that emerged throughout this inspection was that most members work hard and do their very best, but a small number are underperforming and do very little. In smaller units, the impact of those who do very little is felt greater by the rest of their colleagues.

Currently, the ethos in the Garda Síochána is to assess performance on a team basis, rather than as an individual. This can allow underperforming staff to do very little and still be credited as part of a high performing unit.

Specialist units in divisions also raised concerns that many of their tasks, such as community officers running local events or attending meetings, are not recorded on any IT system; so that supervisors can view their good work that contributes to community safety.

Western Australia Police Service use a document called a 'Running Sheet' to log officer activity. Each officer completes a record of their activity for that day and it contains details of what was done and when tasks were completed. At the end of duty, the officer hands this to a supervisor, who checks it to see the officer's return of work. This running sheet holds no fear for those who work hard, but has identified those who do very little. It also allows officers to record activity that is important, but will not appear in any management information.

Performance management is a key theme that will be part of the Haddington Road Review.

Recommendation 2.14

The Inspectorate recommends that the Garda Síochána develops a performance management system that holds individuals to account and deals with under performance. (Medium term).[12]

To achieve the above recommendation, the following key action needs to be taken:

- Take account of the Haddington Road Review recommendations.

Divisional Model and Functionality Responsibilities

Chart 2.11 is an optional model based on functionality that is only intended to show how a division might look like in the future. It is included only to demonstrate functionality.

Some units are included that were not discussed in Part 2, but will be introduced later in other parts of this report. The Inspectorate understands that the twenty-eight divisions have different policing demands and different staffing levels. Any model will need to be flexible to cater for both rural and urban policing challenges.

12 Report of the Garda Síochána Inspectorate, Resource Allocation, October 2009, (Page 7).

Chart 2.11

Divisional Model Functionality Responsibilities

Chief Superintendent

HR + Finance (Divisional/Regional)

Divisional Admin Unit

Detective Superintendent

Detective Inspector(s)

Criminal Justice Unit:
- Custody
- Witness Care Unit
- Prosecution
- Warrants & Summonses
- Property & Exhibits
- Case Progression Unit

Investigation Units

Divisional Detective Unit

Proactive Units

Intelligence Unit

Forensics

Crime Management Unit

Superintendent Operations

Inspector(s)

Public Service Vehicles

Public Offices

Response Policing

Control Room

Roads Policing

Superintendent Partnership

Inspector(s)

Community Policing

Crime Prevention

Young Offenders Diversion Scheme

Licensing

Reserves

Superintendent Administration

Inspector(s)

GSOC complaints

Internal Discipline

Policy Compliance

Customer Service

As part of the Haddington Road Review, the Inspectorate will recommend operational models for implementation.

When considering this model, the most important elements are the functionality responsibilities for superintendents and the new structure for managing detective resources.

2.17 A New Model of Service Delivery

Divisional Approach to Local Policing

The Inspectorate has recommended a move to a divisional rather than a district model of policing. The divisional chief superintendent must be the focal point for delivering performance, supported by a number of senior managers with functional responsibility.

As part of the Haddington Road Review, the Inspectorate will look at options to release senior gardaí to enable them to lead their staff and increase their visibility.

Assigning a detective superintendent on a divisional basis will be a positive step and one that the Inspectorate believes should be applied across Ireland. This is a common feature in other jurisdictions, where a detective superintendent usually takes the lead, not just for serious crime, but for all divisional actions involving crime investigation and criminal justice.

In the new divisional model, superintendents would change from the role of district officer to a functional role with responsibility for all divisional resources.

The Inspectorate acknowledges the importance placed on the presence of senior gardaí in a community, but that can be achieved through other means. Most police services have a superintendent assigned full-time to partnership and community issues. The coverage in a wider community of one person doing the role full-time, is significantly higher than three superintendents who have other roles that take them away from engaging local people and partner agencies.

The investigation of Garda Síochána Ombudsman Commission complaints and conducting internal discipline investigations is a time-consuming activity that takes district superintendents away from their primary role. During development of a new structure, in the interim, there could be a case for using one of the superintendents to have administrative functions such as dealing with complaints and internal misconduct.

Divisions

As can be seen from the information presented so far in this report, there are significant differences in the demands placed on divisions and there are variances in the allocation of resources. Most other policing jurisdictions have looked at the delivery of front-line services and have significantly reduced the number of divisions. Key drivers include increased efficiencies and a desire to reduce management numbers, whilst trying to retain front-line policing numbers.

To enable a divisional model to function effectively the Garda Síochána needs to develop HR and financial support on a divisional or a regional basis.

Regions

Currently, regions are led by an assistant commissioner, with responsibility for between four and six divisions. Assistant commissioners see their role as supporting divisions with serious crime investigations, whilst holding them to account for crime performance. What is less clear, is their role in respect of the allocation of people and other resources. Primarily, the allocation of resources is managed centrally and assistant commissioners have little discretion in changing those allocations. The Inspectorate's 2007 report 'Policing in Ireland', recommended greater devolution to the regions; but to date that level of devolution has not materialised. Some of the current post holders have other responsibilities such as traffic, organisation development and strategic planning and share their time between two roles.

Civilianisation (Workforce Modernisation)

During the inspection, the Inspectorate found many functions that do not need to be performed by a fully trained garda. At divisional level, these include gardaí in administration units, in control rooms and those in public offices. At a national level, gardaí are assigned to roles more appropriate to police support staff, such as the Press Office, Housing, HR and Finance. Recommendation 1 in the 2009 Inspectorate report on 'Resource Allocation', highlighted that the Garda Síochána should plan to bring the ratio of police staff to police officers in line with international norms. Limited progress has been made to date.

The Inspectorate believes that the Garda Síochána has an excellent opportunity to reshape the delivery of front-line policing services in a more efficient and effective way. Opportunities for change will be fully explored in the Haddington Road Review.

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CRIME INVESTIGATION REPORT

PART 3 | FIRST RESPONSE

3.1 INTRODUCTION

The accessibility of police officers and the experience of that first encounter are critical to creating confidence amongst members of the public in their police service. Indeed, for many people the service provided in their first encounter may well shape their future views of the police service.

Recording of calls received from the public provides a good indication of the varying demands on a police service. Accurate recording of call data provides excellent management information on call demand and the effectiveness of the first response. Conversely, inaccurate data will result in poor decisions about resource allocation and weak deployment of available resources. Call data also provides invaluable information for crime research and analysis.

This part of the report explores the various ways that members of the public contact the Garda Síochána, how that contact is managed and recorded, and the levels of service provided.

The first police attendance at the scene of an incident is a critical part in the investigation of a crime. Other police services use the 'Golden Hour' principle when dealing with a serious incident. The investigation during the first hour of an incident will have a significant impact on any subsequent investigation. The first officer needs to quickly assess the situation and provide a professional response to victims and witnesses. The responding officer may have an opportunity to find and detain a suspect and, importantly, must preserve and gather evidence that will be central to the success of the investigation.

Many police services focus on "getting it right first time" at an incident. The first responder must be sent with a mindset to investigate a crime, rather than attending to simply take a report of an incident. Effective early investigation can remove the need for an officer to return to a crime scene at a later date. This is particularly important in rural locations, where officers are travelling long distances. Good initial investigation at first instance also assists a supervisor in deciding what further action needs to take place.

This part examines the initial steps in a crime investigation by the first responders to an incident.

3.2 The Garda Inspectorate Report on 'Resource Allocation' October 2009

The Garda Inspectorate completed a report in October 2009 titled 'Resource Allocation'. The report made twenty-seven recommendations and at that time advocated a national Computer Aided Dispatch (CAD) system for Ireland, operating out of two call centre locations. CAD is an electronic recording system containing initial details of the incident reported to the Garda Síochána and information on the unit assigned to respond to the call.

Although the focus of this current inspection is different to the one previously conducted, the various processes around CAD and deployment of resources are considered to be critical components of this inspection. In the absence of good structures, systems and working practices; the first response to a crime investigation will not be an effective one.

While many of the recommendations in the Resource Allocation report with regard to CAD are still under consideration, most of the concerns raised in 2009 have not been adequately addressed and the need for good call support data is similar to the one found five years ago.

The key areas for improvement and recommendations from the 2009 report listed below, are still awaiting action. The recommendations included the introduction of systems to:[1]

- Improve the quality of computer aided dispatch data;
- Improve call handling with constant monitoring of standards;
- Improve incident recording;
- Electronically record all 999 calls received in every control room;
- Publish a single non-emergency number;
- Improve supervision in control rooms.

The report also highlighted concerns about serious gaps in CAD and IT systems that are standard technologies in place for decades in most European and North American police agencies. The report noted that the Garda Síochána did not have systems in place to accurately measure:

- Workloads;
- Average response times to calls for service;
- Nature of calls;
- How long officers spend dealing with most incidents.

This inspection has found that these areas have still not been addressed and a major omission is the failure to implement an electronic system that records all calls made to the Garda Síochána.

The lack of good detailed information on call demand prevents the Garda Síochána from accurately matching garda resources to demands for policing services. This part of the report will outline major issues with poor recording practices and show that a CAD enabled system must be introduced to ensure that all calls received are recorded electronically.

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1   Report of the Garda Síochána Inspectorate, Resource Allocation, October 2009. (pages 6 to 10)

Chart 3.1

999 Calls Received by the Garda Síochána
October 2011 - October 2012

Division	Total 999 Calls	Average No of Calls per Month
DMR	250,870	20,905
Cavan / Monaghan	9,142	761
Clare	9,360	780
Cork City	35,424	2,952
Cork North	8,119	676
Cork West	4,390	365
Donegal	10,171	847
Galway	20,147	1,678
Kerry	10,150	845
Kildare	19,279	1,602
Kilkenny / Carlow	14,420	1,201
Laois / Offaly	15,237	1,269
Limerick	27,481	2,290
Louth	17,237	1,436
Mayo	10,336	861
Meath	12,979	1,081
Roscommon / Longford	10,534	877
Sligo / Leitrim	7,508	625
Tipperary	12,739	1,061
Waterford	12,539	1,044
Westmeath	11,252	937
Wexford	12,931	1,077
Wicklow	12,420	1,035
Total	**554,665**	**46,222**

Source: Data supplied by the Garda Síochána

3.3 Recording Calls from the Public

The first steps in a crime investigation start with the initial contact between a member of the public calling for assistance and the representative of the Garda Síochána that receives that call.

Traditional methods of contacting police services are still in operation in Ireland, such as:

- Using the 999/112 system for emergency services;
- Approaching gardaí directly in the street;
- Telephoning or visiting garda stations;
- Using a third party such as a local councillor;
- Writing directly to a garda station;
- Using anonymous contact numbers to report criminal activity.

A relatively new Garda Síochána initiative is on-line reporting of some theft crimes.

Calls for Service

Emergency Calls

The Garda Síochána receives approximately half a million emergency calls for service per year via the 999 system. Chart 3.1 details the total number of 999 calls made over a twelve month period to the Garda Síochána, broken down by division. Emergency calls are made to a private service provider that answers the initial call and puts that call through to the relevant garda division.

Computer Aided Dispatch (CAD)

Computer Aided Dispatch (CAD) is an electronic system that records the details of all emergency and non-emergency calls. It is also used to record information from telephone calls made directly to local garda stations. Not every telephone call received needs to be recorded on CAD, but it should be used to record all calls that require a police response.

A CAD system has operated in Dublin since 1989 and there is a centralised Central Command and Control Centre (CCC) covering all calls for the six divisions in the DMR. The CCC also provides a number of national functions, including out of office hours press enquiries, responding to high risk missing children, liaison with international police services and calling out specialist garda units.

At the time of the Inspectorate's field visits, a number of stand alone CAD pilot programmes were operating in Cork, Limerick, Galway and Waterford.

Divisions without CAD use paper based systems for recording calls received. The Garda Síochána would like to roll out CAD across all regions and would eventually like to move towards a number of regional control rooms. The Inspectorate is aware that the Garda Síochána has made a business case to try to secure funding for a CAD system for all divisions.

Call Data and Data Quality

The absence of a national CAD system is a major gap in the ability of the Garda Síochána to precisely record and monitor calls received for policing services and therefore accurately identify demand. In all other police services visited as part of this inspection, an electronic call management system was operating in most places and the systems in operation were significantly more advanced than the CAD system currently used in Ireland. Data quality of calls received by the Garda Síochána for service in the CAD based divisions was significantly better than those divisions that are using paper based systems to record calls. However, within divisions operating CAD, input of important data sets, such as times of arrival had poor compliance[2] rates and the results that were shown for those calls provided limited information. With non-CAD systems, the data quality was poor and in many cases, indecipherable handwriting made entries hard to understand. Most call takers in non-CAD control rooms had not received formal training and the recording of data was lacking detail. For example in paper records, there was no

evidence of any incident grading, no risk assessment, no times of dispatch, no times of arrival and very few results.

CAD Recording

Four of the seven divisions visited had no CAD system. There was an absence of analytical information that would tell managers how busy the units are, what sort of calls are being dealt with, how long units spend on those calls and what the outcomes are. Most of the regional assistant commissioners would like a proper command and control system for their areas, but believe that with reduced budgets this is going to be difficult to introduce. 'Command and control' is terminology used to describe a well directed call handling and deployment system. Most DMR divisions also have officers within their district stations that are tasked daily to receive telephone calls directly from the public, to create a CAD message and to assign local resources to deal with lower level incidents.

The Inspectorate supports the intention to roll out a national CAD system across all divisions, but this is unlikely to happen without investment in modern technology. The Inspectorate is aware that the planned roll out of the current CAD system to divisions will be a more limited version of the dated system currently used in the DMR. A new regional control room will undoubtedly receive calls for locations that are covered by another region, but the proposed CAD system will not allow a region to transfer such a call electronically to the regional centre covering the incident's location. During this inspection, questions were raised to the Inspectorate about the resilience of the new regional CAD control rooms and what will happen to calls, if anything disrupts the service to one of the new regional control rooms.

Recommendation 3.1

The Inspectorate recommends that the Garda Síochána implements a command and control system that accurately records calls for service and effectively identifies and uses all available resources to manage demand more efficiently. (Medium term).[3]

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2   Compliance in this context means the data was not entered on the CAD system.

3   Report of the Garda Síochána Inspectorate, Resource Allocation, October 2009 made several recommendations covering this matter.

Chart 3.2 shows a nine month period of calls made to CCC and to garda stations in the six DMR divisions.

Chart 3.2

CAD Data for the Period January 2012 - September 2012

Division	Recorded at Command & Control	Recorded at Station	% Recorded at Station
D.M.R. Eastern	8,828	16,596	65%
D.M.R. North Central	14,754	18,720	56%
D.M.R. Northern	17,960	26,415	60%
D.M.R. South Central	15,985	18,369	53%
D.M.R. Southern	16,221	23,301	59%
D.M.R. Western	20,942	29,860	59%
Total DMR Region	94,690	133,261	58%

Source: Data supplied by the Garda Síochána

Calls Made Directly to Garda Stations

During field visits to divisions in the DMR and through checking CAD messages, the Inspectorate found that a large number of emergency and non-emergency calls are made directly to garda stations. In fact, in the DMR, the Inspectorate found that more calls are made directly to district stations than to the DMR CCC.

The current telephony system used in garda stations is outdated, does not provide call waiting information and it does not give an engaged signal to callers. The Inspectorate has spoken to members of the public who have given up trying to get through to a garda station when the telephone rings out repeatedly.

Other police services have moved away from a system where members of the public ring a local station towards a more centralised call centre approach. This ensures that calls are answered far more quickly, and with the advent of better telephony systems and the routing of calls to call centres, this has greatly improved the service provided to the public.

Effective training of control room staff is very important and particularly for those using the CAD system. As previously mentioned, a significant percentage of calls created on CAD result from a call made directly to local garda district stations. In these stations, gardaí are operating the CAD system and creating CAD messages without any formal training. Some members received familiarisation training, but reported that this was informal peer training. The Inspectorate does not believe that it is a good approach to allow members to operate CAD without any formal training. Detail and accuracy at this stage significantly assist in the quality of initial response and in the conduct of any later investigation. Where a call requires an emergency response, a district station sends the CAD message to CCC which deploys units. Where the call is a non-emergency, the local district station deploys units to the call.

Recommendation 3.2

The Inspectorate recommends that the Garda Síochána (i) allows only trained members to create and update live CAD messages and (ii) improves practices in non-CAD stations. (Medium term).

Single Non-Emergency Number

Internationally, separate emergency and non-emergency numbers are used by the public to contact the police. All emergency and non-emergency calls are directed to a small number of call centres. Non-emergency incidents include minor traffic collisions and damage to property. The non-emergency call numbers have removed a significant number of calls that were previously managed through police stations. Greater Manchester Police informed the Inspectorate that a significant level of calls previously received on the 999 emergency call system are now received on their non-emergency number 101. The development of such a system in Ireland would provide a much quicker answering service for emergency calls, a more consistent

approach to dealing with calls and the dispatching of calls to the appropriate unit or person. It is good practice to ensure that sufficient resources are used to answer telephone calls and generally members of the public are far more satisfied once the police are aware of the call.

Recommendation 3.3

The Inspectorate recommends a Department of Justice and Equality working group review the feasibility and impact of a single non-emergency number.[4] (Long term).

Control Room Resources

In 2009, there were twenty-two control rooms across Ireland and most of those are still operating today. Other police services operate a much smaller number of call centres and have moved to centralised locations. Greater Manchester Police operate from three call centres, which receive approximately 3,000 calls a day. The PSNI also operate from three call centres. Centralisation increases response efficiency, reduces duplication and ensures resources are better directed to front-line needs.

Centralised control rooms are generally very busy environments, managing large volumes of calls from the public and deploying appropriate units to deal with those calls. With regard to crime investigation, control rooms play a significant role in assessing each call individually and deciding on the priority in which those calls will be dealt with. An effective control room is generally one that has sufficient numbers of well trained operators; where there is a physical presence of supervisors, and there are systems for the effective deployment of all available resources through direct communications with response units.

Recommendation 3.4

The Inspectorate recommends that the Garda Síochána rationalises the number of control rooms in operation and moves towards a small number of call centres.[5] (Medium term).

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4   A similar recommendation on the introduction of a non-emergency number was made in the Inspectorate's report, Resource Allocation, October 2009.

5   A similar recommendation on the number of Control Rooms was made in the Inspectorate's report, Resource Allocation, October 2009.

This recommendation will be further developed in the Inspectorate's Haddington Road Review.

Creating a CAD Call Message

On receipt of a telephone call in a CAD enabled control room or at a district station that operates this system, an incident is created on CAD by the call taker and it generates a unique reference number. The call taker should obtain as much information as possible from the caller to determine the type of incident which has occurred and to determine the level of response that is required. The time of all entries is recorded and dated along with the details of the call taker or person updating the CAD message.

Categorising Calls

A call taker must categorise an incident on CAD by choosing from a number of abbreviated incident codes e.g. burglary is coded as BURG.

With the current CAD incident codes, some crime categories such as domestic violence and sexual assault are grouped together with the code DV/SA. This compilation of two incidents with one code is unhelpful when searching to find particular types of incidents or analysing call demand. The Inspectorate believes that each type of incident should have its own unique CAD code.

Recommendation 3.5

The Inspectorate recommends that the Garda Síochána develops a broader range of Computer Aided Dispatch (CAD) incident assignment codes and ensures that divisions without CAD are accurately recording the type of incident and the full details of what has happened. (Short term).

Estimating Time of Arrivals and Call Backs

In the 2009 Resource Allocation Report, the Inspectorate recommended that for all incidents, a call taker should provide the caller with an estimated time of arrival for a unit. This is also a commitment in the Garda Charter.[6] From sampling CAD and paper records, the Inspectorate found no evidence to show that this was happening. This is

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6   The purpose of the Garda Charter is to inform the public as to the standards and service they can expect from their interaction with An Garda Síochána.

particularly important in serious incidents, where a victim or caller is clearly distressed, or where there is likely to be a delay in a unit attending.

The Inspectorate found limited evidence of a control room contacting a caller to explain any previously unforeseen delays in a unit attending. This is an important issue for good customer and victim care.

The Inspectorate did find CAD incidents where callers rang back to see why there was a delay in an officer attending. The Inspectorate also found calls where there were long delays in garda attendance and the victim or witness had left the scene by the time the garda attended.

Recommendation 3.6

The Inspectorate recommends that the Garda Síochána provides an estimated time of arrival at the first point of contact and updates callers with details of undue delays in attendance. (Short term).[7]

Control Rooms Outside of the DMR

In the majority of divisions outside of the DMR, calls for police service are put through to the divisional control room, which is the first point of garda contact with the caller. A control room outside of the DMR usually consists of one or two gardaí with responsibility for answering telephone calls from the public and deploying units. The control room also deals with radio enquiries from gardaí, such as requests to conduct car and name searches.

Calls received by these control rooms are recorded in manuscript in a variety of different books, registers and paper pro formas. On examination of these paper records, the Inspectorate found that there was often sparse detail with limited information about the incident which had occurred. The limited information gathering at this stage represents lost opportunities in obtaining important information from a caller. Other missing information included the time that units were deployed, time spent on the call and, most importantly, details of the result.

Where a call received in the divisional control room needs to be sent to a district station within that division, the call is transferred by telephone and the new receiving station should record the details of the call. The Inspectorate has found cases where the receiving district station did not record the details of a transferred call. This part of the report will show that without a message log being completed the district station have no record of the call, do not know who dealt with it and, in some cases, do not know if a unit went to deal with the call.

In comparing CAD and paper records, the Inspectorate found that on most occasions the electronic CAD record contained far more information about an incident and information on the outcome, than an incident that was recorded in a paper based system. CAD records were more likely to have descriptions of suspects and details about what had actually happened. Paper records often just recorded the fact that a 999 call was received for a robbery or an assault.

A recommendation by the Inspectorate in 2009 to electronically record all 999 calls in non-CAD environments was accepted by the Garda Síochána, but has not been implemented. The use of paper records is a vulnerability in terms of call management, and paper records provide no easily extractable data on call demand and police response. The use of paper records is an antiquated practice that must be stopped and an electronic recording system is now even more essential than in 2009 for recording both emergency and non-emergency calls for police services.

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7   Report of the Garda Síochána Inspectorate, Resource Allocation, October 2009

Chart 3.3

CAD Call Grades

Grading	Example of call types
Emergency Code E	A bomb scare or danger to life
Incident Priority Code 1	A serious crime is in progress e.g. an intruder on premises
Incident Priority Code 2	A burglary where an intruder is not on premises
Incident Priority Code 3	A minor incident or offence

Source: Data supplied by the Garda Síochána

3.4 Control Room Operations

Garda Síochána Incident Grading

All CAD calls are graded by the call taker. This is an important process as it determines the priority given to particular calls and the speed and level at which resources are deployed to deal with it. Chart 3.3 highlights the grades used and provides examples of the types of calls for those grades.

In non-CAD control rooms, there was no evidence of any formal system of grading calls received and prioritisation is left to those working in control rooms. The grading of calls is an important process, as it will determine which calls are dealt with and in which order. It is also important that non-CAD divisions also grade calls to ensure that calls for service are prioritised.
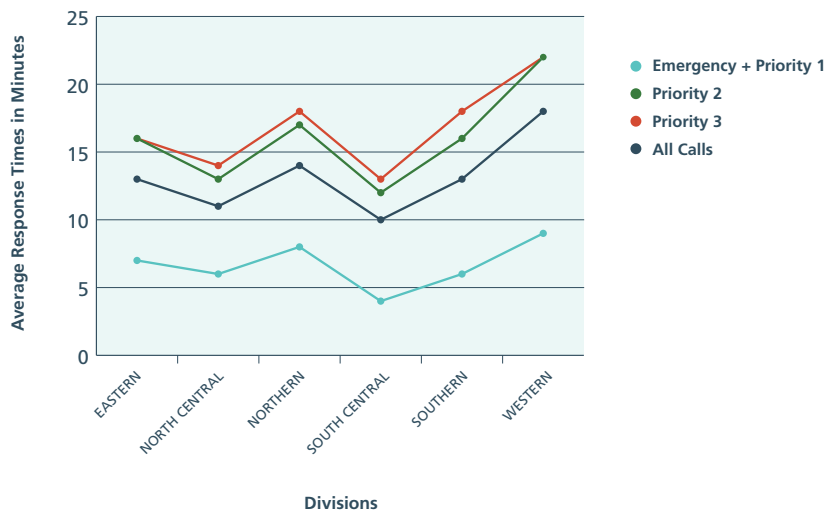
Response Times to Emergency Calls

Most police services focus on making sure that officers attend emergency calls and non-emergency calls within specified targets and at the earliest opportunity.

As mentioned earlier, the Garda Síochána has specific targets as part of the Garda Charter. These include a target to answer "80% of calls within 7 seconds and deploy resources immediately and give an estimated time of arrival". In urban areas, members endeavour to attend an incident within 15 minutes of receiving the call and as soon as possible in rural areas.

Chart 3.4 shows the response times in the DMR for the period January to September 2012. The response time is calculated by recording the time that a CAD message is created to the time it takes for a unit to reach the scene of an incident. Later in this part of the report, analysis will show that in a sample of CAD messages, the Inspectorate found that only 69% of messages had a time of arrival shown.[8] This is important data that needs to be recorded to measure response times to calls.

Chart 3.4

Average Response Time (in minutes) to CAD Calls for Service in DMR Divisions

Source: Data supplied by the Garda Síochána.

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8   Source: Volume Crime Case Reviews

Good Practice

Across the six divisions the response times to Emergency and Priority 1 calls are excellent and well within the target time.

This data is invaluable to measure the demands placed upon individual divisions and to look at performance against targets.

Outside of the DMR there is little data to allow analysis of how well the Garda Síochána is performing. In the West Yorkshire Police, each division receives a weekly breakdown of the number of calls for service, the type of incidents and whether demand is changing. A breakdown of response times to emergency incidents is provided, including whether targets are achieved in attending such calls within fifteen minutes.

Recommendation 3.7

The Inspectorate recommends that the Garda Síochána introduces divisional data on call demand and performance data against Garda Charter targets for management review and action. (Short term).

Times of Arrival at Calls

To ensure the accuracy of data and to measure the time it takes to respond to a call, it is important that units inform a control room when they arrive at the scene of an incident. Without that data, it is impossible to measure how long it took for a unit to attend and how long it took to deal with an incident. As part of the inspection process, the Inspectorate examined a number of CAD calls for service and identified that in 30% of cases, no time of arrival was shown.[9] In non-CAD control rooms, the Inspectorate found that many messages did not contain any detail about the time a unit was assigned and the time of arrival at a call was not recorded in most cases.

In some other police services visited, analysis of the response times for different types of crimes showed wide variances in attendance times. Of particular note were the differences in the response times to a call to a suspected burglar in a property, and the time taken to attend a call to a

violent offender for domestic violence in a home. In essence, there was a significantly slower response time to calls to domestic violence incidents. This point is made to illustrate that the absence of such data prevents these sorts of issues from being identified and addressed.

Recommendation 3.8

The Inspectorate recommends that the Garda Síochána (i) grades all calls received from the public, (ii) records the time a unit is deployed, the time of arrival and the time a unit is finished with a call. (Short term).[10]

Control Room Staffing Levels

The DMR CCC is well established and it has a combination of gardaí and support staff. It is a busy control room, which has just changed its staff shift roster to provide better coverage at peak times. The CCC operates in a similar way to call centres in other police services. In the CCC and divisions that are using CAD systems, the operating functions are usually split between call takers (those who answer the telephone and create an electronic incident record for the call received) and call dispatchers (those who receive those incidents, assign resources and monitor the incident until it is completed). The job of dispatcher is a specialist, skilled role which requires good decision-making skills and an ability to make good use of available resources; particularly in fast moving incidents. The role does not have to be performed by a police officer, but it is a post that requires operational knowledge. CCC support staff are currently only deployed as call takers.

Outside of the DMR, gardaí are generally deployed to perform all of the control room functions. During inspection visits, the Inspectorate witnessed these control rooms operating below locally set minimum staffing levels, which impacts on the quality of service provided. At the times of the visits there were usually two gardaí deployed in a control room.

The Inspectorate was told by those working in control rooms that, at busy times, the unit is physically unable to deal with the volume of telephone calls and do not have sufficient units

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9   Source: Volume Crime Case Reviews

10 As previously recommended in the Report of the Garda Síochána Inspectorate, Resources Allocation, October 2009.

to deal with the amount of calls. The pressure of the numbers of incoming calls has led to the development of some poor practices, such as cancelling telephone lines that are ringing.

Shortages of control room staff also impact on the service provided to their fellow members who are out on patrol. Not allocating sufficient staffing reduces the ability of control rooms to risk assess a call and to supply important information to gardaí who are dispatched to crime scenes or who are dealing with potential suspects for crime.

The staffing of control rooms sometimes causes a dilemma for district officers and, in some cases, they run below the minimum control room staffing levels, in order to put additional gardaí on patrol.

Recommendation 3.9

The Inspectorate recommends that the Garda Síochána implements minimum staffing levels for control rooms and ensures compliance. (Short term).

Use of Police Support Staff in Control Rooms

The use of police support staff as call takers in the DMR CCC is a positive step and provides significant savings for the Garda Síochána. Extending this across Ireland provides an opportunity to release more gardaí for front-line services, which is a critical foundation for good crime investigation. In most other police services, police staff are now fully utilised in both call taking and call dispatching. In these services police staff started in call taker posts, but have now progressed to become effective dispatchers and control room supervisors. The move to a regional CAD system across Ireland should coincide with a new approach to the staffing of control rooms. The continued use of sworn officers in all control room roles no longer represents the most effective approach, given front-line policing demands.

Recommendation 3.10

The Inspectorate recommends that the Garda Síochána explores all opportunities to reallocate police support staff to control room duties, thereby releasing gardaí for front-line duties. (Medium term).

3.5 Supervision in Control Rooms

Good supervision in control rooms is seen as the key to providing an effective service and ensuring that calls that require crime scene management and investigation, are well managed from start to the finish. In the DMR CCC, sergeants are routinely assigned to control rooms, but outside of the DMR there was a general absence of a formal supervisor.

Control rooms regularly ask if there is any unit available to deal with a call, rather than directly assigning a unit to deal with a particular incident. Control rooms operate far more effectively when calls are given to specific units, rather than through the appeal for "any unit to deal".

Throughout the inspection process, examples were provided about individuals and units that do not respond to their radios and requests to deal with calls. The Inspectorate found a real sense of frustration from members that this often goes unchallenged by supervisors. In many places, members felt that individual gardaí were choosing the calls which they wanted to go to and ignoring other calls. This is not new to policing, but it requires strong management, not just within control rooms, but also with support from front-line supervisors. For example, a local sergeant will know who is available and should be challenging their non-response to calls. In police services that have tackled this particular issue, there is regular input on the radio by patrol sergeants and inspectors challenging those that are not answering radios or unavailable for a particular call. In Ireland, there is currently an absence of regular radio intervention by supervisors.

The Inspectorate believes that a move to regionally based control rooms requires strong leadership and the full time presence of a supervisor.

Recommendation 3.11

The Inspectorate recommends that the Garda Síochána implements a system of control room supervisors. (Long term).

3.6 Deployment of Units

Deployment Technology

Most garda control rooms have limited technology available to assist with managing calls. Good deployment in most police services is supported by high level technology, which includes mapping facilities (street maps). This technology must be rolled out across regional control rooms and is particularly important if those dispatching resources are unfamiliar with the geographical area of dispatch.

The Garda Síochána has the technology to track and pinpoint locations based on the position of garda radios and patrol cars, but it has not yet been fully activated in any area apart from DMR North Central. The technology is called Automatic Vehicle Location System (AVLS). The Inspectorate has viewed the benefits of this technology in operation in the pilot environment and believes that, notwithstanding the migration issues, the system should be fully activated as soon as possible, and linked to mapping facilities. This would allow dispatchers to see exactly who is on duty, where all the resources are and to deploy the most appropriate or nearest unit to a call.

This location technology also allows dispatchers to see which units are attending incidents for which there are no dispatch details. Self deploying of units occurs in other police services, where an individual unit or an officer decides to attend a call even when there are already sufficient units deployed to deal with it. South Wales police have also used this technology to address police officers driving at unnecessarily high speeds. As a result of action taken, South Wales Police have reduced police officer collisions by 50%.

Technology is also available on garda radios to identify the location of a member who calls for assistance. The technology will pinpoint the location of the garda and allow assistance to reach them more quickly. The technology provides a historical footprint of where units have patrolled on a given day. This is important when confirming to see if instructions given to units to patrol certain areas at certain times, were actually completed.

Recommendation 3.12

The Inspectorate recommends that the Garda Síochána immediately activates the portable radio and vehicle location systems. (Short term).

CCTV Links

There are many excellent local authority Closed Circuit Television (CCTV) systems currently linked into garda divisions. These are part of the current control room configuration and are high quality systems, covering many cities and some town centres. With any move to centralised call centres, the CCTV links should be transferred to any new regional control rooms.

Recommendation 3.13

The Inspectorate recommends that the Garda Síochána maintains the current CCTV links with any move to centralised call centres. (Long term).

Non Physical Barriers that Prevent Better Deployment

During the inspection, the Inspectorate found limited evidence of cross district deployment (within the same division) and even rarer were examples of gardaí dealing with calls on neighbouring divisions. A move to regional/centralised control rooms and a divisional approach to policing will provide better deployment based on the nearest unit to the call (see also Part 2 of this report). Better supervision in and out of control rooms and use of technology will also improve the way that garda resources are used. The Inspectorate acknowledges that members will always break such barriers to go to the help of another member that needs assistance, but in other cases, crossing district and divisional boundaries is less common.

Inefficient Deployment of Specialist and Other Units

During the inspection, the Inspectorate identified other inefficiencies with the deployment of resources. For example, many forensic Crime Scene Examiners (CSEs) reported occasions whereupon returning to a garda station, have found a fax message requesting attendance at a crime scene in an area that they had just left. This is particularly relevant in rural parts of Ireland, where distances travelled are far greater. CSEs should be booked on with a control room and should be contacted directly by radio or telephone with details about a crime scene.

Recommendation 3.14

The Inspectorate recommends that all control rooms have details of all operational units to allow for direct deployment to calls. (Short term).

Garda Reserves

The Garda Reserve programme has been in place for over seven years, but the Inspectorate believes it could play a far greater role in assisting the Garda Síochána to deal with calls for police services. Other police services use the equivalent of reserves in a more pro-active and productive way. They have provided far greater powers and trained their reserves to perform the full range of policing duties.

The current practice of placing a reserve as a third person in a patrol car is a waste of a valuable resource. The Inspectorate met with reserves during all field visits and identified a sense of frustration with underutilisation. Many of these reserves have excellent people skills and could be used far more effectively to interact with the public. Reserves have received training in powers and procedures, but are not currently permitted to use them. It is inefficient for reserves to be accompanied by a garda and the programme offers a great opportunity to increase uniform policing visibility.

Reserves could be used in many ways including:

- Patrolling crime hot spots to prevent crime;
- Tackling quality of life issues such as anti social behaviour or public order issues;
- Engaging local communities.

Many reserves come on duty where there is no supervisor present and often waste time waiting for someone to accompany them on patrol. Not all supervisors are fully aware of the reserve's function and role. The Inspectorate believes that the role of reserves should be developed towards patrolling, without the need for supervision by a garda and used as a resource that can be deployed to specific calls.

Recommendation 3.15

The Inspectorate recommends that the Garda Síochána fully utilises the skills and training provided to reserves in an operational capacity. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Where a reserve is assessed as competent, allow them to conduct independent patrol;
- Where a reserve is assessed as competent, provide them with the authority to enforce powers for which training was provided.

3.7 Responding to calls

Operational Staff Booking On and Off

In the majority of control rooms visited during the inspection, staff were unaware of the totality of resources that were available to them on that day. It is good practice for all garda units that are available for patrol and assignment of calls to notify their control room. With community officers, it is important to know their hours of duty, where they are patrolling and have clear protocols about the sort of calls that they can deal with. In the absence of an IT system to complete this function, control rooms could use white boards or other systems to record all available units.

In many divisions there is poor compliance with people booking on and off with control rooms. There is no standard process for booking on and off. In some places there is good compliance, while in other places there is not. The Inspectorate was told that officers are regularly reminded to do so, but if compliance is not checked on a daily basis then it becomes a process that deteriorates over

time. As found in a previous inspection, some district officers are at times unaware of who is on duty and available for deployment.

The Garda Síochána must have a resource management system fully integrated with CAD, providing a daily list of all staff on duty and detailing what their duty is for that day.[11] In the absence of such a system, it is important that all operational units provide control rooms (CAD or non-CAD) with the details of who is on duty, the times of duty and the types of calls that they are available to deal with. From visiting control rooms it was noted that there was varied success with ensuring people book on.

Recommendation 3.16

The Inspectorate recommends that the Garda Síochána:

(i) Implement a resource management system that is fully integrated with CAD and any other management deployment system. (Medium term).

(ii) In the interim, ensure that all available divisional and national unit staff book on and off with regional or divisional control rooms. (Short term).

3.8 Starting the Investigation

The First Contact

One of the regions visited is keen to implement a pilot that focuses on call takers starting the investigation process at the point of taking a call. This would include obtaining more detailed information from victims or witnesses about possible suspects and advising callers on issues such as what items not to touch (forensics). Any additional information would be passed to the officers attending that call. This is good practice and should be adopted as a standard operating procedure. This approach also emphasises that the investigation starts with that first call.

Recommendation 3.17

The Inspectorate recommends that the Garda Síochána delivers awareness training to all call takers on the importance of gathering, recording and actioning information received during the first call. (Short term).

Risk Assessment

Police call centres in other jurisdictions risk assess calls that are received and where possible provide information to officers attending calls. Such information may include an address that police have attended several times in the last few weeks or one which officers could face a potentially violent suspect. This sort of information is well received by officers, but current control rooms in Ireland do not always have the time to do this and the technology is not in place to facilitate it. The Inspectorate was informed that members often ask a colleague at their district station to check an address to obtain any intelligence on the people or the location that they are attending.

Recommendation 3.18

The Inspectorate recommends that the Garda Síochána develops a risk assessment process that identifies and relays important information that should be available to gardaí who are assigned to an incident. (Medium term).

Recording Incidents Dealt with Directly

Where a garda not assigned to a call comes across an incident such as a traffic collision, it is good practice to inform a control room that they are dealing with an incident. In response, the call taker should create a CAD incident or a paper record. This ensures that a record is created and allows the incident to be recorded and supervised. The original garda is then shown as unavailable for other calls. Not every call needs to be recorded, but where the garda will have to take further action, it is good practice to record the activity. In the absence of such a record, the incident could stay in a garda notebook and if an enquiry is later made, it can be difficult to establish which garda dealt with that incident.

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11 Report of the Garda Síochána Inspectorate, Resources Allocation, October 2009.

Recommendation 3.19

The Inspectorate recommends that the Garda Síochána ensures that all gardaí notify a control room when they come across an incident directly and where that incident will require further action. (Short term).

Patrol Car Technology

Unlike most other international police services, garda patrol cars are not fitted with Mobile Data Terminals (MDT).[12] Other police services have MDTs in patrol cars that allow CAD calls and other messages to be sent directly to the patrol car, and facilitates name and vehicle enquiries without having to contact a control room. Having the facility to do this reduces the traffic over radio airwaves and keeps radios clear for emergencies. MDTs allow patrol units to easily enter the time of arrival at a call and to enter the result.

Another missing feature from garda patrol vehicles is a satellite navigation system or similar equipment to help patrol officers to find locations quickly. This is certainly an issue in more rural parts of Ireland, where officers face difficulty in finding remote locations. The introduction of individual postcodes for every house or building in 2015 will assist in identifying the exact location of calls for service.

Technology

The Garda Síochána must become more mobile and must look at technology opportunities to modernise the response to incidents and incident recording. The Inspectorate was informed that the Garda Síochána has just launched an initiative in the DMR, where gardaí will have some remote access to conducting name and vehicle searches through a mobile phone application. The Inspectorate welcomes the use of new technology to help gardaí who are dealing with incidents. The availability of additional applications could allow gardaí to access guidance notes and other information when away from a garda station.

Other police services are developing the use of palm or hand held devices, such as tablets to record incidents and allow that information to be downloaded directly onto crime recording systems. This technology allows exhibits to be digitally transferred fast time from crime scenes.

Body Worn Video Cameras

Many other police services are trialling the use of Body Worn Video equipment issued to patrolling officers. This is used to record conversations and evidence when officers are dealing with incidents. The trials are at an early stage, but some of the results are promising. One police service found that police complaints reduced; there was a 26% drop in minor offences and an increase in the number of early guilty pleas in court cases. There are thirty international trials currently running and the evaluation of those should provide a good basis for consideration of their application by the Garda Síochána.

Recommendation 3.20

The Inspectorate recommends that the Garda Síochána improves the mobility of garda resources by developing mobile technology for use by gardaí and particularly for use in vehicles. (Long term).

3.9 Deployment of First Responders

The First Responder

For most cases, the first responder to a victim of crime will be the person who conducts an investigation. In the majority of cases, this will be gardaí on regular units.

Many other policing jurisdictions have reviewed and significantly changed their approach to responding to calls from the public. Most police services assign dedicated resources, whose primary function is to be the first responder to an incident, ensuring arrival at the earliest opportunity. These officers are usually freed up from other responsibilities, such as crime investigation. In these jurisdictions, the first responder will attend a crime scene and complete the initial investigation. These officers are expected to complete a thorough investigation and to gather all available evidence. The case is usually allocated to a dedicated investigator that will continue with the investigation. The first responders hand over responsibility for most investigations when they finish duty, having completed all the necessary reports for that case.

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12   Also known as Mobile Data Computers (MDC).

The situation in Ireland is very different. The regular units are, in most cases, the first responder and will not only complete the initial investigation, but also the continuing investigation of that crime. A problem raised by all regular units is that members are often under pressure to move from a call they are dealing with to the next call for service. This often results in incomplete initial investigations and actions that should be completed at the time, are postponed to another day. Enquiries that are not always completed include: taking a victim or witness statement; calling on neighbours (house to house enquiries); or, seizing CCTV. The role of regular units investigating crime is fully discussed in Part 6 and recommendations are made about where some of the criminal investigations currently conducted by them should be moved.

The Inspectorate believes that there must be a real commitment to deal with today's crime today.

Recommendation 3.21

The Inspectorate recommends that the Garda Síochána develops a Standard Operating Procedure based on the concept of 'getting it right first time'. (Short term).

Recommendation 3.22

The Inspectorate recommends that the Garda Síochána reviews the role of first response and develops a new model of response policing. (Medium term).

Burglary Investigation Units

Many other police services use a dedicated car (often staffed by a detective) for responding to all burglary incidents. This means that a much smaller number of officers are attending burglary incidents, which removes some of the pressures on first response units. These investigation units complete a thorough initial investigation and focus on completing all enquiries at the time to reduce the need to return to the crime scene. Experience in the UK has shown that the intelligence picture gathered from a crime scene is more comprehensive and detection rates higher when an investigation unit is dispatched. These units retain responsibility for the investigation of all burglaries.

Scheduled Appointment Cars

Scotland and West Yorkshire police services use appointment cars to respond to incidents or crimes that do not require an immediate response. They are assigned through control rooms and only require one officer's attendance. Other units, are released for crime patrolling and fast time responding to incidents that require the immediate presence of an officer. Appointment cars usually operate between 0700-2200 and are popular with the public, who can effectively arrange a suitable time for an officer to call. The success of the initiative very much depends on keeping the appointments. They work particularly well in urban environments, but with lower staffing numbers and greater distances to travel in more rural areas, this can prove more difficult to manage.

The DMR is implementing a new way of responding to minor crimes and burglary cases where a suspect is not present at the scene. These calls are removed from the workload of regular units and are assigned to other units such as community policing officers. This was not in operation at the time of the field visits, but the Inspectorate supports the use of scheduled appointments.

Recommendation 3.23

The Inspectorate recommends that the Garda Síochána develops new approaches to responding to calls for service, such as using appointment cars and burglary reporting units. (Medium term).[13]

Directing Resources to Reduce Further Crimes

Greater Manchester Police has extended the remit of their control rooms to include identifying fast time trends in crime and moving resources immediately. Where a call is received to a recent burglary, the control room reviews where resources are and can move resources to stop a potential second offence from happening. This is a far more pro-active approach to responding to crimes. In addition, all units (whether intending to patrol or office based) in the station are required to book on with the control room. If there are insufficient numbers of

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13 Report of the Garda Síochána Inspectorate, Resources Allocation, October 2009.

units to deal with the number of calls, non-patrol officers working in offices are dispatched to come out and help. This is a major cultural change, but is focused on giving a better service to the public.

Recommendation 3.24

The Inspectorate recommends that the Garda Síochána develops new approaches in control rooms to ensure that members are pro-active to fast time information and crimes that are being reported. (Short term).

3.10 Actions at a Crime Scene

Minimum Standards of Investigation

The Inspectorate found an inconsistent approach in most garda districts around what action would be completed at an incident or a crime scene. In some districts, members try to take statements from victims and do house to house enquiries at the time of the initial recording of a crime and at some districts this does not happen.

In other police services, there are minimum standards of investigation required by officers who attend certain calls, e.g. those crime types that are deemed to be a priority. The Inspectorate found many examples of good practice from other police services that are used for offences such as robbery and burglary. Minimum standards are just that: the minimum points that would be expected to be included at every crime scene. For burglary offences, this includes making enquiries with neighbours and obtaining CCTV or showing photographs of potential suspects to a victim. These standards ensure that officers cover the key points for crime scenes. On completing a record of the crime, officers should complete those reports using the minimum standards to cover all of the salient points.

With robbery offences committed on people in the street, criminal research shows that many suspects operate in areas close to where they live. It is good practice to return to the crime scene (ideally with the victim or any witnesses) within a short period of the crime taking place and at times thereafter (called anniversary visits), as suspects often return to the same places to commit further crimes.

Recommendation 3.25

The Inspectorate recommends that the Garda Síochána creates and implements minimum standards of investigation for key crime types, including the volume offences of burglary, robbery, theft, domestic violence and assault reviewed in this report. (Medium term).

3.11 Gathering Evidence

Victim and Witness Statements

Improvements in statement taking could release a lot of garda time. Officers are routinely taking statements for crimes that, due to lack of evidence, are never going to be prosecuted. In some places, statements are taken on first response and on other occasions taken weeks or even months later. In burglary cases, a statement taken at the time may help with a later prosecution, but that is only likely to be in cases where there is other available evidence such as CCTV footage or DNA or fingerprint evidence. In one case, the Inspectorate noted a burglary where there were no suspects for the crime and yet an officer went back seven months later to take a formal statement from the victim. Throughout the inspection, members have reported taking a large number of statements and in the vast majority of cases, no prosecutions ever took place. In Denmark, statements are only taken in cases that are serious or where it is likely to result in a prosecution. Most police services record the victim's account in a notebook and use this as the basis for an investigation.

This is an area that needs to be clarified and there are significant opportunities to reduce the volume of unnecessary statement taking. This issue is further explored in Part 6 and is the subject of a recommendation.

Supervision of Incidents

A model of intrusive and supportive supervision is crucial in terms of ensuring effective investigations at crime scenes. The availability of an inspector or a sergeant to attend a crime scene provides reassurance to gardaí dealing with a serious or complex crime. The Inspectorate's report on Front-Line Supervision highlighted that there were insufficient available and properly allocated sergeants and inspectors to provide appropriate

guidance and visibility to front-line officers. The relationship between a control room supervisor and the patrol sergeant is seen as important to ensuring that calls for service are well managed.

The report also noted that most supervisors would like to be able to spend more time out of the station on patrol with their officers, but with growing administrative responsibilities this is not always possible. Since the introduction of the pilot roster, the Inspectorate has found the situation to be far worse than when the Front-line Supervision report was written. As a result many regular units and other teams do not always have a dedicated supervisor and in most divisions visited during the inspection, there was an absence of supervision at incidents.

There are many Garda Síochána operational policies in place on crime investigation and converting policies into action requires that first line supervisors ensure that gardaí understand the policy and then check compliance. The Inspectorate views the absence of patrol sergeants as a major contributor to the deficiencies in crime investigations found in this inspection.

Forensics

Forensic evidence is an increasingly important aspect of crime investigation and crime scene management. It is important that the first responder identifies and secures any potential exhibit opportunities for examination by a forensic expert. Crime Scene Examiners (CSEs) are dispatched to attend a variety of different crime scenes and will deal with most crimes reported at divisions, particularly burglary offences. Again, the first response is very important and gardaí should have good knowledge about what CSEs can and cannot do and should be able to identify good opportunities for a CSE to find evidence.

CSEs are locally based forensics experts that operate on a divisional basis. They are all gardaí, some are detectives, and most CSE units have a sergeant that supervises them. In most other police services, the function of crime scene examination is now performed by non-sworn police support staff.

When a serious crime occurs, a local CSE may still deal with the forensic elements of the crime scene, but could be supported by other experts from the Technical Bureau at Garda Headquarters or the Forensic Laboratory.

Focus Groups with CSEs

During field visits, the Inspectorate met with CSEs from all seven divisions who raised a number of key issues:

- CSEs are often called to crime scenes where there are no forensics opportunities;
- All gardaí require refresher forensic training, particularly about what a CSE can and cannot retrieve at a crime scene;
- Criminals are becoming more forensically aware and are careful to avoid leaving trace evidence.

Forensic Issues

During the inspection the Inspectorate identified the following issues:

- Whilst there is a fingerprint database, there are no garda databases for other retrievals such as tool or shoe marks. The Forensic Laboratory holds a database on shoe marks, but receives very few from crime scenes. This is a matter on which other police services have refocused and are starting to see positive results.
- Some CSEs struggle to deal with the volume of calls on certain days; and may not keep up with appointments.
- The use of CSEs appears to be focused on quantity and not quality of crime scene examinations.
- CSE statements are completed for crime scenes where evidence is found; but in the majority of cases there is no prosecution.
- CSEs act as couriers, personally delivering exhibits to the laboratories in Dublin, and for rural divisions furthest away from Dublin, this can result in the loss of two CSEs for a day.
- CSEs operate generally in poor working conditions, with poor quality and antiquated equipment e.g. powder and latent print tape.
- Very little CSE examination results are placed onto PULSE and are still being entered on ledger books at the station.

Outputs and Outcomes

CSEs need to play an integral role in crime investigation by finding evidence that can link a suspect to a crime. Internationally, CSEs are varied in performance with some who will achieve far better results than others. It is important to identify those top performers and use their skills to develop others. Many senior managers believe that CSEs could be used more productively.

As part of this inspection, the Inspectorate submitted an information request to the Garda Síochána requesting the following types of data to determine the outputs from CSEs (what was found and what was submitted) and outcomes (positive identifications):

- Numbers of crime scenes attended;
- Numbers of retrievals by CSEs at crime scenes;
- Number of those retrievals that were converted into evidence;
- Number of arrests that resulted from those identifications; and
- Number of arrests that resulted in a charge or other judicial outcome.

This information is available in many other police services but is not currently available in Ireland. There are many CSEs who are excellent examiners, but there is no data to show how their work contributes to identifying offenders.

Technical Bureau

Exhibits found at crime scenes are sent to Technical Bureau in Garda Headquarters. The Garda Technical Bureau has developed expert status in certain fields, such as fingerprints and photographs. Technical Bureau receive many of the exhibits from CSEs and conduct examinations of fingerprints or photographs from crime scenes. The quality of submissions sent to Technical Bureau varies, with some good submissions that are turned into evidence and some poor submissions, where many items are sent for examination, but none of the items have any retrievable evidence. Some CSEs are regularly submitting large volumes of exhibits from crime scenes, without successful identification.

Training

Currently, CSEs receive five week's training at the Garda College, compared to nine week's training in other police services. The Garda course has a 100% pass rate for CSEs, compared to some other police services where the pass rate is 75%.[14] There are some elements of the course, such as photography, where CSEs receive limited training relative to the level of expertise required. An investment in selection and training processes for CSEs could make a significant difference to the quality of criminal investigations.

Recommendation 3.26

The Inspectorate recommends that the Garda Síochána develops new Standard Operating Procedures for Crime Scene Examiners (CSEs). (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Review the standard training for CSEs, and ensure consistency with international best practice;
- Ensure that CSEs have appropriate equipment to retrieve evidence at crime scenes;
- Provide better station facilities to allow examinations to be conducted in a professional manner;
- Develop additional forensic databases such as tool and shoe marks;
- Establish performance indicators for all CSEs;
- Provide CSEs with continuous professional development;
- Provide ongoing training for all gardaí on crime scene management.

When an Incident is Not Actually a Crime

There are occasions when a call is received to an incident that appears to suggest a crime has taken place, but when officers attend, they find that there is no credible evidence that a crime has occurred. For example, a person reports a stolen car, but when officers arrive they find that a family member had lawfully taken the car. In such cases, it is good international practice to record a clear rationale on CAD or on a paper record to explain why a crime is not going to be recorded. In Ireland, this

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14   Source: Data as per Garda Technical Bureau

does not happen, and if an enquiry or complaint is later made, the officer that dealt with the call has to be contacted to find out what happened. Over time, this becomes far more problematic and unnecessary time is wasted. The practice of logging a clear rationale for not recording an incident as a crime should be implemented immediately and it can happen without any cost or technical change.

Recommendation 3.27

The Inspectorate recommends that the Garda Síochána ensures a clear rationale is recorded as to why no PULSE incident number was created where CAD and paper records for calls suggest that a crime has taken place. (Short term).

Keeping CAD Calls Open and Linking CAD and Crime IT Systems

Once a garda unit informs a control room that they have finished dealing with a call, the CAD message is formally closed. Without showing a CAD message as closed, call takers are unable to assign the unit to another call. This should be changed, as it is not a complication in other places with similar CAD systems where a unit can be de-assigned from a CAD message that is left open.

Other police services do not close CAD incidents if there is still action to be taken or a call awaits a result. In Scotland and West Yorkshire police services, a CAD message cannot be closed without including a crime reference number (where applicable). This links the CAD system and the crime system. This also ensures that control rooms check that an officer has completed a crime report before finishing their duty. Incidents are also kept open if there is a named suspect wanted in connection with a crime e.g. in a domestic violence case where a suspect left prior to police arrival. Keeping the CAD message open ensures that oncoming officers are aware of the incident and can be tasked to find that individual. Scotland and West Yorkshire produce a handover package for domestic violence cases which is used to brief oncoming teams to continue to look for identified individuals.

Recommendation 3.28

The Inspectorate recommends that the Garda Síochána ensures that CAD incidents are not closed without a PULSE incident number or in cases where there are outstanding actions or outstanding suspects. (Short term).

Results and Closure of Incidents

Where an incident is managed on CAD, there is a process to formally close the message. This requires a dispatcher to place a code in the results part of the message. There is a choice of six options and the most frequently used result code found during this inspection is RPSTN "report to station". When this code is used, it is intended that a garda will complete a report for the incident. From a supervisory point of view and a management information perspective, this code is inadequate as it does not indicate the type of report that the garda intends to complete and in the case of a crime, what crime was actually committed.

In a review of calls for service incidents, the Inspectorate found that the majority of incidents are coded as "report to station", but there is often no accompanying report.

In one dip sample of CAD messages, the Inspectorate checked twenty-three CAD calls for one division and all twenty-three CAD incidents checked had a result entered as 'report to station'. On checking the outcomes of each incident the Inspectorate found that only twelve reports were ever completed.[15] This code appears to be used as a catch-all for resulting incidents, irrespective of whether a report will ever be completed. In non-CAD control rooms there was generally an absence of any results written on the paper records.

In completing call message logs, it would be far more useful if a qualified code was used for a result, such as a report is going to be completed for an assault or a missing person. There is no cost or technical reason that precludes this from being immediately implemented. It is the Inspectorate's view that in the longer term, CAD incident result codes must be updated to provide more alternatives for the outcomes of calls.

Recommendation 3.29

The Inspectorate recommends that the Garda Síochána develop a broader range of CAD incident result codes that accurately record the type of incident. (Short term).

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15   Source: Volume Crime Case Reviews

3.12 Domestic and Sexual Assault Calls and Positive Action

Domestic Violence (DV) is a high volume incident that requires particular attention. As previously mentioned, DV shares the same CAD code (which is DVSA) with sexual assaults and this makes it difficult to analyse DV CAD incident data. The following data is from all DMR Divisions between January and September 2012. Chart 3.5 shows the number of total calls received with the CAD code DVSA, the number of those calls which had a result code of "report to station" (RPSTN) and the number which shows that prisoners (PTSN) were arrested at the time of the call.

During this period a total of 10,373 calls shown as DV/SA were received and recorded on CAD. A high volume of calls show the result as Report to Station (RPTSN). From analysis of other CAD incident data where the result was shown as RPSTN, the Inspectorate found that in 50% of the cases no reports were actually completed.

The Garda Síochána has a positive arrest policy for domestic violence cases. During field visits, the Inspectorate found a complete absence of supervision in such cases and an absence of management data on how divisions were performing. The sample conducted by the Inspectorate shows that out of 10,373 cases, only 247 CAD calls had a CAD result recorded as

Prisoner to Station (PTSN). On checking those cases where an arrest was made, it was often for a breach of a domestic violence barring order, rather than for crimes such as an assault.

3.13 Crime Reporting at Garda Stations

The public office in a garda station deals with general enquiries from the public, either in person or by telephone. This office has the dedicated station telephone number and is usually staffed by gardaí who have responsibility for dealing with visitors, answering and recording telephone calls from the public and managing persons detained in custody. The multiple functions of this role can put individuals under pressure to deal with the competing demands placed upon them.

The physical environment of public offices varied greatly from station to station. Some were bright, open spaces that were customer friendly, while others were far less inviting. Reception areas were often very small and privacy was an issue, particularly for those wishing to report an incident of a sensitive nature. Some stations did not have a suitable room available for a person who wished to discuss a matter in a private setting.

The Inspectorate found inconsistency with the information and literature that was available and displayed in garda stations. Some stations had posters about particular crimes and details about

Chart 3.5

DVSA CAD Call Data in DMR - January to September 2012
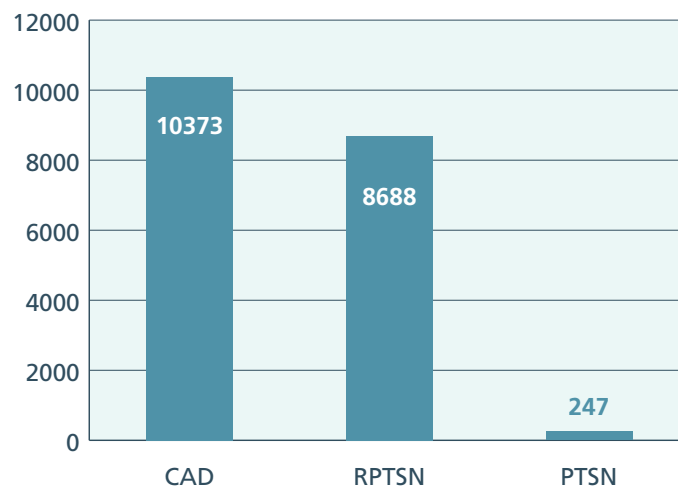
Source: Data supplied by the Garda Síochána.

support agencies. Conversely, some stations had little information available or had posters that were not maintained and were out of date.

Recommendation 3.30

The Inspectorate recommends that the Garda Síochána audits public office facilities and improves their design to facilitate a more customer focussed environment. (Long term).

Volume Crime Case Reviews 158 Calls for Service

Volume Crime Case Reviews

A major component of this crime investigation report was the tracking of 158 calls from members of the public to the Garda Síochána across the seven divisions visited.

Intention

The intention was to track selected calls from the time the call was made through to the final outcome.

This part of the report will examine:

- The recording of the original calls from the public;
- The initial response and investigation of the incident or crime;
- How many of those calls were recorded as crimes or incidents.

Further parts of the report will follow these same incidents through the garda investigation process including:

- Where a crime took place, who investigated the crime;
- Management of any suspects and the detection (solving) of a crime;
- The outcome of any court prosecution or other criminal justice disposal;
- And most importantly the service that was provided to the victims.

Call Selection

The selection of the 158 calls was chosen on a random basis from lists of CAD records and from control room paper records. All calls were chosen on the basis that the member of the public who contacted the Garda Síochána stated that a crime had been committed when the call was made.

Crimes from the five categories of assault, burglary, domestic violence, robbery and vehicle crime were chosen. These are categories of crimes that are generally referred to as volume crimes and are the types of crimes that are dealt with daily at garda districts.

A minimum of four calls for each crime category, for each division were selected.

The Inspectorate selected calls that were received in mid-2012 and approximately twelve months prior to the visits to each division in late 2012 and 2013. At some more rural divisions and for some crime types the time frame for selection was extended to find calls in certain crime categories. The selection of the calls from 2012 allowed the Garda Síochána twelve months to conduct an investigation.

Each call has been categorised as a case. In total, 158 cases were selected and reviewed from the first point of call, through to the conclusion of the case.

The Garda Síochána has an incident and crime recording system called Police Using Leading Systems Effectively (PULSE). When a crime or an incident is reported to the Garda Síochána, a PULSE record should be completed and a crime recorded when there is reasonable probability that a crime took place.

3.14 Volume Crime Case Reviews The Findings for Calls for Service

Recording of Calls for Service

In divisions operating a CAD system, the process of indentifying calls for the Volume Crime Case Reviews was reasonably straightforward. However, in divisions not operating CAD, this proved to be a far more complex and time consuming process.

In two garda districts without a CAD system, the Inspectorate found that no paper records were used to record any 999 or non-emergency calls received. In the absence of any record of calls received, there is no way to identify how many calls a year are received; what types of calls; who dealt with a specific incident and what the results were. In these districts, there is no record of work demands and without a record of calls, a supervisor is unable to check if all calls received were correctly dealt with. The absence of call recording was brought to the attention of the relevant divisional chief superintendents at the time of the visits.

In garda districts working on paper records, the Inspectorate identified that in some district stations the recording of calls received from the public was inconsistent. In one district, there were gaps of up to a week in the recording of calls. From speaking to members, it appeared that individual gardaí made decisions on whether or not to record the calls received.

Where paper records existed, they were often hard to read and contained limited details of the incident in respect of how the call was managed and what the result was.

At most garda districts, the Inspectorate found little or no evidence of a supervisor checking paper or CAD records to make sure that incidents were dealt with appropriately and recorded correctly.

Information Request for Call Details

Following the field visits and having selected calls for service from each visit, the Inspectorate requested information on the calls through Garda Headquarters.

An information request was submitted with a series of questions about the cases. The request also asked for copies of any of the following documents:

- A PULSE report;
- An investigation case file;
- A custody record for any persons arrested and interview records;
- A prosecution file or court papers.

The information that the Inspectorate requested would be routinely available in other police services. During meetings with other police services, it was estimated that such information should be available within days.

The Inspectorate recognised that this request for cases would be a good exercise in checking the accuracy of recording of incidents and to find any associated case papers. The first request to a division for information on twenty-one incidents took four and a half months to arrive and when it did, two cases were missing and were shown as still under investigation. The quickest response received took three months to reach the Inspectorate. Extensive delays that followed the requests, show that there are deficiencies in the ability of the Garda Síochána to find and provide such information. Most cases sent to the Inspectorate consisted of a copy of a PULSE incident, and in some cases, a victim's statement or a garda investigation pro forma.

Calls Not on PULSE

In each division, it was clear that difficulties arose when an incident was not recorded on PULSE. In the absence of a PULSE record, divisions had to go back to the original call on CAD or to paper records. The next stage was to try and identify who dealt with the call. In particular, the limited information on paper records made it very difficult to ascertain who was actually assigned to the calls. Even those divisions operating CAD were in some cases unable to determine who dealt with a particular call and the action taken.

In selecting calls that were by this stage over twelve months old, the situation was exacerbated by the fact that some gardaí had retired, had transferred or were off duty on extended absences. The Inspectorate received large numbers of internal

garda memoranda for cases where individual gardaí and sergeants were questioned about whether they could remember dealing with a call and what the result was. In some cases none of the gardaí on duty at the time of the call were able to recollect details of the incidents.

Calls with No Record of Attendance

Of the original 158 calls received by the Garda Síochána, there are eight calls where a unit should have attended an incident, but there is no record of actual attendance.

There are a further three calls to domestic violence incidents, where the caller subsequently re-contacted the garda to cancel a unit attending. In these cases, it is good practice to still attend a call to check on a person's welfare and to make sure that the person is not under any duress. There is still one assault case, where eighteen months later the division has not responded on the outcome of the call.

In respect of the eight calls where a unit does not appear to have attended the incident, the contributing factors appear to be the poor systems for recording calls from the public and an absence of supervision to ensure that a call is properly dealt with. In some of these cases, all of the gardaí on duty on the day have no recollection of receiving information about the incident.

In an effort to respond to the Inspectorate's request, some divisions decided to contact the people who made the original call, at time periods ranging from twelve to eighteen months later, to determine what happened on the day that the gardaí were called. At least one division decided not to contact the caller to establish what happened on the day.

The following are four examples out of the eight calls, where gardaí did not attend an incident and where the division is unable to confirm if anyone attended and what action was taken.

- In May 2012, a caller stated that her husband had beaten her and hit her with a small table. Shortly afterwards, the woman called back to say that her husband had just left the address. The garda control room recorded on the CAD record that gardaí would still call to check on her welfare. The result to the call on CAD is shown as a report to station. The unit assigned to the call has since reported that the members were cancelled to the call by the control room. This information conflicts with the details contained on the CAD message. The potential ramifications for this are serious. No one called to check on the victim's physical condition and this incident was never recorded. One year later, and after the Inspectorate's request, gardaí attended the address to speak to the caller about the incident.

- In September 2012, a call was received to a robbery where two males stole charity money. A unit is shown on CAD as assigned to the call and a result is shown as a 'report to station'. The division concerned has reported to the Inspectorate that it was not possible to establish what happened to the call and whether a unit attended.

- In May 2012, a caller stated that her boyfriend was beating her and also had tried to choke her. A unit was assigned and the CAD message recorded that the unit arrived on scene within eight minutes and left the scene six minutes later. The call is recorded as a report to the station. This incident was never recorded on PULSE. All members spoken to do not recall dealing with this incident. In February 2014, gardaí attended the caller's address and took a statement from the original caller.

- In May 2012, a caller stated that there was a domestic incident and that a family member was causing problems. The original call went to the divisional control room and it was later transferred to a district station to assign a unit. The district station has no record of receiving this call and all members canvassed on that day, do not recall dealing with the incident. The division reported that it was busy on that day, with other incidents. The district officer submitted a report stating that it was highly probable that the call was recorded by a member and that it was dealt with and brought to a successful conclusion.

The examples highlight poor recording and deployment practices and, in some cases, may have it resulted in the non-attendance of a garda unit to an emergency call.

This inspection has identified a gap in the transferring of calls received in divisional non-CAD control rooms that are subsequently transferred to a district station to deploy a unit to deal with the incident. In some district stations, no written record of the call that was transferred can be found.

Following the supply of PULSE records and other documents in the 158 cases, the Inspectorate sent further information requests to each division. In many cases, where a PULSE was not created and supplied to the Inspectorate, no information or explanation was supplied to explain the absence of a PULSE report.

The follow up enquiries included requests for information on:

- Why the call was not recorded as a crime;
- Copies of documents that were not supplied as requested;
- Verification of information that was supplied.

In the majority of cases, divisions provided the follow-up information that was requested. In two cases, divisions returned the request for more information with a PULSE record for a case where it had initially reported that that no PULSE incident was created. At the time of completion of this report, responses are still awaited to some follow up questions and requests for information.

Garda Notebooks

Members have official garda notebooks which are used to record incidents that they deal with and to note crimes or arrests.

Where a crime was not recorded on PULSE, or there was no explanation as to why a crime was not recorded, the Inspectorate asked for a copy of the rationale for not recording a crime. In some cases, the Inspectorate specifically asked for a copy of the members' notebooks for particular incidents. Notebooks should have records of the details of any investigation and action taken at the time. In October 2013, the Inspectorate requested copies of notebook entries for eight cases from one division. At the time of the completion of this report, three responses were received on typed memoranda, and no notebook entries have been received. There was no response in relation to the other five cases.

Attending Incidents

Chart 3.6 shows call data selected from the seven divisions visited by the Inspectorate. The data was taken from CAD incidents and from paper records maintained on calls for service. Information includes average response times to the 158 calls for service, the time taken to arrive, the time spent dealing with the call and the incidents for which a result is shown. In non-CAD divisions most of the data was not included in records of calls.

Chart 3.6

Volume Crime Case Reviews – Calls for Service Attending Incidents

Division	Number of incidents	Average response times (minutes)	% incidents with time of arrival shown	Average time at the crime scene (minutes)	% of incidents with a result shown
DMR North (CAD)	21	22	67%	25	95% (all bar 2 RPSTN)
DMR South (CAD)	23	8	70%	70	100% RPSTN
Donegal	21	Not recorded	Not recorded	Not recorded	28%
Kildare	23	Not recorded	Not recorded	Not recorded	Not recorded
Limerick	24	Not recorded	Not recorded	Not recorded	Not recorded
Mayo	23	Not recorded	Not recorded	Not recorded	21%
Waterford (CAD)	23	9	70%	36	100% RPSTN
Total	158	NA	NA	NA	NA

Source: Data provided by the Garda Síochána.

General Findings

In relation to the recording of call details, the Inspectorate found significantly more information recorded on electronic CAD systems about the actual incident than on paper records e.g. the unit assigned and the time of assignment was always recorded:

- In the three locations where CAD is in operation, on average the time of arrival at incidents was recorded in 69% of the calls received;

- The average time at crime scenes ranged from one minute for an assault to 185 minutes for a robbery incident;

- All bar two CAD incidents had results shown as "report to station", but in less than 50% of incidents, a report was created;

- For non-CAD divisions, a result was shown in only 12% of calls;

- For non-CAD divisions, no times of arrival were usually shown and there was no data as to how long units spent dealing with calls.

Incident Recording

In most policing jurisdictions, where a call from the public is received which suggest that a crime has occurred, an incident record would normally be completed. This is particularly the case when a person states that they have been the victim of a property crime, such as a burglary or a car crime. In domestic violence cases, there will be occasions where a crime has not been committed strictly in law, but such incidents should usually be recorded as an incident and categorised as a "domestic dispute – no offence disclosed". Not all callers will be able to identify the precise crime category, but a victim knows if they have been an injured party in an assault or that an item of their property was stolen. There will always be some occasions where a person contacts the police to report a crime that had not in fact taken place.

Chart 3.7 shows the percentage of the 158 cases recorded as incidents on the PULSE system across the selected divisions. The majority of the incidents were recorded at the time the call was first received, but the Inspectorate noted that an average of 28% of the calls were never recorded on PULSE. Following a request for information about these calls for service, the Inspectorate further noted a number of incidents were recorded after the Inspectorate's request. This amounted to 9% of the calls for service. The information request was made over twelve months after the call was initially made in 2012. In the event that a call for service, is not recorded on PULSE, the Inspectorate expected to see a rationale recorded on the case papers reviewed. The chart also shows where a rationale was outlined on CAD or on the case papers for not recording an incident on PULSE.

Chart 3.7

Volume Crime Case Reviews
Conversion Rate of Calls for Service to PULSE Records

Division	Number of calls for service	% calls for service recorded on PULSE at the time of the first call	% calls for service not recorded on PULSE	% calls for service incidents recorded after with Inspectorate request	% calls for service without a clear rationale for not recording on PULSE
DMR North	21	71%	29%	0%	100%
DMR South	23	61%	26%	13%	83%
Donegal	21	62%	19%	19%	75%
Kildare	23	69%	22%	9%	100%
Limerick	24	63%	33%	4%	100%
Mayo	23	65%	31%	4%	100%
Waterford	23	52%	35%	13%	88%
Total	158	63%	28%	9%	92%

Source: Data supplied by the Garda Síochána.

Findings

- The average conversion rate from the call for service to the creation of a PULSE incident is low at 63%;

- 9% of the incidents were recorded in 2013 after the request from the Inspectorate;

- In the majority of cases where an incident was not recorded on PULSE, there was no rationale recorded on CAD or paper records to explain why a crime was not recorded;

- It is noted that in one division, 35% of calls for service were not recorded on PULSE. This is a significantly high rate of under-recording.

The incidents recorded on PULSE twelve months later (after the Inspectorate's request) included offences from all of the five categories including:

- Three robberies;
- Two thefts from vehicles;
- Five domestic incidents.

The following is an example of a case where the PULSE record was created in 2013.

In June 2012, a caller stated that her husband had raped her in the past and had hit her on that day. Caller wanted him arrested, she has five children and is scared. The CAD result is shown as report to station. Although gardaí are shown as spending 62 minutes at the scene of this call, no record of the incident was created on PULSE at the time. In June 2013, a PULSE incident was created for the domestic dispute, and the record says "husband not present when gardaí arrived. No offences disclosed". The PULSE record created some 12 months later is in direct conflict with the information supplied to the garda call taker. In this case, a sergeant described the non-recording at the time as an "oversight".

Chart 3.8 examines the call data from the five selected crime types relating to the 158 cases and examines the recording rates for each crime category.

Chart 3.8

Volume Crime Case Reviews
Conversion Rate of Calls for Service to PULSE Records by Crime Type

Crime Type	Number of calls for service	% calls for service recorded on PULSE at the time of the first call	% calls for service not recorded on PULSE	% calls for service recorded after Inspectorate request
Assault	30	47%	47%	6%
Burglary	40	87%	10%	3%
Domestic Violence	33	39%	45%	15%
Robbery	27	78%	11%	11%
Vehicle Crime	28	61%	28%	11%
Average Total	158	63%	28%	9%

Source: Data supplied by the Garda Síochána.

Key Findings

In comparison to all of the sample:

- For property crimes such as burglaries and robbery crime offences, there is a much higher recording rates;
- For domestic violence and assault cases the conversion rates from the call to PULSE was significantly lower;
- Domestic violence cases accounted for the largest percentage of cases that were recorded after the Inspectorate's request in 2013.

Categories Recorded on PULSE

In Part 4 of this report, the Inspectorate examines the category that the incident was placed into and whether the Inspectorate agreed with that decision.

Conversion from a Call to a Crime

Chart 3.9 shows the number of calls that were recorded as incidents on PULSE and the number that were recorded as crime incidents.

Chart 3.9

Volume Crime Case Reviews Conversion Rate of Calls for Service to PULSE Crime Records

Number of calls for Service	Number of calls for service recorded on PULSE	Number of PULSE incidents recorded as a crime	% calls for service recorded as a crime
158	114	90	57%

Source: Data supplied by the Garda Síochána.

General Finding

- Only 57% of the total calls received were recorded as crimes.

Non-recorded Cases

The following are some of the themes that are present from the sixty-eight cases out of the original 158 calls for service, that were either not recorded on PULSE or were recorded in a non-crime category.

Victims unwilling to make a statement of complaint

This is an issue which arose in many of the sixty-eight incidents that were not recorded on PULSE at the time of reporting. A statement of complaint is effectively a written statement taken from a victim outlining the nature of the offence and an agreement by the victim or a witness to assist in the prosecution of an offender and if necessary to attend court to give evidence.

A difficulty arises when a victim reports that a crime has taken place, but declines to provide a written statement of complaint. The Inspectorate found examples where gardaí stated that the crime was not recorded, because the victim would not make a written statement of complaint. The refusal to provide a statement of complaint can be very frustrating for gardaí and can often occur in cases of domestic violence and other assaults. However, the rules around this state that if there is reasonable probability that a crime occurred (and no evidence to the contrary) then even if the victim does not want the matter taken any further, a crime should be recorded (Crime Counting Rules).

Victims told to consider their course of action

The Inspectorate found a number of calls where gardaí recorded that the victim was going to think about their course of action and that the victim would re-contact the gardaí. This was often linked to assault cases, but also in a case of robbery and, sometimes, the victim was described as being intoxicated. In most police services where on the balance of probabilities an assault took place, a record of the crime is created at the time and contact is made with the victim at a later date. In Ireland these same rules of recording apply, but it appears that such crimes are not always recorded. In the incidents that were examined, there was no evidence of further contact with victims to establish if the victim wanted to report a crime. In most cases the victim's details were known and gardaí should make contact at a later date to see if the victim wants to report a crime.

Victims or callers who left the scene before gardaí arrived

During this analysis, the Inspectorate found several calls where victims had left a location prior to the arrival of a garda. On occasions, this was due to a delayed response by the garda attending the incident. Examples include:

- A call to a hospital where there was a victim with a suspected broken jaw. It took two hours for a unit to attend the hospital and by that time the victim had left.

- A call to a domestic incident received in the early hours of the morning took gardaí over two hours to attend; and by that time there was no reply at the address.

In these cases, there was no evidence of any attempt to re-contact the victim and no crimes were subsequently recorded. Reasonable enquiries should have taken place to speak to the caller or any witnesses.

Victims advised to call to a garda station

The Inspectorate also identified calls where an arrangement was made for a victim to come to a garda station to report an incident or a crime. On two occasions, this occurred because it suited the victim to do so. In these cases, no crime was ever recorded and there is no record of any attempts to re-contact the victims to see if the person wanted to report the crime.

Best Practice

Many police services have adopted bureaucratic processes of exhaustively trying to contact potential victims to establish if a crime has taken place and whether the victim wishes to report it. A sensible approach must be taken in terms of trying to contact a victim to see if a crime has taken place. The Inspectorate advocates that reasonable attempts should be made to contact a person who has previously reported a crime to the garda and for whatever reason, the crime was not recorded at the first notification. Any such attempts to contact a caller should be recorded on the original CAD message or on the paper record.

Recommendation 3.31

The Inspectorate recommends that the Garda Síochána creates a Standard Operating Procedure for dealing with victims of crime. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Provide clear guidelines about when to record a formal statement of complaint;

- Develop a standard national approach for follow-up enquiries with victims who have left a crime scene prior to the arrival of gardaí;

- Promote the importance of the first interaction with a victim of crime.

Unrecorded Crimes – Individual Decisions by Gardaí

As mentioned in the introduction to this report, there will always be a number of crimes that are not reported to the police. Internationally, under reporting is monitored through surveys of various types. Whilst this occurs across the full range of crime types, it is particularly prevalent with crime types such as domestic violence, race crime or homophobic crimes. Sometimes it is because victims do not think that the police will take them seriously or they are afraid of retribution.

In contrast to the decision by a victim not to report a crime, the inspection learned of an unacceptable practice where individual gardaí were deciding not to record a crime.

Examples of the type of unrecorded cases that were provided to the Inspectorate

- In assault cases, gardaí sometimes give the victim time to consider their next course of action and do not always record the victim's complaint. This is particularly used when a victim may have consumed alcohol. Many victims later decide not to make a formal complaint and a crime is never recorded.

- In domestic violence cases, where a victim has injuries but is unwilling to make a statement of complaint, members sometimes do not record the incident on PULSE; or it is recorded on PULSE without details of any injuries to the victim and incorrectly categorised as a domestic dispute. In the latter case, this crime is categorised as a "domestic dispute - no offences disclosed". This matter is effectively closed and the assault is not recorded. This is a very unsafe practice for such a crime.

- Where the victim is a tourist, some members do not record the crime as they think that the person will not follow-up on the report.

- Some low level incidents are not always recorded as the district officer would expect a full investigation.

- Some crimes are recorded in a non-crime category. This is further discussed in the next part of the report (Part 4).

- Victims are sometimes asked to provide proof that an offence has taken place before a crime is recorded. Examples were given in theft of oil cases, where victims were asked to provide receipts for oil purchases. In these cases, members said that this was completed on the instructions of a supervisor.

Members have told the Inspectorate that they are aware that the failure to record a crime is likely to lead to a disciplinary enquiry. District officers informed the Inspectorate that unless a complaint or enquiry was later received, it is unlikely to be discovered that a crime was not recorded in these circumstances. The Inspectorate was informed that supervisors cannot guarantee that everything goes onto the PULSE crime recording system. Some supervisors were unclear on their authority to review notebooks. On checking the Garda Code, the Inspectorate noted that it sets out the duty of supervisors to check garda notebooks.

In Ireland, there is no formal process for allocating crimes for investigation. Other police services have formal allocation processes and often have investigation teams that deal with particular crime types. As the first responding garda usually investigates an incident, if a garda records a crime, they know that they are allocating an investigation to themselves. This means that an individual can essentially decide what they will investigate. It may also determine whether the incident will ever be entered onto the crime incident reporting system and also under which category it will be classified. This issue is exacerbated by poor supervision.

Heavy workloads were the main reason provided by gardaí for not recording incidents on PULSE. Members explained that all crimes are required to be investigated to the same level and where a less serious crime is recorded on PULSE, the district officer will request a full investigation file and send out a long list of instructions for the gardaí to carry out.

Failure to record crimes and incidents was consistently reported to the Inspectorate across all seven divisions.

Approach of Individual Officers

The first member to deal with a victim of any crime has a critical role and may determine the satisfaction levels of the victim with the service provided. The Inspectorate was informed by members and victims that it can often be the approach of the first officer that determines what a victim will do.

3.15 The Victim's Experience

The following are examples of cases brought to the attention of the Inspectorate during the course of the inspection, that were not recorded as crimes. The Inspectorate spoke to the victims in Cases 1 and 2 and also the witness to Case 3.

Case 1

A victim of a previous burglary was the victim of another burglary. Following the second crime, the victim received a garda victim's letter from the district officer. This victim had not received a victim's letter for the first crime and assumed that the letter was a new garda initiative. A subsequent review of the PULSE system showed that the first crime had never been recorded.

Case 2

A family on holiday in Ireland were the victims of a violent attempted robbery. On seeing two gardaí they reported what had happened. The members called an ambulance for the victims and conducted a short search for the suspects. The gardaí informed the victims that they would have to report the crime at another station. The victims were shocked that the officers did not want to take the report. This crime was not recorded.

Case 3

A member of the Garda Síochána saw suspects at the rear of their neighbour's house attempting to break in and dialled 999. Two gardaí arrived in a patrol car. The gardaí did not get out of the car or search the back of the house and they left without talking to the witness. The incident was not recorded as a crime.

Case 4

A robbery involving the taking of a mobile phone was reported to a garda. Three weeks later the victim's mother attended the garda station to get a claim form stamped. On checking PULSE the crime was not recorded.

Supervision

During the inspection of CAD and paper call recording systems, the Inspectorate found very little evidence of supervision to check that a call was correctly dealt with. With regard to crime investigation, it is important that a supervisor makes sure that an officer has taken all necessary actions at a crime scene and has completed a detailed crime report.

The Inspectorate has identified a gap between the number of calls that are received from the public and the numbers of incidents that are actually recorded in electronic and paper records. This gap needs to be urgently addressed, and robust and meaningful supervision is required to ensure that calls are properly recorded and actioned.

Garda Action for Non-recording of Crimes and Other Incidents

Out of the 158 calls, 14 PULSE incidents were created some 12 months after the call was first received by the Garda Síochána and six out of the seven divisions created reports after the request for documents by the Inspectorate.

The Inspectorate has received some feedback on Garda Síochána action taken for the non-recording of these crimes and other incidents. This ranged from no action taken to several cases of discipline. In one division, the Chief Superintendent reported that as a result of the Inspectorate's request for cases, two members are under investigation for breaches of discipline; one member has retired, but if still serving would have faced discipline proceedings and three other incidents should have been recorded and instructions were given to gardaí about this. This is effectively 28% of the total cases examined for that division. This showed the seriousness in which one division viewed the non-recording decisions made. Other divisions have taken different approaches.

These case reviews across the seven divisions identified that a large percentage of crimes that took place were never recorded and subsequently never investigated.

The analysis of call handling has identified a serious problem with the recording of incidents and crimes across the seven divisions.

3.16 Not Recording Incidents - What Does This Mean to Crime Recording in Ireland?

It is almost impossible to determine the level of crime that is not currently recorded. However, the information provided to the Inspectorate and the Volume Crime Case Reviews indicates that it could be significant.

Victims and witnesses who come forward to report a crime are entitled to have complete confidence that the Garda Síochána will record crimes and conduct appropriate investigations. The incidents described by the members, the information from victims and case file reviews show that this is not always the case in crimes reported by the public.

The failure to accurately record crime at this stage has serious ramifications:

- Crime data is inaccurate;
- Crime policies and directives are not implemented;
- Criminal offences are not investigated;
- Many offenders are not dealt with appropriately;
- Early intervention action in less serious crimes is not being taken, which has the potential to prevent more serious crimes from occurring;
- Analysis of crime and deployment of garda resources is not based on the full picture of reported crime, resulting in the wasteful allocation of scarce resources;
- Victims and witnesses are not receiving the service they are entitled to expect from the Garda Síochána.

The non-recording of crime is not a new issue. The Inspectorate report titled 'Responding to Child Sexual Abuse', completed in November 2010, identified a failure by the Garda Síochána to record child sexual offences as crimes. The recent inspection shows that the recording deficiencies found in the Inspectorate's examination of child sexual offences is replicated in many other crime areas. The inconsistency in crime recording was not isolated to any one of the seven divisions inspected.

The Inspectorate believes that the systems, processes and supervision are not in place to ensure that crime is properly recorded. The failure to record and properly investigate a crime is unacceptable in any policing jurisdiction. This situation must be immediately addressed, to maintain public and victim confidence in the Garda Síochána.

3.17 The Way Forward

National Standard for Incident Recording (NSIR)

There must be integrity, transparency, consistency in interpretation and clear standards of application in CAD and crime incident recording in Ireland. NSIR operates in the UK and provides a set of rules to ensure that calls are handled in a professional and consistent manner. (A similar set of rules operate in the USA: National Incident-Based Reporting System). The principal aim of NSIR is to ensure that incidents are risk assessed at the earliest opportunity, leading to an appropriate response and ensuring that incidents are recorded in a consistent and accurate manner. Accurate recording helps the police and local communities to tackle crime and anti-social behaviour. NSIR covers the end-to-end process from first point of contact with the police to the response.

In 2000, Her Majesty's Inspectorate of Constabulary (HMIC) Report "On the Record" drew attention to the possible consequences for the integrity of crime statistics when it found that 24% of crimes notified to control rooms went unrecorded in crime systems. Following the introduction of NSIR the recording standards of UK police services improved greatly.

With NSIR, an incident should be recorded when an event or occurrence disturbs an individual's, a group's or a community's quality of life or causes them concern. Incidents range from road traffic collisions and anti-social behaviour through to matters of crime and public safety. Incident management is part of the process for restoring situations to normality with minimal adverse impact on the community. Many police services use qualifiers in resulting incidents e.g. a call to anti-social behaviour might have a result that said that it was youth related. This can alert community officers to emerging issues.

Other international police services have a Crime Registrar (discussed further in Part 5) that also has responsibility for incident recording. Their role is to implement clear processes for recording incidents and to ensure consistency, transparency, accuracy and integrity across the force area.

Recommendation 3.32

The Inspectorate recommends that the Garda Síochána introduce a National Standard for Incident Recording. (Long term).

In the interim, the following key action needs to be taken:

- Appoint a lead/champion for incident recording standards (See Part 5 recommendation for crime recording).

CRIME INVESTIGATION REPORT

PART 4 | INCIDENT RECORDING

4.1 INTRODUCTION

This part of the report explains the process for recording crimes and non-crime incidents reported to the gardaí. It also examines why some crimes are not recorded and what this means for overall crime levels in Ireland.

The Garda Síochána has a single incident recording system called PULSE that is used to record crimes, incidents and garda generated activity.

The Garda Síochána operates a unique system for the recording of crimes and other incidents. When a garda has attended the incident, they contact the Garda Information Services Centre (GISC), based in Castlebar and report the incident directly. In this process GISC creates a record of the incident on PULSE. This removes the need for gardaí to return to a garda station to complete a report.

One of the first steps in that telephone call to the centre is a process called crime classification. This determines what category of crime is recorded. Other policing jurisdictions take great care to ensure that this process is right first time, so as to avoid having to change the crime classification at a later date. This is not always the case in Ireland and crimes often end up in the wrong crime category in the first instance or in some cases as a category not recognised as a crime.

This part also explores a process called review, where a GISC supervisor is required to check the crime entry for data quality and to ensure that the correct crime classification is shown.

4.2 The Crime Recording Structures and Key Organisations

Crime Counting Rules

In common with other countries, Ireland has crime counting rules that are applied to categorise, record, measure and analyse crime. A criminal offence is recorded when there is a reasonable probability that a crime was committed and there is no credible evidence to the contrary. The test is that of reasonable probability and whether it is more likely than not that a criminal offence took place. If the criteria to record are satisfied, but the victim does not want the matter taken any further, a criminal offence must still be recorded. There are also rules on:

- How to record crimes when there is more than one victim;
- How to deal with multiple crimes by the same offender on the same victim;
- When to change a crime from one category to another;
- When to show a crime as detected (solved).

These rules are very important, particularly when the performance of police services is often judged on whether crime is increasing or decreasing and success in identifying offenders, solving crimes and bringing offenders to justice.

Counting rules are one way of benchmarking and measuring crime levels. Surveys are another way of gauging crime levels. The annual Crime Survey for

England and Wales asks people aged sixteen and over living in households about their experiences of crime in the last twelve months. This survey also indicates the levels of crime that are not reported or recorded by the police and some of the reasons for not reporting crime. The Irish Central Statistics Office (CSO) carries out a quarterly national household survey which, from time to time, includes a module on crime and victimisation. The latest such module was published in October 2010, in respect of the period January to March 2010. The module was previously carried out in 2003 and 2006. Therefore, unlike other jurisdictions, there are few alternative sources of crime data to those reported by the Garda Síochána.

Crime Definitions

The method of counting and categorisation of crime is important, as it influences crime statistics. There are clear definitions for each crime category; e.g. what components need to exist for an offence to be a burglary or a robbery. To assist with varying circumstances and how to apply this to the definitions, examples are provided in the rules to assist those who are deciding what crime has taken place. For traditional offences such as theft and burglary, the categorisation is quite straight forward. With e-crime and fraud offences, it can sometimes be more complicated. The definitions for these traditional crimes and the interpretations in Ireland are predominantly the same as those used in the UK.

Whilst similar crime categories exist in Ireland, there are fewer sub-categories than in many other countries. Sub-categories can capture more detailed information, such as seriousness, modus operandi, target and intent. For example, in respect of burglary, UK police services break this down into sub-categories such as attempted burglary, artifice (distraction or trick offences), residential (homes) and non-residential offences (non dwellings). Garda analysts have indicated that this sort of information would be very useful when analysing burglary offences. Sub-categories also allow a distinction to be drawn in respect of burglary offences and attempted burglary offences. For example, it is useful to be able to separate burglaries and attempted burglaries in order to identify the number of homes or premises that are not actually

entered by an offender. The Inspectorate also found it difficult to extract data in respect of the different types of vehicle crime from PULSE.

Recommendation 4.1

The Inspectorate recommends that the Garda Síochána develops additional categories and sub-categories on PULSE that provide better data descriptions of key crime types and non-crime types. (Medium term).

Central Statistics Office

The Central Statistics Office (CSO) is responsible for the publication of Irish crime statistics and produces quarterly and annual crime statistics reports, using source data which has been collected by the Garda Síochána. The CSO also use such data in conjunction with its other demographic and administrative sources from the criminal justice system, in order to provide additional statistical information, such as the age or gender of victims or offenders.

Police Using Leading Systems Effectively (PULSE)

The primary source of Irish crime statistics is the PULSE system. PULSE is a national computerised incident recording system for the Garda Síochána, that was introduced across Ireland in 1999. In 2012, PULSE recorded just over 240,000 crimes, 145,000 offences and a further 600,000 incidents that were not crimes. PULSE therefore, records crimes such as burglaries and other offences such as speeding and other non-crime incidents, such as missing persons or lost property.

PULSE is not a crime investigation system; it is an incident recording system. Crime investigation systems in other jurisdictions operate very differently to PULSE. Their crime investigation systems are the main repository for recording all information relevant to the crime that is being investigated. All entries on these crime systems are timed and dated and show the action taken and the details of the officer making an entry. For a serious or complex crime investigation, the free text section for the investigation will often run to multiple pages. In contrast, the Inspectorate found that the creation of a PULSE record was often a once-off event, and sometimes there were

no further updates. Entries on PULSE do not always identify the person making the entry and, without conducting specialist searches, it is hard to determine who conducted certain actions and the date and time of their completion. The free text section for details of the investigation in PULSE is restricted to 3,000 characters, but in most cases PULSE details of an investigation run to just a few lines of text.

All senior gardaí interviewed during this inspection process would like a replacement system for PULSE and a crime investigation and case management system. The system should be integrated with other technology, such as a new CAD[1] system. This report will provide a compelling business case to show that the Garda Síochána must have a new crime recording system.

PULSE would need significant investment, which may not be possible with the current system and, in any case, the changes may be cost prohibitive. This report will highlight major deficiencies with the PULSE system. The Inspectorate recommends a new system, but in the interim, recommends some immediate changes to improve the current working practices of PULSE.

Recommendation 4.2

The Inspectorate recommends that the Garda Síochána develops a new national crime investigation/records management system that records all information and actions taken relating to the investigation of a crime. This system must be compatible with new CAD and resource management systems as recommended in Part 3. (Long term).

The Garda Information Service Centre (GISC)
Good Practice

Ireland operates a unique system for the actual recording of crimes and other incidents onto PULSE. GISC is a call centre operated by Garda Síochána support staff, providing a 24/7 telephone and TETRA radio reporting service to gardaí across Ireland. Responsibilities include the creation and review of all incidents reported by gardaí on the PULSE system. When a garda has dealt with a crime or an incident there is a requirement to contact GISC directly from the crime scene and a GISC call taker enters the incident directly onto the PULSE system. This removes the need for gardaí to return to a garda station to complete a crime report. This is a good approach designed to maximise garda time on patrol.

On average, it takes GISC about six minutes to create a PULSE incident; but with some more detailed incidents such as road traffic collisions, the process can take longer. As well as creating crime and non-crime incidents, stop and searches, road safety checks and intelligence reports are also recorded. GISC also perform other tasks, including linking PULSE with local district courts through the Criminal Justice Interoperability Programme computer system (CJIP). These links allow for the issue of a summons, checking compliance with document production by drivers and summons preparation in non-compliance cases. The Garda Síochána now offers a service through GISC to report crime on-line for low value theft of property crimes. GISC also provides an out of office hours IT support function for the Garda Síochána, receiving approximately 120 IT related calls per week.

The Inspectorate's field visit at GISC coincided with a national garda traffic related initiative that resulted in gardaí contacting GISC to record activity to support the operation. GISC staff were not notified in advance of this operation. As the point of recording, GISC should always be warned in advance of any impending operation that will require GISC assistance, to ensure sufficient resources are available.

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1   CAD is the acronym used for the Computer Aided Dispatch systems used by police services in many countries. The system can be used to log calls for service, the assignment of units to respond to the call and other incident related data relevant to first response.

Recommendation 4.3

The Inspectorate recommends that the Garda Síochána informs the Garda Information Service Centre (GISC) of any non-sensitive operations that will require additional GISC assistance. (Short term).

The Assistant Commissioner for Organisational Development and Strategic Planning has corporate responsibility for GISC as well as information management and data quality issues. The Assistant Commissioner for Crime and Security has responsibility for crime administration and compliance with crime counting rules. This report recommends several changes to the way that GISC should operate in the future, which includes enhancing their role in terms of compliance with crime counting rules. There is an inextricable link between the role of GISC in terms of data quality of crime recording and ensuring that PULSE crime incidents are recorded to a high standard. The Inspectorate believes that one senior manager of the Garda Síochána should lead on both crime counting rules and the management of GISC.

Recommendation 4.4

The Inspectorate recommends that the Garda Síochána designates one senior manager as the lead for both crime counting rules and the Garda Information Service Centre. (Short term).

4.3 Recording Entries on PULSE

Call Takers and PULSE Incident Creation

Approximately 18,000 PULSE incidents are created each week and GISC call takers create just under 16,000 of those reports. The role of GISC is to capture the information provided by the member, to create the initial PULSE entry for an incident or a crime and to provide advice to the member on the category of crime that may have taken place. This latter function, called crime classification, effectively determines what category of crime is recorded. In other policing jurisdictions, great care is taken to ensure accuracy of the initial entry to avoid having to change the crime classification at a later date.

Call takers also have a key role to play in accurately recording data and ensuring that all necessary PULSE fields are populated.

Mandatory Fields on PULSE

When an incident is created, there are a number of fields that must be populated; including the date, time and location of the incident and when the incident was created. There are some elements that are not mandatory, but are required for statistical information, e.g. the nationality of any persons named in the incident. The CSO would like to see mandatory completion requirement fields on PULSE, as used in other countries. Creating mandatory data fields that must be populated before a report can be completed, would reduce the number of follow-up enquiries that are later issued for officers to update their entries. It would also assist in the comparability of data.

Recommendation 4.5

The Inspectorate recommends that the Garda Síochána increases the number of mandatory fields on PULSE, (nationality, GPS etc.), to ensure more information is obtained to provide greater accuracy in PULSE incident recording. (Medium term).

For this to take place, the Garda Síochána must:

• Consult with Garda Síochána Analysis Service (GSAS) and the Central Statistics Office (CSO) to determine what mandatory fields are necessary to support accurate details for crime data and analysis.

Contacting GISC from Incident and Crime Scenes

In respect of contacting GISC to record incidents, the Inspectorate found that some gardaí are developing a practice of saving up all the incidents dealt with until the end of their tour of duty and on return to their garda station, contacting GISC to create a number of PULSE reports. This is a common practice in the seven divisions visited and is unnecessarily placing GISC under pressure at shift change-over times. Throughout the inspection, members regularly complained about slow response times to calls made to GISC. Gardaí also complained about poor radio signals as a reason for not contacting GISC from crime scenes and that, after a period of time, a call over their radio is automatically terminated. The creation of PULSE reports towards the end of their duty

effectively removes a garda from street patrol and also reduces the opportunity for a sergeant to check a PULSE incident before a garda goes off-duty. This is a practice that must be addressed and any technical issue with garda radios that may exist needs to be resolved. In addition, the creation of a PULSE record away from a crime scene reduces the opportunity for GISC call takers to obtain more details about the crime scene.

All PULSE incidents have a mandatory field for including GPS co-ordinates for a crime scene. This enables crime analysts to conduct far more accurate evaluations of crime data. A member at a crime scene can obtain GPS co-ordinates through their Tetra radio. Once a garda leaves the location, additional work is needed to fill this information gap.

Recommendation 4.6

The Inspectorate recommends that the Garda Síochána enforces the policy for members to contact GISC from the location of an incident to create a PULSE report, rather than contacting GISC at the end of a tour of duty. (Short term).

To achieve the above recommendation, the following action needs to be taken:

- Resolve the issue of garda radios terminating contact to GISC after a certain length of time.

Internationally, in other police services, officers are still manually inputting crimes onto computer systems or are using hand-held devices that download information directly onto computerised crime recording systems. There are some benefits to police officers inputting crime as they become very familiar with the points needed for a crime scene investigation report. In general, the quality of the reports in other jurisdictions visited were far more detailed. The lack of detailed information on PULSE may be the result of gardaí not having to do direct record entry, particularly those who joined the police service after PULSE was introduced.

Overall, the Inspectorate believes that the establishment of GISC was a progressive move at the time, but there is an opportunity to use the system far more effectively and create a more

detailed crime record. The following paragraphs highlight issues of efficiency, quality, timeliness and the critical stages in the creation of a record.

Compliance Rates for Recording PULSE Incidents with GISC

In order to maximise garda patrol time, members are expected to utilise the services of GISC for PULSE entries. Chart 4.1 identifies the percentage of PULSE incidents created by all divisions in contravention of Garda Síochána policy. Many divisions have achieved compliance rates in excess of 90% for using GISC to record incidents, but as shown in Chart 4.1 there are many divisions with much lower rates. There is no data available on how long it takes a garda to complete a PULSE incident, but it is likely to be far longer than the six minutes it takes a call taker at GISC.

Chart 4.1

PULSE Incident Records Created by all Garda Divisions
(January - October 2012)

% Created by Garda Divisions
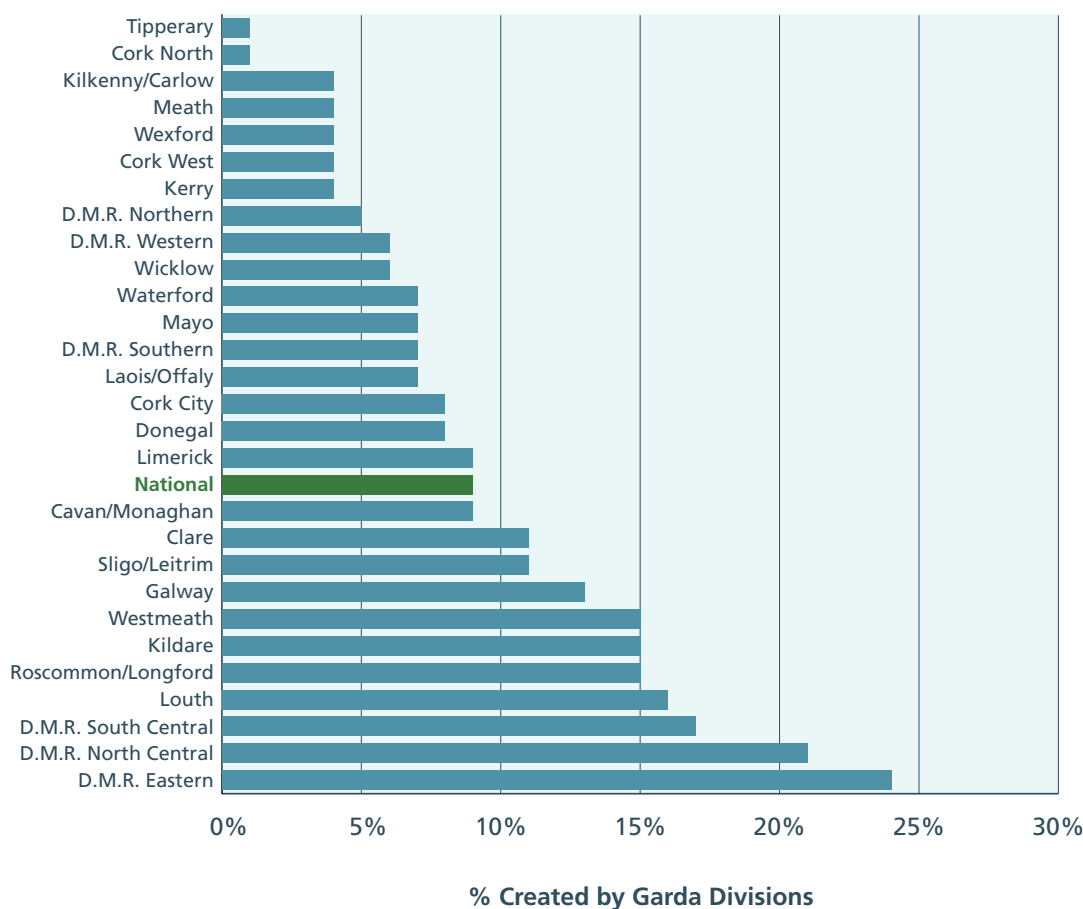
Source: Data supplied by the Garda Síochána

Creating a PULSE incident outside of the GISC system requires a member to return to a garda station and that reduces garda visibility. The presence of a patrol car or a garda on foot patrol is a deterrent to criminals. The Inspectorate believes that there is no need for individual gardaí to create their own PULSE incidents and that all divisions should achieve a minimum of 95% compliance.

PULSE - Quality Assurance

Chart 4.2 shows the difference in the quality of a PULSE record created by GISC and a PULSE incident created by individual gardaí. Every PULSE incident created is subject to a formal review process by GISC to check for data quality and to make sure that the correct incident category is chosen. Where additional information is required, or GISC want to clarify an issue with the report, an

action is generated called a "review/clarification". This action is sent via the PULSE system and is usually sent to the investigating garda.

The percentage of PULSE incidents that needed further action after creation is outlined in Chart 4.2.

Chart 4.2

Entry by GISC and by Divisions
PULSE Incidents Requiring Further Action (January-October 2012)
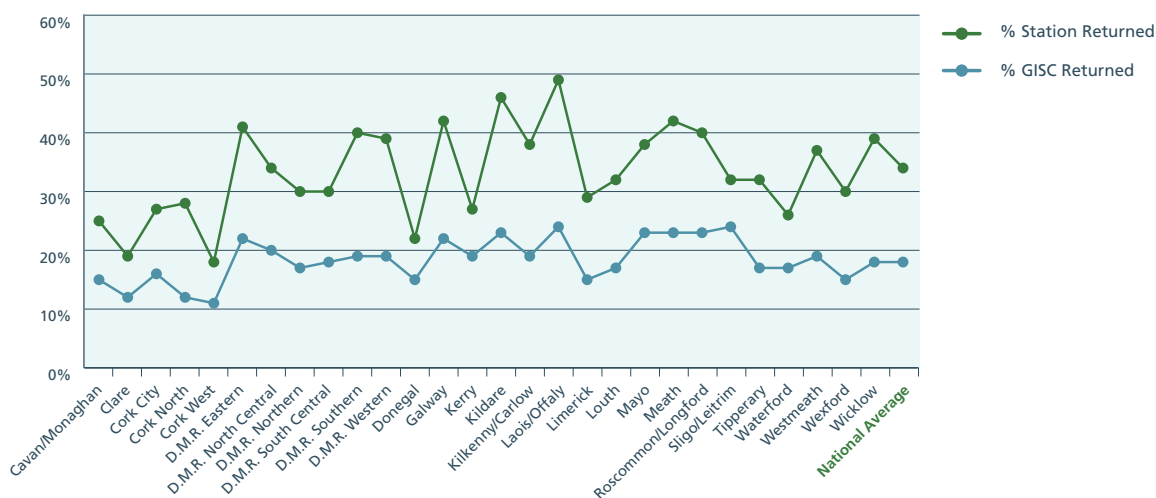
Source: Data supplied by the Garda Síochána

In this sample period, 18% of the PULSE reports created by GISC call takers resulted in a requirement for additional action, whereas 34% of the PULSE incidents created by gardaí in divisions, required additional action. Chart 4.2 shows that in one division, 49% of the total PULSE records created required additional action.

The requirement for further action fluctuates throughout the year but consistently, GISC operate at about 10% for further action and divisions are three times higher at 30%. This gap in quality generates a significant amount of additional and unnecessary work both for GISC and for gardaí.

Recommendation 4.7

The Inspectorate recommends that the Garda Síochána enforces the policy that all divisions achieve a minimum of a 95% compliance rate for using GISC to create PULSE incidents. (Short term).

Timeliness in Creating PULSE Incidents

It is extremely important that a crime is placed onto a crime recording system at the earliest opportunity, and by doing so, it provides an opportunity for a supervisor to check the report and to make sure that any necessary actions are taken at the time. There is a clear instruction to gardaí to record a crime or an incident on PULSE within the same tour of duty.

The data in Chart 4.3 shows the compliance rates against that policy and includes four specific time frames. Firstly those incidents reported to the Garda Síochána that were created within twenty-four hours (this includes crimes created in the next tour of duty, which are outside of the policy). The next three time periods show rising interval periods up to those incidents that were created at least one week after the report was made.

Chart 4.3

Difference Between PULSE Incident Reported and Created Times[2]

		Difference between reported time and created time <=24 hours[3]	Difference between reported time and created time >24 hrs and <=36hrs	Difference between reported time and created time > 36 hrs <=48 hours	Difference between reported time and created time > 48 hrs <=1 Week	Difference between reported time and created time > 1 Week	
Division	Total Incidents Created Division	Total Incidents Created	Total Incidents Created	Total Incidents Created	Total Incidents Created	No Incidents Created	Total Incidents Created
Cavan/Monaghan	1,234	78.8%	4.4%	1.2%	4.2%	141	11.4%
Clare	1,327	80.2%	4.5%	0.6%	3.2%	152	11.5%
Command and Control, Harcourt Street, DMR	36	94.4%	0.0%	0.0%	0.0%	2	5.6%
Cork City	3,131	82.7%	3.6%	1.0%	4.3%	265	8.5%
Cork North	2,204	83.0%	4.5%	1.0%	3.8%	169	7.7%
Cork West	1,654	84.2%	4.0%	1.3%	4.2%	105	6.3%
DMR East	1,505	81.9%	3.0%	0.8%	2.7%	174	11.6%
DMR North	4,222	80.5%	3.7%	0.9%	4.6%	436	10.3%
DMR North Central	3,144	79.4%	3.7%	1.3%	3.7%	372	11.8%
DMR South	2,571	75.7%	3.2%	0.7%	4.0%	421	16.4%
DMR South Central	2,717	83.3%	3.0%	0.6%	4.4%	236	8.7%
DMR West	4,997	85.2%	2.6%	1.0%	2.8%	420	8.4%
Donegal	1,532	80.9%	5.4%	0.6%	4.1%	139	9.1%
Galway	2,212	80.6%	3.3%	0.6%	3.0%	276	12.5%
Kerry	1,550	82.3%	4.2%	1.5%	3.4%	134	8.6%
Kildare	1,779	81.7%	4.3%	1.7%	5.7%	118	6.6%
Kilkenny/Carlow	1,334	83.4%	4.0%	1.4%	2.8%	112	8.4%
Laois/Offaly	1,193	78.0%	3.5%	1.8%	3.7%	154	12.9%
Limerick	3,023	81.2%	4.5%	1.1%	3.7%	286	9.5%
Louth	1,916	83.4%	2.2%	0.2%	4.2%	191	10.0%
Mayo	1,233	74.9%	2.9%	1.3%	3.8%	211	17.1%
Meath	1,533	84.6%	2.7%	0.5%	4.3%	121	7.9%
Not Assigned Division	81	81.5%	1.2%	1.2%	6.2%	8	9.9%
Roscommon/ Longford	1,137	83.0%	3.3%	1.3%	3.2%	105	9.2%
Sligo/Leitrim	1,091	84.1%	6.0%	1.0%	3.8%	55	5.0%
Tipperary	1,943	83.3%	4.3%	1.9%	3.6%	135	6.9%
Waterford	1,978	83.2%	4.5%	1.7%	2.0%	170	8.6%
Westmeath	1,448	85.4%	2.3%	0.8%	2.6%	127	8.8%
Wexford	1,580	87.8%	2.5%	1.3%	2.2%	98	6.2%
Wicklow	1,448	81.4%	2.8%	1.4%	3.9%	153	10.6%
Total	**56,753**	**82.0%**	**3.5%**	**1.1%**	**3.7%**	**5486**	**9.7%**

Source: Data supplied by the Garda Síochána.

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2   Data in chart refers to three week period 5 October 2012 to 25 October 2012. (Note colour code Green = Completed within 24 hours. Amber = Completed outside of the Garda Directive. Red = Poor compliance with the Garda Directive)

3   Note: Garda data does not provide tour of duty. It can only provide a 24 hour period.

There are significant numbers of PULSE crimes and incidents in the chart that are created at various intervals after the 24 hour period. The divisions that are highlighted in green show those who are performing better than their peers and those in red highlight divisions with the lowest compliance rates.

A crime incident should be recorded immediately and at least before the end of a member's duty. Some of the crimes shown that were created within 24 hours are still outside of the Garda Directive as the reports were not completed within a tour of duty.

The Inspectorate accepts that the failure to create a PULSE incident does not necessarily mean in all cases that a crime was not investigated. However, the non-recording of crimes affects the accuracy of the data and the ability of a supervisor to check that all actions were correctly completed.

Any report created after a tour of duty has finished is of interest to the Inspectorate. In this period, 18% of all incidents were recorded on PULSE at least 24 hours after the crime was reported by a victim. The Inspectorate particularly noted PULSE reports that were created at least one week later. During the three week period, 5,486 (and 9.7% of the total) reports were created at least one week after the crime or incident was first notified to the Garda Síochána.

Analysis of Crime Categories Submitted

Using the same PULSE data as in the previous chart, Chart 4.4 outlines a number of incident types for PULSE records that were recorded at least one week after the crime was first notified to the Garda Síochána.

Chart 4.4
PULSE Incidents Recorded Greater than 1 Week after Reporting to the Garda Síochána

PULSE Incident Type	Number of incidents recorded
Affray/Riot/Violent Disorder	4
Assault Causing Harm	29
Assault Minor	138
Assault/Obstruction/Resist Arrest	4
Attention and Complaints	255
Breach of Bail	297
Burglary	27
Criminal Law- Sexual Offences Act	5
Formal Notification to/from the HSE	169
General Road Offences	1,579
Harassment	16
Insurance	494
MAT Checkpoint	116
Murder- Threats	5
Possession of drugs for Sale/Supply	34
Possession of Firearms	6
Rape of a Female	10
Robbery	4
Sexual Assault	59
Simple Possession	25
Theft (all types)	319
Traffic Collision Damage Only	184

Source: Data supplied by the Garda Síochána

Chart 4.4 shows that a number of serious crimes, such as rape, burglary and robbery, were recorded at least one week after the crimes were reported to gardaí.

Within the greater than one week time period in this analysis, the Inspectorate found the following examples of late PULSE records that were created:

- 67 days for a notification report to the HSE;
- 80 days to create a crime of "theft person";
- 91 days to create a crime of "theft other";
- 131 days to create a crime of harassment;
- 160 days to create a crime of assault.

Any delay in recording a crime outside of the Garda Síochána policy should be a concern, particularly the late recording of crimes such as assaults, sexual assaults, robberies and burglaries.

Timeliness of Completing PULSE Incidents Sampling of PULSE Incidents by the Inspectorate

During examination of PULSE incident records, the Inspectorate found a significant number of examples where victims had reported crimes, but the PULSE reports were not created during that member's tour of duty. Sometimes the report was created on the next day that the member was working and on some occasions this stretched to weeks and even months later.

The Inspectorate identified events that appeared to coincide with the late recording of a crime incident. These included the later arrest of a suspect(s), which opened up the potential to solve a crime or where a further incident took place involving the same victim or the same location. In these cases, it resulted in the completion of two PULSE reports; one for the most recent crime and one for a crime that occurred some time earlier. When creating a PULSE incident, various dates are recorded; such as the date of the crime, the date that it is reported by the victim and the date that it was created on PULSE. Where the Inspectorate found that an incident record was created at a much later date, there was no explanation noted on PULSE for the late recording. GISC informed the Inspectorate that it is not as part of their role to ask gardaí the reason for the delay when contacting GISC to report a crime at a much later date.

The following are examples of PULSE incidents viewed by the Inspectorate, where crimes were recorded much later and after an event that appeared to coincide with the recording of the initial crime:

- A burglary took place at a church and was reported to the gardaí. The crime record for this burglary was created five weeks after it was first reported and after a second crime had occurred in the same church. Suspects were identified for both cases.

- A case of assault arising from a feud between parties known to each other was reported to the gardaí in June 2012. It was not recorded as a crime until November 2012, after a second incident between the same parties had occurred.

- A case of assault reported to the gardaí in June 2012 was created in November 2012 and a caution was given to the offender.

These are not isolated examples and are supported by data analysed by the Inspectorate, which highlight cases where crimes are recorded when a second incident or event follows a late recording of the first crime. In the absence of a further incident, it is unknown if these crimes would have been recorded. Building on from the analysis by GISC of late recordings, the Inspectorate applied this to the PULSE sampling of specific crime categories. The following PULSE data is from a sample period of June 2012 for the seven divisions visited.

Chart 4.5 provides a breakdown by crime types and the percentage of reports created after gardaí had finished their tour of duty.

Chart 4.5
PULSE Sampling – Date of Creation June 2012

Crime Type	Incident Record Created after Member's Tour of Duty
Assaults	16%
Attention and Complaints	14%
Burglary	2%
Criminal Damage	16%
Harassment	21%
Indecency	14%
Interfering Mechanism	13%
Menacing Calls	7%
Property Lost	12%
Robbery Person	4%
Theft from the Person	10%
Theft Other	20%
Trespass	7%
Average Total	14%

Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate

This data shows that an average of 14% of the crimes sampled and other PULSE incidents, such as Attention and Complaints, were not recorded within an officer's tour of duty. For particular crimes, such as theft other, over 20% of the reports were completed outside of the times set in the Garda Síochána HQ Directive. The analysis shows that for offences of robbery and burglary, the percentage completed after a tour of duty is lower than the other crime categories.

The late recording of crime by the Garda Síochána was a major issue identified in the Inspectorate's report on Child Sexual Abuse.[4] At that time, a large percentage of crimes were not recorded or were recorded at a much later date. Late recording of crime remains an issue across a whole host of different crime categories, including sexual assault. This practice is not isolated to any one division and is an area that needs to be urgently addressed.

Recommendation 4.8

The Inspectorate recommends that the Garda Síochána enforces compliance with the policy that all PULSE crime incidents are recorded as soon as possible and in any case within a tour of duty. (Short term).

4.4 Crime and Incident Classification

Every incident recorded on PULSE needs to be categorised into a particular incident type. This process is called crime classification. It is particularly important to ensure that crimes are correctly classified in the right category at the outset. An incorrect decision made at this time will have a negative impact on any crime investigation that may commence.

In other police services, great care is taken in the classification process to get it right the first time. In the UK, once the classification of a crime is confirmed, it will ultimately determine what happens next to that crime report and who will investigate it. This differs from Ireland, as the member who is agreeing the classification will most probably investigate the crime. The success

or failure of many international services is often based on their performance in the areas of burglary, robbery, assaults (including domestic violence) and car crimes. In other policing jurisdictions, these particular crime types are scrutinised to make sure that the right crime category is recorded.

When a PULSE incident is created, a member should contact GISC, describe the circumstances of an incident to the GISC call taker and usually the member will identify the category of the incident dealt with. The call taker creates the incident under the appropriate category and defines the incident type. An incident category can be an assault, but with a category there are usually a number of different levels or types of that offence. For example, assault categories include assault causing harm (serious injury up to the point of a substantial risk of death) or an assault minor (a less serious assault). The call taker's assessment is primarily based on the information that the member has provided. Generally, the feedback on this process, from both call takers and members, was extremely positive and in many cases there is agreement about what crime has taken place. If the call taker does not agree with the views of the garda, they should and often do point out the reasons why and advise the member accordingly. In the current garda system, call takers are in an advisory role and the member is the final decision maker in this process. When a call taker is concerned that a wrong crime category is chosen, a note can be placed on the PULSE record highlighting concerns to a GISC supervisor.

Sometimes the classification of a crime is very straightforward, e.g. theft from a shop or stealing from a car. However, there are some crime categories that require a good understanding of the definition of a crime and what components need to be present for that crime to be committed. Examples of this include burglary and robbery offences, where certain conditions need to exist for an offence to have been committed. The definitions are long standing in Ireland for these and other traditional offences. From sampling PULSE incidents and from visiting GISC, the Inspectorate found that call takers have developed good knowledge of the components of the main crime categories. The Garda Síochána previously developed aide memoires/definitions

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4   Report of the Garda Síochána Inspectorate, Responding to Child Sexual Abuse, November 2010.

that are available for members and for GISC call takers to refer to these when making their recommendation on a classification.

During focus groups with call takers, certain categories of incidents were identified where the call takers believe that the wrong classification is regularly selected by a garda at the time that an incident is first created. Examples include:

- Burglaries incorrectly classified as criminal damage or theft other;
- Attempted burglaries incorrectly classified as criminal damage or trespass;
- Crimes, including assaults incorrectly classified in non-crime categories;
- Burglaries in garages, outhouses or holiday homes are not always classified as burglaries.

The incorrect classification of crime in these categories was also raised by a number of other sources and provided a platform for the dip sampling of PULSE incidents that will follow later in this part of the report.

Throughout the data analysis, the Inspectorate found inconsistencies with the approach taken by some call takers when faced with a crime, where the information on PULSE clearly indicated that the crime was in the wrong category. On most occasions, the call taker made a comment on PULSE about concerns over the category shown for the crime and referred the matter to a GISC supervisor. However, the Inspectorate found crimes clearly in the wrong category and there was no comment on PULSE to that effect made by the call taker. This can be a training need for an individual call taker in respect of crime definitions or a reminder to draw such incidents to the attention of a supervisor. The consistency of call takers in their approach to incorrect crime classification is an area that could be improved.

PULSE Incident Narratives

Each PULSE incident has a free text section called the narrative, which is used to record the specific details about a crime or an incident. Any information can be entered here, but when a record is created the details provided in the narrative field by the garda to the call taker at GISC effectively determines what the classification will be. The narrative has limited availability of space (3,000 characters with each space as a character) and whilst it is currently clearly too limited to record the details of major investigations, it does provide an opportunity for recording more accurate details about most incidents. Analysis of the PULSE records sampled by the Inspectorate showed that on average only 10% - 15% of the available PULSE narrative space is currently used.

Prior to examining PULSE records for this inspection, the Inspectorate was frequently told by senior gardaí that the narrative was used to record the initial investigation at a crime scene and for recording updates. This would include crime scene forensic results, the arrest of suspects and victim updates. During the examination of PULSE records, the Inspectorate found very little evidence to support those statements. Most PULSE records have very little information about the investigation that was conducted at the scene and a significant percentage of the PULSE narratives viewed in 2013 had not changed in the twelve months since first created.

Quality of Narratives

The general quality of narratives on PULSE was poor. Narrative often lacked details about the crime and in many cases the narrative did not explain how the crime had actually occurred. The narratives in assault cases were particularly poor and on occasions the description of the crime for an assault could be as little as "male assaulted". Often there were no details about what the gardaí did at the crime scene e.g. seeking witnesses or looking for secure CCTV footage. The narrative often had very poor descriptions of suspects. In many cases, the limited detail in the narrative made it very difficult to quality assure if the crime was correctly classified and if the investigation at the crime scene was completed to a good standard. Although some narratives were well completed with good detail to inform a timely investigation, this was not the norm.

The creation of PULSE reports and the narrative is a collaboration between the call taker and the member that contacts GISC. The Inspectorate believes that this is an area for immediate improvement.

Many police services provide drop-down menus or written prompts to those who are creating incidents and this approach may well help call takers to gather more information from a member. For example, a description of injuries and how they were sustained would be a basic requirement in an assault case. A good description of the construction of a building is also important in property crimes to establish if a burglary offence was committed. Such prompts could also be used to help a garda who is still at a crime scene. A better quality report at this stage will greatly reduce the current waste of time and effort that follows a poor recording of a crime.

Recommendation 4.9

The Inspectorate recommends that the Garda Síochána creates drop-down menus or other prompts to assist GISC call takers in obtaining appropriate investigative details to ensure the right crime classification is created at the time of the initial call from a garda. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Develop quality assurance processes, inclusive of supervisory review, to ensure that crimes are correctly recorded.

In crime investigation systems in other police services, there is significantly more narrative space and the crime records are very comprehensive. In effect, all the details of the investigation are recorded and each entry is timed, dated and identifies the person making/updating the record. Denmark has a similar crime system to Ireland (POLSA), also with limited narrative space, but without many of the issues that the Inspectorate found. The main difference between Ireland and Denmark is the focus in Denmark on getting that initial classification right. A crime classification is rarely changed in Denmark from one crime to another, but as shown later in this report, the Garda Síochána changes significant numbers of initial classifications. The Inspectorate believes that the Garda Síochána should make much better use of the available narrative space on PULSE, both in terms of initial actions at a crime scene and any additional investigation actions that take place.

The Inspectorate believes that this is an area that should be immediately improved and guidelines need to be provided to gardaí about what should and what should not be included in the narrative.

The Inspectorate identified that whilst the narrative on PULSE cannot be deleted from the system, it can be altered and changed from the view of a live PULSE record. Viewing any such changes to narrative or other parts of a PULSE record requires a higher access level to PULSE and a search of the history of the PULSE record. On checking a live PULSE record, any such previous changes would not be obvious to the person viewing it. Higher level users can view the narrative changes that have taken place, but even then, it is not always possible to see who changed the narrative, and why and when it was changed. To view these changes, a further specialist search has to be conducted to determine when and what changes were made. A PULSE record effectively has a number of screens and for each significant change, such as a change to the narrative, a new screen is created. The previous screen is not deleted, but the details are not evident on the most current screen available to a viewer. Even if a PULSE incident is printed, it will not show any changes in text.

During all of the visits to other policing services, the Inspectorate did not find any other crime system that allowed such changes to be made to it. This report will also highlight a number of other areas where PULSE can be changed without it being obvious to someone viewing that record.

Changing Narratives

The following are examples of PULSE records viewed by the Inspectorate where the original narrative that was entered when the PULSE record was created, had changed at some later point. In these cases the removal of words or sentences from the PULSE narrative was accompanied by an incorrect reclassification of a crime and on all occasions the original crime category moved to a less serious offence.

Examples of narrative that was changed include:

- An indecent assault, where the descriptive words of the indecency were removed and the classification of the crime was changed to a minor crime and a non-sexual assault;

- A criminal damage offence, where the narrative "back door of house forced, no entry gained" was removed. The crime was an attempted burglary and not a criminal damage;

- A crime recorded on PULSE as a stolen car, had the words "car taken overnight, keys taken from table beside front door" removed from the narrative. In essence, this was both a burglary and a car crime, but the removal of the words would lead a viewer to believe that only a car crime was committed;

- A crime of theft other committed in a yard, where the word "bus" was removed from the narrative. The correct classification for this crime, on the basis of the original narrative, was a theft from a motor vehicle and not a theft from a yard.

The changes to the narrative in these four examples were coupled with a classification into a less serious crime. There was no explanation in the PULSE narrative as to why the text was changed or why the crime category was changed.

In the absence of any clear rationale as to why the narrative was changed, it left the Inspectorate with the view that this was an action to reduce it to a less serious category. This omission of a rationale undermines the integrity of the data on the PULSE system.

During the inspection, members informed the Inspectorate that data can be changed on PULSE in other areas and for other purposes. For example, whilst a court conviction on PULSE could not be deleted, the sentence or other outcome of the case can be changed.

Garda PULSE records can be changed by altering the spelling of a person's name or a person's date of birth. Many reasons for changing data were offered, including that PULSE intelligence records cannot be deleted but can be changed to remove the

association of that intelligence from an individual. Specific examples were provided when young people are stopped and searched under the Misuse of Drugs Act. The association of a young person stopped by a drug unit, albeit if no drugs were found, will remain on garda records. This can have serious connotations for the person's records on the PULSE system.

Certain crimes, such as sexual offences, have restricted PULSE access to prevent unnecessary and inappropriate viewing of sensitive and serious investigations. If at a later stage, it transpires that the crime did not actually occur or is reclassified away from a sexual assault, it opens the PULSE incident for viewing by a wider audience. The Inspectorate viewed a sample of such cases and found that gardaí had changed the original narrative and removed any words or descriptions that refer to a sexual assault. This is not good practice, as the original details of any crime investigation should always be preserved.

Somewhat less serious, but inadvisable, is where members sometimes alter a narrative to include information omitted from the original PULSE text. This further highlights the current vulnerability of the PULSE system.

The alteration of PULSE data is a matter of great importance. A PULSE record is subject to disclosure in court cases and changing records could undermine the integrity of a criminal prosecution. The Guerin Report also highlighted many cases where original PULSE narratives were later changed and the new version of PULSE and its narrative were in complete contradiction to the original record.

The practice and facility to change the PULSE narrative or any other information on a PULSE record must stop immediately. Where a mistake has been made, an entry highlighting the error should be added to explain any factual inaccuracies.

Recommendation 4.10

The Inspectorate recommends that the Garda Síochána immediately establishes policy that prohibits the changing of narratives and any other records on the PULSE system. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop an IT solution to prevent the ability to change original narratives or other records on the PULSE system;

- Create PULSE tabs for all PULSE record changes, including updates, which include the name of the member making the changes, and the time and date that changes were made.

Recommendation 4.11

The Inspectorate recommends that the Garda Síochána takes action to improve the quality of the PULSE narratives. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Explore opportunities to increase the narrative character field in the PULSE system;

- Improve narrative recording through development of clear guidelines and minimum information requirements for narratives and other records generated in the PULSE system;

- Improve the quality of PULSE records with timely incident recording and updates on crime investigations;

- Ensure that any updates to a PULSE incident record clearly articulate what updates occurred and why.

Recommendation 4.12

The Inspectorate recommends that the Garda Síochána audits PULSE to determine the level and scope of change of PULSE information records after their initial creation. (Medium term).

To achieve the above recommendation, the following needs to be audited:

- Changes to any of the following fields after initial entry:

  o PULSE narrative;

  o Individual intelligence records (fields to include name, date of birth and vehicle registration numbers);

  o Court sentences;

  o Warrants;

  o Specific crime types or incidents types where changes are more prevalent, such as the volume crime offences identified in this report.

- Staff who have repeated actions of changing PULSE information records.

4.5 Supervision of PULSE Data and Incidents

Throughout all the sampling of PULSE incidents, the Inspectorate found limited evidence of supervision of initial crime investigations. Many front-line supervisors believe that GISC is checking PULSE incidents and therefore not routinely going onto PULSE to check records created. GISC have a clear responsibility to ensure that data is recorded accurately and provide advice on the category for a crime classification. They do not, and it is clearly not their responsibility, to supervise the initial action taken by a member at an incident. Also, by the time that many gardaí contact GISC, members have left the crime scene and are back at their station. It appears that with the introduction of GISC, many supervisors have abdicated their responsibility for checking PULSE incidents to GISC.

The Inspectorate believes that there should be a mandatory field on PULSE that requires front-line supervisors to record that they have checked and approved the initial PULSE report. This action should be completed before a member finishes their tour of duty. The Inspectorate is concerned that there appears to be an absence of supervision at the end of a tour of duty, to ensure that crimes reported during that day and recorded in members note books are entered onto the PULSE system. Some sergeants said that you have to trust people and that checking note books could be seen to

be overbearing conduct. The Inspectorate does not accept this view. Notebooks are not routinely checked by supervisors to make sure that incidents contained therein are actually recorded properly on PULSE. This issue was raised in the Inspectorate's Front-Line Supervision report, published in April 2012.

With regard to improving supervision, new Garda Síochána HQ Directives for staff were issued in July and September 2013 respectively. These directives outline the various responsibilities for supervising PULSE incidents, e.g. that sergeants should thoroughly check all incidents. Whilst these directives rightly highlight many of the issues that the Inspectorate found in the inspection, there needs to be a robust system of checking to make sure that any such instructions are actually complied with.

Recommendation 4.13

The Inspectorate recommends that the Garda Síochána develops and circulates policy clearly defining the roles and responsibilities of GISC and front-line supervisors in respect of classification of crimes and supervision of the initial investigation of a crime or other incident. (Short term).

To achieve the above recommendation, the following key area needs to be addressed:

- A PULSE record must contain a mandatory supervisory approval/review field to capture supervision and review of the PULSE records by front-line supervisors.[5]

Written Reports on PULSE Incidents

Once a PULSE incident is created, much of the crime investigation is subsequently recorded in paper based systems. Whilst this will be fully explored in Part 6 of this report, it is worth noting at this point that the Inspectorate found unnecessary duplication at the stage of completing the initial PULSE entry. Members who created PULSE incidents are often required by supervisors to write a short factual report about the incident that is forwarded to the district officer. This is not part of the investigation into the crime and the report invariably contains the same or slightly more detailed information

than contained in the PULSE report. The member's sergeant usually attaches a short memo or note to accompany the report from the garda. If a more detailed PULSE report was created in the first place, it would negate the need for additional paper reports to be completed and circulated. A more comprehensive PULSE incident would also make it far easier for sergeants and other supervisors to check a PULSE incident and know immediately what has happened at a crime scene. The cost and time of this daily occurrence of extra reports is a waste of valuable resources.

Recommendation 4.14

The Inspectorate recommends that the Garda Síochána directs that all information and updates regarding criminal investigations are recorded on PULSE rather than on paper memoranda. (Short term).

Restricting Access to PULSE

Throughout this inspection, many members raised concerns about privacy issues on PULSE records and information that members withhold from entering on PULSE, as there are concerns about inappropriate viewing of PULSE records. Other international police services have a facility to restrict crime reports that are sensitive, that may involve a member of staff, or is a crime that is likely to attract lots of public interest. The Inspectorate believes that PULSE should have restricted viewing access to certain records.

Recommendation 4.15

The Inspectorate recommends that the Garda Síochána institutes security standards for the access and review of PULSE records, using an IT security solution, such as levels of access rights, to prevent unauthorised and unofficial access to PULSE records. (Medium term).

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5   The Garda Síochána has recently introduced a new supervisory tab for sergeants to monitor crime investigation.

4.6 Classification of Crime and Other Incidents - Sampling

As previously explained classification is the process of placing an incident or a crime into a PULSE category. This is usually conducted through GISC, but as was previously shown, gardaí often create their own PULSE records.

To assess the accuracy of the initial classification of incidents, in 2013 the Inspectorate conducted a sampling process of 500 PULSE records created in June 2012. This process involved the Inspectorate attending Garda Headquarters and viewing live PULSE records.

The sampling predominately focused on the seven divisions that were subject to the inspection and concentrated on the crime categories of assault, burglary, domestic violence, robbery and vehicle crime. Where the sample sizes in some categories were small, the Inspectorate expanded searches by time-frames or on occasions on a national basis.

With regard to the initial classification of an incident, the Inspectorate selected nine crime categories and two non-crime incident categories for analysis. The crime and non-crime categories were selected on the basis of information received during field visits that crimes are sometimes incorrectly classified into less serious crime types or recorded as non-crime incidents.

Crime Categories

For all of the crime categories listed in Chart 4.6, there is a more serious category connected to that crime type. For example, with assault minor there is a more serious assault category called assault harm and for theft, criminal damage and trespass, the crime category of burglary is a more serious offence.

The results shown in the chart are grouped into three categories:

- Where the Inspectorate found the classification decision to be correct;
- Where the Inspectorate found the classification decision to be incorrect;
- Where there were insufficient details to determine if the classification decision was correct or not in making a decision about the accuracy of a classification.

The Inspectorate viewed the available details contained on PULSE and made a decision on that basis.

The PULSE search demonstrated in Chart 4.6 was focused on crimes within the 500 PULSE incidents sampled that were classified in the selected categories and where crimes were not later changed to another category. In effect, where a crime was classified as criminal damage in June 2012, it was still classified in that crime category 12 months later.

Chart 4.6

Initial Crime Classification
Incidents for Selected Divisions
(Period of Sample June 2012)
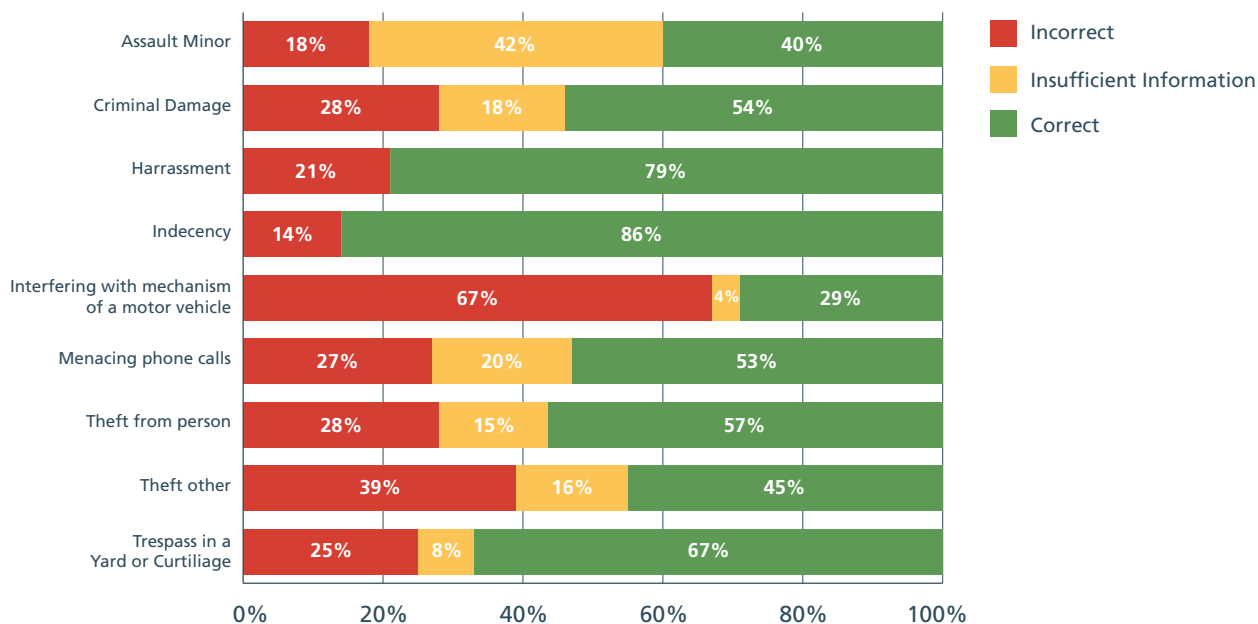
Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate

In respect of the above, the Inspectorate found that across all categories 54% of classification decisions were correct, 30% of classifications were incorrect and 16% had insufficient information to determine if the classification was correct.

Classification – Key Findings

As Chart 4.6 shows, the Inspectorate found significant percentages of crimes that, on the basis of the PULSE record, were incorrectly classified.

The following table breaks down the findings into the crime categories and highlights the issues found:

Crime Type	Findings
Assault Minor	• Injuries for an assault minor would include bruising and minor cuts. In this sample, the Inspectorate found crimes where victims suffered broken fingers and broken teeth and were clearly more serious assaults with harm. • In 42 % of the cases there was insufficient detail to determine what the assault was e.g. a crime was shown as "victim assaulted with a golf club".
Criminal Damage (not by fire)	• A large percentage of crimes appear to be wrongly classified. The majority should be recorded as burglary or attempted burglary. In one case, the narrative in a crime stated "patio door smashed with shovel and jewellery taken". • A large percentage of the crimes had insufficient details to determine if the classification was correct e.g. "vacant house rear window broken". In the case of a broken window it would be useful to know if the damage is near a lock or a point of entry. If so, this is usually a good indicator of someone trying to break in. • In 10% of the cases reported to them, GISC suggested a more serious offence was committed. • Additional crimes were referred to in the narrative of some cases, but were not recorded as crimes on PULSE.
Harassment	• 79% were correctly recorded. • 21% of the offences suggested a more serious crime was committed.
Indecency	• Most offences were correctly classified.
Interfering with a Mechanism of a Motor Vehicle (traffic offence)	• A significant percentage of the crimes suggested a more serious offence such as criminal damage. Most of the offences involved damage to car doors and car windows with no suggestion that anyone was interfering with the mechanism of the vehicle. Examples included "attempted to steal diesel", and "back window smashed". • No review/clarifications were raised by GISC.
Menacing Phone Calls	• A large percentage appeared to be more serious offences e.g. a suspect threatening serious violence and another threatening to burn down a house. • Again a large percentage had insufficient details to determine if the classification was correct. In one case, the narrative for an offence said "number of calls made", but there were no details of how many calls were made, over what period of time and why the calls were perceived as menacing.
Theft from Person	• Almost a third of the crimes suggested a more serious crime of robbery was committed. • Examples included a victim knocked to the ground and a handbag pulled off their shoulder, and an elderly victim pushed to the ground causing them to bang their head. Where force is used or threatened or a person is put in fear of force being used, the correct classification is robbery. • Four cases suggested a less serious crime was committed. • In 15% of the cases, the narrative was lacking in detail or conflicting information was shown.
Theft Other	• A large percentage of cases suggest a more serious crime such as burglary. Examples include "copper tank stolen from derelict house" and "handbag stolen through letterbox". • 16% of cases had insufficient details about the structure of the building and whether it was permanent or not. • GISC sent reviews in 20% of cases questioning if the classification should be for a more serious crime. Most of the reviews did not receive a response and were still outstanding over twelve months later.
Trespassing	• 25% of the crimes suggested that a more serious category, such as burglary or attempted burglary was committed. Examples include "2 culprits forced bedroom window and attempted entry". • One offence was recorded on two PULSE records and it resulted in two crimes for the one offence.

Examples of Other Incorrect Classification

In April 2013, the Inspectorate spoke to a family member of a young man seriously assaulted some months earlier. During this assault, the victim sustained serious head and facial injuries. On checking PULSE, the Inspectorate found that this crime was recorded as an assault minor. The knowledge of this crime, gained from the family member, is the only way that the Inspectorate knew that this was clearly a very serious assault. The analysis of classification shows that this is not an isolated case and that many other serious assaults are incorrectly classified.

In the Volume Crime Case Reviews, the Inspectorate found a case in April 2012 where a young person was head butted in the face, receiving two black eyes and a cut to their face. This was incorrectly recorded as an assault minor. The case's papers, including statements, refer to the commission of a more serious assault.

The Inspectorate found that PULSE records did not always reflect the gravity of the crime that was actually committed. In the overwhelming number of cases in this sample, the crimes that were wrongly classified were placed into a less serious crime category.

4.7 Initial Classification of Non-Crime Incidents - Sampling

The second part of the sample of over 500 PULSE records looked at incidents that were classified as non-crime incidents. These were categories that were brought to the attention of the Inspectorate as categories where crimes are sometimes incorrectly placed.

Classification – Key Findings

As Chart 4.7 shows, the Inspectorate found significant percentages of crimes that, on the basis of the PULSE record, were incorrectly classified in a non-crime category. The following table breaks down the findings into the categories and highlights the issues found.

Chart 4.7

**Initial Incident Classification
Incidents for Selected Divisions
(Period of Sample June 2012)[6]**
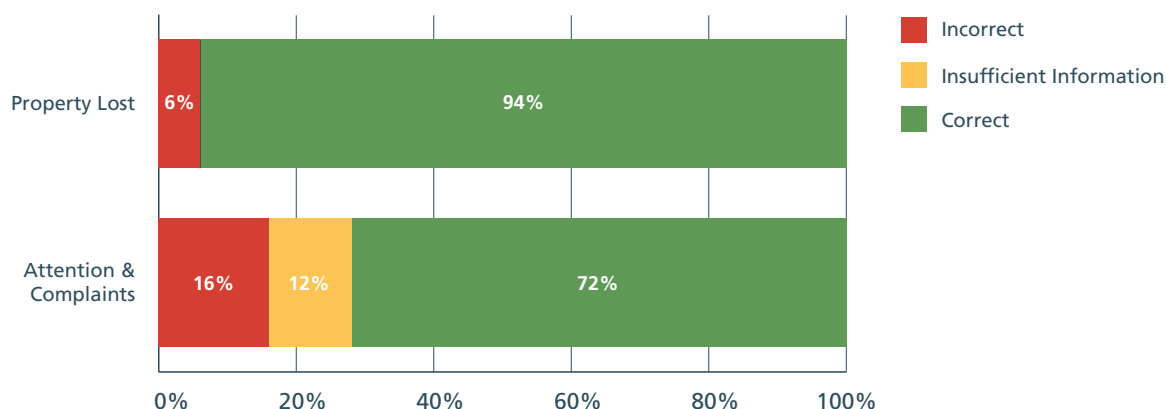
Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate

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6   Total number of incidents identified for sampling = Attention and Complaints 3,381 and Property Lost 799.

Incident Type	Findings
Attention and Complaints	• **16% of the incidents suggest that a crime has been committed and examples include incidents with information such as wind deflectors stolen from a car, ex-partner made threats to life and damage to a vehicle's lock and door.** • **GISC questioned the classification of the incidents that appeared to be crimes.** • **In 12% of the incidents there was insufficient evidence to determine if a crime was committed.** Throughout the inspection, the Inspectorate was informed about a number of unsatisfactory practices in the Attention and Complaints category such as: • **Assaults are often wrongly placed into this category;** • **Where a crime has taken place, but a victim refuses to give a statement, it can be recorded in Attention and Complaints;** • **Most worrying, that cases of rape, where victims have consumed alcohol, can be placed into this category, until a victim's statement is obtained.**
Property Lost	• **Most of the incidents appeared to be correctly classified.** • **The category was difficult to determine as the narrative was often very brief.** • **6% of records sampled suggested a crime had taken place e.g. the theft of golf clubs from a hotel. GISC questioned the classification of this incident in July 2012, but it remained unanswered a year later.**

Attention and Complaints and Property Lost Analysis

In 2012, 167,347 Attention and Complaints and 38,880 Property Lost PULSE records were created.

Chart 4.8 shows the numbers of these types of incidents that are created each year across the seven divisions visited.

Chart 4.8 shows that on average across Ireland, divisions are creating just under 6,000 Attention and Complaints, and just under 1,400 Property Lost incidents per division per year.

Whilst Limerick appeared to be particularly high in Chart 4.8 for actual numbers of Attention and Complaints, Chart 4.9, on the next page, compares the number of those Attention and Complaints as a percentage of all PULSE incident records. Clearly this changes the picture about how the Attention and Complaints category is used, and places Limerick under the national average. This chart shows a large variation in the percentage of PULSE incidents that are classified as Attention and Complaints, with just over 12% of incidents in the DMR North and 24% in Waterford.

Chart 4.8

PULSE Records Created for Attention and Complaints and Property Lost 2012 by the Selected Divisions
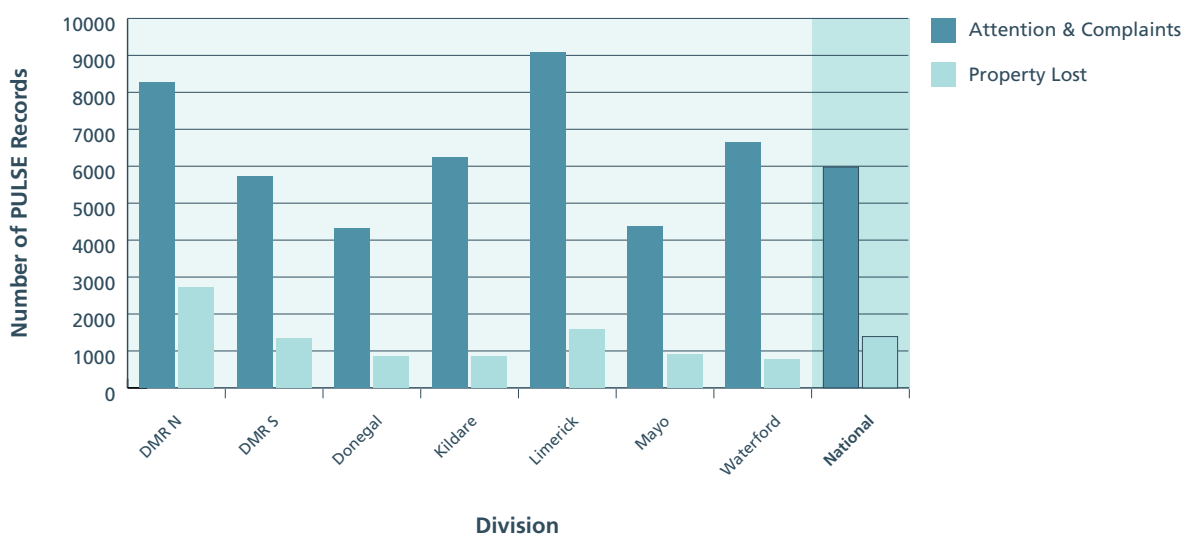
Source: PULSE data for 2012 supplied by the Garda Síochána

Chart 4.9

Attention and Complaints Records as a Percentage of all PULSE Records for Selected Divisions 2012

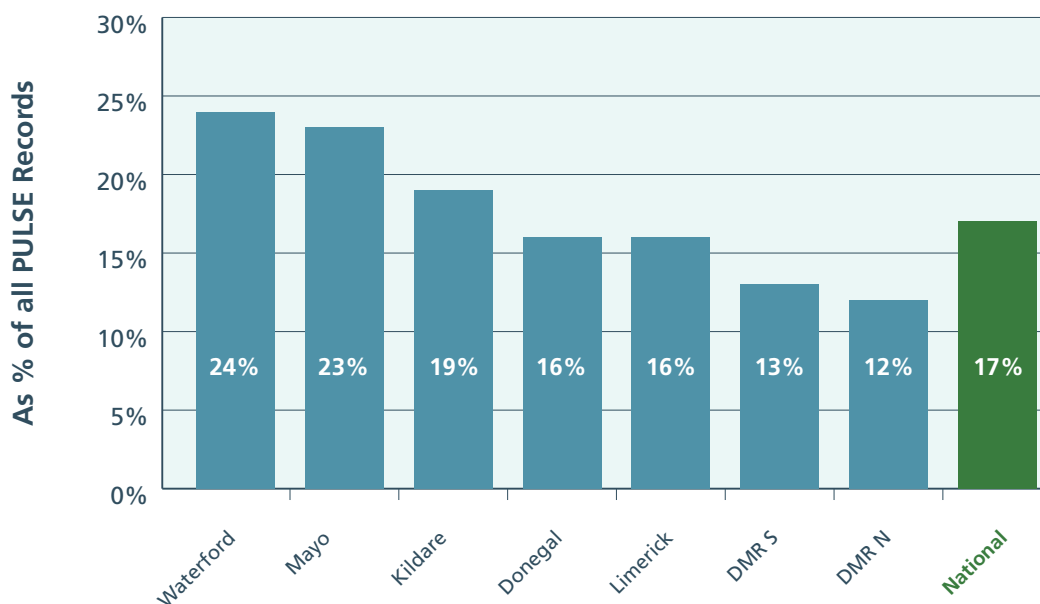Source: Data supplied by the Garda Síochána

During the inspection visits, the Inspectorate discussed the issue of Attention and Complaints categorisation with supervisors, and it is clear that there is very little supervision of this category. The Inspectorate is concerned that crimes are incorrectly placed in Attention and Complaints, which indicates a lack of supervision and deficiencies in accurate crime management.

The classification of a crime directly into a non-crime category is an unacceptable practice and will impact on overall crime rates. In 'Property Lost', the Inspectorate identified that 6% of records suggested a crime had taken place. If that was applied to the numbers of property lost recorded per year, it could equate to over 2,000 offences per year that are not currently recorded as crimes.

The CSO do not receive data on incidents that are categorised as non-crime incidents and most notably those categorised as Attention and Complaints and Property Lost. Following the sampling of data and other information received, the Inspectorate believes that the CSO should receive all PULSE incidents to ensure that all data is checked and validated. Within these categories,

the Inspectorate found a significant number of incidents that were clearly criminal offences and should be recorded as crimes.

The Inspectorate believes that Attention and Complaints and Lost Property are two categories that require urgent action, to ensure that crimes are not incorrectly classified into these categories.

Recommendation 4.16

The Inspectorate recommends that the Central Statistics Office should receive all PULSE record incident data including non-crime categories to facilitate analysis and reporting of crime statistics. (Short term).

Volume Crime Case Reviews – 158 Cases Classification of Incidents

As highlighted in the previous part of this report, the Inspectorate tracked 158 calls from members of the public to the Garda Síochána across the seven divisions visited. 114 of those cases were recorded on PULSE, of which ninety were designated as a crime.

This section of the report will examine the classification of those incidents that were recorded on PULSE.

Classification Decisions

Chart 4.10 shows the number of calls recorded on PULSE, and the Inspectorate's view on the percentage of those classifications that were correct or not.

Chart 4.10
Volume Crime Case Reviews
Classifications of Crime

Total Number of Calls for Service Recorded as a PULSE Incident	Incidents on PULSE Correctly Classified per Garda Inspectorate	Incidents on PULSE Incorrectly Classified per Garda Inspectorate	Incidents with Insufficient Information to Determine Classification
114	62%	32%	6%

Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate

As outlined in Chart 3.7, found in Part 3 of this report, 9% of the PULSE records were created at least twelve months after the Garda Síochána was first contacted. Of those late PULSE reports created in 2013, the Inspectorate viewed that 64% were incorrectly classified.

Chart 4.11 looks at the crime types that were sampled and the different recording practices.

General Findings

- Across all categories, the Inspectorate disagreed with large percentages of the classifications shown e.g. 62% of assaults and 37% of robberies;

- Burglaries, robberies and car crime had much higher rates of correct classifications compared to assaults and domestic violence incidents.

With regards to classification of those crimes that were recorded in the wrong category, all of the changes were to a less serious crime.

Chart 4.11

Volume Crime Case Reviews
Conversion Rate of Calls for Service to Recorded Crime Incidents

Crime Type	Incidents on PULSE correctly Classified per Garda Inspectorate	Incidents on PULSE incorrectly Classified per Garda Inspectorate	Incidents with insufficient information to determine classification
Assault	38%	62%	0%
Burglary	72%	36%	2%
Domestic Violence	56%	22%	22%
Robbery	63%	37%	0%
Vehicle crime	80%	20%	0%

Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate

Crime Classification Continued - Letter Box Burglaries

During field visits, the Inspectorate was advised about the incorrect classification of offences where a burglar removes property through a person's letter box, also known as "letter box burglaries". Like many other countries, Ireland has seen a growing trend in 'letter box' burglaries. In such cases, criminals are using a variety of instruments (fishing rods and poles) to push through letter boxes and pick up car keys, bags or other items that are left inside houses close to the letter box. A hand or an instrument inserted into a person's property is sufficient for a burglary offence to be committed. Invariably, the removal of car keys often results in the taking of an occupier's car. In such cases, two crimes are committed, a burglary (the more serious offence) and a car crime, both of which should be recorded and cased (linked).

It was not easy to identify these crimes on PULSE. The search that was conducted on PULSE focused on the PULSE narrative and looked for crimes where the word 'letter box' was recorded.[7] It was conducted for crimes that occurred between June and December 2012 and was run across all 28 divisions. The search identified a total of 310 crimes where 'letter box' was mentioned. Of those 310 crimes, 89 crimes were correctly recorded as burglaries. Of the remaining PULSE incidents, the Inspectorate identified 100 crimes which could be linked to a letterbox burglary. Of those incidents, the Inspectorate examined a total of 42 PULSE incidents.

Chart 4.12
PULSE Incidents – Letter Box Survey Results - June to December 2012

Number incidents available for Sampling	Number Sampled	Incorrect Classification	Correct Classification
100	42	97%	3%

Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate

From the sampling results in Chart 4.12, the Inspectorate assessed that in the majority of cases, a burglary offence was actually committed. Examples of the PULSE incidents examined include:

- A crime classified as theft, where a number of bunches of keys were stolen through a letter box. A detective supervisor recorded on PULSE that as no entry was gained, there is no burglary.
- A crime classified as trespass, where the victim watched their keys being pulled through the letter box.
- A crime classified as theft, where the victim grabbed a rod that was placed through their letter box and had lifted car keys from a table by the front door.

In the majority of the cases examined, GISC questioned the classification of the crime, and suggested that burglary offences were the appropriate category.

These crimes should have been recorded as burglaries and this sample provides more evidence of crimes that are incorrectly classified into less serious crime categories.

In Part 3 of this report, the Inspectorate identified crimes which were committed but were never recorded on PULSE. This part of the report has identified the next stage, which are crimes and incidents that are recorded on PULSE, but are classified in the wrong crime category or are classified in a non-crime category. Adding the two elements together, highlights potential under-recording of multiple crime types and particularly in the case of burglary offences.

Recording Stop and Searches on PULSE

"Stop and search" is a useful tool in tackling crime. Most jurisdictions have power to stop and search people who are suspected of being in possession of stolen property or articles with which to commit an offence. This is used particularly around investigations of suspected street robberies and burglaries. Currently in Ireland, there is no provision under stop and search powers to search people who may be in possession of stolen property. Consequently, this results in stop and searches

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7   The crime classification categories checked were criminal damage, interfering with the mechanism of a motor vehicle, theft other, trespass and unauthorised taking of a motor vehicle.

being conducted under the Misuse of Drugs Act legislation. There is a provision to allow searches on those who are suspected of carrying offensive weapons.

The Inspectorate has received negative feedback from within the Garda Síochána at all ranks about the use of stop and search, and that in many cases the power under the Misuse of Drugs Act is used in the absence of other powers. When a search is conducted under this legislation in Ireland, and no drugs are found, it is still recorded on PULSE and classified as a search under the Drugs Act. Each division has a drugs unit and further inference is often drawn from searches conducted by drugs unit members. If someone is stopped by the gardaí, an inference might be drawn from the data recorded arising from a previous search. Clearly, a person not found with any stolen property or drugs should not be stigmatised or otherwise disadvantaged in the future. The Inspectorate is aware that the new Vetting Act will provide some safeguards for what is and what is not disclosed in the future.

The Inspectorate tried to obtain stop and search data and the outcomes of those searches. Initially, the Inspectorate was informed that the data was unavailable in the format that was requested. The Inspectorate subsequently identified that data was available, but the recording of such data only commenced in June of 2013. The Inspectorate eventually received data on the numbers of searches conducted and in a thirteen month period from June 2013 to July 2014 a total of 145,776 searches were conducted. Due to the late receipt of the data, the Inspectorate did not have an opportunity to examine PULSE and local stop and search records. This is an activity that will be examined in a future inspection.

4.8 Reviewing PULSE Incidents

When GISC was established, the supervisory review function previously performed by sergeants was replaced with a quality review function carried out by GISC. Every incident that is created on PULSE should be formally reviewed by a GISC supervisor to ensure that the data is accurate, that the incident classification is appropriate and that there is compliance with crime counting rules. District sergeants also have responsibility for checking PULSE incidents as soon as practicable after creation, to ensure accuracy and that crimes are assigned to the correct category and incident type.

When GISC creates a new incident, it automatically creates an action called 'review required'. There are some occasions, such as when a member wants to charge a person and an immediate review is necessary to facilitate the charging process. In these circumstances, a sergeant or other authorised supervisor can conduct a review of the crime.

Reviewers at GISC

At GISC, twenty-five people are currently deployed as PULSE incident reviewers. Most of the reviewers started as call takers and have developed a very good knowledge of the system. At present, reviewers are conducting between 16,000 and 17,000 reviews per week. Some incidents only require a cursory check of the incident, but other incidents, such as crimes, require a more detailed review and validation process. Once a reviewer is satisfied that the classification is correct and that no further actions are required, the incident is marked as reviewed.

During meetings with GISC reviewers, a number of key issues were raised:

- Reviewers rely on the narrative to determine the nature of the crime, but it is often vague and unhelpful;
- Ultimately the district officer has the final say about a crime category even if questioned by GISC;
- Crimes are often recorded as Attention and Complaints;

- It is not GISC's role to question why a PULSE record is created at a much later date;
- Gardaí are changing PULSE narratives, but GISC reviewers can view these changes;
- Some crimes, such as burglaries and attempted burglaries are incorrectly changed to less serious crimes.

Delays in Completing Reviews

Once GISC has conducted a formal review, the incident can be recorded and action taken. GISC reviewers are allocated specific time periods for which reviews are required, e.g. to review September 2013 entries. At the time of drafting this report and due to the volume of reviews that are conducted, there was a backlog in review work. GISC reviewers were conducting reviews three to four weeks (47,000 outstanding reviews) after the incident was created.

As a consequence of the review backlog, the Inspectorate found that some incidents that should be reviewed by GISC had already been reviewed by a district supervisor. In these cases, a district supervisor had checked the incident and changed the status of the incident to show it as 'reviewed'. This action ultimately drops the incident from the list of reviews that a GISC reviewer should check. In some of these cases, the Inspectorate found examples where a district supervisor had changed the crime classification to a less serious crime and showed the crime as 'reviewed'. In these circumstances, GISC are unable to complete their validation checks in respect of accuracy, completeness and compliance with crime counting rules and will be unaware that the original classification has already changed.

Changing Classifications after a GISC Review

The Inspectorate also identified another practice where a reviewer, satisfied that a crime is complete and correctly classified, shows the record as reviewed. Following this review, the Inspectorate found examples where a member has then changed the crime to another category and in most cases to a less serious crime. Unless this member activates a status on PULSE called 'review required', GISC is completely unaware that this has occurred. If the status is updated, then a GISC Reviewer will check

the PULSE record. The Inspectorate is concerned that the PULSE system allows such changes to take place and without any oversight from GISC. These crimes are ultimately never re-checked by GISC and indeed they have no way of knowing that any changes of this nature are made.

The Inspectorate believes that GISC must significantly reduce the delay in conducting reviews. Ideally, a review should take place within 72 hours of the creation of an incident. A new automated review process was recently introduced at GISC for records of searches of persons and vehicles and for liquor licensing inspection of premises. It is hoped that this new system will reduce the current overall backlog. The Inspectorate also believes that access to PULSE must be changed to stop the practice of allowing non-GISC supervisors to carry out the review function or to make changes to the classification of a crime without referring this back to GISC.

> **Recommendation 4.17**
> **The Inspectorate recommends that the Garda Síochána establishes a target for GISC to review PULSE incidents within 72 hours of the initial report. (Medium term).**

4.9 Review/Clarifications

Where a reviewer checks a PULSE record and needs more information, they generate a process called 'review/clarification'. This is a separate process to a basic review of an incident and is an action that GISC or a district supervisor can generate. These actions are generated through the PULSE system and requests are primarily sent to the investigating member to complete certain fields or to clarify information. Many of these enquiries are of a minor nature, but a large number are sent in respect of concerns about the classification of crimes. Common examples of requests from reviewers include:

- "Please submit GPS co-ordinates";
- "The narrative suggests that this may be a burglary - please contact GISC".

At the time of conducting the visit, the Inspectorate found that there were over 420,000 review/clarifications awaiting responses. A large

percentage of review/clarifications are created in respect of GPS co-ordinates that are not entered on PULSE when the record was first created. As seen earlier in this part, the creation of the record away from the incident location removes the opportunity to log precise location co-ordinates, which are available automatically on Tetra radios. This leads to a waste of garda and GISC time.

Where a GISC reviewer sends a review/clarification, the Inspectorate identified an unsatisfactory practice, where an authorised person on a district can ignore the remarks of GISC and show the crime as reviewed. Effectively, no response to the review/clarification is ever made and the action of showing the crime as reviewed causes the incident to drop off the GISC review list. In these cases, GISC have no way of retrieving that incident to check that their remarks were ever addressed. This practice was widespread across all seven divisions and PULSE must be changed to prevent this from happening.

Use of the Review/Clarification

On checking PULSE incidents across the seven divisions, the Inspectorate found a varied approach to using PULSE and in particular the review/clarification process. One division is effectively using the review/clarification process as an internal supervision tool to pass on messages to members and to generate actions that need to be completed. The Inspectorate also found some divisions that use review/clarification to congratulate staff on good work. Whilst it is always good to recognise such work, it is not advisable to do so in a document that may well be disclosed in any subsequent court case. Other divisions appear to bypass the review/clarification process and transactions are carried out without leaving any record of the actions taken.

GISC Review/Clarifications that are Ignored

A consistent theme that emerged throughout all the processes in crime recording is the non-response of investigating members to answer the review/clarifications that are generated by GISC. The Inspectorate found the questions and comments raised by GISC as being valid and reasonable and there is no good reason for not replying to them. The Inspectorate is aware that some divisions have backlogs of many thousands of outstanding review/clarifications. Many of these reviews/clarifications sampled by the Inspectorate were

generated over twelve months previously and were still outstanding at the time of writing this report. Examples include:

- A burglary recorded in May 2012 was later changed to a trespass offence. In June 2012 GISC generated a review/clarification stating that the original classification of burglary was a more appropriate category. No response was ever sent to GISC.

- A fraud offence recorded in June 2012 was later changed to an Attention and Complaints. GISC generated a review/ clarification stating that the original classification of a fraud was a more appropriate category. A supervisor on the division concerned reviewed the crime without responding to the concern raised by GISC and it dropped off the outstanding list at GISC.

- A burglary recorded in May 2012 was later changed to a trespass offence. Two GISC review/clarifications were sent at different times stating that the original classification of burglary was a more appropriate category. No response was ever sent to GISC.

In respect of the comments made by GISC reviewers in PULSE records about incorrect crime classifications, the Inspectorate agreed with the majority of reviews/clarifications generated by them. It is the Inspectorate's view that both the causes of unnecessary reviews/clarifications and lack of responses to GISC must be addressed.

When GISC send a review/clarification, it is invariably sent to the member investigating the crime. In reality, that member will probably not be the person at a garda district who ultimately decides what that crime classification should be. The Inspectorate has received feedback from members in focus groups who often agree with GISC about the classification of a particular crime, but sometimes perceive they are under pressure from local managers to change it to some other crime or not record it as a crime in the first place.

The GISC review/clarifications that are generated are generally a once-off request to the investigating member and no further action is taken by GISC if

the inquiry is ignored. The Inspectorate believes that GISC have a role to play in making sure that review/clarifications are answered. For example, a second request should be elevated to a sergeant and a third request to a district officer.

During the PULSE sampling, the Inspectorate found that there was sometimes an inconsistent approach amongst reviewers in challenging crime classifications. There were many crime incidents where GISC reviewers challenged a particular crime classification, but on other occasions with similar circumstances no such challenge was raised. The consistency of GISC reviewing is an area that could be improved. The Inspectorate believes that senior managers at GISC should be quality assuring the reviews conducted at GISC to ensure consistency in application.

The internal Garda Síochána Portal does not automatically inform a garda of an outstanding review/clarification. The Inspectorate believes that there should be a prompt on the portal informing individual gardaí that there are review/ clarifications awaiting response. This prompt should also go to the member's sergeant.

Throughout all the sampling, the Inspectorate found a significant number of review/clarifications that are now over twelve months old and the questions asked by GISC are invariably still unanswered today.

The failure to respond to GISC review/ clarifications was widespread across all seven divisions. The Inspectorate believes that it is disrespectful to completely ignore such requests and supervisors should be directed to address this conduct.

Reviews for Detections

Throughout all of the PULSE sampling, the Inspectorate did not see any evidence of a review or a review/clarification generated in connection with the detection aspect of a crime. This will be fully explored in Part 11. The Inspectorate found a large percentage of crimes, where there were obvious questions about the validity of a detection of the crime. On checking the latest protocol between the Garda Síochána and GISC, the Inspectorate were

unable to find any mention of detections and who has responsibility for checking the validity of the detection. Clearly with their crime counting rule responsibilities, the Inspectorate believe that GISC should be tasked to check the validity of a detection and ensure that it complies with crime counting rules. In the future, detections should form part of the review and validation of a PULSE incident.

Recommendation 4.18
The Inspectorate recommends that the Garda Síochána creates a robust internal governance practice by establishing a Standard Operating Procedure for PULSE record entries and their audit and review. (Short term).

To achieve the above recommendation, the following key actions need to be taken:
- Create a quality assurance process to evaluate the crime classification decisions of GISC Reviewers;
- Introduce control measures to reduce the number of review/clarifications that are currently generated;
- Develop an IT solution, such as a prompt on the Garda Síochána Portal, to inform a member and their supervisor that there is a PULSE review/clarification pending;
- Stop the practice of using PULSE to recognise good work;
- Ensure that GISC reviews and review/ clarification requests remain open, visible and accessible to GISC;
- Develop a mandatory completion requirement in the PULSE information record system for all GISC review/ clarification requests.

4.10 Crime Classification – The Future

During the sampling of PULSE classifications, the Inspectorate found many examples of incorrect decision making and widespread inconsistencies with the classification of reported crime in Ireland. GISC are identifying many of the incorrect decisions, but currently have little or no impact on the final decision about what a crime should be. A crime that is reported anywhere in Ireland should be recorded in the same category, irrespective of where it takes place. The current situation across the seven divisions is one of different recording practices and as a result, crimes of a similar nature are categorised in many different ways.

There are currently 129 call takers at GISC who are dealing with thousands of members who contact GISC daily to record an incident. GISC call takers have developed good knowledge of crime classifications and in most cases their decision making is good.

As set out earlier in this part of the report:

- GISC call takers create 90% of the PULSE incident reports;
- Generally, there is a high level of consistency in the creation of PULSE records across the call takers at GISC;
- GISC have developed an expertise in the components of the main crime categories;
- An increase in accuracy and a consequent reduction in the 420,000 reviews and review/clarifications currently pending, would have a significant effect on garda member and supervisor time.

It is the Inspectorate's view that GISC should be the final decision maker in respect of the initial classification and the detection of incidents on PULSE. Changing the decision making role will result in greater accuracy in initial classification of a crime. It will also significantly reduce the enormous number of reviews that are currently sent out by GISC to members asking for more detailed information about a crime. This change in the decision making role will place an onus on

GISC to extract the information required to make an informed decision about what crime has actually occurred.

The Inspectorate believes that there must be a real focus on getting the classification right at the time that it is first recorded.

There are a number of recommendations that will impact on GISC, which include completing a far more detailed PULSE record. With the changes in this part of the report and Part 5, the Inspectorate believes that there will be a significant reduction in wasted time that GISC currently spend sending review/clarifications that are not answered. Also, if gardaí ring a call taker at the time of dealing with a call, rather than at the end of their duty the pressure points on GISC should be reduced.

Recommendation 4.19

The Inspectorate recommends that the Garda Síochána designates GISC to be the final decision maker in the classification of a crime or an incident. (Short term).

The Garda Inspectorate Report on 'Responding to Child Sexual Abuse' November 2010

The Garda Inspectorate completed a report in November 2010 titled 'Responding to Child Sexual Abuse'. This report produced a total of twenty-nine recommendations. This report and the recommendations arising from it, will be the subject of a separate review by the Garda Inspectorate in the coming months. Whilst this inspection focuses on different types of crimes, the recording and investigation of crime provides a clear link to the report completed in 2010.

The following points are key recommendations and concerns identified in the 2010 report:

- Immediately create a PULSE record for each complaint received;
- Ensure adherence to crime counting rules and to other garda directives on crime recording;
- That only specially trained front line gardaí take reports alleging child sexual abuse;

- That the Garda Síochána move away from the practice of allocating investigations to the garda that completed the initial report;
- Improve the timeliness of investigations.

Concerns about the failure to record child sexual abuse crimes and the inordinate delays in creating crime records were identified as major concerns in the 2010 report.

Essentially the Inspectorate found the same issues arising in relation to volume crimes, as were found in 2010 in relation to child sexual abuse crimes. It is clear from the findings highlighted in this Part of the report that had the lessons learnt from that previous inspection been applied across other crime categories, the current situation could be quite different.

The Inspectorate has identified a number of different operating practices that are taking place on the PULSE system that call into question the integrity and the accuracy of reported crime data.

Key concerns for the Inspectorate:

- Burglaries, attempted burglaries, robberies and other crimes are sometimes incorrectly classified as less serious offences;
- Crimes are placed in Attention and Complaints and other non-crime categories;
- PULSE operating system allows individuals to make decisions about crimes and classifications without any apparent supervision and in the absence of external oversight;
- Investigating members regularly fail to respond to GISC concerns about incorrect classifications;
- Narratives are generally completed to a poor standard, lacking detail and in many cases there are no specific details about how the crime actually happened.

The Inspectorate believes that there are systemic failures in Garda Síochána recording practices and non-compliance with the Crime Counting Rules.
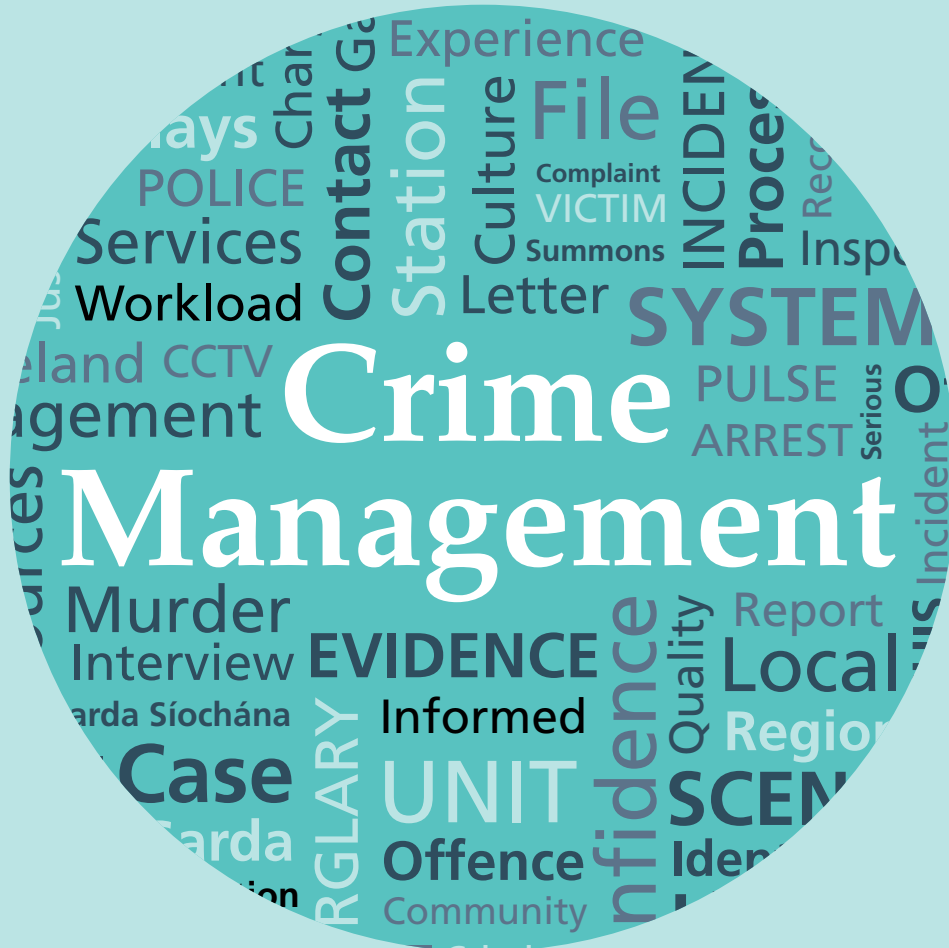
CRIME INVESTIGATION REPORT

| PART 5 | CRIME MANAGEMENT |

5.1 INTRODUCTION

This part of the report tracks the next steps of a crime investigation after an incident is recorded on PULSE as a crime. Crime management is a separate and distinct discipline from crime and incident recording.

Once a crime is recorded, the management of that crime is a crucial part of the whole process of crime investigation. In effect, it is the process for reviewing a crime category, deciding whether a crime is going to be investigated or not, allocating the crime to a named investigator and ensuring that it is investigated thoroughly and expeditiously. This part will explore the roles of senior gardaí in crime management and how a crime is currently managed in Ireland. Crime management is an internationally recognised term and this part will show how the Garda Síochána manages crime and the approach taken in other comparable policing jurisdictions.

This part also examines a process called reclassification of crime. Simply, this means the changing of an initial classification of a crime into another category. The moving of a crime to another category is an accepted practice in policing, but it should always be accompanied with a clear rationale explaining why it was necessary.

5.2 Crime Management

Once a crime is recorded and classified by the Garda Information Services Centre (GISC), the responsibility for the management and investigation of that crime transfers from GISC to the district where the crime occurred. Currently, the full responsibility for the management of that crime rests firmly with the district officer; but with oversight from Garda Headquarters, regional assistant commissioners and the divisional chief superintendent.

The Role of Assistant Commissioner, Crime and Security

The Inspectorate met with the Assistant Commissioner, Crime and Security, who has overall responsibility for crime counting rules in Ireland. This includes the Crime Policy and Administration Unit, who over time have become a reference point for districts to take advice on crime counting rules and crime classification disputes with GISC. The assistant commissioner made it clear to the Inspectorate that responsibility for crime counting

rules compliance rests with local senior managers and particularly at district superintendent level. The Crime Policy Unit or Professional Standards Unit are not tasked to routinely conduct national audits or quality assure crime counting rules compliance and only intervene in cases of serious concern.

The Role of Regional Assistant Commissioners

All six regional Assistant Commissioners met with the Inspectorate to discuss their role in managing crime in their regions. It is clear that they regularly meet with their divisional chief superintendents and certainly had a good grasp of the progress of serious crimes that are being investigated in their regions and are in turn held to account at monthly performance meetings with the Commissioner.

With regard to serious and volume crime investigations, it was apparent to the Inspectorate that the role of the assistant commissioner involves holding divisions to account for fluctuations in crime, detection rates and general performance

issues. It was however, unclear to the Inspectorate what their role was in respect of ensuring that districts complied with crime counting rules.

The Role of the Divisional Chief Superintendent

Divisional chief superintendents have a long list of roles and responsibilities, which include many leadership and management functions. Chief Superintendents are responsible for producing an annual policing plan that describes what the divisional crime priorities will be for the forthcoming year and how the division will address them. At present, there are no explicit references to crime recording and crime counting rule compliance in their policing plans.

During the inspection, the Inspectorate found that chief superintendents operated in very different ways. In some divisions, chief superintendents were clearly very engaged with day to day crime investigations and in other divisions, such crime management rested with the district superintendents and the chief superintendent performed a more strategic role. In all divisions, chief superintendents hold meetings with their district officers and meetings are used to monitor crime levels across the division. The frequency of these meetings ranged from weekly to bi-weekly to monthly.

With the proposed change in the structure of divisions recommended in Part 2, the Inspectorate believes that the lead for ensuring accurate recording of crime and compliance with crime counting rules should be at divisional level.

The Role of the District Officer

The district officer is currently the lead for all matters concerning crime recording, crime counting rules and the investigation and management of crime within their areas. This includes the management of crimes ranging from low level offences through to a murder investigation. A number of inspectors and sergeants assist them. As previously mentioned, the new pilot roster is impacting on the availability of that supervisory support, particularly with detectives.

The Inspectorate found that the crime skills and investigation experience of superintendents currently managing crime varied significantly. This included some very experienced officers with detective experience, to district officers with limited experience of investigating crime and who were promoted into these posts having spent many years in administrative roles.

New Garda Síochána Inspections and Reviews

A recent Garda HQ Directive introduced a new approach to internal and external controls. The primary function of the inspection and review process is to measure and evaluate the effectiveness of current systems and procedures. During a meeting with senior gardaí, it was explained that this process will also examine the management of crime investigation. This new inspection and review process will operate at three levels:

1. District officer;
2. Divisional chief superintendent;
3. Regional assistant commissioner.

The Garda Professional Standards Unit and Garda Internal Audit Section will provide independent oversight across all the regions.

District Daily Accountability Meeting

The Garda Síochána expects each district officer to hold a daily accountability meeting, which is often referred to as a Performance Accountability Framework (PAF) meeting. This meeting brings together key personnel, such as the district officer, inspectors, sergeants and detectives to discuss all incidents that have taken place in the last twenty-four hours or over a weekend period.

The meeting provides a good opportunity for a senior officer to review the circumstances of a crime, to decide how it will be managed and who will investigate it. The Inspectorate believes actions arising from meetings should be recorded and these should be tracked through future meetings. During the inspection process, the Inspectorate attended at least one and usually two meetings in each division. The following are key observations from those meetings:

- Meetings are not held daily in most districts and a variety of systems operated e.g. every Monday, every second day, bi-weekly or at times when people are available;

- Frequency of meetings was affected by the availability of supervisors, particularly detectives. In one district, the superintendent held a meeting with their administration sergeant;

- Where a division had one detective superintendent or one detective inspector, there is difficulty in attending all the meetings occurring across the various districts;

- Most of the meetings did not appear to have a written agenda, although a similar format was followed; PULSE incidents that occurred since the last meeting were generally the main focus of meetings;

- Discussions about crime varied greatly. At some meetings all incidents were fully discussed and at others only serious crimes;

- There was very little discussion about who should investigate crimes, although at one meeting a crime was reallocated due to roster difficulties;

- There was limited discussion about the correct classification of crimes;

- At most meetings, details of crimes were recorded in registers and this is used to track investigations. It was clear that in the busier districts, only the more serious cases are tracked and monitored;

- There was an inconsistent approach to reviewing actions and crimes from previous meetings. At some meetings, crimes dating back many years were discussed and at other meetings previous crimes were not discussed.

The Inspectorate is aware that the Garda Síochána are currently creating a standard PULSE enquiry that would be run locally each morning to standardise the information that is discussed at these meetings.

The Interim Commissioner has advised the Inspectorate that, following a review, a revised format for PAF meetings, which takes account of the recommendations in the Guerin Report, has been drafted and is ready for implementation. The Garda Síochána envisages that this will provide consistency and standardisation of approach to daily briefings and tasking.

The Garda Síochána would describe the PAF meeting as the crime management process where decisions are made about who will investigate crime. The Inspectorate supports the holding of a daily meeting, but it is not a comprehensive process for crime management. Crime management is more about a dedicated unit with responsibility for monitoring the investigation of crime.

Other policing jurisdictions also operate a daily meeting, as it provides an early opportunity to review all incidents and to ensure that any necessary or remedial action is taken. These meetings should have a clear agenda and previous actions closely monitored. Other policing jurisdictions use telephone or video conferencing to conduct such meetings and therefore reduce the need for attendees to make unnecessary journeys. Outstanding actions from previous meetings should always be a standing agenda item at all meetings. Other jurisdictions have also extended the daily meetings to include Saturdays and Sundays. In West Yorkshire and other police services a second and much shorter meeting is convened on the same day, but later in the afternoon. This further meeting checks to see what has happened during the early part of that day and to review the deployment of resources.

To complement the recommendation in Part 2 on divisional structure, the Inspectorate believes that the current system of individual district meetings should be replaced by one divisional daily accountability meeting. This meeting should be chaired by the chief superintendent and all the superintendents should attend. As in other police services, the meetings could be held through video-link, conference call or other suitable technology to reduce the need for travel.

Recommendation 5.1

The Inspectorate recommends that divisions hold a daily accountability meeting that is structured and reviews incidents and crimes on a divisional basis to ensure appropriate action and tasking. (Short term).

Case Management System

There is no dedicated electronic crime management system in the Garda Síochána. The PULSE system is a very basic register of information. The Inspectorate found that management of crime investigations across the seven divisions operated in many different ways. Some divisions manage crime through the daily PAF meeting and issue case tracking or monitoring proformas for investigating gardaí to provide updates. In other divisions, senior detectives play an active role in monitoring investigations and use PULSE or other tracking systems to monitor cases. With the new roster, the monitoring of cases has become more difficult, as investigators and supervisors of investigations have extended periods of leave from work and are often on different schedules.

In the absence of a crime investigation system or a computerised case management system, there is no standardised approach to tracking cases and making sure that investigations are completed diligently and expeditiously. The current process of case file management is fully explored in Part 6 of this report.

Crime Management in Other Policing Jurisdictions

Crime management is a function that needs to be operated through a dedicated unit, by trained individuals with responsibility for allocating and managing crime investigations. Other policing jurisdictions have well established crime management or crime evaluation units at divisional, regional or service-wide level that perform a whole host of functions in respect of managing crime. These units usually have a combination of police officers and police support staff. At divisional level, crime management units are usually part of a detective unit and managed by a detective supervisor.

Internationally, other police services often refer to the initial investigation at a crime scene as the primary investigation,[1] and further investigation is referred to as secondary investigation. Other police services focus on achieving a high level of primary investigation, as this may well negate the need for a secondary investigation to take place.

Perhaps the most important function of any crime management unit is the initial review of a crime that is recorded on the system. Crime management units play a key role in quality assuring the initial investigation that has already taken place and making sure that the classification is correct.

It is usual for crime management units to be managed by a detective sergeant working to the detective inspector.

Crime Screening

Crime screening is a formal process of reviewing a crime to decide if it will be further investigated. An initial assessment should include whether or not the crime is likely to be solved, which in turn should determine investigation plans or other actions. Crimes that will be investigated are assigned for secondary investigation. If no further investigation leads are present and the primary investigation was thoroughly completed, further investigation will commence on receipt of new information on the case. The victim will be advised and given contact information should they receive new information or have questions.

The Garda Síochána does not use a formal process of crime screening and keeps undetected (unsolved) cases open indefinitely, with the ultimate goal of solving the crime. Locally, it is for the district officer to decide whether a crime will be investigated and who will investigate it. There is some merit to the approach taken by the Garda Síochána in dealing with crime and the victims of those offences. In principle, all crime is investigated in Ireland and the Garda Síochána set out with the intention of investigating most of those offences to the same level, regardless of their solvability or likelihood to

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1   Primary investigation is the initial investigation and the first actions by the first officer that attend a crime scene. This is an important stage as the investigation starts at this point. Secondary investigation is the follow up investigation that is usually conducted by a more experienced investigator.

reach prosecution stage. In reality, the attempt to do this wastes valuable time and resources and leaves large numbers of historical undetected crimes that are still under investigation.

For many years, other policing jurisdictions have moved from investigating all crimes, to concentrating resources on those crimes with a likelihood of a successful outcome. While there are variations in approach, the basic model used is a three stage process of:

- Early investigation with thorough primary investigation of all possible leads;
- Crime screening;
- Case assignment or early closure pending further investigative leads.

There are many crimes in Ireland that currently receive primary and secondary investigations, which are highly unlikely to ever be solved. For example, in cases of low value theft or minor damage to property, the crime should be fully investigated at the time it is reported, but in the absence of CCTV, forensic evidence or a witness, a secondary investigation should not routinely take place.

During one of a number of focus groups with gardaí, it was estimated that some gardaí were currently investigating over 250 crimes each and in their opinion, over 200 of those crimes would never be solved. Developing crime screening processes for crime investigations provides real opportunities to release investigators to concentrate on more serious crimes and minor crimes that can be solved.

The Aim of Crime Screening

Whilst the model may vary across police services, the crime screening process is about prioritising what will and will not be further investigated. Post holders should have expertise in crime investigation.

Key crime screening functions include:

- Assessing the quality of initial investigations and instigating any remedial action;
- Ensuring that all evidence is gathered;

- Evaluating the potential for detecting the crime;
- Reviewing other issues such as victim profiles;
- Allocating crimes when there are clear lines of secondary investigation;
- Closing investigations when there are no clear lines of further investigation.

The Inspectorate believes that the absence of an effective crime screening process is a weakness in the management of crime investigation. Too much time is spent investigating crimes that will never be solved and that reduces the amount of time that could be used to investigate crimes where there is a realistic opportunity to bring an offender to justice. This continued approach of investigating all crimes to the same level is impacting on members' workloads and is slowing down the whole investigation process.

Crime Screening in Other Jurisdictions

Other jurisdictions operate screening processes in very different ways, but all have a system in place. For example, the Danish police have evaluation units that operate this screening process. The Danish police service is particularly robust in crime screening decision-making and effectively only do secondary investigation in 20% of all crime reported. The other 80% of crime is dealt with immediately after the primary investigation by making a decision to close the investigation, unless more information or forensic evidence provides an additional lead. If this happens the case is immediately reactivated for investigation and it will be allocated to an investigator. Danish police send a letter to victims of crime explaining what will happen to their case.

In contrast, Denver, Colorado, assigns 77% of crime for secondary investigation and the Metropolitan Police Service (UK) are moving towards a 50% secondary investigation rate. In West Yorkshire Police, individual divisions screen-in crimes for secondary investigation at very different rates, which range from 45% to 60%. For example, Leeds City Centre allocates much higher levels of car crime offences for investigation than neighbouring divisions.

Police services that close large numbers of crimes from secondary investigations tend to do so in crimes with low solvability, such as car crime and criminal damage. Conversely, crimes that are usually screen-in for further investigation include burglaries in homes, sexual crimes, robberies, and other violent crimes.

All screening processes allow police services to specify types of crimes that will always be allocated for secondary investigation. Examples include:

- Mandatory investigations such as burglaries in home;
- Crimes that are priorities for the police service;
- Assaults;
- Crimes involving vulnerable victims.

It is worth noting that the success of any system depends on the quality of the initial primary investigation carried by the first officer. A thorough initial investigation allows a more informed allocation for secondary investigation decision to be made.

In comparison to other policing jurisdictions, even if a low rate of 20% of crime was screened out by the Garda Síochána, it could reduce the number of secondary investigations that are currently conducted by 50,000 crimes per year. This would release a significant amount of time and resources to progress cases with higher solvability opportunities.

The Garda Síochána must adopt a review process to determine which crimes will receive a secondary investigation after completion of a thorough primary one.

Recommendation 5.2

The Inspectorate recommends that the Garda Síochána develops a crime screening process with established solvability factors. (Short term).

Allocation of Crime for Investigation

Another function of a crime management or evaluation unit is to determine who is going to be allocated a crime for investigation. To allow this to operate effectively, crime management units must be aware of what resources are available to investigate crime and the types of crimes that will

be dealt with. For example, other jurisdictions have clear protocols on what offences a detective will investigate. In Ireland, this is more complex, as there are no set protocols for who investigates specific crime types. As explained previously, crime investigations in the Garda Síochána are usually investigated by the first garda that deals with a victim. This is further explored in the next part of this report. A crime management unit has a responsibility to ensure that crimes are allocated on a fair and equitable basis and also to the most appropriate person or unit.

Monitoring Crime Investigations

The key responsibilities of a crime management unit are to ensure that investigations are progressed expeditiously and to monitor the progress of cases. At present in Ireland, there are a large number of different systems at each district and each division for monitoring crime investigations. Some divisions with lower crime levels monitor all crime investigations and some of the divisions with higher levels of crime only monitor serious cases. The Inspectorate found that some gardaí had supervisors in charge of their units who checked to make sure that crime investigations were progressed and other gardaí did not have a unit supervisor who performed this function. It was clear during the inspection process that many investigations are not monitored and are left to individual gardaí to progress.

In some police services, crime management units make sure that members who initially attended the crime scene collected all available evidence such as fingerprints and CCTV footage.

During this inspection, the Inspectorate found many cases where an investigator was off work on extended leave or had transferred or left the police service and their investigations were not reallocated. A crime management unit would have responsibility to monitor such cases and where necessary reallocate the crime to a new investigator.

Closing Cases

Before any case is brought to a conclusion and closed,[2] a crime management unit quality assures the investigation that has taken place to make sure

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2 In other policing jurisdictions, a 'closed' case can be re-opened if further information arises. Closed therefore simply removes the file from 'live' and active investigations.

that all opportunities to identify a suspect are explored. For example, a case would not be closed if there was still a named suspect for a crime or other outstanding investigative leads.

The Inspectorate believes that the introduction of crime management units by the Garda Síochána will professionalise processes for allocation of crimes for investigation and enhance the supervision of those cases.

Recommendation 5.3

The Inspectorate recommends that the Garda Síochána establishes a crime management unit model on a divisional basis. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Development of operating protocols for all crime management units.

5.3 Reclassification of Crime

Part 4 of this report dealt with the initial recording and classification of a crime into an appropriate category and highlighted the need to get it right the first time. There will be occasions where that initial classification is found to be incorrect, such as when additional information is received from the victim or a witness, which changes the circumstances of the case.

The process which changes a crime from one category to another is called reclassification. While the Inspectorate acknowledges that reclassifying a crime is sometimes necessary, it must always be accompanied by a clear rationale as to why a crime is changing from one category to another. It is especially important to always record a rationale in cases where a crime is changed to a non-crime category.

As with the examination of initial classifications, the Inspectorate carried out extensive sampling of PULSE records to establish the scale of reclassification and to confirm if any such changes to crime classifications were correct and fully justified.

Gardaí Changing Crime Classifications

As mentioned previously, other police services try to make sure that the classification of a crime is right in the first place to avoid the need to later change a crime to another category. This allows far better decisions to be made at the time of creating the incident report in respect of the next steps in an investigation process. To ensure accurate compliance with crime counting rules and integrity of crime data, other police services restrict to certain positions and individuals, the authority to reclassify a crime.

During sampling of PULSE records, the Inspectorate found a large number of individuals who are reclassifying crimes. These included sergeants, inspectors, detective sergeants, detective inspectors and district officers. Of particular concern was the finding that the following individual groups were also reclassifying crimes:

- Investigating gardaí;
- Gardaí not recorded as the investigating member or assisting with an investigation;
- Members attached to specialist units with no obvious connection to the crime that was being investigated. Examples of these members included local criminal intelligence officers and staff in training roles.

International Best Practice – Persons Authorised to Change Crimes

In some other policing jurisdictions, nominated supervisors are the only people who can reclassify a crime. These individuals are often referred to as Dedicated Decision Makers (DDMs). The officers are invariably detective inspectors and would have the remit to authorise or to recommend a change in classification with a valid justification. Limiting the authority to a few supervisors results in a more consistent approach to the management of crime and particularly the reclassification of crime. This is further explored in Part 11 of this report.

Garda Síochána Views on Crime Reclassification

During focus groups with members in all seven divisions, it was highlighted that crimes were regularly reclassified incorrectly to a different

crime category. This often occurred in cases where a garda had conducted the initial investigation at a crime scene and classified the crime and at a later date that crime was reclassified by some other person.

The following are examples of the types of reclassifications of crime provided to the Inspectorate during meetings with members:

- Attempted burglaries, where doors and windows are forced, are moved to offences of criminal damage or trespass;
- Letter box burglaries, where car keys and cars are stolen, are sometimes recorded as car thefts or thefts of keys;
- Robberies are changed to a theft offence;
- Threats to life crimes have been downgraded to malicious communications;
- Burglaries at holiday homes, garages and in permanent structures are shown as theft offences;
- Credit card offences and minor assaults are sometimes recorded as Attention and Complaints incidents.

During focus groups, the following examples of cases were provided to the Inspectorate:

- A garda who attended a crime scene recorded the crime as an attempted burglary. As the first responder, the garda took on the role of investigator. On returning to work a few days later, the member found that the crime had been reclassified to a criminal damage incident. Even though the garda did not agree with the change in the crime category, they did not see that it was their role to challenge such decision-making.
- Another garda explained that their mother was the victim of a burglary, where entry was made to her house. This was originally recorded as a burglary by the first garda that investigated the crime, but was later incorrectly changed to criminal damage.

Crime Scene Examiners (CSEs) are experts in forensic examination and are usually sent to the scenes of serious crimes and in most divisions to all burglaries. During focus groups, CSEs provided many examples of attending houses to complete forensic examinations for crimes that were initially recorded by the first garda on the scene as a burglary or an attempted burglary. While the forensic examination of crime scenes indicated clear evidence of an entry by a burglar or an attempt to enter, the CSEs noted that the crimes were incorrectly reclassified to theft, criminal damage or trespass.

The perception and view consistently put forward to the Inspectorate by members in all divisions visited, is that crimes were sometimes changed to incorrect or non-crime categories. Gardaí also felt that some district officers do not always want a crime recorded on PULSE without an associated detection. During meetings and focus groups, members highlighted that sometimes they perceived they were under pressure to change the classification of a crime. The Inspectorate was informed by some members that they were advised by staff association representatives or front-line supervisors to record on PULSE if they were instructed to change a classification. During PULSE sampling of reclassified crimes, the Inspectorate found nine examples on PULSE where members recorded that they were instructed to reclassify a crime as a result of directions from a supervisor. In eight of those cases, the Inspectorate did not agree with the decision to change the classification and in the other case there was insufficient information recorded to make an assessment.

The Inspectorate believes that most gardaí know the difference between crime categories, particularly those that are dealt with on a daily basis. There are clearly some crime types that are regularly changed from one category to another and there is a perception amongst gardaí that some crime classification changes are incorrect. In Denmark, crime reclassification is virtually unheard of and most crimes remain in the same crime category from the date first recorded.

PULSE Data Analysis and Sampling

The Inspectorate carried out two separate pieces of analysis on the reclassification of PULSE incidents. The first analysis process focused on a desktop examination of data provided by the Garda Síochána following a request for reclassification information. The second involved direct sampling of PULSE crime incident records by the Inspectorate. The sampling resulted in the collection of PULSE incident record information which became the basis of an Inspectorate created database on reclassification that was then analysed.

When examining the PULSE data requested, the Inspectorate's analysis focused on the following issues around reclassification:

- Crimes that moved from one crime category to another;
- Crimes that moved to a non-crime category;
- Non-crime categories that were reclassified to a crime category.

The analysis process of PULSE incident records was carried out to establish the following:

- The level of reclassification taking place;
- To determine if the decision to change a crime classification was correct;
- To establish authorisation of are classification;
- To determine if a rationale was recorded on PULSE for any reclassification decisions.

Desktop Analysis

The information provided by the Garda Síochána related to the reclassification of crimes that occurred during a seventeen month period from January 2011 to May 2012.

Chart 5.1 shows that during 2011, nearly one million PULSE records were created. It also shows that there were 298,635 crimes recorded and of those crimes, 25,588 were reclassified to another PULSE incident category.

Chart 5.1

PULSE Incident Records Created

Source: Data supplied by Garda Síochána.

Reclassification of Crime - International Context

The figure of 25,588 crimes identified as reclassified, amounts to 8.5% of total crime recorded on PULSE during the twelve month period. Compared to evidence from other jurisdictions, this is significantly higher, based on an audit of Kent Constabulary by Her Majesty's Inspectorate of Constabularies (HMIC) and from other sources and police services, such as the Victoria Police by the Australian Institute of Criminology and FBI reporting procedures. A common figure of approximately 4% is the average percentage of total crimes that are reclassified. This figure varies up or down depending on specific crime types.

Crime Categories

For the purposes of this examination, the Inspectorate selected eight specific crime groups,[3] which included the crime categories that are the five main crimes examined throughout this inspection. The total number of crimes reclassified in the eight categories selected in the seven divisions in a seventeen month period was 2,372 crimes. This data set was subsequently used for the reclassification analysis. It should be noted that all traffic offences were excluded from this examination data set.

Chart 5.2 shows the breakdown of the numbers reclassified in each crime type selected.

Chart 5.2

Reclassified PULSE Crime Incident Types in the Selected Divisions for the Period January 2011 – May 2012

- Assault Harm
- Assault Minor
- Burglary
- Domestic Dispute No Offence Disclosed
- Robbery from the Person
- Theft from the Person
- Theft from MPV
- Theft of MPV
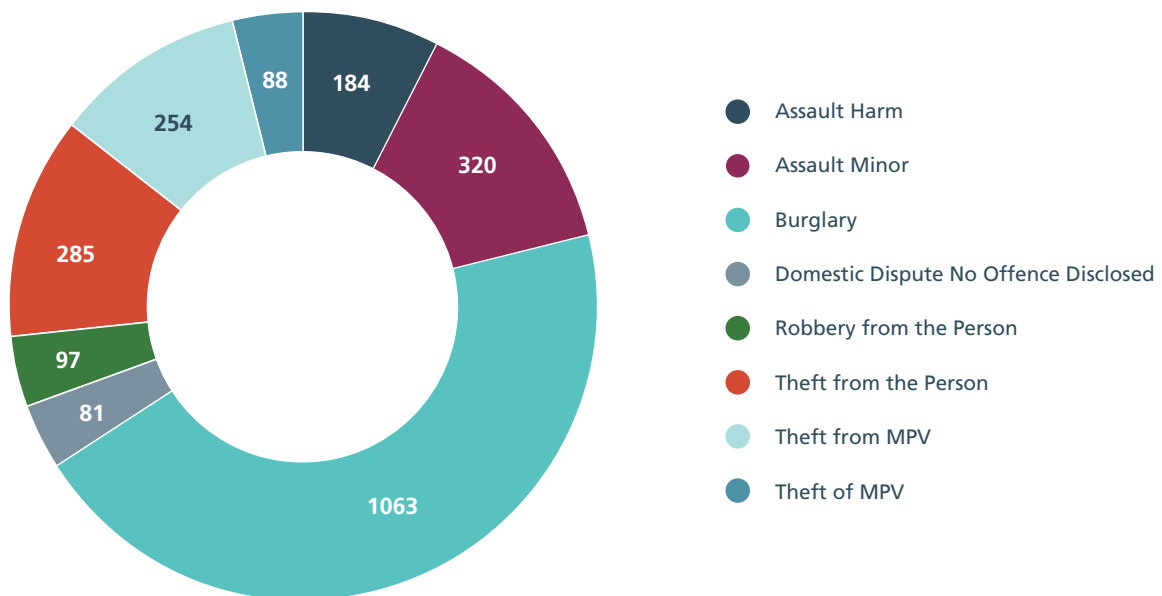
Source: Data supplied by the Garda Síochána.

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3   The eight crime groups include two assault categories, burglary, domestic violence, robbery, (theft person is a less serious crime category for this offence) and two vehicle crime categories.

The top three categories (by volume) outlined in the chart for reclassification in that time period were burglary, assault minor and theft from a person.

As explained in Part 4 of the report on classification, crime categories usually have a higher and a more serious incident type as well as a lower and a less serious one. With burglary offences, a more serious type of offence would be an aggravated burglary and a less serious crime type would be theft other, criminal damage or trespass. With some crimes such as assaults, there are usually differences in court jurisdictions, powers of arrest and sentences. There are some crimes, where such penalty differences do not exist, but historically police service successes have been judged against performance in these crime areas. Crimes such as burglary, robbery, vehicle crime, assaults and domestic violence crimes are those that usually feature in policing plans and are designated as priorities. Offences that attract less scrutiny often include crimes such as theft, trespass and criminal damage. In other policing services, the movement of crimes such as burglary are monitored closely to make sure that crimes are not incorrectly classified or reclassified into lower crime categories.

In the case of domestic violence calls, a movement to a less serious offence is usually to a non-crime category such as a domestic dispute. A less serious category for assault harm would be assault minor and a less serious category for assault minor could be a public order offence or a non-crime Attention and Complaints incident.

Reclassification Trends

To establish the trends in movement to different crime types, the Inspectorate examined the 12,506 crimes that were reclassified on PULSE in the crime types selected, across all divisions, during the period January 2011 to May 2012.[4] The analysis enabled the Inspectorate to ascertain if the reclassified crime moved to a more serious category, a less serious category or a similar offence type.

Chart 5.3 shows the movement of the 12,506 crimes into one of those three categories.

In 83% of cases, the chart shows a reclassification resulted in a crime moving to a less serious offence and in 13% of cases, the crime went to a more serious crime type.

Chart 5.3

Overall Movement of Reclassified PULSE Incidents of Selected Crime Types in the Period January 2011 – May 2012
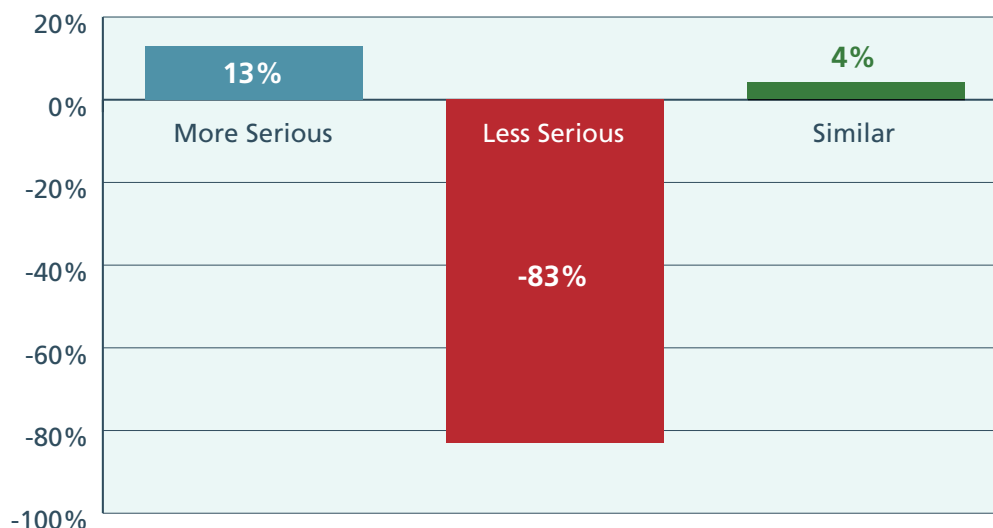
Source: Data supplied by the Garda Síochána.

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4   The Garda Síochána supplied a database of 65,511 PULSE records that were re-classified in a seventeen month period January 2011 to May 2012.

Reclassification Trend Pattern for Crime Types

The next trend that the Inspectorate analysed was the movement within the selected crime types, to see if there were any variations compared to the overall trend. Chart 5.4 breaks down the reclassification of crime to a more or less serious level by the selected crime types.

Findings

- Six of the eight categories significantly moved to a lesser crime type;
- The greatest percentage movement to a lesser crime took place in the categories of burglary, robbery and assault harm;
- Domestic disputes showed the highest percentage change to a more serious offence;
- Assault minor was another category with a significant percentage that moved to a more serious offence.

Chart 5.4

Movement of Reclassified PULSE Incidents by Selected Crime Type in the Period January 2011 – May 2012
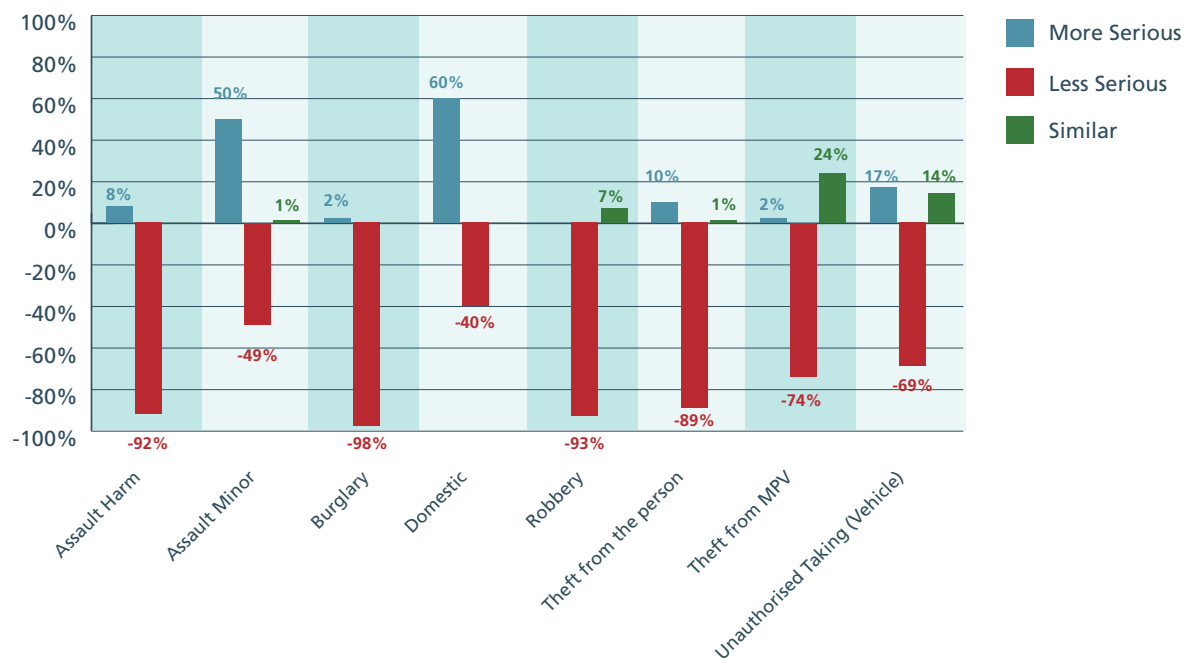
Source: Data supplied by the Garda Síochána.

Chart 5.5

Movement of Selected Crime Types – Most Common Results following Reclassification in the Period January 2011 – May 2012

Initial Classification	To a Less Serious Crime Type following Reclassification	Proportion of all Reclassified Cases	To a More Serious Crime Type following Reclassification	Proportion of all Reclassified Cases
Assault Harm	Assault minor	69%	Robbery	3%
Assault Minor	Attention and Complaints	35%	Assault Harm	44%
Burglary	Criminal Damage	39%	Aggravated Burglary	1%
Domestic	Attention and Complaints	30%	Assault Minor	37%
Robbery person	Theft person	53%	No Crime Type	0%
Theft person	Theft other	52%	Robbery	10%
Theft from MPV	Theft other	27%	Criminal Damage by Fire	1%
Unauthorised Taking of a vehicle	Attention and Complaints	22%	Theft of MPV	8%

Source: Data supplied by the Garda Síochána.

Most Common Reclassifications Trends

The Inspectorate further examined the selected crime types to ascertain the most common incident categories the crime moved to. Chart 5.5 shows the initial crime that was recorded on PULSE and the most common place that the crime type moved to for both a less serious and also a more serious incident category.

Findings on Movements of Crimes

The findings in Charts 5.4 and 5.5 raise a number of issues about the movement of crimes:

- A significant percentage of assault harm cases moved to a lesser crime;

- 35% of the assault minor crimes moved to a non-crime category in Attention and Complaints. Also, a significant percentage moved up to assault harm;

- 37% of domestic disputes cases moved to a crime of assault minor; and 30% were reclassified to Attention and Complaints;

- Burglary again features as a crime type that is often moved and in this sample most frequently to criminal damage.

Reclassification Patterns across the Selected Divisions

The Inspectorate examined the reclassification of crime types across the seven divisions visited, to assess any variations to the patterns of movements of crime types.

Findings

- The patterns found were very consistent in terms of robbery, burglary and assault harm as displayed in the chart showing the movement of reclassification by crime type;

- There were however, noticeable differences in reclassification practices in respect of domestic violence and assault minor. Some divisions were more likely to reclassify domestic violence and assaults to a less serious category, but some divisions had the opposite scenario and were more likely to reclassify the crime to a more serious offence.

Reclassification Patterns in Attention and Complaints PULSE Category

The Attention and Complaints PULSE incident category has featured in several parts of this report already. As previously described, it is a non-crime PULSE category often used as a catch-all for many incidents. This is a category that should not be used for an incident where there is evidence that a crime occurred. As part of the reclassification examination, the Inspectorate looked at incidents initially classified as a crime that were later reclassified into Attention and Complaints and the reverse scenario where incidents initially classified as Attention and Complaints were later reclassified into a crime or a domestic dispute category.

To analyse these trends, the Inspectorate examined the original database of 65,511 incidents that were reclassified during the period of seventeen months between January 2011 and May 2012 and found that 6,095 crime incidents were reclassified into the Attention and Complaints category.

Chart 5.6 shows the movement of a selected number of crime categories that went to Attention and Complaints.

Chart 5.6
Selected Crime Incident Types that moved to Attention and Complaints following Reclassification during the Period January 2011 – May 2012

Initial PULSE Incident Classification	Number of Incidents Reclassified to Attention and Complaints
Criminal Damage (not by fire)	854
Assault Minor	676
Theft (Other)	654
Burglary	377

Source: Data supplied by the Garda Síochána.

Clearly there are a large number of crimes moving into Attention and Complaints and assault minor crime incidents again feature highly in these findings.

Attention and Complaints Reclassified

Conversely, there were also a large number of crime incidents that were initially classified in the non-crime Attention and Complaints category and were subsequently reclassified into a crime incident type. The Inspectorate analysed the same data set of 65,511 and found 13,465 incidents that were initially classified into Attention and Complaints and then moved to a crime category after reclassification. Chart 5.7 shows a selection of the largest volume crime incident types that were reclassified from the Attention and Complaints category in the period January 2011 to May 2012.

Chart 5.7
Selected Crime Incident Types that moved from Attention and Complaints following Reclassification in the Period January 2011 – May 2012

PULSE Incident Type following Reclassification	Number of Incidents Reclassified from Attention and Complaints
Domestic Dispute	1,433
Assault Minor	1,222
Criminal Damage	855
Public Order	552
Theft Other	445

Source: Data supplied by the Garda Síochána.

As outlined in this chart, a significant number of incidents initially categorised as Attention and Complaints were at some later date reclassified and moved to other categories such as domestic disputes, assault minor and criminal damage. Attention and Complaints should not be used in cases where there is evidence that a crime or a domestic dispute took place. In these cases a crime should have been recorded in an appropriate crime category where there is reasonable probability that a crime had taken place.

Attention and Complaints Reclassification Trends in the Divisions Visited

The Inspectorate also examined the data set of 12,506 of reclassified incidents in all divisions, to ascertain the trends in movement into and out of the Attention and Complaints category. Chart 5.8 outlines the proportion of each of the eight selected crime types moving to the Attention and Complaints category following reclassification.

Chart 5.8

Selected Crime Types moving to Attention and Complaints on Reclassification
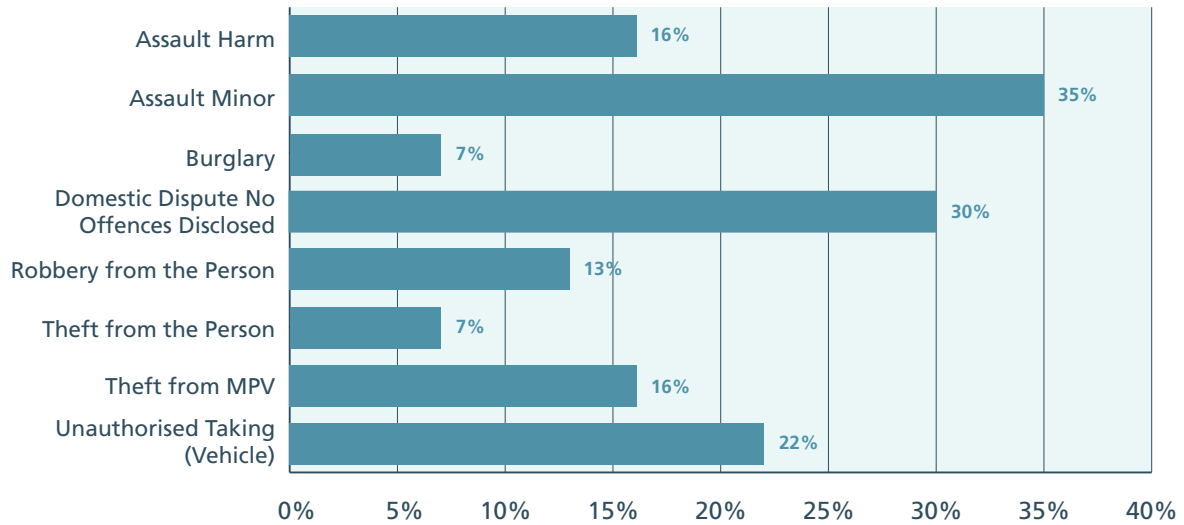
Source: Data supplied by the Garda Síochána.

Findings

- 30% of all domestic disputes were reclassified into Attention and Complaints;
- Crime categories, such as robbery of the person and burglary, moved to Attention and Complaints;
- 35% of all assault minor offences reclassified moved into this category.

Comment on Reclassification Trends Following Analysis of the Desktop Examination of PULSE Data

The desktop analysis revealed that the Garda Síochána reclassified 8.5% of the total amount of recorded crime. In the period under review, 83% of the reclassified crime went to a less serious category.

There is a clear link with incident recording as outlined in Part 4 that further emphasises the need to make sure that the Garda Síochána get that first classification right to avoid the need to reclassify the numbers of crimes that are currently moving from one category to another.

5.4 PULSE Incident Sampling

Following on from the desktop review of PULSE data, the Inspectorate examined the reclassification of PULSE incidents in more depth. The Inspectorate directly accessed the PULSE system on visits to Garda Headquarters and sampled data from live PULSE incident records. Information that was not available from the original data request was viewed and the details collected were compiled into a database and was subsequently analysed by the Inspectorate. The additional data collected allowed the Inspectorate to make an assessment about whether the decision to reclassify a crime was correct.

During this sampling, the Inspectorate looked at a number of different aspects of reclassified PULSE incidents which are outlined below:

- Analysis of where crime incidents are reclassified;
- Reclassification of ten crime incident types across the seven divisions;
- Examples of crimes that were reclassified;
- Robberies that were reclassified;

- Invalid crimes (these are crimes or incidents that were recorded, but are later found not to have taken place);

- 'Operation Look-Back' – (Garda Síochána initiative to review crime that took place three months earlier for detections).

Reclassification of Crime – Overall Findings

When sampling reclassified PULSE incident records, the Inspectorate selected incidents that were initially reported during the period May to July 2012, in the seven divisions under review. The Inspectorate examined a total of 393 PULSE incidents from ten selected incident types that had been reclassified at some point prior to the Inspectorate's visits in June and July 2013. A database was created that provided detailed information obtained from each PULSE record under a variety of headings. After a detailed analysis of the database, and taking all the available information into account, the Inspectorate separated the crime incidents into the following categories:

- The percentage of crimes that the Inspectorate viewed to be correctly reclassified;

- The percentage of crimes that the Inspectorate viewed to be incorrectly reclassified;

- The percentage of crimes where there was insufficient detail on PULSE to determine if the reclassification was justified;

- The percentage of crimes that were reclassified more than once.

Chart 5.9 shows the number of PULSE records examined and the Inspectorate's view on the reclassification of those incidents.

Findings

- The Inspectorate found that only 13% of the reclassifications were correct;

- In many cases the Inspectorate found there was no rationale to explain the reclassification;

- Many crimes were incorrectly moved from a crime category to a non-crime category;

- In the overwhelming majority of cases, a crime that was reclassified moved to a less serious crime, to a non-crime incident or was invalidated. There were a number of cases where the crime was reclassified and then reclassified for a second time and usually back to the original crime type.

In the majority of cases where the Inspectorate did not agree with a reclassification decision, it was found that the initial classification of the PULSE incident appeared to be the most appropriate category.

Reclassification by Divisions

While the overall reclassification figures, as presented in Chart 5.9, are the combined results of all the data examined, it is important to acknowledge that the levels of reclassification varied between the seven divisions reviewed. Chart 5.10 shows the range of differences that were found within the Inspectorate's analysis of categories.

Chart 5.9

Inspectorate's Analysis of PULSE Incidents Reclassified in the Selected Divisions during the Period May – June 2012

Number of Incidents Sampled	Incorrectly Reclassified	Correctly Reclassified	Insufficient detail to Determine if Reclassification is Correct	Reclassified more than once
393	71%	13%	11%	5%

Source: Data obtained from sampling 393 PULSE incident records by the Garda Inspectorate.

Chart 5.10

Inspectorate's Analysis of PULSE Incidents Reclassified - Difference in Ranges between the Selected Divisions during the Period May – June 2012

Division	Incorrect Reclassification Ranges	Correct Reclassification Ranges	Insufficient Details to Determine Reclassification Decision Ranges	Reclassified more than once Ranges
Seven Divisions	59% to 79%	9% to 21%	8% to 19%	2% to 10%

Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate.

Across the seven divisions the chart shows there was a 20% difference in the divisions between the lowest and highest rates for incorrect reclassifications.

Reclassification of Crime Incident Types Destinations across the Seven Divisions

The Inspectorate used the database of 393 incidents, created from sampling PULSE records, to analyse the most common incident type to which these incidents were reclassified.

Chart 5.11 highlights the most common destinations of each of the ten crime types examined after reclassification.

Findings

- Similar to the trends found in the PULSE data analysis, a large percentage of burglaries were reclassified to criminal damage;

- A large percentage of assaults, criminal damage and theft other crime incidents moved to the non-crime category of Attention and Complaints;

- 31% of the Attention and Complaints incidents moved to sexual assaults.

Chart 5.11

Reclassified Incident Types Destinations in Selected Divisions in the Period May to July 2012

Initial Incident Type	Most Common Incident Type to which these Incidents were Reclassified	% of the Most Common Incident Type
Assault Harm	Assault Minor	76%
Assault Minor	Attention and Complaints	59%
Attention and Complaints	Sexual Assault	31%
Burglary	Criminal Damage	43%
Criminal Damage	Interfering with the Mechanism of an MPV	41%
	Attention and Complaints	41%
Robbery	Theft Other	38%
Theft from MPV	Criminal Damage	38%
Theft Person	Theft Other	76%
Theft Other	Attention and Complaints	42%

Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate.

Detailed Analysis of Reclassified Crime Types

As the crime types examined had a variety of reclassification destinations, it is appropriate to comment on each one separately. The following are some examples from the individual crime types and issues that were found during the examination of the database of PULSE records.

Burglary

This was a crime type that saw many crimes moving from the original classification to a lesser crime. Only one crime moved to a higher category of aggravated burglary. There are several examples where burglary offences were reclassified to a less serious crime and at a later date reclassified back to a burglary. There are also several examples where the identification of a suspect and the ensuing detection were noted in the change back to a burglary offence.

Examples of PULSE reclassifications for a crime that was initially classified as burglary. The commentary on the incident is taken from PULSE incident record details included on the Inspectorate's database.

- Front window opened and entry gained. This was reclassified to Attention and Complaints. GISC recommended that it was a burglary and if no intent, to reclassify to a trespass. This enquiry from GISC was not answered.

- Suspects entered a house with weapons. This was correctly reclassified to an aggravated burglary.

- Break-in to a home and items stolen. PULSE shows victim as unwilling to be a witness. This was reclassified twelve months later to a non-crime Attention and Complaints incident. GISC questioned the reclassification from burglary, but it was not answered.

- Door kicked in and occupier disturbed two suspects in the hallway, who ran away. This was reclassified to criminal damage without any explanation.

- Rear door damaged. Occupier heard suspects in hallway and one suspect was wearing a balaclava. Suspects fled when challenged. This was reclassified by a sergeant to criminal damage "pending a witness statement". There was no further entry on PULSE some twelve months later.

- Victim saw suspects levering open a window, suspects entered and caused damage to the property. The crime was reclassified two months later to a criminal damage with the words "no evidence of entry gained".

Attempted Burglary

Attempted burglary is a specific crime that is generally classified correctly at the initial reporting stage, but regularly ends up in other categories and usually as a criminal damage or a trespass. In other police services, an attempt to gain entry at a door or window (points of entry) would be recorded as an attempted burglary.

Examples of PULSE reclassifications for a crime that was initially classified as burglary (Attempt). The commentary on the incident is taken from PULSE incident record details included on the Inspectorate's database.

- The following narrative was removed from the original PULSE entry "Back door of house forced, no entry gained". This was reclassified to a criminal damage and the district officer closed the crime.

- Male trying to force window, no entry gained. This was reclassified to an Attention and Complaints incident. GISC challenged this reclassification on two occasions but no response was received.

- Two males knocked on the front door and then attempted to prise open the back door, when they were disturbed. This was reclassified to a criminal damage.

- Victim's door bell rang, followed by two males trying to break into the rear of a house. The reporting garda recorded this as an attempted break-in. This was reclassified to a criminal damage.

Garda Síochána supervisors informed the Inspectorate that the Director of Public Prosecutions (DPP) will not always give directions to charge a person with attempted burglary unless the suspect for the offence makes an admission of intent to enter. As a result, attempted burglary crimes are regularly incorrectly classified to criminal damage or trespass. The threshold for charging a suspect is a completely separate issue to the definition of an attempted burglary. The Inspectorate found compelling evidence from the data set examined, that the crime of attempted burglary is not recorded correctly and as a result, there is significant under recording in the crime category of burglary.

Assault Minor

The following are examples where assault minor cases were reclassified. In many cases assault minor was reclassified to Attention and Complaints for several reasons; but mainly the reluctance of a victim to assist with a prosecution and provide a statement of complaint. A reluctance to make a statement should not impact on the category of the crime that is recorded. The following are some examples of cases found on PULSE.

Examples of PULSE reclassifications for a crime that was initially classified as assault minor. The commentary on the incident is taken from PULSE incident record details included on the Inspectorate's database.

- Victim struck a number of times and, although would not make a statement, the victim wanted the crime noted. Shown as discussed at a district meeting and reclassified to Attention and Complaints.

- Victim hit on head with glass bottle. Reclassified to Attention and Complaints on the authority of a detective sergeant "pending further investigation this may be reclassified". No record of an investigation was found by the Inspectorate.

- In a domestic violence assault case, the victim did not want to prosecute, but wanted the case noted for any future application to a court. It was initially reclassified to an Attention and Complaints and then to a domestic dispute some four months later. GISC challenged the change in classification from an assault to an Attention and Complaints.

Assault Harm

These are more serious assaults. In some cases, assault harm crimes were reclassified to Attention and Complaints and also appeared to follow the reluctance of a victim to assist with a prosecution and provide a statement of complaint. A reluctance to make a statement of complaint should not impact on the category of crime that is recorded. There were several cases where the crime was reclassified to a lesser assault, even though the injuries recorded appeared to be more serious. The following are some examples of cases found on PULSE.

Examples of PULSE reclassifications for a crime that was initially classified as assault harm. The commentary on the incident is taken from PULSE incident record details included on the Inspectorate's database.

- Victim stabbed with a broken bottle. This was initially dealt with as a critical incident. PULSE noted that the victim did not want the crime investigated and it was reclassified to an Attention and Complaints incident.

- Victim with a possible broken nose, but was unwilling to make a statement. A supervisor directed a reclassification to assault minor as the victim would not provide a statement.

- Victim hit on head several times and taken to hospital. Reclassified one month later to an assault minor by a member from a training unit. GISC challenged the reclassification due to the serious nature of the assault and the evidence of injuries. This crime remained in the new category.

- Victim punched in the face and had three teeth broken. An inspector stated that if the victim declined to provide a statement, the crime should be moved to a public order incident. The crime was reclassified twice, initially to a public order incident and then to an assault minor on the directions of the district officer. GISC questioned the reclassification of this crime, but it remained in the new category.

Robbery

Robbery is another serious crime, where most reclassifications went to a less serious crime type, such as a theft person or theft. It should be noted that robbery is defined as a theft from a person where force or the threat of force is used or a person is put in fear of such force. Robbery is still a crime with relatively low levels of offending, however due to the low levels of recorded robbery offences, any change in the classification of robbery to a lesser offence, is likely to have a significant impact on the percentage changes in these offences. Due to the low volume of recorded crimes in this category the Inspectorate extended the search parameters in the seven divisions to all such crime in 2012.

Chart 5.12 shows analysis of fifty robbery offences reported in 2012 in the seven divisions visited that were reclassified.

Findings

The Inspectorate did not agree with 76% of the reclassification decisions made and found that 12% of the cases had insufficient details to determine if the decision making was correct or not.

The following are some examples of the cases sampled.

Examples of PULSE reclassifications for a crime that was initially classified as robbery. The commentary on the incident is taken from PULSE incident record details included on the Inspectorate's database.

- Victim pushed to ground and phone grabbed from hand. Three months later a sergeant reclassified it to a theft.
- Suspect grabbed bag from shoulder and pulled victim to the ground before stealing bag and contents. Reclassified to theft one day later by a sergeant as no evidence of threat or violence.
- Victim grabbed by throat, pushed to ground and banged head. Pockets searched by suspect described as looking for money. This was reclassified to a theft from person.
- Suspect said that they had a knife in their pocket and the victim believed this. Suspect took the victim's bicycle and phone. This was reclassified to a theft.

Chart 5.12
Inspectorate Analysis of PULSE Robbery Incident Type Reclassified During 2012 in the Selected Divisions

Number Sampled	Incorrectly Reclassified	Correctly Reclassified	Insufficient Details to determine Classification	Reclassified more than once
50	76%	10%	12%	2%

Source: Data obtained from sampling 50 PULSE Robbery type incident records by the Garda Inspectorate.

Theft Person and Theft

Theft is a large category for crimes covering a wide range of offences. In this category, the Inspectorate did find some reclassifications that were immediately carried out at the time of creating the PULSE record at GISC and appeared to be linked to the wrong classification being selected. There were also crimes where a PULSE incident was created for the category of theft person, but the person was not in possession of the property at the time of the crime and the crimes were correctly reclassified to theft other.

Examples of PULSE reclassifications for a crime that was initially classified as theft person and theft. The commentary on the incident is taken from PULSE incident record details included on the Inspectorate's database.

- A victim gave their phone to someone who ran off with it. It was correctly reclassified from theft person to theft.
- Two purses taken from a buggy in a shop. Correctly reclassified from theft person to theft.
- Money taken from handbag. Crime reclassified from theft to property lost. GISC questioned the reclassification, but it was unanswered. The PULSE record suggested that theft was the right classification.
- Details from a person's credit card were used and the bank was unsure about the jurisdiction for the crime. The crime was reclassified into Attention and Complaints without any explanation. GISC questioned the reclassification in 2010 and two years later it remained unanswered.

Sexual Assaults and Changes to Classifications

During the sampling of PULSE, the Inspectorate noted a number of historical sexual offences that were reclassified in 2012. These crimes dated back over fourteen years and included offences such as rape and other sexual assaults. These crimes were all reclassified to less serious offences by the same detective sergeant on the same date. There was no narrative on PULSE to explain why these changes were made. The Inspectorate did not have access to any cases files, but it was hard to understand why historical crimes were being reclassified.

An example of PULSE reclassification for a crime that was initially classified as sexual assault. The commentary on the incident is taken from PULSE incident record details included on the Inspectorate's database.

- A sexual assault PULSE record created in 2008 had narrative removed to take out the description of the assault and it was reclassified to the non-crime Attention and Complaints category in 2012. There is no rationale on PULSE as to why this was reclassified some four years later.

The Garda Síochána has developed Key Performance Indicators (KPIs) for all crimes that involve child sex abuse and sexual assault. When a case is recorded in these categories, and in the absence of a detection, it continues to feature on the KPIs and remains as a monitored case. If a crime is reclassified and the narrative is changed, a crime of this nature will no longer feature on the KPIs.

Theft from Motor Vehicle

There were a number of crimes in this category, where a theft had taken place but were classified as other crimes; such as criminal damage and in some cases, the non-crime category of Attention and Complaints.

Examples of PULSE reclassifications for a crime that was initially classified as theft from motor vehicle. The commentary on the incident is taken from PULSE incident record details included on the Inspectorate's database.

- Two wind deflectors were taken from a car. There is also mention of criminal damage. This was reclassified six months later to an Attention and Complaints incident. GISC questioned this change but it was never answered.

- €150 was stolen from the door of coach. This was reclassified to an Attention and Complaints incident. There are no details on PULSE about who reclassified this crime and when this took place.

- Window of car smashed and handbag contents stolen. On directions of the district officer, this was reclassified by a garda three months later to property lost.

Criminal Damage

Criminal damage is a crime type that moved to several different categories. Some criminal damage crimes moved to traffic offences such as interfering with the mechanism of a vehicle and some moved into the non-crime categories of lost property and Attention and Complaints.

Examples of PULSE reclassifications for a crime that was initially classified as criminal damage. The commentary on the incident is taken from PULSE incident record details included on the Inspectorate's database.

- A driver's door wing mirror was damaged on a tourist's car. This was reclassified to Attention and Complaints.

- Damage to the window of a cafe; the victim stated that they just wanted it noted for insurance purposes. This was later reclassified to Attention and Complaints.

Operation Look-Back

This was an operation conducted by the Garda Síochána in some of the divisions visited which reviewed crimes recorded in the previous three months to look for detection opportunities. The Inspectorate decided to look at this process as a part of the detection sampling analysis, but found that crimes were also reclassified. Crimes recorded in January 2013 were selected to be reviewed and the reclassifications were selected from that database. As with previous examinations of this variety, the Inspectorate used the available information to determine if the reclassification was correct. Chart 5.13 shows the results for that sample.

Chart 5.13
Inspectorate Analysis of PULSE Crime Incidents Reclassified During Operation Look-Back of Incidents Recorded in January 2013

Incorrectly Reclassified	Correctly Reclassified	Reclassified more than once
71%	0%	29%

Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate.

Findings

- The incorrect reclassification rate is consistent with the other analysis conducted by the Inspectorate;
- 29% were reclassified on more than one occasion.

5.5 Other Crime Counting Rules Issues

Reclassification – Crime Counting Rules

The Inspectorate found that the current Garda Síochána Crime Counting Rules state that reclassification is only required within or to homicide offences. The Inspectorate recognises that there are other occasions when reclassification is appropriate. The Crime Counting Rules need to be refreshed. The development of any new rules requires careful consideration, as it will impact on recording practices and it can make comparison between crime years more difficult.

> **Recommendation 5.4**
>
> **The Inspectorate recommends that the Department of Justice and Equality initiate a process, in which the CSO should have a central role, towards the development of new Crime Counting Rules. (Medium term).**

Multiple Offences – Under Counting and Over Counting

With crime counting rules, it is important to ensure that each and every crime is correctly recorded, and for some offences there may be more than one victim and as such, each crime against a person and property should be counted as separate offences. In simple terms, the Crime Counting Rules say 'one victim one crime'. The Inspectorate found many examples where multiple crimes had occurred and were correctly recorded and linked on the PULSE system. The process of linking PULSE incidents is referred to as 'cased crimes'. The Inspectorate identified a number of multiple crimes where additional PULSE records existed, but were not always 'cased' on PULSE. This made auditing difficult, as further searches had to be completed to check that the other crimes were recorded.

The Inspectorate found cases where multiple offences were committed, but only one crime was actually recorded on PULSE. An example of this was found during the sampling of letter box burglaries; where the keys for a car and the car was stolen as a result of a burglary. In these cases both the burglary and the taking of the car should be recorded as separate crimes.

Continuous Series

In certain circumstances, crime counting rules allow multiple offences by the same suspect on the same victim to be recorded as one offence and treated as a continuous series. This recording rule is sometimes used in cases of harassment, where there are a number of separate incidents that took place over an extended period of time. It can also apply in cases where an employee steals on two or more occasions from an employer and the crime can be counted as one theft. It is important that this rule is applied properly to ensure that the correct numbers of crimes are recorded.

During the inspection process, the Inspectorate attended a daily accountability meeting where six crimes were discussed that involved the theft of farm machinery. These crimes were committed in different locations, with different victims, but it was believed that one suspect was responsible. The district officer intimated that in the absence of a suspect being charged with these offences, it may be recorded under this continuous series rule, thus counting it as one offence. The Inspectorate pointed out at the time that this rule would not apply in these circumstances. During the sampling of PULSE incidents, the Inspectorate checked the progress of the above case and found that only one crime was recorded. This one example resulted in the under recording of a number of crimes.

5.6 Invalidating a Crime

There will always be occasions where a crime that is reported, is later found not to have taken place. Examples include, where a person has made a false report of a crime or has mislaid property that is later found. The Garda Síochána's process for dealing with such cases is to reclassify the initial crime to 'Invalid'. Where this occurs, there should always be a clear rationale on the original PULSE record, explaining why this is marked as invalid. The use of this category is a very small proportion of the overall number of crimes.

In order to analyse the invalidation of PULSE incidents, the Inspectorate sampled a number of incident records that were shown as invalid in June 2012. The sample looked at crimes across all seven divisions and there were a varied number of crime types. Chart 5.14 shows a breakdown of the incident types for the largest categories and a catch all category for the rest.

Chart 5.14

Inspectorate Analysis of PULSE Incidents Invalidated during June 2012 in Selected Divisions

Incident Type	Number Sampled	Incorrectly Classified	Correctly Classified	Insufficient details to determine Classification
Assault Minor	6	83%	17%	0%
Burglary	6	50%	33%	17%
Criminal Damage	13	38%	62%	0%
Theft from MPV	4	50%	50%	0%
Theft Other	10	10%	90%	0%
Theft Shop	4	25%	50%	25%
Unauthorised Taking of a MPV	6	0%	100%	0%
Others	27	33%	63%	4%
Average for all Incidents	76	34%	62%	4%

Source: Data obtained from sampling 76 PULSE invalidated incident records by the Garda Inspectorate.

General Findings

- 62% were correctly invalidated;
- Further examination of the sample showed that in 19% of the cases, crime incidents were being incorrectly invalidated when a victim would not provide a statement of complaint.

In these examples, there was credible evidence that a crime had occurred and the crime should have remained classified as such.

Examples of PULSE records that were recorded as a crime, but were later shown as invalid. The commentary on the incident is taken from PULSE incident record details included on the Inspectorate's database.

Correctly invalidated:

- Report received that a car was stolen that was later found;
- Robbery that was reported and found to be a duplicate report;
- Theft of petrol where the driver of the car later returned and paid for the fuel.

Incorrectly invalidated (No rationale for an invalid crime):

- Victim pushed to the ground and phone stolen – this was reclassified from robbery to invalid. There was no rationale to explain why it was invalidated;
- Victim hit in face and received cut to eye. On instructions of an inspector this was shown as invalid. There was no rationale to explain why;
- A rape offence reported in 2012, but not invalidated until May 2013. There is no rationale on PULSE to explain why it took eleven months to establish that a crime did not occur.

With regard to GISC supervision of an incident, there is an anomaly with the PULSE system. When a crime is shown as invalid by a member, it closes that case and the PULSE record becomes invisible to GISC. This also includes a crime where GISC have generated a review/clarification.

During sampling, the Inspectorate also found a number of examples where there was a clear justification to invalidate a crime, but this action was never completed. As a result, a crime statistic was retained for an incident that was never a crime (called over-counting). In some other cases, a crime that should be invalidated was incorrectly changed to a non-crime category, such as Attention and Complaints.

There are occasions when a crime should be invalidated and the Inspectorate believes that any such invalidation should always be referred back to a GISC reviewer to ensure that this is the correct course of action.

Changes to PULSE

There are a number of features on PULSE that should be restricted or removed, such as the ability to reclassify or invalidate a crime and any feature that allows a PULSE record to be removed from the view or supervision of GISC.

Unlike any other comparable police jurisdiction visited by the Inspectorate, any member of the Garda Síochána can effectively change a crime classification, without having to go through GISC to register the change, without any permission and without any supervision.

Recommendation 5.5

The Inspectorate recommends that the Garda Síochána publishes policy establishing the roles and responsibilities of all staff in regard to the reclassification and invalidation of PULSE incident records, with GISC having the final decision authority. (Short term).

To achieve the above recommendation, the following key action needs to be taken:
- Allow GISC full PULSE incident access, including the ability to view records that are reclassified or invalidated.

In the interim, the Garda Síochána should develop guidelines to be issued to all staff clearly articulating what is and is not permitted on PULSE. These changes should be addressed in conjunction with other recommendations made in this report relating to PULSE.

Importance of Crime Classification for Victims of Crime

The importance of getting a classification right is also important for a victim of any crime. A wrongly classified crime may well stop a victim from receiving appropriate referral to a specific victim support agency, crime prevention advice or a follow-up visit from a community officer.

Reclassifying Crime without Supervision or Oversight

GISC have clear responsibilities for ensuring that crime classifications are correct and that crime counting rules are complied with. Any change to a crime classification without having to use GISC, effectively removes any oversight of crime reclassifications outside of the operational unit that has changed the crime. While a reclassification can generate a review/clarification, this is not a strong enough mechanism to ensure the accuracy of any change to the classification of crime.

5.7 Crime Management Units and Reclassification of Crime

The Future

In this report, the Inspectorate has highlighted many areas where there are deficiencies in the application of crime counting rules and particularly in respect of reclassification of crime. The Inspectorate believes that there must be procedural and structural changes to the way that the Garda Síochána manages crime investigation.

A significant change is the recommendation to implement crime management units. Other jurisdictions operate crime management units in different ways. In Denmark, Denver and West Yorkshire the crime management units operate at a service level and in Scotland operate on a divisional level. The Inspectorate recommends the creation of crime management units at a divisional level.

Clearly, the introduction of crime management units will require suitable staffing levels to ensure that such units operate effectively. The benefits of effective crime management units should include a significant reduction in the number of new and dated investigations that are currently conducted and will release a considerable amount of time for gardaí in all investigative roles.

As recommended in Part 2, a move from multiple district administration units to one divisional administration unit could release a number of staff that could be used to create the new units. Crime management units could also provide a meaningful role for those gardaí on restricted duties, who are currently unable to go out on patrol.

Crime Classification and Reclassification District Decision Makers

The ultimate decision maker in respect of crime classification in Ireland is the local district officer. When crime counting rules were discussed at all levels of the Garda Síochána during this inspection, the district officer is described as the person who has responsibility for checking compliance with such matters.

Across Ireland, there are currently ninety-six district officers, who on a daily basis are making independent decisions about crime classification and reclassification. This practice does not promote consistency of decision-making and a crime with similar circumstances can be placed in several different crime categories, depending on the area it occurs in. The Inspectorate also found a wide variance in the approach to detecting crimes and an absence of central guidance and monitoring as to how those detections are achieved, thus echoing the Inspectorate's findings in the report on fixed charge processing.[5]

The Inspectorate recognises that district officers are under pressure to address crime and to catch offenders. There is certainly a belief amongst district officers that if crime increases or detections are low, then they will be viewed by their organisation as unsuccessful.

Most other policing jurisdictions have a small number of Dedicated Decision Makers (DDMs), usually at inspector rank, operating at a divisional or a regional level. DDMs are the only persons with authority to authorise a reclassification of a crime

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5   Report of the Garda Síochána Inspectorate, The Fixed Charge Processing System, A 21st Century Strategy, February 2014

or to show a crime as detected. The Inspectorate believes that the Garda Síochána should implement a system of DDMs who should be the first point of contact for a member to go to for a reclassification or a detection decision. The DDM should make sure it is the right decision and once approved, the member should contact GISC or generate a review to reclassify the crime.

Recommendation 5.6

The Inspectorate recommends that the Garda Síochána introduces a system of Dedicated Decision Makers on a divisional basis. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Develop policy that requires members to obtain Dedicated Decision Maker approval prior to any request for reclassification or invalidation of a PULSE incident record.

Reclassification of Crime

A new instruction was issued in July 2013 by the Garda Síochána, which contained an instruction to GISC staff and sergeants about reviewing PULSE incidents. It specifically highlights that the narrative should contain sufficient information to justify a reclassification of a crime. The Inspectorate welcomes this instruction, but it needs to be accompanied by significant changes in the authority levels for making such changes and audits to ensure compliance.

Many international police services have had similar systemic issues around change to crime classifications. Inconsistency has been overcome by strict supervision and adherence to the crime counting rules. Concern about the integrity of crime recording is a risk for any police service in terms of public confidence in policing.

New Role for GISC

At present there are far too many gardaí with the ability to change a crime classification and this practice must be stopped immediately. The Inspectorate believes that GISC should play a more enhanced central role in crime reclassification and that divisions should not be allowed to reclassify a crime without the authority of GISC. This would provide a far more consistent approach to the process and it would also reduce the wasteful practice of GISC having to generate thousands of reviews/clarifications that are never answered.

In the future, if a member wants to reclassify a crime or an incident, the member must first contact the local dedicated decision maker (DDM) to make sure that the decision is correct and there is a rationale as to why it should be changed. At this point, the member can contact GISC through a call taker or request a review through the PULSE system. The Inspectorate accepts that reclassifications will often be required, but this new system would dramatically reduce the number of crimes that are currently incorrectly changed. Any future changes must also be accompanied by a clear rationale in the narrative to explain why it was reclassified. Such an approach would ensure that a crime committed anywhere in Ireland is far more likely to be classified in the same way. There is no cost implication or technology solution required to allow this change to take place.

Where the GISC call taker and the members are in disagreement, the case should be referred to a GISC Reviewer and if there is still a disagreement, then the case should be referred to the proposed Garda Crime Registrar (outlined in Recommendation 5.8 later in this part), who will be the final decision maker. In the short term GISC should be the final authority.

Training for Crime Managers in Crime Counting Rules

During this inspection, the Inspectorate found that many people with responsibility for crime counting rules had received no formal training and certainly no refresher trainer. The Inspectorate believes that this should form part of all promotion training courses and once developed, that the Garda Crime Register should take responsibility for developing training for those involved in the management of crime investigation.

Integrity of Crime Recording - National Crime Recording Standards (NCRS)

From an initial call from the public, through to crime and incident recording, the Inspectorate has indentified issues that question the accuracy of crime and incident recording. The Inspectorate believes that Ireland must move towards a national system of crime recording that protects the integrity of crime data and ensures that there is a consistent and transparent approach to the application of crime counting rules.

National Crime Recording Standards (NCRS) is a well established process that was introduced in England and Wales in 2002 and in Scotland in 2004. Prior to the introduction of NCRS, the decision whether to record an incident as a crime or not appeared to be influenced by an individual officer's discretion and there was evidence of under recording of crime and crimes consistently being downgraded. The aims of NCRS are to promote greater consistency in the recording of crime and to provide a more victim orientated approach to crime recording. Ethical recording of crime is integral to modern policing and it is vitally important that police services' recording and disposal practices are capable of withstanding rigorous scrutiny. All reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, must result in the registration of an incident report by the police.

Following the initial registration of the incident on the crime recording system, it will be recorded as a crime if, on the balance of probability, a crime took place. In most cases the belief by the victim that a crime has taken place is sufficient to justify recording it as a crime. An unwillingness to support an investigation or prosecution should not be allowed to negatively influence the recording process. "No victim, no crime" is a general concept that is applied to crime. In some cases and generally serious cases, a police service may decide to record a crime even though the victim cannot be found or has declined to confirm if a crime has taken place. In Denmark, all complaints of serious sexual assault are recorded as a crime.

Once recorded, a crime remains unless there is additional and verifiable information to disprove that a crime has occurred. The fact that a person is drunk or otherwise impaired might have a bearing on the balance of probability, but if at the time of reporting, supporting evidence exists, a crime should be recorded regardless of the person's condition. The recording of all crimes also provides a far greater intelligence picture of offending.

A modern crime recording system is essential to the proper implementation of NCRS and ideally one that is user friendly, easily auditable and has links to incident recording systems. Police Scotland became one national service in April 2013 and is in the process of developing an IT solution that will link eight previous IT systems to one single system. Other US and UK services have developed systems that link incident recording, custody detention and crime recording.

Recommendation 5.7

The Inspectorate recommends that the Garda Síochána introduces National Crime Recording Standards. (Medium term).

Force Crime Registrars (FCR)

To ensure that NCRS is maintained within a police service and to provide greater consistency, other police services have appointed Force Crime Registrars (FCRs). The FCR acts as a final arbiter in the interpretation of the crime counting rules and detections. In any crime counting rules process, there will always need to have an appeal system to deal with disputes about a classification between GISC and the division holding the crime.

The FCR could be a member of the Garda Síochána, but must be outside operational line command and answerable to a person with overall responsibility

for the accuracy and integrity of crime recording processes. In some countries this role is performed by a senior police officer and in Scotland by senior police staff. In South Wales, the FCR is a senior member of police staff, but reports directly to an independent Director in the Criminal Justice Partnership.

Key responsibilities of the FCR would include:

- Developing and implementing monitoring systems of crime recording and detection policies;
- Creating an audit programme to ensure the highest standards of data integrity;
- Achieving more consistent and accurate crime recording;
- Ensuring prompt and adequate circulation of changes to counting rules;
- Acting as the force representative on the subject of crime recording.

In other jurisdictions, the FCR also leads on incident recording standards (see recommendation in Part 3) and has responsibility for all the processes that follow.

Recommendation 5.8

The Inspectorate recommends that the Garda Síochána introduce a Force Crime Registar (FCR) with responsibility for the accuracy and integrity of the recording of incidents, crimes and detections. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- The FCR needs to be outside of operational line command;
- Subject to any selection process, an interim FCR should be immediately appointed.

5.8 Reclassifying Crime – What Does this Mean in Practice?

While the Inspectorate found many examples of crimes being reclassified to less serious offences, it was also found that some crimes were elevated to a more serious offence.

The Inspectorate did find reclassifications where, based on the available information, the reclassification decision on PULSE was correct. In most cases where crimes were reclassified, there was no rationale to explain why a crime was changed. The Inspectorate again found many reviews/clarifications generated by GISC questioning the appropriateness of a reclassification and many of these enquiries remained outstanding twelve months later.

Changing a crime from one crime category to another crime category does not impact on the overall number of crimes in Ireland, but it does significantly alter the balance of crime in certain categories. For example, moving a burglary offence to a less serious category presents a distorted picture of burglary crime levels. Conversely, changing a crime into a non-crime category can make a significant difference to the volume of that particular crime category. The failure to record crimes or to put a crime into a non-crime category will impact on overall crime numbers.

Incident and Crime Recording

The analysis in Part 4, 'Incident Recording' and the analysis in this part on reclassification of crime, raises a number of serious issues about the accuracy of the Garda Síochána crime data.

Concerns include:

- Crimes that are reported to the Garda Síochána, but are not recorded on PULSE;
- Crimes that are reported, but are recorded in a non-crime category;
- Crimes that are reported, but are recorded in the wrong crime category;
- Crimes that are initially recorded in the right category, but are subsequently incorrectly reclassified to either a non-crime or an incorrect crime category.

Gap between a Report and PULSE

The gap between a crime reported to the gardaí, but not recorded on PULSE is very difficult to measure, but the Inspectorate has spoken to victims and witnesses that have reported crimes to the Garda Síochána that were never recorded on PULSE. Other police services that have addressed poor recording practices, found that recording levels in years that followed actions to address this issue saw reported crime levels in some places rise by as much as 24%.

The 158 Volume Crime Case Reviews were a random sample of every day cases, and it identified that 9% of the cases did not have a PULSE record created at the time of the incident, but were created twelve months later. Also, out of the forty-four cases that never resulted in a PULSE record, 92% did not have a clear rationale for not recording a crime.

Classification on PULSE

The Inspectorate has found that many crimes and other incidents are not always placed into the right category at the point of first classification. Analysis of specific crime classifications recorded at first instance showed that the Inspectorate did not agree with 30% of the classification decisions made and in a further 16% of incidents, the Inspectorate was unable to determine if the classification decision was correct or not. It was also the case that the category of classification that was found to be incorrect is, in the majority of cases, in a less serious crime category or in some cases a non-crime category.

The Volume Crime Case Reviews also examined the PULSE incident records of the classification created at first instance and did not agree with 36% of the classifications with a further 7% that could not be determined.

Reclassification

In the view of the Inspectorate, the Garda Síochána is reclassifying far too many crimes with analysis showing that over 70% of the decisions made to reclassify a crime incident are incorrect. In the seventeen month sample of 12,506 crimes the Inspectorate found that in 83% of those cases, a crime that was reclassified moved to a less serious crime category. Whilst these are samples of crime, they provide an indication of reclassification practices.

Links to Detection Rates

Part 11 looks at crimes that are shown on PULSE as detected. There is a clear correlation between crime recording and detection rates. Poor recording practices that under count crimes will result in higher detection rates overall.

Decision Making

At present, far too many people are allowed to make decisions on classifications and reclassifications and far too few people are checking to make sure that those decisions are correct. With large numbers of people involved in this process, there are always going to be inconsistencies with decision-making. The Inspectorate has also found an almost complete absence of the recording of rationales on PULSE for the decisions made.

Some members of the Garda Síochána are making poor decisions about crime classifications and reclassifications. The Garda Síochána needs to restrict those who can make decisions on crime classifications to a few highly trained individuals. In many cases, it is clear from reading PULSE incident records, that a far more serious offence has taken place than the classification suggests. The level of incorrect decisions that are being made on PULSE are damaging the data integrity of PULSE.

At present, there is no independent auditing or oversight of crime decisions that are made. The integrity of data on PULSE requires systems in place to ensure that crime and decisions about crime are accurately recorded.

The Inspectorate has identified deficiencies with the recording of crimes and incidents reported to the Garda Síochána and with crime recording practices.

Baseline Year for Crime

Any new practices for recording and classifying crimes are likely to lead to significant fluctuation across many crime categories. Therefore, this will require the introduction of a baseline year against which to measure results accurately.

There are options for a baseline year. 2015 could be used, as this would provide time for the Garda Síochána to implement some of the recommendations contained in this report. From January 2015 and throughout the first year, it is likely that some crime categories will see increases in recorded offences such as burglary, robbery, domestic violence and sexual assaults. Recorded offences for other crimes such as criminal damage and trespass may decrease. In the years that follow 2015, there will gradually be a far more accurate picture of performance, as crime levels can be compared against the baseline year. Year two will provide an even better intelligence picture of true crime levels across Ireland.

Another option is to go back to January 2014 and audit the crime records, including PULSE classification and reclassification for inaccuracies. This process would also have to include checking CAD and station paper records, to see how many calls received from the public reporting a crime, should have been recorded on PULSE. This would be a challenging task and would require significant assignment of Garda resources and independent oversight of the process. The checking of calls received versus PULSE records would allow the Garda Síochána to recover some cases where crimes were reported but not recorded. Due to the poor recording of calls received, the Garda Síochána may never be able to identify and retrieve unrecorded crimes. There is insufficient information in the current data sets available to show that the review of 2014 would reflect an accurate baseline year.

Recommendation 5.9

The Inspectorate recommends that the Department of Justice and Equality initiate a process, in which the CSO should have a central role, towards the designation of a baseline year for crime recording. (Short term).

Annual Inspection of Crime Recording

In the UK, compliance with NCRS and the maintenance of data quality is subject to external review by Her Majesty's Inspectorate of Constabulary (HMIC) and the Audit Commission as part of their statutory powers. However, primary responsibility for the maintenance of crime data

quality rests with the nominated chief officer with responsibility for accuracy and integrity of crime recording practices. The Inspectorate believes that there should be an independent and annual audit of incident and crime recording standards.

Recommendation 5.10

The Inspectorate recommends that the Department of Justice and Equality consider appointing an independent body to conduct annual audits of incident and crime recording standards. (Medium term).

GARDA
INSPECTORATE
PROMOTING EXCELLENCE & ACCOUNTABILITY

Investigating Crime

CRIME INVESTIGATION REPORT

6.1 INTRODUCTION

Part 6 looks at the whole process of crime investigation and in particular the choices that are made by the Garda Síochána about who will investigate a particular type of crime, the training received, the support provided by national and specialist units, the timeliness and the quality of the investigation conducted.

This part also looks at the investigation of murder, rape and other serious crimes. When such a crime occurs, victims rightly expect that an experienced investigator will take on their case and bring it an effective conclusion.

Chart 6.1 shows the total recorded crime incidents between 2006 and 2013. This includes the majority of crimes but excludes traffic offences and some miscellaneous categories as the volume of these incidents distorts the crime picture. The trend line shows a peak of total recorded crime of 296,705 in 2008, and a consistent year on year reduction in crime to 229,579 in 2013. Total recorded crime in most jurisdictions can be affected by police generated activity. Comparing the recorded crime in 2008 with 2013 shows a reduction of recorded offences of over 67,000. The following figures show the difference in specific crime categories between 2008 and 2013:

- 11,025 less offences of intoxicated driving;
- Nine fewer homicides;
- 8,000 fewer drug offences;
- More than 25,000 fewer public order offences;
- Just over 1,400 more burglary offences;
- Criminal damage reduced by over 15,000 offences.

Appendix 3 shows the trend in all recorded burglary offences from 2006 to 2013. The lowest recorded levels for burglary were in 2007 rising to a peak in 2012.

As explained in the introduction to this report, the Garda Inspectorate wanted to compare recorded and detected crime in Ireland with other similar jurisdictions. Internationally, this is not a practice that is generally used due to differences in crime definitions, legislation, accounting periods and the crime recording categories. Comparing crime between jurisdictions in this way can misrepresent the actual incidence of crime.

Chart 6.2 shows the average number of crimes per member per year over a seven year period. This peaked in 2006 at just under 21 crimes per member, and has shown a steady decline to just over 17 crimes per member in 2013.
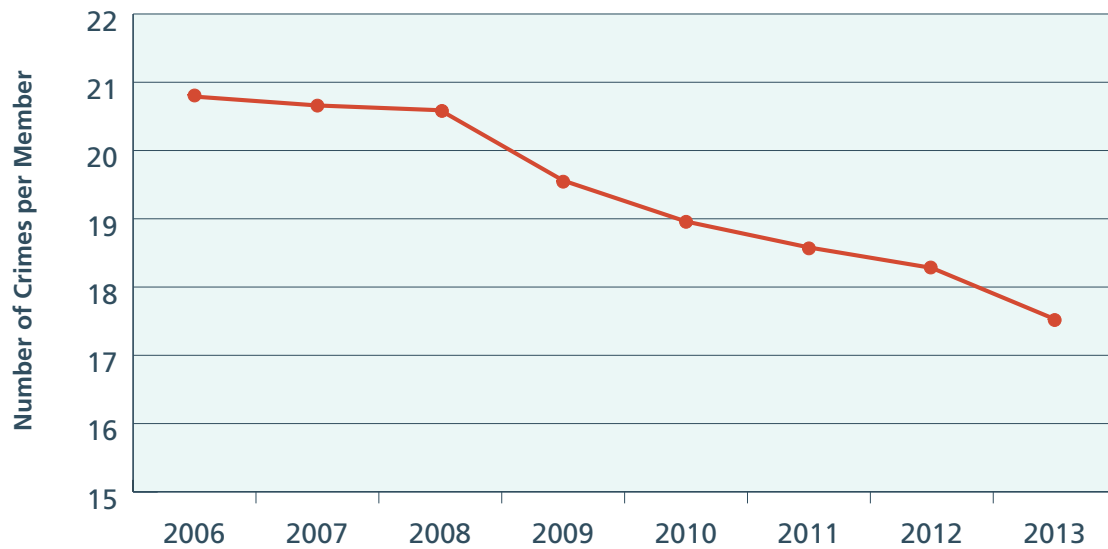
Chart 6.1

Total Recorded Crime in Ireland 2006 to 2013

Source: CSO crime data, aggregated by Garda Inspectorate.

Chart 6.2

Average Crimes per Member per Year 2006-2013

Source: CSO crime data; Strength data supplied by the Garda Síochána aggregated by Garda Inspectorate.

6.2 Levels of Serious and Complex Crime – Current Position in Ireland

The Inspectorate grouped crime into serious and volume categories. The purpose of this exercise was (i) to establish the levels of the two broad categories across the seven garda divisions visited and (ii) to ascertain the methodologies in investigating these crimes. This distinction between serious and volume crime is important, as it should inform strategic planning and allocation of resources.

The general position of the Garda Síochána is that detectives investigate serious crime and uniformed gardaí investigate volume crime. As the organisation has no set definition of 'serious crime', the Inspectorate sought the views of senior gardaí in the divisions visited, as to what is generally considered to be within that category. For the purposes of this report the Inspectorate included the following crimes as serious:

- Rape and other sexual assaults that are clearly serious crimes, however, in the Garda Síochána these crimes are not always investigated by detectives; and

- Fraud, which is not serious crime per se, but can be complex and time consuming and is often investigated by detective gardaí.

Whilst every crime committed is serious to a victim, there are some crime types that are defined as serious crime, such as serious incidents of violence and the death of a person through a criminal or a negligent act. Other offences, including kidnapping and rape, would be regarded as serious. Volume crime includes those crimes that most police services deal with on a daily basis such as burglary, theft and assaults. The Inspectorate acknowledges that robbery and assaults can be serious crimes but due to high levels they are usually included in the volume crime category.

For the purpose of this inspection, the Inspectorate separated crime into serious and volume crime offences. In defining the offences for each category, the Inspectorate used international definitions, but importantly, the crimes that senior gardaí viewed

Serious Crime	Volume Crime
• **Murder, including attempts** • **Rape** • **Aggravated sexual assault** • **Kidnapping and related offences** • **Poisoning** • **Robbery of an establishment and cash or goods in transit** • **Blackmail and Extortion** • **Carjacking** • **Aggravated burglary** • **Explosive offences** • **Firearms offences** • **Arson** • **Affray/riot and violent disorder** • **Offences against the State** • **Perverting the course of justice** *Miscellaneous offences including* • **Human Trafficking** *Fraud and associated offences*	• **Burglary - Dwelling** • **Burglary Non-Dwelling** • **Domestic Violence** • **Assaults** • **Theft (including shoplifting)** • **Vehicle Crime - Theft of and unauthorised taking** • **Vehicle Crime - Theft from** • **Criminal Damage (not by fire)** • **Drugs (link with acquisitive crime)** • **Robbery of the person**

as serious. The table above shows the breakdown of offences by category. Some fraud cases are complex and may require major enquiries. Most fraud offences are investigated by the Garda Bureau of Fraud Investigation or by district detective units. As a result, the Inspectorate included fraud as a serious crime for the purposes of determining who investigates particular crimes. Fraud accounts for a high number of crimes and in 2012 there were 5,736 fraud offences. The Inspectorate removed traffic offences from overall crime figures as the numbers often distort statistical analysis.

Serious Crime Investigation – Internationally

Most international police services look at serious crime in two distinct areas. Firstly, murder, kidnapping and serious firearms offences, that may require specialist investigation or technical skills, are usually investigated by dedicated centrally or regionally based units. When such a crime takes place, those units respond and take control over the crime scene and the investigation. These teams have the skills and people in place and the investigation is effectively progressed from the arrival of that first unit. Secondly, there are serious crimes such as aggravated burglaries, robberies and sexual assaults, where divisions have the skills in place and can effectively investigate those crimes from within their resources. Divisions manage both of these areas with assistance from specialist units, but divisions retain responsibility for the investigation.

Serious Crime – Selected Divisions

Chart 6.3 shows the percentage of serious crimes across the seven divisions as a percentage of the total recorded crime. As outlined, the level of serious crime is reasonably consistent across the selected divisions and is only a small percentage of all recorded crime.

Chart 6.3

Levels of Crime Classified as Serious Crime
in Selected Garda Divisions 2012
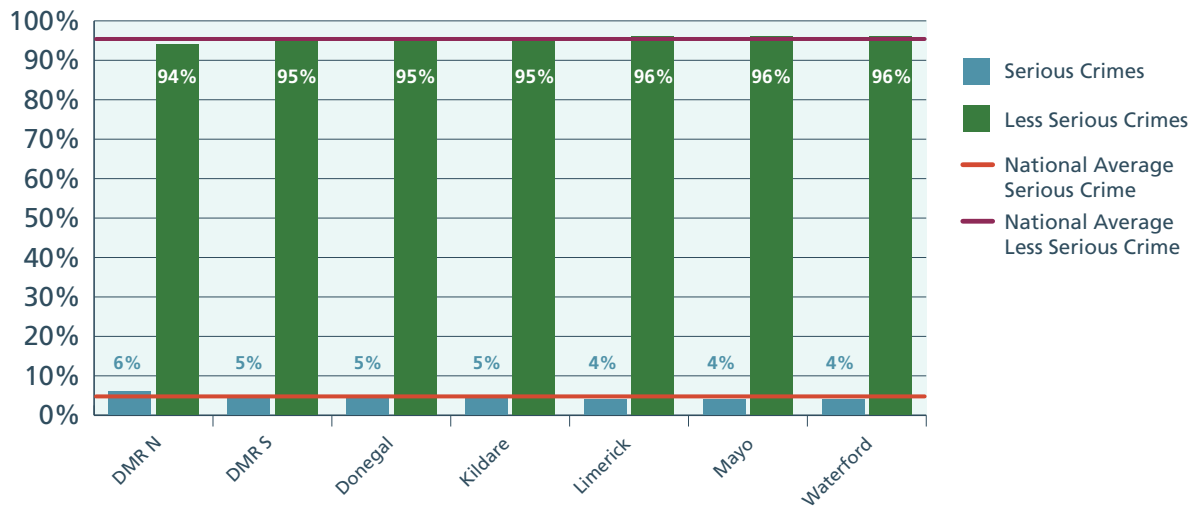
Source: Data supplied by the Garda Síochána, assessment by the Garda Inspectorate

In cases where a detective is not appointed to investigate a serious crime, they may be tasked to assist the investigating garda. Whilst this system provides detective assistance in more serious cases, ultimately the accountability for a successful outcome lies with the investigating member, regardless of the level of training received, experience and expertise.

Many regular unit gardaí investigate serious crimes and expressed concern that limited detective support is provided in more serious cases and that they are professionally and personally vulnerable if errors are made in an investigation. Most senior gardaí and unit gardaí expressed a view to the Inspectorate that gardaí need to be exposed to more serious crime investigation to gain experience, and supervisors view it as an opportunity to observe an individual investigating a more serious or complex crime.

Chart 6.4 shows the number of serious crimes across the seven divisions in 2012, against the number of detectives and detective aides[1] assigned to detective units to assist with investigations. The national figure is the average of all serious crimes against the total number of garda detectives and detective aides. For the purposes of this analysis, all those with detective or detective aide status were included.

The actual number of serious crimes per detective nationally is low as outlined in this chart. It shows a significant variance in the numbers of serious crimes per detective per year across the seven divisions, ranging from six crimes per year per detective and detective aide in Limerick, to fifteen crimes per detective in Kildare. Nationally, the average figure is five crimes per detective per year. Clearly, the average number of serious crimes per detective is affected by the number of gardaí assigned to detective duties.

It is also important to bear in mind that caseloads are a helpful indicator, but do not take into account the complexity of each individual case. A robbery case may involve multiple witnesses and complex forensic evidence, or it may be reasonably straightforward.

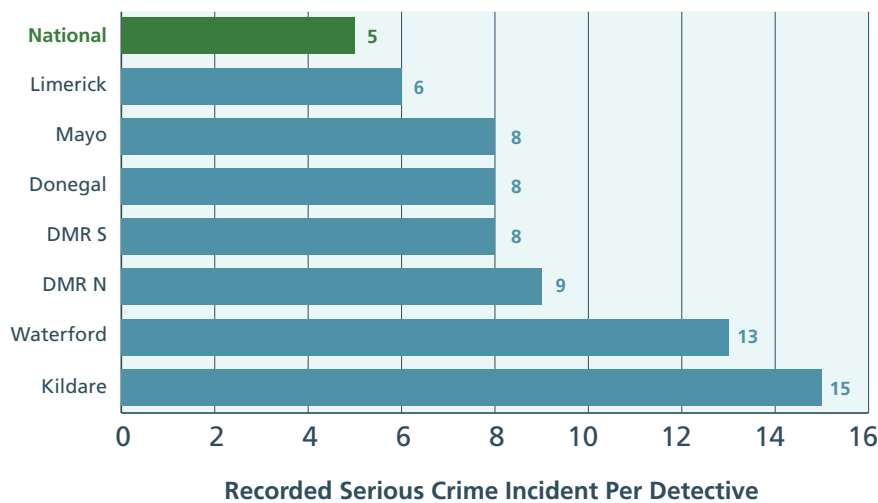1   Detective Aide - a garda who, while not formally appointed as a detective, works on a temporary basis with a detective unit.

Chart 6.4

Number of Serious Crime Incidents per Detective Garda per year
Selected Garda Divisions 2012

Division	Value
National	5
Limerick	6
Mayo	8
Donegal	8
DMR S	8
DMR N	9
Waterford	13
Kildare	15

Recorded Serious Crime Incident Per Detective

Source: Data supplied by the Garda Síochána, assessment by the Garda Inspectorate.

Levels of Volume Crime and Other Offences

As mentioned in other parts of this report, PULSE is the Garda Síochána system for incident and crime recording. On a daily basis, gardaí deal with a variety of incidents that include both crime and non-crime incidents. This inspection has focused on volume crimes as this category accounts for the vast majority of crimes that require investigation. Quality of life issues, such as anti-social behaviour and public order crimes, are very important crimes to local communities. However, there are also other non-crime activities that require garda action and sometimes an investigation.

PULSE Activity Categories

Chart 6.5 shows three distinct PULSE recorded activities that may need investigation or action by gardaí. To establish workloads, the number of crimes and incidents were compared against the number of members at each division visited and also on a national basis. For the purposes of this exercise, all members were included.

1. **Crime:** Number of crimes recorded on the PULSE system in 2012 divided by the number of members per division;

2. **Non-crime:** Number of non-crime incidents recorded on the PULSE system in 2012 divided by the number of members per division. This category includes incidents such as lost property and civil disputes;

3. **Other offences:** Number of other offences recorded on PULSE in 2012 divided by the number of members per division. Offences in this category include incidents such as no insurance, no vehicle tax or failing to control animals.

Chart 6.5

**Total PULSE Crimes, Non-crimes and Other Offences
per Member in 2012**
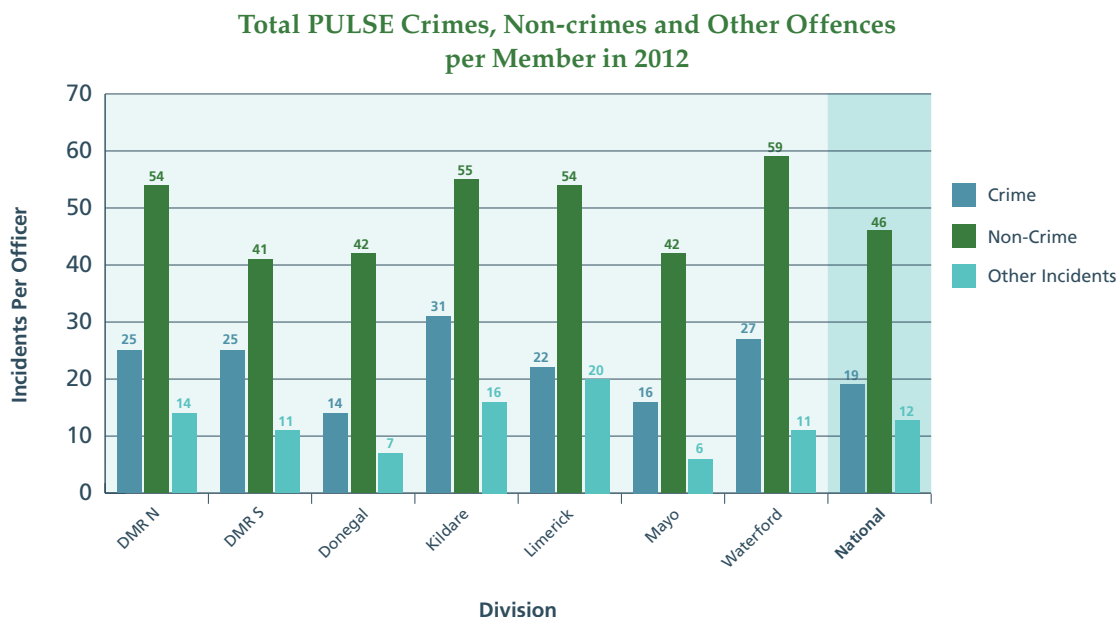
Source: Data supplied by the Garda Síochána

There is a wide variation in PULSE workloads across the seven divisions outlined in the chart. The analysis shows that in some of the more rural areas such as Donegal and Mayo, there are far less crimes per member per year to investigate and therefore, crime investigation is a much lower percentage of their overall PULSE workload.

To put this chart into context, in 2012, a member in the DMR North dealt with approximately one crime investigation every two weeks, one non-crime incident every week and one other offence every four weeks. In contrast, in Donegal a member dealt with one crime investigation every four weeks, a non-crime incident every week and one other offence every seven weeks. It is noted that the calculation of PULSE workloads is only as reliable as the number and category of incidents entered on PULSE.

Crime Investigation PULSE Activity

With regards to crime investigations, Kildare and Waterford managed more recorded crimes per member than the other five divisions. Crime investigation workloads ranged from fourteen crimes per member per year in Donegal to thirty-one crimes per member in Kildare. The Inspectorate recognises that not all members are available for operational duties or used to investigate crime and deal with incidents, but the data shows that the numbers of crime investigations that need to be conducted are relatively low.

There are crimes included in this data, which are generated by garda activity, rather than by a victim reporting a crime. Examples would include gardaí conducting a search of a person and finding drugs or an offensive weapon. With these types of crimes, there is often very little further investigation required and the case can usually be progressed quickly. In chart 6.5, the percentage of these types of crimes included in a crime category ranged from 13% of all crime in Kildare, to 25% in Donegal, Limerick and Mayo. If this figure was subtracted from the crime investigation workload, it would significantly reduce the number of more time consuming or complex investigations that are required to be completed by each member.

Non-crime Investigation PULSE Activity

The non-crime incident categories account for the largest volume of member activity across all seven divisions. Most of the non-crime incidents in the chart are a once-off event, effectively dealt with on the day and would not always require further investigation. Examples include the conducting of a garda road check point or the referral of a child to the HSE. Whilst the numbers across the divisions equated to approximately one incident per member per week, the actual investigative work required is generally far less than required with a crime investigation.

Other Offences Investigation PULSE Activity

The category marked as 'other offences' in the Chart 6.5 is a much smaller proportion of overall workload. Examples of investigations in this category include dealing with traffic offences, which may require some additional activity, such as the issuing of a summons. These types of offences are generally more straight forward activity than a crime investigation and do not always require further activity.

Total PULSE Activity

The total PULSE workloads across the seven divisions show that the numbers of recorded PULSE crimes, non-crime incidents and other offences per member per year are low. If resources are efficiently allocated, there would be sufficient members to investigate the current crime and other incidents reported. Where significant numbers of members are removed from operational duties into roles where investigation is not part of their daily duties, this will put pressure on the remaining members left to deal with investigations.

6.3 Divisional Resources to Investigate Crime and the Allocation of Crime for Investigation

As previously explained, each division has a number of gardaí who are not available to investigate crime. This includes gardaí in administrative posts, those restricted from operational duties and those in specialist roles such as crime scene examiners. Each time a district places a garda in such a role, it effectively removes them from crime investigation and increases the workload of other gardaí.

Based on information acquired on field visits, the table below shows the various divisional units that are available to investigate crime, how those crimes are usually allocated and what role the member will perform.

Unit	Crimes Investigated (by volume order)	How Allocated	Role
Regular Units	• Volume Crime • Traffic offences • Serious crime	• Assigned by 999 or other non-emergency calls • Patrol • Public Office • Daily meeting	• Investigating Officer • Assisting Officer
Detectives and Detective Aides	• Serious crime • Volume crime • Fraud	• District supervisor • Daily meeting • Patrol	• Investigating Officer • Assisting Officer
Community Policing	• Volume crime	• Assigned to non-emergency calls • Assisting regular units • Patrol • Community Policing internal message books	• Investigating Officer
Traffic	• Traffic • Volume crime	• Assigned by 999 or other non- emergency calls • Patrol	• Investigating Officer
Specialist Units	• Drugs • Burglary • Robbery	• Policing operations • Patrol	• Investigating Officer
National Units	• Serious crime	• Policing operations • HQ directions • Patrol	• Investigating Officer • Assisting Officer

Chart 6.6

Deployment in the Selected Divisions

- Administration / Non Operational
- Community Policing
- Crime Task Force / Crime Unit
- Detective Duty
- Drugs Duty
- Operational Support
- Traffic Policing
- Uniform Regular Unit
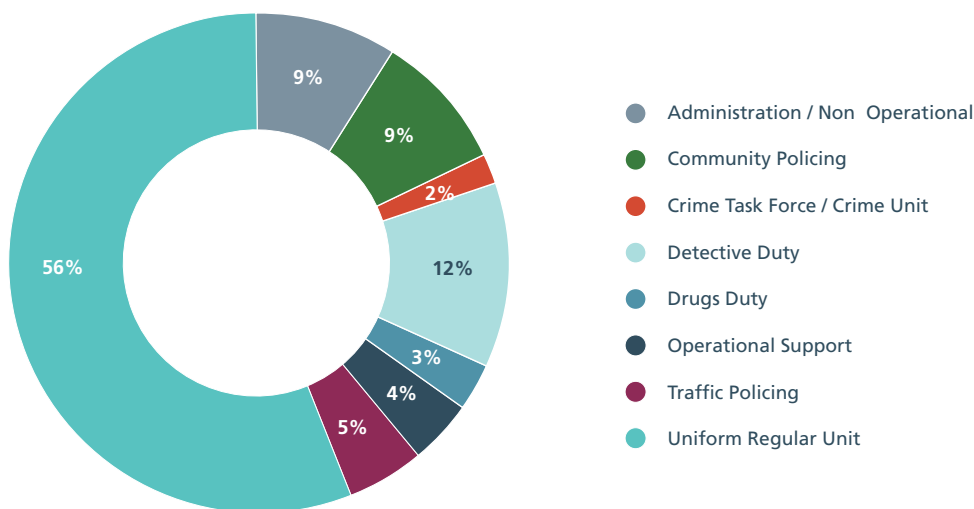
Source: Data supplied by the Garda Síochána February 2013

Chart 6.6 shows the allocation of resources to the various units in the seven divisions visited. Across all divisions, regular units account for 56% of all gardaí, but investigate the vast majority of crimes that take place in a division. An average of 12% of members are assigned to detective duties and a further 5% to drugs units and taskforces, but these units are not investigating an equal proportion of crime, whereas the norm in other police services is for detectives to investigate an equal or even higher proportion. Other specialist units such as traffic and community members have 14% of staff, but are not investigating that same percentage of crime.

Who is Investigating Crime?

A key question asked during all inspection field visits was "who investigates crime?" As mentioned earlier, both detectives and uniform gardaí investigate crime, but there is no clear distinction or written guidelines outlining who investigates different types of crime. Without exception in all the divisions visited, gardaí at all levels were unable to identify the crime type investigated by a particular unit. The Inspectorate did not find any written protocol explaining what crimes are investigated by individual units or posts. The absence of such protocols can create confusion and inconsistency in the approach to crime investigation.

Regular Units

As previously identified, the majority of crime investigations are assigned to gardaí attached to regular units or to gardaí from other units who assist regular units on particular days and who are first on the scene of an incident. In effect, a crime is not formally allocated to a regular unit garda for investigation; it is assigned by default as a result of attendance at an incident where they recorded a crime.

Other policing jurisdictions deploy regular units as first responders to calls, but the secondary investigation of the crime is often passed to a dedicated investigation unit.

The Inspectorate found limited evidence of the reallocation of a volume crime from a regular unit garda to a detective garda. Contrary to assurances by senior gardaí that only detectives investigate serious crime, the Inspectorate found many examples of regular unit gardaí investigating rape, threats to life, aggravated burglary and child sexual abuse. This is not good practice. In other policing jurisdictions visited by the Inspectorate, these types of crimes are usually investigated by trained detectives or officers assigned to specialist investigative units. This issue was raised in a previous Inspectorate report on child sexual abuse, where the Inspectorate highlighted concerns about

non-detective and non-specialist gardaí dealing with victims of child sexual abuse.[2] The approach found in most divisions inspected is to leave the responsibility for the investigation of serious crime to a regular unit officer; but to allocate a detective garda to assist with the investigation. A senior garda explained to the Inspectorate that sometimes in more rural areas, the allocation of a serious crime might be determined by who is available, rather than who has the skills and experience to investigate a particular crime.

Towards the end of this inspection, the Inspectorate was asked to review the issues identified in the Guerin Report. The Inspectorate looked at the resources in place in the Bailieboro district during the period, which was the focus of that report. At that time and over an extended period, no detectives were assigned to that district. The Guerin Report is considered fully in the Addendum to this report.

Traffic Officers

The Garda National Traffic Bureau has a remit that includes prioritised traffic enforcement and traffic management; but does not include the investigation of serious fatal road collisions. This responsibility falls to the first garda who first attends the scene. In the event of a fatal road collision, a trained accident investigator will attend the scene, complete a scene examination report and forward the report to the garda with responsibility for investigating the collision. Divisional Traffic units are assigned mainly to deal with traffic enforcement. They only investigate a small number of volume crimes and generally these are offences encountered while out on patrol. During focus groups, traffic officers expressed a view that they were underutilised in respect of crime investigation. The Inspectorate believes that roads policing is not just about traffic enforcement, but is about denying criminals the use of the roads. This view formed the basis of a previous Inspectorate recommendation in the 2008 "Roads Policing Review".[3] The Inspectorate believes that responsibilities of traffic units must include traffic enforcement, investigating collisions, crime prevention and crime investigation.

Community Policing Gardaí

The Garda Síochána's mission statement is "working with communities to protect and serve" and places community policing as the bedrock of community interaction. With the closure of garda stations, the dormitory nature of many rural communities and the change of lifestyle across the nation, it is important to review and adapt how the police work with communities to deliver an effective operational response.

Across the seven divisions visited, the Inspectorate found large variations in both the numbers of gardaí assigned to community policing and their role in the investigation of crime. With the introduction of the new roster in April 2012, many divisions moved members from community policing units to create the required extra regular unit. Donegal, Kildare and Mayo effectively have no full-time community gardaí. Larger divisions have retained gardaí in this role, although the numbers are reduced. In these divisions, the number of gardaí in community roles ranged from eight in Waterford to seventy-nine in DMR North. While the Garda Síochána's mission statement values working with communities, there is no clear role or job description for community police officers. The Inspectorate found that some members see their role as community engagement, not enforcement, whilst other community gardaí are investigating the full range of criminal offences.

Generally, the Inspectorate found an inconsistent approach to community policing and to the role of community gardaí in crime investigation. The Inspectorate interviewed two community gardaí; one posted to a town centre who dealt with in excess of 250 crime investigations in a year and the other in a different division who did not investigate any crimes in a year.

Community officers working in units in some policing jurisdictions are usually referred to as neighbourhood policing teams and are allocated crimes relevant to their role; such as anti-social behaviour, criminal damage and race crime. Indeed, many police services are increasing the number of officers in neighbourhood teams and assigning detectives to those teams. In effect, they are becoming investigation units and taking a substantial amount of crime away from officers

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2   Report of the Garda Síochána Inspectorate, Responding to Child Sexual Abuse, November, 2010.
3   Report of the Garda Síochána Inspectorate, Roads Policing Review and Recommendations, November, 2008.

responding to emergency calls (regular units). The Inspectorate believes that the role of community gardaí must be defined and members should be allocated far greater number of crimes to investigate.

The Inspectorate is aware that DMR North Central has reconfigured the functions of first response and community policing units. This division has started to take crime investigations from first responders and to allocate those crimes to other units including community policing. This provides a good pilot to assess the effectiveness of this model. It may be that different service delivery models will be required, depending on the policing needs of a rural or urban area.

Local Specialist Units

A number of local specialist units operate in the divisions visited. All divisions outside of the DMR and all districts within the DMR have dedicated drugs units. These units conduct pro-active operations based on local intelligence and investigate crimes that arise from their activity. The main focus of drugs units is on more serious drug offences and they have a clear remit to reduce drugs possession and the supply of drugs.[4] In some divisions, principally in the DMR, drug units are also used on intelligence led operations aimed at targeting prolific burglary offenders who commit crime to sustain their drug addiction. The Inspectorate viewed these deployments as good use of resources to tackle associated crimes. Investigations by drugs units are not usually allocated to them but are self generated, arising from operations and arrests for drug offences.

Some divisions in the DMR also operate task forces to tackle street offending such as burglary and robbery. These units are used to prevent crime and to arrest offenders encountered whilst on patrol. Primarily these units investigate crimes arising from their pro-activity and are not routinely allocated crimes.

The Inspectorate found that with the reduction of garda resources across the five units arising from the pilot roster and retirements, all units, including specialist units, have reduced in numbers and some units have been disbanded. In some divisions, the Inspectorate found that pro-active specialist units were disbanded or reduced in numbers, whilst administration units retained many gardaí that could have been redeployed to operational duties. The Inspectorate believes that administrative posts should always be reduced first to maintain patrol numbers delivering policing services. The current model of local specialist units has reached the stage that they may be unsustainable in their current format and these resources may need to be re-focused towards crime prevention, public safety, roads policing and crime investigation. At the end of this part of the report, the Inspectorate makes a recommendation on the way forward for this particular issue.

The Garda Síochána is currently developing a revised approach and policing model that will include the deployment of community policing resources.

Garda Síochána Review of Specialist Units

The Garda Síochána has been conducting an extensive review of the operation of all 106 national and local specialist units. The review is almost completed and the Inspectorate has received copies of those reviews completed so far, including the findings and recommendations. The Inspectorate will look at the role of all specialist units as part of the Haddington Road Review.

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4   National Drugs Strategy (interim) 2009-2016, Department of Community, Rural and Gaeltacht Affairs.

6.4 Detective Resources and the Role of Detectives in Crime Investigation

The allocation and deployment of detective resources is a major component of the terms of reference for this inspection. By definition, a detective is an investigator and a specialist in terms of crime investigation. Detectives in divisions are primarily used in a reactive capacity to investigate a crime that has occurred, rather than in a proactive capacity to prevent crimes. Detectives are most efficient when they are fully trained in crime scene investigation, case progression, forensics and offender management. A successful detective should be judged on their ability to detect crimes and complete an investigation, which can be prosecuted successfully.

In other police services, there is clarity about the roles of uniformed officers and detective officers. Uniformed officers play a key role by arresting offenders and handing over the investigation of the crime to detectives. During field visits to divisions, the Inspectorate identified some tension between unformed gardaí investigating crime and detectives who may take over an investigation once a person is arrested. The credit for making arrests and gaining detections is an issue at the core of this tension and many uniformed gardaí who spoke to the Inspectorate have a perception that detectives only get involved in investigations after a regular unit officer has identified a suspect. This is an unhelpful situation that affects the relationship between the two units. The Inspectorate believes that these units should be working collaboratively to bring offenders to justice and individual credit for the detection should be irrelevant. In Ireland, credit is given to the individual officer who is shown on PULSE for the detection, which in practice can influence promotion and appointment decisions. Internationally, credit is often apportioned to regular units for making arrests and detectives for securing a detection.

Detectives and Detective Aides

Within the Garda Síochána, persons carrying out detective duties can be divided into two categories; those who are appointed detectives and uniformed gardaí selected as detective aides to assist in detective units

Aides are not trained detectives and do not complete any formal development process towards becoming a detective. Aides usually apply for advertised posts in detective units and performing the role of an aide is seen as a major advantage when applying to become a detective. To secure appointment to detective, a garda is expected to have displayed a good ability to investigate crime.

Selection of Detective Resources

The selection process for detectives differs from appointments to national units and appointments to district detective units. Applications and processes for all promotions and the selection of detectives for national units are managed centrally by Garda Human Resource Division (HR). At district level, the appointment process for detectives is monitored centrally by HR, but managed locally where the vacancies exist. Where a process is managed at district level, successful applicants effectively remain within that policing area.

In other policing jurisdictions, selections for detectives are held centrally to ensure that the most suitable officers are selected for detective posts, irrespective of where they are based. It is also usual for newly appointed detectives to move to a new division, rather than to remain in the same post. The Inspectorate considers that it is good practice to move people to a new working environment when selected for promotion or on appointment to detective.

Assignment of Detectives

Chart 6.7 shows the overall picture of the assignment of detectives throughout the country. Detective resources in regions, divisions and districts are shown under operational divisions.

Chart 6.7

Deployment of Garda Detective Resources (including aides)

- National & Specialist Units
- Headquarters Admin & Policy Units
- Operational Divisions
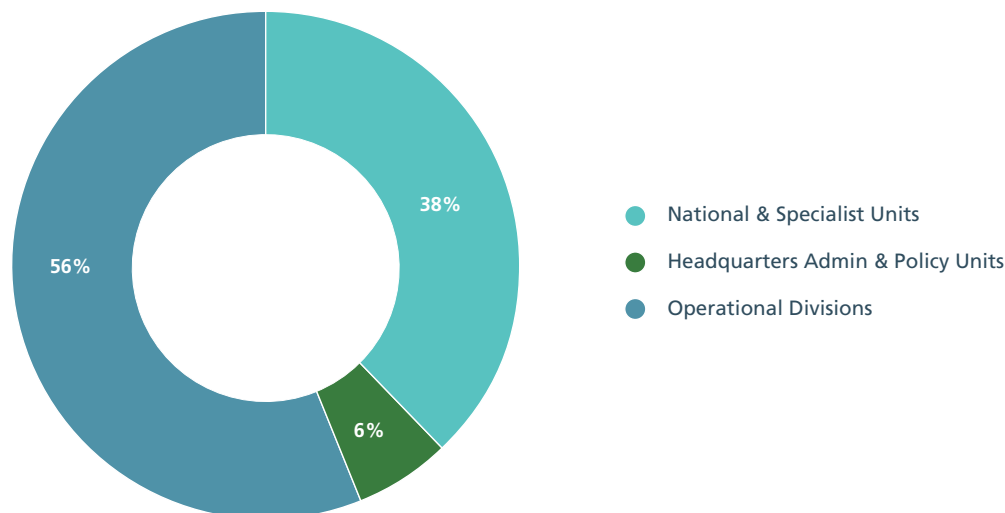
Source: Data supplied by the Garda Síochána as February 2013.

There are a significant proportion of detectives in national units, as outlined in the chart, which investigate a very small percentage of the overall crime. Of particular note is the deployment of 6% of detectives to policy and administration units in Garda Headquarters. The Inspectorate questions whether this deployment of detectives is best use of scarce resources.

Detectives not Investigating Crime

Following visits to national specialist units, such as Crime and Security, and National Support Services (e.g. Technical Bureau), the Inspectorate identified many appointed detectives who are not investigating crime. This includes detectives in administrative roles and those on protection duties. The Inspectorate does not view this as best use of trained detectives. The majority of crime investigations are conducted in divisions, and the absence of sufficient detectives is resulting in inexperienced and untrained detectives or aides investigating serious crime.

Divisional and District Detective Resources

Chart 6.8 shows the numbers of detectives and detective aides allocated across the seven divisions visited, and also the percentage of total garda numbers allocated to detective duties.

Chart 6.8

Deployment of Detectives and Detective Aides in Selected Divisions

Division	Detectives	Detective Aides	Total Numbers	Breakdown of Divisional Resources on Detective Duties
D.M.R. North	56	51	107	14%
D.M.R. South	50	36	86	15%
Donegal	33	0	33	8%
Kildare	21	8	29	9%
Limerick	46	33	79	13%
Mayo	20	2	22	7%
Waterford	25	0	25	9%
Total	251	130	381	12%

Source: Data supplied by the Garda Síochána February 2013.

The allocation to detective duties varied greatly between the divisions from 7% to 15% of overall members, with the more rural divisions investing significantly less in detective resources. It is also worth noting that the numbers of detective aides in some divisions are moving towards 50% of the total detective resources. Some divisions have not received authority to hold competitions for detectives and as a result, detective aides are replacing detective vacancies.

What Crimes do Detectives Investigate?

Throughout the inspection, one of the first questions posed to senior gardaí was "what types of crime do detectives investigate"? Generally the answer was "serious crime". The follow up question that caused the most difficulty was "what serious crimes do detectives investigate"? The answer to that question varied greatly across the divisions. In some divisions this included the death of a person, serious assaults, aggravated burglaries and armed robberies. Other divisions allocated volume crimes to detectives such as burglaries and street robberies. In one district, the superintendent stated that detectives investigate all burglaries and in another district within the same division, the detectives did not investigate all burglaries.

Protocols for Crime Investigations

The Inspectorate could not find any clear written protocol about what crime a detective should and should not investigate. What was found, was a disconnect between what senior gardaí thought detectives investigate and what they do in practice. For example, a senior garda stated that divisional detectives visited every burglary crime scene and assisted with most burglary investigations. During visits to that division, it was clear to the Inspectorate that this was not happening.

Most police services provide clarity as to what detectives will investigate. The Inspectorate appreciates that on occasions, a crime may not neatly fit into a strict definition; but a guidance document provides a good basis for discussion on the allocation of a crime. In other police services, detective units may deal with all offences in certain categories such as rape, sexual assault, burglary and robbery. In these types of cases, the first responder to an incident is expected to carry out a thorough investigation at the crime scene and the case is then assigned to a detective to take on the role as the responsible investigator.

Detectives and Volume Crime Investigations

While volume crime accounts for the majority of crime investigated in divisions, the Inspectorate found limited evidence of detectives routinely investigating these offences. The Inspectorate believes that detectives should have responsibility in the investigation of volume crime.

District Detective Units – Case Loads

As part of the inspection, the Inspectorate analysed the caseloads of three district detective units from the seven divisions visited, to examine the workloads and the types of crimes that were investigated. The Inspectorate selected 2013 as a base year and requested details of the numbers of detectives and the numbers of PULSE records where those members were shown as the investigating officers. This included all detectives of all ranks and detective aides.

Data Supplied

The data supplied did not include information in relation to a number of members selected by the Inspectorate, or an explanation as to why they were not included. Detective aides were assigned in two districts but not in the third. There were a number of extremes in terms of the large numbers of crimes investigated by a small number of detectives. These were discounted from the calculations of average caseloads per detectives. Some members were attached to murder investigations and therefore understandably, the numbers of crimes that they investigated were low. Some detectives had very high levels of crime such as a detective that investigated 555 incidents of social welfare fraud that were linked to one investigation.

Some detectives had investigated over 100 crimes and four were described by senior gardaí as excellent and hard working detectives. In comparison, eight out of fifty-three of the detectives sampled had investigated less than ten crimes in a year.

The Inspectorate's intention was to compare the numbers of crimes investigated by detectives and detective aides by the district crime levels. Due to

Chart 6.9

Crime Types Investigated by Detective and Detective Aides in Selected Districts – 2013
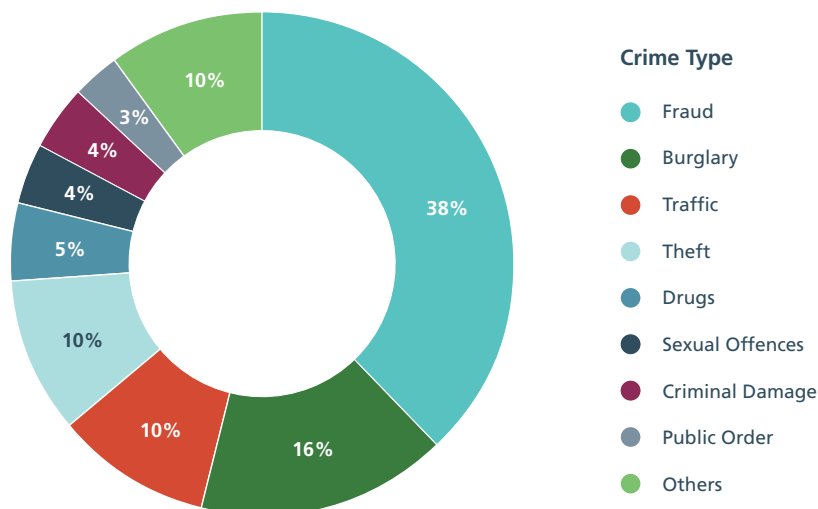
Source: Data supplied by the Garda Síochána

a shortage of crime analysts, two of the divisions did not have crime data broken down by district. Consequently it was not possible to complete this analysis.

Crime Types Investigated

Chart 6.9 shows the main crime types investigated by detectives and detective aides across the three districts

Findings

- There was a number of fraud cases with high rates of incidents attached;
- 3% of all crimes investigated were public order related;
- 16% of all crimes investigated were burglary offences;
- 4% of all crimes investigated were sexual offences.

The Inspectorate acknowledges that some crimes are very complex to investigate and a single crime might require a significant amount of work.

Individual Investigators

The Inspectorate examined the numbers of cases investigated across the three districts. Chart 6.10 shows the average number of crimes investigated per detective.

Findings

- There were significant differences in workloads ranging from an average of nine investigations per detective and detective aide in one district, to a district with an average of fifty-five crimes per investigator;
- Most detective sergeants investigated small numbers of crimes, although one detective sergeant investigated twenty-three crimes;
- Detective inspectors investigated a small number of crimes, but these were serious offences.

Chart 6.10

Average Number of Crimes Investigated per Detective and Detective Aide Across the Three Selected Districts 2013

Rank	District A Average Number of Crimes Investigated	District B Average Number of Crimes Investigated	District C Average Number of Crimes Investigated	Average for Three Districts
All Detectives	55	9	38	32

Source: Data supplied by the Garda Síochána.

Data for One District

The Inspectorate was able to examine one district detective unit against the yearly crime figures. The following are the key findings:

Findings

- Detectives and detective aides investigated 62% of all crime categories and predominately investigated the same types of crimes;

- They all investigated serious crimes and a number of volume crimes;

- The Inspectorate found that detectives in this district appeared to investigate more volume crime offences than serious offences. Examples include investigating approximately 30% of all burglaries and only 13% of all rape cases, 15% of robberies against the person, 16% of assault harms and 16% of all arson offences;

- In this district, appointed detectives on average investigated thirty-six crimes per year and aides investigated an average of forty-one crimes.

Detectives Assisting and Monitoring Cases

Detectives can play a supporting role in criminal investigations and can be shown on PULSE as an assisting garda. In some divisions, the Inspectorate found that whilst a detective may not be allocated to investigate a particular crime, they are sometimes asked to assist with cases investigated by regular unit gardaí. Where this occurred, the Inspectorate identified some resentment amongst regular unit gardaí that detectives are not accountable for that crime investigation. Gardaí provided examples of detectives assigned to assist with a case who were working on a different roster to the investigator, making it very difficult for the garda to meet with them to discuss the case. On checking PULSE crime investigations, the Inspectorate found limited examples where detectives were shown as assisting with an investigation.

In some divisions, there was excellent feedback on the assistance offered by individual detectives, but this was not replicated in respect of all detective units. Many examples were provided to the Inspectorate where gardaí had initially dealt

with a serious or complex case and an attempt to seek advice or to hand over a case was not always received in a professional manner.

Volume Crime Case Reviews

As explained in previous Parts, the Inspectorate tracked 158 randomly selected volume crime calls from the first contact with the Garda Síochána through the various processes of recording an incident to allocating a crime for investigation. Of those 158 calls for service, 114 were recorded on PULSE and ninety of those calls became cases after being recorded as crimes. The findings in respect of the ninety crimes designated for crime investigation are provided in the relevant sections of this part of the report.

Volume Crime Case Reviews
Investigation of Cases by Detectives

Of the 158 incidents first reported to the Garda Síochána, only ninety of those incidents resulted in an investigation. Unfortunately, the PULSE system does not distinguish between uniformed gardaí and detective gardaí, which made it difficult for the Inspectorate to determine who was actually assigned as the main investigator of a crime. This was further complicated as most of the PULSE paper copies and case papers supplied to the Inspectorate were heavily redacted to remove the names of any person, including gardaí.

However, by individually checking PULSE records on the system and through analysis of those incidents with case papers, it appears that only 6% of the ninety crimes were investigated by detectives and a detective assisted in a further 4% of those cases. In all other cases, it appeared that uniformed gardaí were investigating those crimes. In some serious crimes, including a robbery with a handgun, a uniformed garda was shown as the main investigator.

District Detective Units

Each division has a number of separate detective units based at the various districts under the control of the district officer. These units effectively operate independently from other detective units within the same division. Often the detective units are small in numbers and there was only one detective assigned to some districts visited. In one such district, the Inspectorate met a detective garda who worked alone on a district, in isolation from a detective sergeant, who worked at the same station, but on a different shift roster. As a result, the detective had to plan well in advance to obtain assistance from a colleague to make an arrest or to interview a suspect.

All field visits included interviews with detectives, detective aides and their supervisors. In terms of the deployment of detectives, a number of issues were common to all the divisions:

- Supervision of detectives was variable, with many detectives having no daily interaction with a detective supervisor;
- The roster does not align detective resources to the times of greatest demand;
- There was a lack of consistency and clarity about what crimes they investigate. Some were tasked to investigate all crimes and others only more serious cases;
- Small numbers of detectives in district units make routine activities difficult.

In other policing jurisdictions, detective units operate on a centralised or divisional basis and are often co-located. This provides greater resilience of detective resources and more flexibility in their deployment. The Inspectorate believes that all detective units in a division should be co-located and ideally situated at the main site for processing prisoners. A move to divisional detective deployment supports the recommendation in Part 2 about moving to a divisional policing model.

Recommendation 6.1

The Inspectorate recommends that the Garda Síochána aligns all district detective units into a divisional model. (Medium term).

Abstractions for Detectives

Throughout the Inspection, the Inspectorate identified a number of other roles performed by detectives. These include:

- Armed patrols;
- Armed check points;
- Escorts;
- Checking vulnerable premises;
- Static and mobile protection duties.

Detectives provide an armed presence and an armed response to incidents where gardaí are confronted with people who present a significant risk to the public. Many of these duties, such as escorting may require an armed presence, but the gardaí do not need to be trained detectives to carry out these roles.

These type of duties take detectives away from their main role as investigators. Across the seven divisions, there was a variance in these abstraction rates. Whilst the Inspectorate understands the need for these functions to be carried out, using detectives is not the best use of resources.

Recommendation 6.2

The Inspectorate recommends that the Garda Síochána reduces the current abstractions that take detectives away from crime investigation. (Medium term).

Detectives in Non-investigative Roles

During field visits, the Inspectorate found a large number of trained detectives or gardaí appointed as detectives in non-investigative roles. Sometimes this was in posts where detective status was allowed, but it was not always in a role where investigation skills were necessary. The Technical Bureau provides expert skills in a number of disciplines such as photography and fingerprints and are available to attend serious crimes. In other police services, many of the functions of Technical Bureau are performed by police support staff.

The Inspectorate also found detectives in other roles such as computer crime investigation. In some roles, there may be a need to retain some detectives, but there are many opportunities to use non-

detectives or police support staff. The Inspectorate also found detectives in roles that had no connection with crime investigation and this included two detectives posted in the Garda Legal Section, as they have legal qualifications and are filling current vacancies. The Haddington Road Review will further examine this issue, but the Inspectorate believes that the Garda Síochána must review all non-investigative posts to which detectives are posted and any retention in post should be accompanied by a business case, explaining why a detective needs to fulfil that role. The Inspectorate believes that a review would identify many posts where detective status is not required in order to release detectives to investigation roles.

Recommendation 6.3

The Inspectorate recommends that the Garda Síochána identifies the unnecessary deployment of all detectives in non-investigative roles and assigns them into criminal investigation posts. (Medium term).

Arming of Detectives

Most district detectives and some detective aides are armed. In more rural areas they are available to provide an immediate response to an incident that requires armed support. New detectives and some detective aides are required to complete a full firearms course and all detectives and aides that are trained are expected to complete three day's refresher training per year. Across Ireland, this is a significant abstraction that takes detectives away from their primary role of crime investigation. During the inspection, some detectives expressed concern that they were often deployed on armed patrols with unarmed colleagues. This is in contravention of current policy and accepted good practice in relation to utilising firearms officers.

The Garda Síochána has successfully developed uniformed Regional Support Units (RSUs) that operate outside of the DMR. These units are highly trained and the provision of armed support is their main role. Within the DMR, armed support is provided by detective gardaí who are part of the Special Detective Unit (SDU) and Emergency Response Unit (ERU) within Crime and Security. The functions of the SDU and ERU include armed daily patrolling and mobile and static protection duties. The Inspectorate does not believe that

the routine patrolling duties performed by these units requires the use of trained detectives. The Inspectorate believes that the RSU scheme should be extended to cover the DMR, removing the role from trained detectives. This change would require additional set up costs for the RSUs, but it would:

- Achieve a significant reduction in the number of armed detectives and subsequently a significant reduction in the abstraction rates for firearms training;

- Release detective hours for their primary role of crime investigation;

- Reduce the costs involved in training and issuing detectives with firearms equipment.

The Inspectorate is aware that the Garda Síochána is currently conducting a review of this issue.

Recommendation 6.4

The Inspectorate recommends that the Garda Síochána extends the Regional Support Units across all regions. (Long term).

Training of Detectives and Detective Aides

The Garda College has developed a comprehensive training and development programme for newly appointed detectives, detective supervisors and other specialist investigators. For detective training, the process has three elements: course assessment, a multiple choice examination and a final presentation. The Inspectorate identified the following issues in respect of detective training:

- Untrained Detectives without formal training have been in post for two to three years and in some cases longer than ten years;

- There is no formal process or specific training and development programme to develop aides towards becoming detectives;

- There is limited continued professional development for detectives;

- Detectives are investigating complex crimes without any specific training e.g. fraud investigation.

There is a back log in detective training and a decision was made to focus on those who were appointed from 2009 onwards. This means that a significant number of detectives appointed before that time remain without any formal training.

Several questions arise as to the value of the current detective training programme:

- The three elements of the course may not be necessary as the majority of participants have been appointed for more than two years and therefore have by default completed their probationary period. A probationary period is usually applied to ensure that the person is suitable for a post.
- A knowledge examination is taken many years after assignment as detective and at the end of the two week course. Other policing jurisdictions have pre-selection examinations so that those attending such courses begin with a certain level of knowledge. In addition, in other jurisdictions, detectives are not posted until after completing a detective training course.

The Inspectorate noted that the current selection process for aides and subsequently detectives was perceived by many gardaí as unfairly managed and not transparent. The Inspectorate believes that the Garda Síochána should introduce a formal trainee detective programme that is fair and transparent and focuses on developing and selecting future detectives.

Detective Training Course

During a visit to the Garda College at Templemore, the Inspectorate spoke to course participants and to those responsible for creating and delivering detective training. Course participants had been appointed between six months and seven years before this training. The Inspectorate was informed that there are approximately 700 untrained detectives. The new detective course is two weeks in duration and the Garda College planned to run a one week course for those who have been appointed for some time. Some of those detectives on the course had investigated serious crimes such as rape and complex crimes such as fraud, without any formal training.

In general, participants felt that the course content was good, but in some cases delivered too late in their detective careers. The highlight of the course appeared to be a session on disclosure of evidence (for court cases and interviewing suspects), which was provided in a half-day of a two week course. This is a crucial skill required by all gardaí that are interviewing suspects and preparing prosecution files. Throughout the inspection the absence of disclosure training was evident. The inclusion of a day or a half day for all gardaí involved in crime investigation would be worthwhile.

The College has the capacity to train approximately sixty detectives a year. The Garda College trained eleven detectives in 2010, nineteen in 2011, twenty-five in 2012 and thirty-three in 2013. This is unlikely to keep pace with newly appointed detectives and will not clear the back log of untrained detectives.

Following a comprehensive review of training in 2010, the Crime Training Faculty Unit at the Garda College has created and delivered a diverse range of specialist training in areas such as:

- Interviewing of witnesses;
- Detective Garda and Detective Sergeant training;
- Incident Room Co-ordinators;
- Canvas Co-ordinators.

Detective Status

When a detective leaves a national unit to go to a division or where a detective on a division wants to move to another division, they effectively have to relinquish their detective status. This also applies to detectives who move on promotion. In these cases they revert to uniform duties for a period of time, until a detective post becomes available in their new rank. On arrival at their new division, there may or may not be a vacancy, but often that detective must revert to a uniformed post. This is in contrast to other policing jurisdictions, where an appointed detective has skills and status that can be transferred from one part of an organisation to another. Usually in other jurisdictions, detective status is retained, subject to good performance. Training a detective is an investment in an individual and is time consuming and expensive.

Recommendation 6.5

The Inspectorate recommends that the Garda Síochána reviews the selection, training, appointment and transfers of detectives. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Create a structured selection and training programme for future detectives;

- Develop a selection process that is perceived as fair and selects the best possible candidates for the role of detective;

- Ensure that all current detectives are sufficiently skilled, including additional detective training as required;

- Ensure new detectives are trained prior to appointment;

- Review the process of detective transfers and the loss of detective status.

Recommendation 6.6

The Inspectorate recommends that the Garda Síochána develops a training package on crime investigation that includes disclosure training for all gardaí involved in crime investigation. (Long term).

Dealing with Underperforming Detectives

The issue of dealing with unsatisfactory performance was discussed in Part 2. Currently, once appointed as a detective, very few people are removed from their post. During all visits, the Inspectorate met detective supervisors who were frustrated by at least one individual at detective level that was underperforming. As detective units are comprised of small numbers of people, one underperforming person greatly impacts on the performance of the whole unit. Supervisors currently use a variety of approaches to dealing with this problem such as tasking the person to view CCTV, rather than investigating crime. This has an unfair impact on colleagues who are required to investigate additional crimes. Many gardaí have aspirations to become detectives and the retention of a non-performing detective blocks their opportunity to progress. The Inspectorate believes that poor performance of detectives must be addressed, rather than accommodated. Part 2 included

a specific recommendation about the Garda Síochána developing a performance management system that deals with underperformance.

Detective Roster

The concerns of the Inspectorate about the new roster are articulated in Part 2 and other parts of this report. During meetings with detective supervisors in national and district units, the general view expressed was that the roster is not fit for the purpose of criminal investigation. Particularly with national units, there is often no need to have an additional fifth unit and many national units have returned to four. Most national units should function on Monday to Friday office hours and not work on a roster which has people working at weekends and late at night. Most national units require members to work more days than the current pilot roster, where people work longer hours, but fifty fewer days each year. Some of the national units have sections with small numbers of staff that are struggling to provide an effective service whilst working the roster. The negative impact on efficiency is greater with the current separation of detective units into small district units. Often detectives are working a shift on their own or with a detective aide. The service to victims of crime is reduced as many investigators are away from work for extended periods. The Inspectorate does not view the current detective roster as effective and efficient for crime investigation or good victim care. The roster will be one of the issues covered in the Inspectorate's Haddington Road Review.

6.5 Foundation Training for Gardaí

Foundation training is the term given to training provided to new entrants to the Garda Síochána. On completion of training at the Garda College, new entrants are subject to a probationary period. Due to the public service moratorium, the Garda Síochána stopped recruitment, and due to budgetary constraints foundation training ceased in 2009.

Training Delivered Post - 1989

Following a major review of foundation training in 1989, the course moved from sixteen weeks residential training at the Garda College in a non-academic based course, to a new forty week residential course that was academic based and accredited (third level status). In the new course, student gardaí completed a number of phases including residential training weeks at the Garda College interspersed with operational assignments to districts.

Issues Raised about the Course Content and Delivery

In most of the interviews with senior gardaí and training staff at the Garda College the following issues were raised about the course contents and course delivery:

- Too academic based;
- Lecture style delivery to large numbers;
- Limited practical training at the Garda College;
- Some wasted time during operational assignments to districts. Students watched other gardaí dealing with incidents, but did not play an active part;
- Many weaker students were attested after thirty-six weeks training and were sent out to districts;
- The last phase of four weeks at the Garda College was wasted time and was later reduced to two weeks.

Course Content

Chart 6.11 shows the foundation training delivered to new entrants from 2000 up to the cessation of recruitment in 2009. The chart breaks down the hours spent in the phases and as a percentage of the available training hours.

Chart 6.11

Inspectorate Analysis of the Foundation Training Course Syllabus 2000 to 2009

Study Module	Phase I Hours	Phase III Hours	Total Phase I & III Hours	Phase I Breakdown	Phase III Breakdown	Total Phase I & III Breakdown
Management and Organisational Studies	60	24	84	10%	7%	9%
PULSE Training	14	12	26	3%	3%	3%
European Languages	22	16	38	4%	4%	4%
Irish Studies	50	20	70	9%	6%	8%
Social and Psychological Studies	20	13	33	3%	4%	4%
Physical Education, Health and Fitness Studies	80	80	160	14%	23%	17%
Legal Studies,	60	37	97	10%	11%	10%
Garda Practices and Procedures Studies,	72	39	111	12%	11%	12%
Contextual Policing Studies	13	13	26	2%	4%	3%
Total Contact Hours	**391**	**254**	**645**			
Assessments	50	30	80	9%	8%	9%
Week 1 Phase 1 Commitments	30	0	30	5%	0%	3%
New Intakes and Graduation Studies	20	0	20	4%	0%	2%
Attestation preparation and ceremony	0	20	20	0%	6%	2%
Phase II & IV research and preparation	30	10	40	5%	3%	4%
Study	35	21	56	6%	6%	6%
Public Holidays	24	13	37	4%	4%	4%
Total Other Hours	**189**	**94**	**283**			
Total Training Hours*	**580**	**348**	**928**	**100%**	**100%**	**100%**

* Total Training Hours estimate is 20 weeks X 29 hours for Phase 1 and 12 weeks x 29 hours for Phase 3

Source: Data supplied by the Garda College.

Findings

- A lot of course time was spent on non-operational policing activities such as language skills (12%), study (6%), assessments (9%) and research and preparation (4%);

- 3% of training time was spent learning about the PULSE system;

- There was no practical training in interviewing suspects;

- While it is important to have physically fit gardaí, a disproportionate amount of time (17%) was spent on general fitness.

Criminal Investigation Elements

Chart 6.12 highlights those parts of the course where crime elements were delivered.

Chart 6.12

Inspectorate Analysis of the Crime Elements[5] in the Foundation Training Syllabus 2000-2009

Module Description	Phase I Hours	Phase III Hours	Total Phase I & III Hours	Total Phase I Training Breakdown	Total Phase III Training Breakdown	Total Training Breakdown
Management of a Criminal Investigation	16	5	21	3%	1%	2%
Management of Prisoners	27	17	44	5%	5%	5%
Compilation of an Investigation File	9	2	11	1%	1%	1%
Legal Studies (Crime)	37	20	57	6%	6%	6%
Legal Studies (Traffic)	23	6	29	4%	2%	3%
Legal Studies (General)	0	11	11	0%	3%	1%
Contextual Policing Studies	23	13	36	4%	4%	4%
Garda Practices & Procedures Studies (General)	10	15	25	2%	4%	3%
Total	**145**	**89**	**234**	**25%**	**26%**	**25%**

Source: Data supplied by the Garda College

In total, the Inspectorate estimated that 25% of the available time was spent on operational policing and criminal investigation. In total this was less than the time spent on language skills, physical exercise and studying.

Post 2005 and Increased Recruitment

From 2005 there was a large recruitment drive and the numbers in training increased from seventy new entrants every quarter to 275 new entrants in the same time period. Almost all persons that met with the Inspectorate considered that the accelerated recruitment programme was a significant contributor to some of the poor quality investigations that are conducted today.

Key Issues Raised with the Inspectorate arising from Accelerated Recruitment:

- The requirement to manage large numbers meant that the style of training moved from smaller classes with individual training staff to lecture theatre presentations to audiences of 190 students at a time;

- Districts struggled to cope with the numbers arriving from Templemore on placements and many had insufficient staff or inadequate systems in place to supply experienced tutor gardaí and good supervision. In some cases, student gardaí in districts who were on later phases of training, were allocated newer recruits to supervise and instruct;

- There was a very low attrition rate and training staff informed the Inspectorate that there were minimal assessment and screening processes in place before students were confirmed as gardaí.

The course content from 2000 onwards was very academic with limited practical training for gardaí. From 2005, the increase in numbers of student gardaí put the Garda College under immense pressure to train greatly increased numbers.

The Inspectorate readily acknowledges that there are many excellent gardaí that have come through that experience, who are effective and deliver a good service. However, the system did not provide the practical training and guidance to ensure that the Garda Síochána produced a garda prepared for the demands of a modern police service.

Foundation training is exactly as the name suggests: it provides student gardaí with knowledge of powers and procedures. The second most important element in developing an effective recruit is the

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guidance delivered by experienced tutor gardaí to put the foundation training into an operational context. Clearly, in many cases this did not take place and student gardaí did not always receive this sort of instruction when they arrived at their new district.

The style of training delivered post 2005 at the Garda College and the absence of consistent and effective work-placed training has led to difficulties for many new student gardaí. This report highlights some key training needs for gardaí, such as statement taking, disclosure and interview training. The Inspectorate believes that the Garda Síochána needs to conduct a Training Need Analysis (TNA) for gardaí that completed foundation training post 2005. Following the TNA, the Garda Síochána needs to develop a specific training programme or awareness training that addresses any gaps in garda investigation skills.

Recommendation 6.7

The Inspectorate recommends that the Garda Síochána conducts a Training Needs Analysis for members that completed foundation training post 2005, and develops a training programme that addresses any identified gaps in garda investigation skills. (Long term).

New Foundation Training Course

The Inspectorate has examined the new course that was recently launched and it has changed immeasurably from the previous course. The new foundation course is focused on a Garda decision making model and students will be required to complete modules that are scenario based. In September 2014, the first new intake of 100 student gardaí commenced the new training programme. The Inspectorate will include observations about the new course in the forthcoming Haddington Road Review.

6.6 Investigation of Crime

As mentioned previously, the Garda Síochána does not have a formal or agreed protocol for deciding who will investigate particular crimes. Other policing jurisdictions have clear criteria determining how crimes are assigned. This part of the report will examine how investigations take place, depending on the crime that is committed.

Serious Crime Investigation

As noted earlier, serious crime accounts for approximately 4.5% of all crime committed. While this is a low proportion of overall crime, investigations are often complex and can be protracted. The majority of serious crimes are currently investigated by districts and the district officer retains overall responsibility for the investigation of that crime. In some high profile cases, or where there is a linked series of offences the National Bureau of Criminal Investigation (NBCI) based in Dublin may take on the responsibility for investigating those crimes.

Murder Investigation

Not all serious crimes require a large investigation team and in some cases, such as a serious assault, the crime may be investigated by one garda. However, for the purposes of explaining how a serious crime investigation is managed, this part of the report will concentrate on what currently happens when a murder has been committed.

A district retains responsibility for the investigation of a murder and a local detective inspector is usually appointed as the Senior Investigating Officer (SIO). Within the DMR, this will usually be the detective inspector based within the district where the crime occurred. Outside of the DMR, detective inspectors operate on a divisional level and lead any such investigations. The first few hours and days are critical in the investigation of a murder. The crime scene needs to be preserved and examined, the family of the victim and witnesses need to be interviewed and enquiries need to be carried out to ensure that an early arrest is made.

Staffing and Skill Requirements for a Murder Incident Team

Staffing of investigation teams with the right numbers of people with the necessary skills is a challenge for most police services. For murder investigations, enquires can require large numbers of staff in the early stages, although in many cases those numbers can be reduced within a relatively short period of time. To conduct an effective murder investigation, key personnel are required for various functions from managing the original crime scene through to preparing for a court case.

Key roles include:

- Crime Scene Co-ordinator;
- Incident Room Co-ordinator;
- Specialist Suspect Interviewers;
- Exhibits Officer;
- Canvass Co-ordinator;
- Family Liaison Officer.

A district officer in charge of the overall investigation or the SIO can, if required, obtain assistance from:

- Local divisional resources or neighbouring divisions;
- Regional resources;
- National Units such as the NBCI or Technical Bureau.

In garda districts, the main cohort of trained investigators are working within detective units. When a serious crime takes place, all available detectives are usually placed on the investigation team. With any major enquiry, not all tasks need highly skilled investigators and often teams include non-detectives to assist with high volume enquiries that need to be actioned. Outside of the DMR, the staffing of teams becomes more problematic, as numbers of available detectives and other staff are generally lower. The new roster has exacerbated matters, as detectives are away from work for extended periods of time and are not always available for duty during the days following a serious crime.

During the inspection process, district officers and SIOs informed the Inspectorate that it can be challenging to find people with the right skills quickly. A superintendent interviewed by the Inspectorate who dealt with a murder, stated that in the early stages of the investigation it was difficult to find members with the necessary skills and experience. The Garda Síochána used to have a dedicated murder investigation team, but that team was disbanded in the late 1980s, and since that time the investigations have very much remained the responsibility of the district where the crime is committed.

Impact on Other Crime Investigations

The current system of creating a murder investigation team can have a negative impact on district investigations that are already allocated to gardaí who are seconded to an investigation team. In addition, the SIO's appointment to lead the murder enquiry significantly reduces that individual's time to cover other district or divisional responsibilities.

Critical Incident Team

During a murder investigation, the local divisional chief superintendent will convene a Critical Incident Team to review progress and agree investigative strategies. Other members of this team would include the relevant district officer, as well as a divisional or region detective superintendent. The incident team has a role to allocate an SIO and to ensure that appropriate resources are assigned for the proper investigation of serious crime and critical incidents.

Skills of District Officers

As mentioned in Part 2, the skills and experience of district officers varies greatly across divisions and there are some district officers managing the investigation of serious crimes without any formal SIO training or detective experience. It is also the case that whilst detective superintendents cover the same geographical area, they only act as advisors in serious crimes and do not investigate them. The Inspectorate believes that under the current structure those detective superintendents should lead such investigations.

Recommendation 6.8

The Inspectorate recommends, in the interim period of any operational or structural changes, that the Garda Síochana ensures that a divisional or regional detective superintendent take responsibility from district officers for the investigation of a murder or other major enquiry. (Short term).

6.7 National Support Services

As part of the inspection, the Inspectorate met with the Assistant Commissioner, National Support Services (NSS). Of the total number of members in the Garda Síochána, 5% are assigned to NSS, and just over one quarter of those members work in the National Bureau of Criminal Investigation.

Key areas of responsibilities in NSS:

- National Bureau of Criminal Investigation;
- National Units such as Criminal Assets Bureau, Drugs, Immigration, and Fraud;
- Operational Support Services and units such as Dogs, Mounted, Water and Air Support;
- Technical Bureau and liaison with the Forensic Laboratory;
- Professional and policy lead for Domestic Violence and Sexual Assault.

National Bureau of Criminal Investigation

The NBCI was established in 1997 and has responsibility for investigating serious and major crimes such as murders, organised crime, domestic violence and serious sexual assaults against adults and children. The Inspectorate was informed that in the case of a murder, a senior NBCI detective will attend for the first twenty-four to forty-eight hours or until satisfied that the investigation is progressing well. In the case of many murders and particularly with gang related crimes, the NBCI may well have intelligence that can greatly assist an investigation. The responsibility for the investigation of a murder will still remain with the division and the district officer.

Investigation Section

As part of the NBCI, the Investigation Section has a remit for providing assistance with murders, internal garda criminality and crimes that include arts and antiques, stolen motor vehicles, environmental crime, An Post offences and other specialist crime. The Investigation Section operates four units of investigation teams with two units aligned to each of the two detective superintendents. This section has particular expertise in murder investigation and can also provide assistance with finding and interviewing suspects.

The Inspectorate noted that the NBCI does not often actually lead a murder investigations and their role is to provide short term assistance with particular investigative skills. There were fifty-three murders in 2012 and fifty-one in 2013, and the NBCI did not appoint any SIOs in those cases. Indeed, the NBCI does not always attend a murder scene to provide assistance and generally assists with less than half of all the murders committed in the State.

During meetings with Investigation Section members, it became clear that the role of NBCI has changed and the economic situation has certainly contributed to the way that they now operate. In some cases the NBCI will attend to assist, but after a few days they will leave the investigation to the divisions. The division can retain the use of the NBCI, but the division may be expected to cover travel and subsistence costs associated with their assignment. In many cases, particularly with murders committed outside of Dublin, the NBCI may not send any members to assist or the division may decide not to request NBCI assistance. Previously, the NBCI would always attend murder investigations with a team consisting of a detective superintendent, a sergeant and four gardaí, who would stay with the investigation for at least a month. Now the NBCI assign a similar sized team, but without the detective superintendent and they generally only stay for a few days.

The support of NBCI to a murder investigation can be affected by the new garda roster, as the NBCI unit that initially attends may have to be replaced part way through the investigation by a different

NBCI unit. This change in team impacts on the continuity of an investigation and if the length of enquiry is extended, the team is constantly changing. An example was given of a murder on a Sunday attended by an NBCI team that had to be replaced on the following day, as the first team was on a day off. This also impacts on the local district investigation team as members will be off duty for up to four days. It is also increasingly rare that a senior garda from the NBCI will attend a murder investigation and any contact between senior gardaí in NBCI and the district where the crime occurred is likely to be by telephone. The NBCI have currently committed long term resources to one investigation from 2013.

NBCI detectives perceive that in the absence of their attendance, there may be gaps in murder investigation. To support this view, the NBCI provided examples where they have attended murder scenes or other major enquiries and have found that crime scenes were not always well managed, that investigations were not always well led and that investigative leads were not always progressed effectively.

Investigation Section also has a number of other investigative responsibilities. This includes internal garda investigations into criminal behaviour of gardaí, including recent cases of property missing from garda stations. Investigating criminality by gardaí is a major part of the Investigation Section's crime workload and greatly reduces their availability to assist with murder and other serious crime investigations. The two superintendents in Investigation Section each manage about seven Garda Síochána internal investigations at any one time, taking up to nine months to complete each one. This dual role can sometimes cause conflict for the section. Examples were provided where Investigation Section were engaged with a district investigation of garda criminality, when a serious crime occurred and the section was back in the same district but dealing with a different type of investigation. It was clear that if a murder takes place, then the internal investigations are set aside. In effect, Investigation Section spends approximately 50% of their time on internal investigations and only about 30% of their time on murder enquiries. The other 20% is spent on investigating specialist

offences such as environmental crime. While the investigation of garda criminality requires specialist skills, the Inspectorate believes that this function should rest with a separate unit that investigates allegations of garda corruption.

In other policing jurisdictions, such investigations are managed by Internal Affairs or Professional Standards Units. The Inspectorate does not view this current use of Investigation Section as best use of their skills and expertise and they should be focused on murder and other serious crime investigations.

Recommendation 6.9

The Inspectorate recommends that the Garda Síochána develops an Internal Affairs investigation unit and removes garda internal investigations from the remit of Investigation Section. (Medium term).

Approximately 20% of Investigation Section time is spent on specialist crimes such as intellectual property crime, arts and antiques, sea fisheries, environmental crime, stolen vehicles and An Post offences. Most of the staff investigating these offences are not specially trained, but have become experts through their own personal experience of the types of offences or a strong interest in that field. Some of the An Post offences are for small value offences and the Inspectorate do not view the use of these detectives to investigate such crimes as best practice. The Inspectorate believes that the NBCI has become a repository for sensitive enquiries and crimes that do not fit into other units responsibilities. The Inspectorate believes that the NBCI needs to free up Investigation Section to investigate murders on a full time basis.

Recommendation 6.10

The Inspectorate recommends that the Garda Síochána removes the specialist crime investigations from Investigation Section and reallocates those crimes to other investigation units. (Medium term).

As part of the Haddington Road Review, the Inspectorate will look at the structure of the national units and make recommendations about restructuring options.

NBCI contains an Organised Crime Unit (OCU) that focuses on organised criminality, racketeering, stolen motor vehicles and plant machinery. In 2012, fourteen murders committed were linked to organised crime. The NBCI did not take responsibility for those investigations.

Technical Bureau

Technical Bureau has approximately 20% of National Support Service resources, comprised of a combination of garda members and police support staff. Teams from the Bureau comprise experts in photography, documents and handwriting, ballistics, fingerprints and mapping. The process of becoming an expert takes approximately five years and gardaí and police staff are trained in crime scene examination, crime scene management and their specific field of expertise. When a murder occurs, Technical Bureau usually appoints a crime scene manager to attend with a specialist team to provide advice about what forensic retrievals are possible at a crime scene and to advise on what the laboratory can offer. If Technical Bureau attends a scene, they usually send a team of five experts in the following fields:

- Crime Scene management;
- Ballistics;
- Mapping;
- Fingerprints;
- Photography.

There are occasions where not all disciplines are required and they may send a partial team to a crime scene.

Forensic examination of a murder crime scene can be conducted by local divisional crime scene examiners, but Technical Bureau is available for advice and can provide more sophisticated equipment if required. There are a large number of gardaí in these posts and as mentioned earlier, this is in contrast to other police services, where most of the functions are performed by police staff, rather than by police officers. The issue of members in such roles is considered in the Haddington Road Review.

Crime Scene Management

The management of a crime scene from the arrival of the first gardaí to the forensic examination of the scene is a crucial aspect of any investigation. Technical Bureau is not always called and in some cases is not always told that a murder has taken place. There are some regions that have developed their own local skills and now consider themselves as self sufficient. In domestic related murders, Technical Bureau may not always need to attend and they may not attend a suspicious death that is not yet determined as a murder.

Sometimes the local Crime Scene Examiners (CSEs) attend the scene and conduct the forensic examination. As previously highlighted in Part 3, CSEs have five week's training across all disciplines of forensics and while this prepares them to deal effectively with volume crime examinations, it does not necessarily provide them with the skills to manage a complex murder crime scene. On a number of occasions, local CSEs have commenced a forensic examination that they are unable to complete and Technical Bureau were asked to attend to finish it. The Inspectorate was also informed about two occasions where CSEs managed crime scenes and later submitted fingerprints from the crime scene to Technical Bureau for searching. Unfortunately, the fingerprints of the deceased persons were not taken for elimination purposes. There is also a trend of appointing a recently trained local crime scene manager and the experience of those individuals varies greatly. The crime scene manager's role is critical to a good scene examination.

The examination of a crime scene needs to be methodical and certain disciplines are sequenced to obtain best evidence. By sending a full team, Technical Bureau will usually complete their examination with a few days, but CSEs might take five days and in one case it took ten days. The use of local CSEs also takes them away from their main role in respect of attending volume crime scenes.

With the introduction of SIO training, Technical Bureau has noticed a great improvement in the management of crime scenes. On arrival, areas are usually cordoned off and crime scene logs are commenced to record people who have entered a

crime scene. However, on occasions it is clear to Technical Bureau that people have unnecessarily entered a crime scene and this may contaminate potential exhibits.

Technical Bureau also analyse many exhibits recovered by CSEs and the quality of the submissions varies greatly. This includes CSEs submitting fingerprint lifts on cards that are unusable or submitting photographs that are blurred and of a poor quality. Photographing of murder scenes and in particular fibres found at scenes requires a good level of photographic expertise. This is not a criticism of CSEs, as they only receive five week's training in all elements, compared to the extensive training provided to Technical Bureau photographers.

The issue of poor fingerprint recovery is a key concern for the Inspectorate and as previously highlighted in this report, there is no performance data available on the quality of crime scene examinations by CSEs.

In terms of technology, the Inspectorate believes that there are opportunities to provide enhanced IT that allows the electronic transmission of fingerprints directly from crime scenes to Fingerprint Section. On a few occasions, Technical Bureau has used this technique, but with inadequate IT, it takes a disproportionate amount of time to complete it.

The decision not to use Technical Bureau appears to be linked to the proximity of a division to Dublin and the regions that are further away are often using their own examiners. The Inspectorate believes that because of the skills they have developed, Technical Bureau should attend all murder enquiries and other serious crimes that require their expertise. The issue of the location of all Technical Bureau staff in Dublin may be an issue that needs to be considered in respect of providing better coverage across Ireland. There are functions such as the examination of exhibits that should remain centrally based, but there are clear opportunities to regionalise the crime scene elements of Technical Bureau. This is an area that will be covered in the Haddington Road Review.

Other Operational Support

National Support Services can also assist with other specialist units at murder and serious incidents, such as Air Support, Mounted, Dog and Water Unit assistance. For example, the Water Unit assists with body recovery and retrieving weapons and other evidence. Dog, Air and Mounted units are able to cover search areas more quickly and areas where vehicle units are unable to reach. These are national units and they do not charge divisions for their services. These units will be examined as part of the Haddington Road Review.

Incident Rooms

When a murder takes place, an incident room is usually established in the local district station and is used by the investigation team as a base for their activity. Some districts have a dedicated room that is always available and at others a specific room is allocated. The management of an incident room remains with the district and a member of district staff is normally designated as the Incident Room Co-ordinator (IRC). The role of the IRC is to record all actions (jobs) undertaken by the investigation team and to analyse, evaluate and categorise all information received. The IRC has a pivotal role to ensure that jobs are tasked and the results of these tasks are brought to the attention of the SIO. For example, witness statements should be read by the IRC and cross-checked. In a non-complex investigation, thirty to forty actions can be generated, but in a more complicated case the number of actions can run to several thousand enquiries. NBCI do not perform the IRC role and the Inspectorate was informed that there are some inconsistencies in the way that IRCs operate across Ireland. The Inspectorate was informed that in some cases the IRC appointed is inexperienced in the role and may not always know how to make best use of specialist resources.

Recording Actions and Results – Jobs Book

To record IRC actions and ensure that they are completed, the Garda Síochána operates a 'Jobs Book' system, which is a written register where investigative actions are recorded. In other police services, this process is electronically recorded in a major incident investigation system. Los Angeles Police Department (LAPD) uses a Detective Case Tracking System and The Royal Canadian

Mounted Police (RCMP) use a Police Recording and Occurrence System. UK police services use a system called the Home Office Large Major Enquiry System (HOLMES). This system is used in all major incidents and captures all documents and actions concerning an investigation. This system provides a search facility to identify linked crimes or key words that may be contained in witness statements or other documents. It also has the technology to sequence events to assist an investigator to piece together large amounts of information about a crime. HOLMES was introduced in 1986 and upgraded to HOLMES 2 in 2001. The Home Office are in the process of developing HOLMES 3. With this upgrade, the intention is to link hand held devices at crime scenes to download data directly onto HOLMES.

The Garda Síochána had plans to introduce a system called MIMS (Major Investigation Management System), which would provide similar technology to HOLMES. Unfortunately, the current financial situation led to the cancellation of this system. The Inspectorate believes that this was a lost opportunity to introduce technology operating successfully in other jurisdictions. The Garda Síochána should move from Job Books to a computerised major investigation system.

Recommendation 6.11

The Inspectorate recommends that the Garda Síochána replaces "Job Books" with a Major Investigation Management System to electronically record all actions in connection with a major incident. (Long term).

Decision Making Logs

All serious offences should have an SIO appointed with responsibility for making key decisions in respect of the investigation. Currently, those decisions are recorded by SIOs in diaries or journals. A key component of any decision made is the rationale or thought process behind that decision. It is equally important for an SIO to explain why they took an investigation in a certain direction. In other policing jurisdictions, SIOs use a structured decision making log designed specifically for use in serious incidents and logs remain with a case at the conclusion and not with the SIO.

Recommendation 6.12

The Inspectorate recommends that the Garda Síochána replaces the use of diaries and other ledgers with a national standard Garda decision making log. (Medium term).

Cold Case Murder Review

NBCI has a Serious Crime Review Team (SCRT) that is primarily focused on unsolved crimes that took place after 1980. This team does not investigate crimes, but co-ordinates reviews of crimes that remain unsolved. At present their activity is restricted to murders, but the Inspectorate was told that the team would like to review other serious crimes such as unsolved rapes. With most crimes, a full review is not conducted as this would be an enormous task. Instead the team conducts preliminary reviews that are focused on key aspects of a crime such as suspects or exhibits. They are currently managing thirteen reviews with the majority conducted by district gardaí. Reviews are intended to help an SIO and may generate up to 200 recommendations.

Findings, exhibits and paper work often causes difficulties for the team and in some serious cases they have found that retired detectives have retained possession of case papers and that papers are also kept in members' lockers. In some cases, SCRT has to review up to thirty boxes of statements and exhibits. The absence of a computerised case management system seriously impacts on murder review.

All members of the team were trained by officers from South Wales Police. In other police services, a murder review usually remains within a homicide team and murder investigations and reviews are shared amongst the investigation teams. South Wales has a full time murder review team fully staffed by civilians, many of whom are retired homicide detectives.

The SCRT completes reports with recommendations to help an SIO and on occasions this can run to several hundred. In most cases, the SCRT receives no feedback on their recommendations.

The Inspectorate believes that there are opportunities to combine the SCRT and the Investigation Section and use investigators in a more effective way.

Recommendation 6.13

The Inspectorate recommends that the Garda Síochána includes the Serious Crime Review Team (SCRT) as part of a new major investigation team. (Medium term). (See also recommendation 6.16)

Recommendation 6.14

The Inspectorate recommends that the Garda Síochána ensures that cold case review recommendations provided to Senior Investigating Officers (SIOs) are reviewed and progress monitored. (Short term).

Family Liaison Officers

A murder has a devastating impact on families and the broader community. An effective police response to such incidents is critical in maintaining confidence and managing the fear of crime. Involving family at a very early stage in an investigation and maintaining contact is a really important part of a criminal investigation. A Family Liaison Officer (FLO) maintains links with and ensures that families are kept up to date with developments in cases. The Garda Síochána has 360 trained that are used during serious crime investigations as the point of contact for families and work directly to the SIO. The Garda Victims Liaison Office (GVLO) provides support to the FLOs.

Independent Advisory Groups

Many UK police services have developed Independent Advisory Groups (IAGs) that consist of key community leaders and representatives of all communities. IAGs are used by police services to provide advice following a murder, a terrorist incident or other serious crime. They are often referred to as 'critical friends' and provide a community perspective to an incident and practical advice about how to engage and reassure communities. Many police services also use such groups to discuss new policies or policing operations and use those groups to advise them on the likely impact to local communities.

IAGs operate on different levels and usually at Divisional and Headquarters level. These groups are particularly useful in murder investigations and provide excellent assistance in managing local community issues.

Recommendation 6.15

The Inspectorate recommends that the Garda Síochána develops Independent Advisory Groups. (Medium term).

6.8 Current System of Murder Investigation

Members involved in investigating murders and other serious crimes have mixed views regarding the current system of investigation. Some senior gardaí see value in the current system of districts managing investigations and others believe that there should be dedicated units with responsibility for investigating murders and other serious crimes. Divisions that have managed a number of murder enquiries consider that their teams have acquired the necessary skills to effectively manage a major investigation, without the need for support from the NBCI. However, other divisions have less confidence in their ability to manage a major investigation. Most divisions were positive about the assistance offered by the NBCI, but this support is only available on a short term basis and divisions have noticed a considerable reduction in the time that the NBCI now spends with an investigation team.

Locations of Murders in 2012 and 2013

The data in Chart 6.13 shows the numbers of murders in 2012 and 2013 by garda regions, which shows that a significant number of murders are committed in Dublin and more than half are committed within the DMR and the adjoining Eastern Region.

Chart 6.13
Murder Offences by Garda Region 2012 and 2013

Region	2012	2013
DMR	21	19
Eastern	5	8
Northern	8	6
Southern	6	7
South Eastern	10	3
Western	3	8
Total	53	51

Source: Data supplied by the Garda Síochána.

As previously mentioned, NBCI has developed an Investigation Section, which has the skills and expertise to investigate murder. Currently, the section is tasked to investigate far less serious crime and crimes of a sensitive nature. These other investigations should be allocated to other units and the Investigation Section should be investigating murders.

Murder and Other Serious Crime Investigations in Other Policing Jurisdictions

At a point in the past, all of the police services visited as part of this inspection, operated the current Irish system for investigating murders and other serious crimes. However, they have all now moved on from local investigation teams, to full time dedicated teams that deal with the majority of murders committed. When asked by the Inspectorate, all found a centralised system to be more effective. The Inspectorate was informed that these dedicated units are appropriately resourced and have highly skilled investigators with experience of dealing with serious crime investigation. When a murder takes place, they immediately send officers to the crime scene, who take over the investigative role and follow the case through to any subsequent court case. The Inspectorate believes that the Garda Síochána should have dedicated investigation teams that deal with all murders in Ireland and other specified serious crime.

In the UK, many police services are collaborating and introducing major crime investigation units that cover more than one service area. In 2007 Bedfordshire and Hertfordshire established a joint team that deals with the majority of offences that would be classified as serious crime including homicide, attempted murder, stranger rape, kidnapping and extortion. The unit also attends all reports of suspicious sudden deaths and work related deaths. The unit is divided into three teams and manage twelve to fifteen live investigations per team.

Clearly, Ireland has geographical challenges that some other police services do not have to contend with. As part of this inspection, the Inspectorate visited Scotland, South Wales and West Yorkshire Police, which are comparable in terms of policing both rural and urban areas. Scotland has a Specialist Crime Directorate (SCD) with many similarities to the NBCI. With regard to murder investigations, SCD resources are located in three geographical areas. SCD major investigation teams deal with the majority of homicides, except some domestic related murders where the suspect is known and already arrested. Teams can be redeployed to assist with other investigations such as rape offences. SCD teams also conduct cold case homicide reviews. In developing teams, Scotland looked at both West Yorkshire and South Wales. There are other sections of SCD that deal with other serious crimes such as organised gangs and human trafficking. West Yorkshire, South Wales and most US and Canadian cities have dedicated homicide investigation teams.

The current location of NBCI sometimes prohibits more activity in the far South, West and Northern regions and the Inspectorate believes that there are opportunities to place the NBCI into strategic locations that provide national coverage.

Recommendation 6.16

The Inspectorate recommends that the Garda Síochána develops major incident investigation teams that investigate murders and other specified serious crimes. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Remove the responsibility for homicide investigation from the district superintendent to a major incident investigation team;

- Establish major incident teams on a geographical basis that meet the policing demands of major incident investigations;

- Utilise existing National Bureau of Criminal Investigation (NBCI), Technical Bureau, regional and divisional resources to create the new teams.

6.9 Cybercrime

Cybercrime covers a whole range of offences and advancements in technology are creating new opportunities for criminals. It is also an area where organised criminal networks are expanding. Cybercrime affects everyone, including citizens, corporations and governments.

The following are some of the crimes that would come into this category:

- Targeting networked systems;
- Money laundering;
- Supply of heroin and other drugs;
- Credit card fraud;
- Human trafficking;
- Account theft;
- Child exploitation.

A major threat to police services is a high volume of non-reported cybercrimes. The following are some victims who may be less willing to report including:

- Some victims of child exploitation or human trafficking may not report the crime for a variety of reasons;
- Organisations may not want to damage their reputation;
- Victims may be unaware that a crime has taken place.

The threat from cybercrime is impacted by new technology, such as smart appliances and social network sites.

During the inspection visits, many senior gardaí highlighted cybercrime and the threats posed as an area requiring Garda Síochána attention. Many other police services are developing cybercrime units or including cybercrimes within serious and organised crime units. As part of the Haddington Road Review, the Inspectorate will examine this issue more closely.

6.10 Other National Units with Investigative Responsibilities

Within the National Support Services and Crime and Security there are other units with investigative roles. Some of the following units do not usually investigate crimes generated by victims, but are more proactive units that conduct operations. The national unit structures are part of the Haddington Road Review.

Organised Crime Unit (OCU)

The Organised Crime Unit was established in 2005 and focuses on investigations into organised criminal networks. Operations are usually based on intelligence received and this unit maintains the operation through to any prosecution. A crime is only usually recorded at the arrest phase of an operation. Within this unit, there is a Stolen Motor Vehicle Investigation Unit with experts in examining and identifying stolen plant machinery and stolen vehicles. This unit conducts examinations on a country-wide basis. There are opportunities to train gardaí on a divisional basis to a level that would enable them to identify stolen cars and to allow this unit to focus on organised criminality. This will be further considered as part of the Haddington Road Review.

Garda National Drugs Unit (GNDU)

This unit operates very similarly to the OCU and operations are usually intelligence led. The Inspectorate found overlaps between the targets of the GNDU and the OCU and the Garda Síochána is currently considering the amalgamation of these units.

Garda Bureau of Fraud Investigation (GBFI)

The Garda Bureau of Fraud Investigation (GBFI) was established 1995 to concentrate on complex fraud cases. The following are investigation units within the GBFI.

Assessment Unit

This unit is the central point for receiving all complaints of fraud. The Assessment Unit reviews cases to see if there is prima facie evidence and make recommendations on investigations. Minor fraud offences are sent to districts to investigate. There are many delays in commencing investigations, such as

victims providing additional evidence that a crime has taken place and also trying to determine if a crime took place and in which jurisdiction. Last year, the unit received 514 new enquiries and the volume of cases is significantly delaying the investigative process. In some cases which date back to 2011, investigations have just commenced.

Commercial Fraud

The vast majority of cases received by GBFI are commercial fraud cases. 10% of these cases received are sent to the Commercial Fraud Unit in GBFI for investigation, 20% are sent to districts to investigate and the remaining 70% are awaiting more evidence. The Anglo-Irish Bank investigation is an example of a high profile and resource intensive case. A very time consuming part of their role is dealing with telephone calls from victims of crime and calls from district investigators who need help with cases being investigated locally. Some of the cases investigated require large numbers of statements from victims and witnesses; in one case an investigator took 250 witness statements. The impact of this sort of crime can be dramatic for some victims and can include the loss of life savings. Cases involving crime are recorded on PULSE, but civil cases are not recorded. There is currently no threshold for what the GBFI will and will not investigate and it is decided on a case by case basis. It was acknowledged that some district detectives without any formal training are investigating high value and sometimes complex investigations. GBFI also highlighted cases where district investigators have waited two years before asking them for help.

Suspicious Transactions Unit

This unit manages a large number of notifications, most of which are received on-line. The majority of investigations are conducted by divisions and not by this unit. These are not recorded on PULSE, until a crime has been established.

Other Units

There are a number of other units in the GBFI including:

- Money Laundering;
- Payment Card;
- Financial Investigation unit;

- Computer Crime Investigation Unit (this unit is discussed later in this part of the report);
- GBFI members are attached to the Office of the Director of Corporate Enforcement.

Garda National Immigration Bureau (GNIB)

This unit has a wide remit of responsibilities including:

- The Registration Office for new arrivals to Ireland;
- Dublin Airport immigration and security;
- Repatriation;
- Human Trafficking.

There are plans in place to move some of the functions of GNIB to the Irish Naturalisation and Immigration Service and this should release gardaí for redeployment.[6] The Inspectorate believes that that the Human Trafficking investigation element should move to another part of the Garda Síochána. This will be considered further in the Haddington Road Review.

Special Detective Unit

As mentioned with regards to firearms, this unit provides a 24/7 armed response in the DMR. This unit also has an investigative capability.

Summary

At present there is very little clarity about what some of the national units do and do not investigate. The Inspectorate believes that there are opportunities to amalgamate functions and units and to create clear protocols about what crimes units will investigate. The formation of a Serious and Organised Crime Unit would allow several current units to come together to reduce overlap and to provide more resilience for investigations. The Inspectorate will examine the role and function of the national units in the Haddington Road Review.

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6   The Inspectorate notes that significant progress was made on this issue at the time of completion of this report.

6.11 Rape and Serious Sexual Assault Investigations

To conduct an effective investigation of rape and serious sexual assault, an investigator needs to develop the trust of a victim. This requires good investigative skills in respect of gathering evidence, dealing with suspects and preparing cases for prosecution. In most international policing jurisdictions, this role is performed by a trained detective.

In every division visited, the Inspectorate found regular unit gardaí undertaking the primary investigation of these crimes and in many cases remaining as the investigating garda. In some divisions, a detective may be assigned to assist the investigating garda, but the investigator retains responsibility for victim care, the investigation and the prosecution of any offender. The Inspectorate found that this can result in a garda with very little experience investigating one of the most difficult investigations that an investigator will face. A rape investigation is often complex and requires good investigative skills to obtain independent corroborative and forensic evidence. Increasingly, offences involve issues of consent, which can negate many forensic opportunities and these cases need a skilled investigator to establish the facts of the case.

Dealing with a victim of rape is incomparable to most other offences. Victims have to provide intimate details in an initial version of events as well as in a full written statement. Victims are asked to agree to a physical examination by a medical practitioner to retrieve forensic evidence and to record physical evidence of the assault. This process requires the highest levels of victim care and a good understanding of the investigative aspects of the offence.

The Garda Síochána has a Domestic Violence and Sexual Offences Unit (DVSAIU) within the NBCI. From a field visit, it was clear that the unit is very much focused on sexual offences against children and particularly victims of clerical abuse. With regard to adult rape and other sexual offences, the unit does not perform an investigative role and does little work in relation to monitoring investigations conducted by divisions. At the time of the inspection, they were conducting eight investigations into offences against children.

The Inspectorate does not agree with garda policy that the investigation of serious sexual offences can be performed by all front-line gardaí. Other policing jurisdictions, such as the London Metropolitan Police Service and most US and Canadian police services have full time, dedicated officers investigating such crimes. Front-line officers may attend a crime scene, but a trained investigator is quickly deployed to take over the case. Scotland has dedicated rape investigation units in all fourteen policing divisions, each managed by a detective inspector. The units have trained officers who undertake all serious sexual assault investigations. Dedicated Sexual Offence Liaison Officers (SOLOs) trained in forensic retrieval and victim trauma deal with the initial investigation of all complaints of rape and serious sexual assault. SOLOs accompany victims to sexual assault centres, where a full forensic and medical examination is undertaken as well as providing health support and access to counselling. Where the victim has made a complaint to the Garda Síochána, gardaí accompany victims taken to Sexual Assault Treatment Units.

Police Scotland is looking to develop a specially equipped bus to allow forensic examination facilities to move to locations where they are most frequently required. Statements are always taken at a neutral venue away from police stations and there is a high level of victim care from the outset. To ensure a high quality of investigation, investigators have received additional training in crime scene management and rape trauma.

In support of divisional rape investigation units in Scotland, there is a National Rape Task Force providing a centre of excellence in terms of rape investigation and the monitoring of offences across Scotland. The unit also undertakes investigations into the majority of stranger rape attacks and performs a review function of all undetected rape cases twenty-eight days after the commencement of the investigation. All undetected cases are reviewed by a detective superintendent. Scotland has a National Expert Advisory Group that develops policy relating to the investigation and

prosecution of rape offences. The Crown Policy Unit, High Court Unit, Head of the National Rape Task Force, senior representatives from the Procurator Fiscal's Office and Scottish Rape Crisis are amongst the members of this group, which is chaired by the Lord Advocate. There are also dedicated lawyers dealing with all serious sexual assault cases in the Procurator Fiscal's Office.[7] One of the outcomes of this approach is that Police Scotland can monitor the attrition rate of cases at each stage of the investigative and prosecution process. There is also a high detection rate for rape. In the first ten weeks of 2013 (from 1st April) 1,646 sexual offences were reported nationally with a detection rate of 73.9%. Of these, 327 were offences of rape, with a detection rate of 68.5%. In 2012 in Ireland, 1,286 sexual assaults (not aggravated) were reported with a detection rate of 54% and a total of 507 offences of rapes were reported with a detection rate of 57%.

The Inspectorate received a number of recent Garda Professional Standards Unit Reports from divisional examinations. Each examination specifically looked at the investigation of crime, including the investigation of sexual assaults. Each report has contained areas of concern with the investigation of sexual assaults. Issues found include:

- Long delays in conducting some investigations and examples of cases going back to 2002 and 2004 that have not been concluded;
- Some cases that are many years old, which were never sent to the district officer or the DPP for directions;
- Cases without updates on PULSE;
- Examples where crimes were reclassified to invalid (no crime has taken place), when there was evidence that a crime had occurred.

The Inspectorate believes that rape and serious sexual assault cases should always be investigated by detectives and supervised by a senior detective. This is in keeping with a similar recommendation

made in the Inspectorate's report into the investigation of child sexual abuse published in 2012. At that time, the Inspectorate recommended that only a cadre of specially trained gardaí should record crimes, take statements and investigate crimes. This recommendation was rejected. The Inspectorate still believes that the Garda Síochána should train gardaí to conduct the primary investigation of serious sexual assault allegations. In putting together the content of this training, the Garda Síochána should engage with external professionals such as Cosc, rape crisis groups and the Head of the Forensic Science Laboratory.

Recommendation 6.17

The Inspectorate recommends that the Garda Síochána implements victim-centred policy and good investigative practices in rape and other sexual offences. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Train dedicated officers to undertake the initial investigation of a serious sexual assault, including the taking of a victim's statement. The training should include forensic retrieval, rape trauma, victim care and statement taking;
- Allocate all investigations to trained detectives;
- Implement a formal review process for undetected sexual offences.

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7   Procurator Fiscal is the Scottish equivalent of the Director of Public Prosecutions

6.12 Volume Crime Investigation

As previously highlighted, volume crime accounts for a large percentage of criminal offences that require investigation. The Inspectorate's examination focused on the quality of volume investigations by the Garda Síochána, the length of time these investigations took to complete and the victim's experience.

Barriers to Good Volume Crime Investigation

Police services worldwide experience challenges in managing volume crime investigations. The following are some of the negative factors that can seriously impact on the quality of volume crime investigations:

- Inexperienced investigators;
- Unclear investigation direction given to investigators;
- Excessive workloads;
- Lack of a performance regime;
- Poor supervision;
- Limited or inadequate training;
- A lack of up-to-date forensic capacity.

Where any of these conditions prevail, investigations are often of a poor quality, they are not progressed quickly and offenders are unlikely to be brought to justice. The following part of this report will examine how the Garda Síochána manages volume crime investigations.

Experience and Skills of Investigators

Ireland, unlike most other policing jurisdictions, has no clear policy setting out who will investigate volume crime. Effectively, the default position is that the first gardaí (usually from a regular unit) that deals with an incident will investigate the crime. The majority of these investigators are not trained detectives, although they will have received elements of crime investigation instruction during their foundation training at the Garda College. Gardaí with detective or enhanced criminal investigation training are mainly based in national and district detective units.

Investigations by Regular Units

There are two very distinct stages in crime investigation. The first response to a call is usually referred to as the primary investigation. For a burglary offence, this is performed by the first gardaí to attend and they are expected to conduct an investigation at the crime scene and to secure any evidence that might identify a suspect.

The next stage, the secondary investigation, builds on the work completed at the crime scene and may involve responding to any forensic results found at a burglary or conducting more detailed enquiries. The majority of gardaí should be capable of conducting a good primary investigation of a volume crime and many experienced members would also be capable of conducting a good secondary investigation. There are however, fundamental issues with the current system of secondary investigations for volume crime. There are many less experienced gardaí that do not possess the skills or have sufficient time to do a thorough secondary investigation. In cases where the crime is less serious or where there are leads to a potential suspect, the secondary investigation might be straight forward however, in more serious or complex cases where a suspect is not known, they may be required to conduct significant enquiries. The Inspectorate met with regular unit gardaí who are investigating serious offences such as sexual assaults, robberies, child sexual abuse and other serious assaults. These are serious crimes and the Inspectorate believes that these types of crimes should always be investigated by trained detectives.

A second major obstacle to good secondary investigation is the absence of investigation time for gardaí on regular units. No specific investigation time is built into their roster and their working day is usually spent out on patrol dealing with calls received from the public or they are abstracted for policing operations or local escort duties. In some districts, supervisors allow regular unit gardaí to show themselves as unavailable for calls, to deal with enquiries such as visiting victims to take statements. In other districts, no such time is provided and gardaí try to make enquiries in between dealing with other calls. On checking the CAD system, the Inspectorate regularly found patrol units shown as unavailable for calls as they were conducting enquiries. Other police services

have tried to release regular units from such investigations to enable those units to respond to 999 calls, to patrol hotspots of crime and to prevent further offences.

At present, only those gardaí deployed in detective units or other investigation teams have any time set aside to conduct secondary investigations. Victims of volume crime and particularly the more serious crimes, deserve the deployment of a trained detective and an investigator that has the time to conduct a thorough and timely investigation. During field visits to divisions, the Inspectorate found that detectives are not investigating large numbers of volume crimes and the Inspectorate believes that this is a lost opportunity to use their skills and expertise to tackle key crimes impacting on their local communities. Other policing jurisdictions use detective units to investigate the more serious volume crime cases and a mixture of detectives and uniform gardaí in investigation units to investigate the less serious cases.

In Ireland, there are currently insufficient allocations of detective numbers based in districts to investigate all volume crimes, but they could significantly increase the numbers of crimes that they are managing. As previously stated, there are a number of other specialist units on divisions, such as drugs, traffic and community policing units that are not investigating large numbers of volume crimes and the burden falls very much onto the regular units. The Inspectorate believes that these specialist units need to be more engaged in the investigation process. With the current reduction in garda numbers on both regular units and specialist units under the new roster, the Garda Síochána may

have reached a point where these specialist units may not be viable in their current format.

Volume Crime Case Reviews – Crime Investigation

Running throughout this report has been the analysis of 158 calls for service made to the seven divisions visited. Of the total calls, 114 were recorded on PULSE and forty-four were not recorded. Of the 114 on PULSE, nine were recorded as domestic disputes, thirteen as Attention and Complaints and two as property lost. The other 90 were recorded as crimes for investigation.

Chart 6.14 shows the 158 calls broken down by crime types, number and percentage of cases in each crime type that were designated for investigation.

The overall percentage of cases designated for investigation is low with only 59% of the original 158 cases investigated. Within those figures, there are significant variations, such as 80% of calls to burglaries were investigated, as opposed to only 40% of assaults and 24% of domestic violence calls.

Failure to Record and Investigate Incidents

Following the original request for the 158 cases, the Inspectorate identified that of those cases, 114 cases were recorded on PULSE. On checking those incidents on PULSE, the Inspectorate found that fourteen late PULSE records were created after the request was first made by the Inspectorate and a minimum of twelve months after the alleged crime was notified to the Garda Síochána.

Chart 6.15 outlines a breakdown of the incidents by crime type and shows the average time it took to create the fourteen PULSE records.

Chart 6.14

Volume Crime Case Reviews – Crime Investigation
Calls for Service Investigated

Crime Category of Call for Service	Number of Calls for Service	Calls for Service that were Recorded on PULSE and Investigated	Calls for Service that were Recorded on PULSE and not Investigated	Calls for Service that were not Recorded
Assault	30	40%	13%	47%
Burglary	40	80%	10%	10%
Domestic Violence	33	24%	31%[8]	45%
Robbery	27	81%	8%	11%
Vehicle crime	28	68%	4%	28%
Totals	158	59%	13%	28%

Source: Data supplied by the Garda Síochána.

8   Includes 7 cases of Domestic Dispute - no offences disclosed. (This is not a crime and further investigation would not usually take place).

Chart 6.15

Volume Crime Case Reviews Cases from 2012 not Recorded on PULSE until 2013

Crime Category Type	Number of Cases with PULSE Incidents Created in 2013	Average Delay in Recording from Original Reporting (by months)
Assault	2	13
Burglary	1	13
Domestic Violence	5	14
Robbery	3	14
Vehicle crime	3	15
Totals	14	14

Source: Data supplied by the Garda Síochána.

Six out of the seven divisions created PULSE incidents after the Inspectorate's request for case files. Of the records created, there were five domestic incidents that were not recorded until 2013 and that equates to 15% of the total DV cases requested. Other crimes that were not recorded included a knife point robbery, a burglary, car crimes and assaults. Several of the reports created in 2013 were categorised as non-crime incidents such as Attention and Complaints[9] and property lost. In several of those cases, there is unambiguous evidence that a victim reported that a crime had taken place, but it was not recorded as a crime and was not investigated.

Implications for not Recording these Cases on PULSE

There are clear implications for not recording a crime at the time that it is reported. With these fourteen crimes from the sample, the following issues are relevant:

- No criminal investigation has taken place in the proceeding twelve months;

- Victims of those crimes did not receive a Garda Síochána victim's letter with details of support agencies;

- The victims of those crimes were never re-contacted;

- Potential suspects were never sought or brought to justice for these crimes;

- There was no supervision of these incidents;

- In domestic violence cases, the safety of the victim and of gardaí may be compromised as other gardaí attending further incidents to the same victim or the same address may be unaware of the previous call.

The explanations from divisions for not recording these incidents included an oversight by the garda that attended, or in several cases, an inability to identify who actually dealt with the original call to determine why it was not recorded.

For the majority of reports created at a later date, no reason was offered for failing to record the incident at the time of dealing with the original call.

The random selection of these incidents highlights inconsistency in the recording and investigative practices of the Garda Síochána.

6.13 Domestic Violence Investigations

Domestic violence (DV) was one of five key crimes selected by the Inspectorate as part of this inspection process. Police services recognise the dangers of not dealing with DV incidents and DV often accounts for almost half of all murders that are committed. It is also well reported that reporting of domestic violence is very low and victims suffer many incidents before contacting the authorities or applying for a protection order.[10] In Ireland, the National Study of Domestic Abuse (NSDA)[11] found that under a quarter of those severely affected by domestic abuse told the gardaí. The study also found that where a family or friend discovered that a person was suffering domestic abuse, only eight percent reported the crime to the gardaí.

Domestic violence calls demand a high proportion of police time. Effective response to such calls reduces repeat crimes as well as the effects to the immediate and secondary victims. This elevates the importance of the first contact between the police and a victim of violence or abuse.

Domestic violence first featured as one of the Garda Síochána policing priorities in 2008. Currently, regions, divisions and districts receive weekly

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9   Attention and Complaints is a category on PULSE where non-crime incidents are recorded.

10   Felson et al, 2005.

11   Watsons and Parsons, 2005.

crime reports on the levels of offences across thirty-five different crime types and the detection rates for solving those offences. No DV statistics are included in these reports, and the Garda Síochána is unable to accurately identify the number of weekly 999 calls they receive, the numbers of crimes committed involving DV and the related detection rates. As DV is a national policing priority, the Inspectorate expected to find easily accessible crime data.

During fieldwork, the Inspectorate looked at the strategic management of DV and the operational delivery of services to victims. Assistant Commissioner for National Support Services (NSS) is the lead for DV. As part of NSS, the Domestic Violence and Sexual Assault Unit (DVSAIU) develops policy and provides an oversight function, but does not, as its title suggests, actually investigate offences of DV. Indeed, the DVSAIU does not include a unit dedicated to DV, but responsibility for DV policy is part of the functions of a detective inspector and a sergeant. The DVSAIU is not a proactive unit and it is not currently conducting any DV investigations or reviewing the quality of DV investigations currently conducted by districts.

From a strategic perspective, the Inspectorate found that whilst there is a policy (2007) in relation to the response to DV, there is very little evidence that the policy is audited or monitored to ensure that it is implemented at an operational level. A recurring theme throughout this inspection is the gap between the creation and implementation of policy and the absence of action and supervision to ensure that policy aims are actually delivered. The Inspectorate is aware that a new policy on DV is due to be published.

What distinguishes DV from other crimes is the nature of the relationship between the victim and the offender. There is often a strong element of controlling behaviour on the part of the offender, which can isolate victims from sources of support and regulate everyday behaviour through intimidation. The conventional approach of a criminal prosecution can sometimes create significant difficulties for those experiencing abuse, including the potential loss of a victims home and further intimidation, once a case is concluded. Many victims require alternative options to a criminal prosecution, whilst still knowing that there will be an effective response from gardaí should further violence occur. DV is most effectively managed by a multi-agency response, bringing together statutory agencies and voluntary organisations to provide effective outcomes for victims. The current garda policy does not advocate a joint working approach with other relevant agencies, which is a missed opportunity and particularly important for the complexities involved in DV. The policy only stipulates that the investigating gardaí will provide victims with the details of local support groups, HSE social workers, Family Law Courts and other agencies.

Divisional Response to the DV Policy

The current DV policy provides that each division nominate an inspector to oversee the policy and evaluate its effectiveness. During field visits, the Inspectorate met several inspectors with responsibility for DV. In most cases, the high volume of incidents reported to those divisions diminished the ability of an inspector to check all cases for compliance with the policy. For many inspectors, the extent of their intervention was limited to monitoring the number of offences. Part of the inspector's role is to ensure accurate recording of all DV crimes and all domestic dispute incidents. On checking PULSE incidents, the Inspectorate found no recorded evidence that inspectors are checking DV calls or ensuring the accurate recording and classification of them on PULSE. An exception to this was found in one district where a nominated sergeant monitors all DV incidents.

Assessing Risk and Identifying Repeat Victims

In other policing jurisdictions visited, a formal risk assessment process is undertaken at all DV incidents to identify those at the highest level of risk of abuse and to engage partner organisations at an early stage to provide effective interventions to reduce that risk. In Ireland, there is no such assessment of risk and gardaí are repeatedly dealing with the same victims. If a victim is unwilling to make a statement of complaint, there is no effective police intervention to improve the victim's safety or to provide an alternative way forward. This fails to break the cycle of abuse and results in

further calls to gardaí for assistance and generates a view amongst many gardaí, that these calls are problematic. The current policy states that the investigating gardaí will call back to see a victim of DV within one month to provide an update on the investigation or to offer support in cases where there is no investigation. During focus groups, the Inspectorate identified that follow-up visits do not always happen. Follow-up visits can be an effective way to prevent further DV. In New York, officers must carry out a set number of follow-up visits each month and this policy has contributed to a reduction in DV crime with no negative response from victims.

A revised approach, identifying repeat offences and working with partner agencies to agree practical support would bring a significant improvement in the service provided to victims and reduce the demands on front-line gardaí. UK police services operate a formal risk assessment process, which identifies cases as being high, medium or low risk. The response to each is directly proportionate to the risk of harm faced by the victim and takes account of repeat calls for assistance. In Hertfordshire, high risk victims are offered the services of an Independent DV Advisor (IDVA) who in addition to supporting a victim through a criminal prosecution also provides information and advice about civil court injunctions.

Offender Management

Closely linked to the assessment of risk to victims is the management of perpetrators of DV. Effective management of those committing acts of violence will assist to keep victims and their families safe from further harm. It also sends a clear message that further incidents of abuse will be dealt with robustly through the criminal justice process. An effective process allows for the collection of intelligence about such offenders, which can assist in providing accurate information to the courts about their behaviour, as well as providing the basis for sentencing options. The current DV policy outlines the approach to be taken in relation to bailing an offender charged with an offence, but it is limited to setting out the legal provisions of the Bail Act and the response to more serious offences. The policy does not set out a robust and proactive response to managing perpetrators of DV and abuse. (See also Part 10)

Arresting Offenders

The DV policy clearly sets out the difference between DV related crimes and domestic dispute incidents and describes how each should be recorded and classified. The policy makes it clear that:

- Where there is visible evidence of an assault, the crime should be addressed by the responder rather than placing the onus on a victim to apply for a civil court order;
- Where the investigating member has reasonable grounds to believe that a suspect has committed an offence, then any applicable power of arrest that exists should be exercised;
- An injured party's attitude will not be the determining factor in respect of exercising a power of arrest.

The making of an arrest in cases where a crime has taken place is referred to as 'positive action'. There is a clear expectation from the Garda Síochána that where there is evidence that a crime took place, gardaí will take such positive action. During field visits, the Inspectorate met with operational gardaí of all ranks, both uniform and detectives and discussed their roles in responding to calls of DV and domestic disputes. It was clear from those discussions that the response to DV incidents rests with regular units. Unless a DV crime involves a murder or very serious assault there is virtually no detective input into DV cases. During meetings with detective supervisors, there was an acknowledgement that this is not a crime area that they review on a daily basis. In Part 3, the Inspectorate identified the high number of calls to domestic incidents and the low volume of arrests recorded on CAD at the time.

Volume Crime Case Reviews - Domestic Violence

Chart 6.16 shows the outcomes of the thirty-three domestic violence incidents requested as part of the Volume Crime Case Reviews that were reported in 2012. In many of these cases, the CAD and paper messages recorded that a crime was described by the caller when they first contacted the Garda Síochána. Chart 6.16 shows how many arrests were made and for what offences.

Chart 6.16
Domestic Violence Cases from 2012 not Recorded on PULSE until 2013

Number of Calls	Number of Arrests at the Time of the Call	Details of Arrests
33	4	• 1 for breach of barring order incident • 1 for a public order offence • 2 for intoxication

Source: Data supplied by the Garda Síochána.

Court Orders and Positive Action

As part of the Inspection process, the Inspectorate sampled a number of DV cases. The Inspectorate found that there was a clear difference in the service provided to victims where a court order was in place to protect the person and where no such court order existed. In cases with an order, a garda was more likely to arrest for breach of the order. In cases where a DV crime had clearly occurred, but where there was no court order, there was limited evidence of positive action and in most cases, victims were given advice about how to obtain civil court protection orders. Even when a criminal offence was committed, often no arrest is recorded. In many cases, gardaí reported that victims are often unwilling to make a statement of complaint and this clearly impacts on garda action.

Members from all seven divisions stated in focus groups that positive action is not always taken where crimes were committed and where there were opportunities to arrest the offender. These members also said that DV is not always recorded in cases were a crime had clearly taken place and that injuries sustained by victims are not always recorded on PULSE.

Dip Sampling of Domestic Violence on PULSE

During the course of the inspection, the Inspectorate examined a number of PULSE records to ascertain the standard of recording of domestic violence and domestic dispute incidents. Domestic violence is not in itself a PULSE crime category and accurate recording requires a garda to flag the association of DV on the PULSE record of a crime.

The following are two examples of domestic violence incidents examined during that sampling and highlight key issues regarding the categorisation of DV incidents.

Case 1 – Assault with injuries classified as a domestic dispute - no offences disclosed

A victim's injuries were noted on a PULSE incident as significant bruising. This incident was not shown as a crime, but was recorded as an Attention and Complaint incident. The Garda Information Services Centre (GISC) questioned this classification and highlighted the injuries sustained by the victim. The investigating garda changed the category from Attention and Complaint to a 'domestic dispute no offences disclosed'. This was clearly a crime and should have been recorded as an assault and flagged as domestic violence.

Case 2 – Serious Assault reclassified to an Attention and Complaints (non-crime)

A victim of domestic violence was stabbed by an ex-partner. The victim would not provide a statement of complaint to the gardaí, but when questioned, the suspect admitted the crime. This was initially categorised as an assault, but was later reclassified to a category of Attention and Complaints and effectively not a crime.

Supervision of Incidents

During this inspection, the Inspectorate found an absence of supervision of calls to DV incidents by control rooms. Supervisors do not always check the actions of gardaí dealing with DV cases and are particularly not asking why an offender was not arrested. One division attended five domestic violence calls and on finishing the call, CAD results

for all calls were shown as a 'report to station'. In fact only one call was recorded on PULSE at the time and one was created thirteen months later.

Victim Service and Victim Care

The failure to record an assault or other crime has wide ranging implications. DV is often a recurring crime and one where the violence against a victim continues and often escalates. A lack of action in these cases can expose victims to potentially life threatening violence. There is also ample evidence of the impact caused to secondary victims such as children and other extended family members. Victims of DV and other abuse are some of the most vulnerable and intimidated victims of crime and for this reason, need a higher level of support and protection.

When a person is recorded on PULSE as a victim of crime, they should receive a letter from the district superintendent, which includes contact details for victim support groups. During this inspection, the Inspectorate identified many cases of domestic violence where a crime had occurred, but it was wrongly recorded as an 'Attention and Complaint' or a case of 'domestic dispute – no offence disclosed'. Neither of these circumstances is recorded as a crime and a victim would not receive an information letter. This is a serious flaw, as all victims of DV and domestic abuse should receive information making them aware of agencies that can provide support and advice. Gardaí explained that sending letters in DV cases can sometimes cause difficulties in the event a perpetrator opens the victim's post. There are other options which can be applied to DV. First responders in other police services carry a small card with information on DV services. Alternatively, the garda dealing with the initial incident could provide the victim with a copy of a victim's letter containing details of the various support agencies that are available.

The Inspectorate found an inconsistent approach to dealing with victims of DV who initially make a statement of complaint, but later decide that they do not want to go to court. In some divisions the victim is told to go to court to withdraw their complaint in front of a judge. The Inspectorate does not view this as a victim-centred approach and in many respects it further empowers the perpetrator who is able to see the victim publicly withdrawing the complaint.

Throughout this inspection, the Inspectorate encountered many different garda attitudes towards DV. While the Inspectorate met some members who demonstrated an understanding of DV, others were unaware of the complex reasons why many DV victims return to their abusive partners and the broader challenges faced by DV victims. The Inspectorate met some gardaí who are providing a very good level of service to victims and help them to obtain the relevant protection or barring orders at court. These gardaí also visited victims after the initial call. The Inspectorate also encountered many negative attitudes from gardaí towards DV by referring to calls as problematic, time consuming and a waste of resources, because victims are not prepared to make a statement. Providing a better response to DV victims will necessitate a general cultural change in the attitudes of some gardaí.

Training

Culture can be changed and skills can be improved through awareness and training. The Garda Síochána developed a corporate training programme, which is being rolled out across all divisions, to update members on the relevant legislation and their responsibilities in relation to DV. Unfortunately, the Inspectorate noted that not all divisions had delivered this training package and there does not appear to be any central direction to ensure that this training is delivered. While waiting for the roll out of this national programme, one division developed a training course and the Inspectorate viewed this as a good initiative.

Best Practice in Other Jurisdictions

In every UK police service visited, the Inspectorate found a clear recognition that those experiencing domestic abuse, whether physical, sexual or of a verbal nature, are amongst the most vulnerable victims of crime that police services deal with. Other policing jurisdictions have experienced the same issues with DV and particularly a failure by officers to always take "positive action". These services all have a positive action policy, which is generally interpreted as a positive arrest policy, where on the balance of probabilities an offence

has occurred. The decision to make an arrest is one for the officer at the time and victims are not asked if they wish to have the perpetrator arrested. For example, in Denver, Colorado, an arrest should still take place if probable cause exists, irrespective of the wishes of the victim. In the UK, the Human Rights Act 1998 places a positive obligation on police officers to take reasonable action to safeguard the rights of victims and children. In 1995, a mandatory arrest law was enacted in New York State. Where the victim does not want the arrest, the officer has discretion to arrest. In cases of breach of protection orders, a mandatory arrest applies. The New York Police Department's view is that mandatory arrest works.

Police services with evidence of improved outcomes for DV have significantly changed the approach to investigating this type of crime. Regular unit officers are expected to attend the scene, to make an arrest and then dedicated units (mixture of detectives and non-detectives) take on the investigative role and deal with the offender. This approach has professionalised the response to dealing with such violence and has resulted in a significant increase in arrest levels at the time that a victim calls the police. The investigation units have also developed excellent relationships with statutory and voluntary groups, resulting in better victim care.

A considerable amount of work has taken place between other police services, prosecuting authorities and the courts to improve the approach to dealing with DV. In certain circumstances, a prosecution may proceed without a victim's statement of complaint in cases where the victim has previously called the police and where the levels of violence are escalating. This can, in certain cases, take the pressure away from a victim, as the police and the prosecutors take on the role of deciding whether or not to prosecute. The Inspectorate believes that the arrest of an offender at the time of dealing with a crime or breach of an order sends an important message to all parties that this crime will not be tolerated and that this sort of behaviour has consequences for an offender. In Denmark, the police can formally expel an offender from the home for periods ranging from six hours to twenty-eight days on the authority of a superintendent.

Police Scotland uses an analysis tool, which records the recency, frequency and gravity of DV offences to identify vulnerable persons and repeat perpetrators. Divisions receive regular information on high risk perpetrators, and victims who are potentially at risk. A scoring mechanism allows managers to assess risk and take informed preventative action. At a divisional level, Domestic Abuse Investigation Units operate with an emphasis on proactive investigations against perpetrators. These units provide some investigative capacity as well as support and advice on the investigation of DV. This response is further supported by a Domestic Abuse Task Force, which provides a national, proactive, intelligence-led investigative response to high risk perpetrators. Staffed by a mixture of uniform and detective officers, the unit investigates historic and protracted domestic abuse inquiries. The Task Force targets the most dangerous and prolific perpetrators.

Other jurisdictions have reviewed domestic related murders to look for lessons that could be learnt in respect of reducing the instances of future crimes. The DVSAIU was keen to conduct this analysis and the Inspectorate would encourage that piece of work to be completed.

Multi-Agency Arrangements

Operating in a similar way to the Sex Offender Risk Assessment and Management model (SORAM), DV Multi-Agency Tasking and Co-ordinating Groups (MATAC) operate in Scotland and a Multi-Agency Risk Assessment Conference (MARAC) in the rest of the UK. These groups bring together statutory and non-statutory partners to assess and agree a course of action for high risk perpetrators and victims at greatest risk of harm. The Inspectorate views this approach as good practice.

Supervision of DV

The need to deal positively and appropriately with calls to DV must be supported by robust checking by supervisors. This includes ensuring that the initial investigation is thorough and that where possible, positive action is taken. In all of the UK services visited by the Inspectorate, there is a daily review of all DV cases by senior managers.

Prosecutions

In South Wales, Scotland and Hertfordshire, cases that proceed to a prosecution are heard at dedicated DV courts where magistrates (judges in the case of Scotland) are trained in the specific issues that impact on DV. England and Wales are moving towards dedicated courts, which aim to be 'centres of excellence' and provide a high degree of support and care for victims. The intention is to deal with cases in a timely manner, reducing unnecessary delays, and in particular the number of adjournments.

Future Approach to Domestic Violence

The Inspectorate believes that the Garda Síochána needs to urgently re-appraise both the strategic and operational response to DV. According to the European Union Agency for Fundamental Rights (FRA) pan-European study on Violence Against Women (2014) 15% of Irish women have experienced physical and/or sexual violence by a partner since the age of fifteen. This situation shows no improvement since the National Crime Council report on Domestic Abuse was published in 2005. Domestic abuse is a real and continuing problem and the negative impact is felt by the whole family circle and particularly by children in households where violence is a regular occurrence.

The Inspectorate understands that the Garda Síochána is conducting a review of the policy in relation to the response to domestic violence. A revised approach needs to be significantly more comprehensive and robust than the existing 2007 policy document. The Garda Síochána is urged to look at the services provided in other jurisdictions where innovative policies have been introduced and evaluated as successful.

Recommendation 6.18

The Inspectorate recommends that the Garda Síochána, working with Cosc and key strategic partners, implements victim-centered policy and good investigative practices in Domestic Violence (DV). (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- The Domestic Violence and Sexual Assault Investigation Unit (DVSAIU) must perform a national monitoring function to ensure compliance with the Garda Síochána DV Policy;
- Assign secondary investigation responsibility for DV crimes to dedicated investigation teams;
- Conduct analysis of domestic related murders to inform garda policy on harm reduction;
- Engage victims of DV and support agencies to improve garda awareness of the particular needs of DV victims. This should form part of a garda training and awareness programme;
- Ensure that all calls for DV are properly supervised from the receipt of the call to the recording of the crime or incident;
- Ensure that all crime of DV and incidents of domestic dispute are recorded on PULSE, irrespective of the willingness of a victim to make a statement of complaint;
- Ensure that positive action is taken where there are clear opportunities to arrest;
- Implement a risk assessment process that is completed at all DV incidents;
- Ensure that the corporate training package on DV is delivered to all front-line officers;
- Update the Garda Síochána website with information that is easy to find and provides clarity on the service that a victim of DV can expect;
- Ensure that the requirement for follow up visits is recorded and supervised;
- Ensure that all DV incidents are reviewed at Daily Accountability Meetings;
- Ensure that all victims of DV and parties involved in domestic disputes receive details of DV support organisations.

6.14 Racist and Homophobic Incidents

The levels of race and homophobic crimes recorded in Ireland are very low. This was highlighted again recently in a report by the University of Limerick.[12] Whilst the legislation varies in other jurisdictions, the definition and requirement to record a racist or homophobic incident by the Garda Síochána is the same as the one used in the UK: namely "any incident which is perceived to be racist or homophobic by the victim or any other person". During inspection visits, the Inspectorate asked gardaí of all ranks about investigating racist and homophobic crimes and not one garda reported that they had ever recorded such a crime or investigated an offence.

In most of Europe and the USA, police services refer to particular crimes that are bias motivated in the collective term of 'Hate Crime'. These are usually violent, prejudice-motivated crimes that occur when a perpetrator targets a victim because of their perceived membership in a certain group. Examples would include ethnicity, gender identity, religious and sexual orientation. The term hate crime is not used by the Garda Síochána.

Chart 6.17 shows racially motivated crime committed in Ireland between 2006 and 2013 in these areas.

The number of race crimes recorded in the last eight years in Ireland is low and varied from ninety-four crimes in 2013 to a peak of 217 in 2007.

In the UK, there is a specific offence of racially aggravated crimes. For example, where a person assaults a victim and is racially abusive, they can be prosecuted for a racially aggravated assault, which carries a higher sentence. In Scottish common law, the courts can take any aggravating factor into account when sentencing someone guilty of an offence.

UK police services record racist incidents, regardless of whether a crime took place, but in Ireland, unless a crime of incitement has taken place, it is not recorded as a racist incident. The Garda Síochána has a Racial Intercultural and Diversity Office (GRIDO) that is available to the public and to gardaí for advice and provides a monitoring role in respect of incidents that are reported.

Chart 6.17

Racially Motivated Crime In Ireland 2006 - 2013
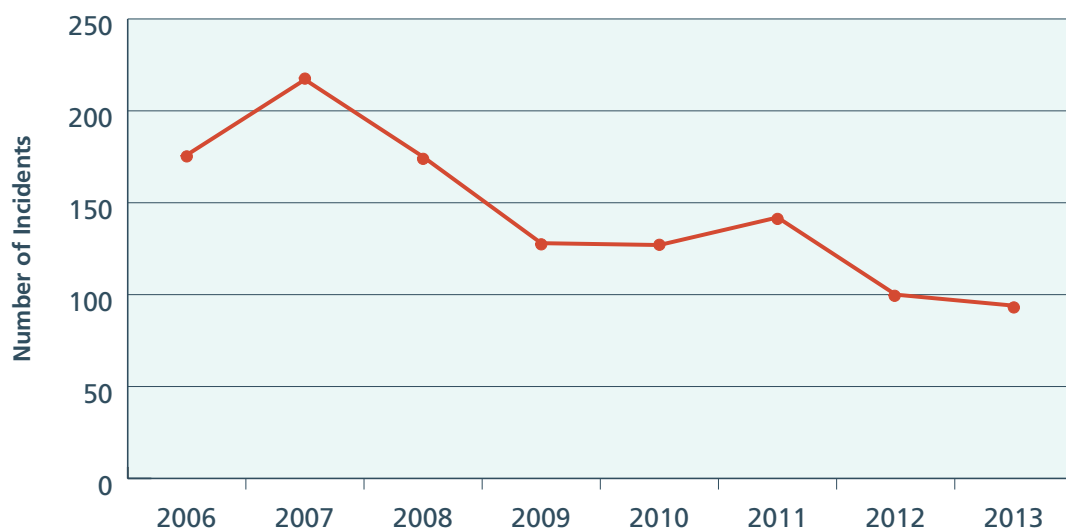
Source: CSO data.

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12 Schweppe, J., A. Haynes and J. Carr (2014) A Life Free from Fear. Legislating for hate crime in Ireland: an NGO perspective. Limerick: University of Limerick.

Divisions have access to local Ethnic Liaison Officers, who are usually gardaí, and they perform many functions, such as a liaison role with communities and they can assist with the investigation of racist and homophobic crimes. The Garda Síochána also has Lesbian Gay Bisexual Transgender Officers (LGBT) who provide an excellent link with established and emerging communities. The Garda Síochána has linked both roles and gardaí are now designated as ELO/LGBT. In many ways the roles are similar, but they are dealing with very different communities and both require very different training to understand the complexities of the communities with whom they are engaging. The Inspectorate would recommend a review of the decision to merge the two roles.

Internationally, police services have tried various initiatives to encourage the reporting of hate crime, including:

- Third party reporting sites: designated places where trained non-police personnel record crimes and pass them to the police;

- Telephone reporting and on-line reporting of crime to the police or other organisations. (These are further explored later in this Part).

Racial and homophobic crime is an area that is under-reported in many jurisdictions and the Garda Síochána needs to review its approach to encourage victims to come forward and ensure that gardaí are aware of the importance of accurately recording such crimes.

Recommendation 6.19

The Inspectorate recommends that the Garda Síochána implements a victim-centered policy and good investigative practices in racial, homophobic and other similar crimes to encourage victims to report offences. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Ensure that all crimes containing elements of hate or discrimination are flagged on PULSE;

- Create clear modus operandi features on PULSE that allow the accurate recording of the nine strands of the Diversity Strategy;[13]

- Develop third party reporting sites to accommodate victim reporting;

- Review the decision to merge the role of ELO/LGBT officers.

6.15 Investigation Plans

With regards to secondary investigation of crime, it is good practice for a supervisor to agree and record an investigation plan with an investigating garda. The benefits of an investigation plan include clear direction from a supervisor about what action a garda is expected to take and agreeing timescales to ensure that cases are progressed diligently and expeditiously. Across the seven divisions visited, the Inspectorate found limited evidence of investigation plans and no plans were found on PULSE. One division uses PULSE to send messages or actions to officers, but these tended to be one-off tasks, rather than a detailed investigation plan. Across all divisions the Inspectorate found a significant number of different paper pro-formas that are used as check lists for gardaí who are dealing with crimes. These pro-formas are generally retained by the garda and updated at various time periods. There was an inconsistent approach as to the type of cases that generated a form and in some divisions they were only used in more serious crimes. This system generates huge volumes of paper and a supervisor needs to speak to the investigating garda to find out what is happening in a case. The Inspectorate believes that all cases should have an investigation plan and plans should be recorded on PULSE.

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13 The Garda Síochána Diversity Strategy covers nine strands of diversity but PULSE does not have MO features that allow the accurate recording of crimes under each strand.

Recommendation 6.20

The Inspectorate recommends that the Garda Síochána develops investigation plans for crimes that are recorded on PULSE. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Investigation plans must be approved by supervisors and recorded on PULSE.

Recording of Crime Investigation

As highlighted in Part 4, the quality of narratives entered on PULSE incident records is generally poor and very little investigation detail is recorded. The Inspectorate was informed by senior gardaí that the details of secondary investigations are recorded on the PULSE system and particularly the results of forensic examinations and updates to victims of crime. From checking large numbers of PULSE records, the Inspectorate found very little evidence to support that assertion. Indeed, in many cases there was no additional information added to the PULSE incident from the time that the report was first created.

In all other police jurisdictions visited, the Inspectorate found that an electronic crime recording system was used to record all details of a crime investigation. For example, in the case of a rape investigation in Ireland, the narrative on PULSE may only contain ten lines, whilst in another police service the narrative could run to ten pages. In these police services, all entries are timed and dated with the details of the officer that updated the record. There was also clear evidence of supervisors checking the progress of investigations and recording tasks allocated to investigators. The recording of this information on the PULSE system would make supervision more efficient. The Inspectorate acknowledges that the PULSE narrative has limited space for recording an investigation, but the current available capacity is not used effectively. Other police services have moved to systems with electronically scanned statements and other documents on a case management system and very little paperwork is retained.

Volume Crime Case Reviews
PULSE Investigation and Victim Updates

On examination of the ninety cases that were assigned for investigation, the Inspectorate found that in 43% of those cases, no update was recorded on PULSE in the preceding twelve months and in most of those cases there were no updates from the date that the report was first created.

In 13% of the cases investigated, an update was only recorded on PULSE after the request by the Inspectorate for information on those cases.

Most of the updates that were recorded on PULSE referred to suspects identified, arrested or charged. A few updates recorded that actions were taken, such as conducting door to door enquiries or obtaining CCTV. There were very few victim updates and very few entries from crime scene examiners. Six out of the seven divisions visited demonstrated similar issues in not updating PULSE incidents, with only one division having a high rate of PULSE updates. Some of the cases not updated were serious crimes such as a violent robbery, where no information was recorded in the previous twelve months.

Within these cases, the Inspectorate identified crimes where the investigating garda was on extended leave, including sick leave, or had retired and their cases were not reallocated. In one case, a garda retired and a new investigating garda was appointed some eighteen months later (after the Inspectorate's request for these cases).

Before a garda transfers out of an area, leaves the police service or in the case of a garda who are absent on extended leave, it is good practice to ensure that any crime investigations assigned are reallocated to another member.

The paper system of recording crime investigation in the Garda Síochána is costly, relies heavily on the investigating garda to provide updates on cases and often results in paper files being misplaced. The use of PULSE must be expanded to ensure those who support a crime investigation, such as crime

scene examiners, juvenile liaison officers, and those examining exhibits, directly record the results of their contribution onto the PULSE report.

The Inspectorate believes that the Garda Síochána, in the short term, must greatly increase the narrative space available on PULSE to ensure that investigation details are recorded and in the long term to develop a new system that provides for the more detailed recording of a criminal investigation.

Recommendation 6.21

The Inspectorate recommends that the Garda Síochána ensures that all investigation updates are recorded on PULSE e.g. CSE examinations. (Short term).

Case Loads and Allocation of Crime for Investigation

A garda's crime investigation case load is effectively the number of crimes that an individual garda is currently responsible for that have not been closed. There is a tipping point, where high case loads begin to impact on the quality of investigations. An experienced investigator is often more likely to manage a higher workload than an untrained and inexperienced garda. Allocations are also influenced by decisions made by supervisors to assign the most active and committed gardaí to ensure that crimes are investigated thoroughly. The net result is an unfair allocation of crime and the best gardaí often end up with significantly higher case loads.

Garda focus groups were asked how many cases each member was currently investigating. During the visits to the seven divisions, there was no garda that could precisely answer this question. One regular unit garda did say that they may have upwards of 250 current investigations and a detective garda estimated a case load as high as 3,000 crimes spanning over a number of years. In Ireland, unsolved cases are often not closed and once allocated to a garda, it remains with them until a suspect is identified and the case is solved. There comes a point where a high number of cases is unmanageable and gardaí admitted that after about a month, they stop looking at the cases that they are unlikely to solve without new information.

During focus groups with supervisors, the Inspectorate asked how many crimes were being investigated by gardaí reporting to them. Again not one supervisor across seven divisions was able to say how many crimes individual gardaí were investigating. A supervisor should know the answer to this question. During visits to other police services, the Inspectorate tested the same question about case loads and without fail, both investigators and supervisors were able to precisely state the number of crimes they were investigating. In these policing jurisdictions, case loads ranged from eight to sixteen crimes for each investigator, depending on the seriousness of the cases. The main difference in the crimes that these officers were investigating is the fact that a crime screening process had taken place and they were investigating cases with a higher probability of solution.

Proportionality with Crime Investigation

The current Garda Síochána approach noted during this inspection is to investigate all crimes to the same level. An investigator assigned to a case will be expected to fully investigate that crime, regardless of the seriousness of the crime or the chances of solving it. For example, gardaí reported to the Inspectorate that if they recorded a low level incident, the district officer would expect a full investigation and possibly a case file. Clearly, some crimes are more serious than others and require full investigations, but there are other less serious crimes that do not always require the same level of investigation. The Inspectorate believes that an effective crime management system (as highlighted in Part 5) would apply proportionality to criminal investigations.

Timeliness of Investigations

With more serious criminal offences (indictable offences[14]) there are no time limits on commencing a prosecution. Nevertheless, the Garda Síochána policy is to initiate proceedings as soon as possible after the commission of the offence and without any avoidable delay in accordance with the principle that justice delayed is justice denied. For

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14 Some volume crimes are indictable offences. Summary and indictable offences indicate the manner in which these offences are tried or dealt with in the courts. A summary offence is one which can only be dealt with by a judge sitting without a jury (the District Court), while an indictable offence is one which may be or must be tried before a judge and jury.

victims of crime, the speedy arrest and prosecution of an offender often alleviates concerns that the perpetrator is still at large.

With less serious offences (summary only) proceedings must be taken within six months after the date of the commission of an offence. Less serious cases with time limits include offences such as minor assaults and possession of a small amount of cannabis. The important time in this process is the date that the offence was committed and not the date that the victim reports the offence.

During field visits, the Inspectorate established that regardless of the seriousness of the crime, gardaí are normally given three months to complete an investigation and this often stretches towards the six month time limit for summary offences.

Arresting Suspects

In Ireland, there are many different laws in respect of the arrest and detention of identified suspects and although gardaí may have reasonable grounds to suspect that a person has committed an offence, they are not always arrested immediately. In many cases, the investigating garda will attempt to gather all available evidence prior to speaking to a suspect and then will decide whether to arrest a suspect(s) or invite them to a garda station to be interviewed under caution, but not detained in custody. In these circumstances, case files are often prepared and sent to the district officer. If the case is a serious one, the file may well be forwarded to the DPP for a decision on whether to prosecute or not.

In many of these cases, prosecutions may proceed by summons, rather than by charging. Many gardaí said that they prefer this system, as they have more time to prepare case files for court, but cases dealt with by summons take a minimum of three months longer to go to court. From examination of case files and PULSE records, the Inspectorate is aware that many less serious crime investigation cases go right to the six month time limit and gardaí are then placing themselves and the courts under pressure to commence proceedings before the case becomes statute barred.

In meetings with court personnel, the Inspectorate noted concerns expressed at late applications (close to the six month date) by gardaí for summonses to be issued. In one court visited, 20% of the summonses issued are late submissions. Once the summons is issued, a court date is set for at least three months ahead. In many cases, by the time the first court date is arranged, a case is already ten months old. Where there is no time limit for proceedings, cases can extend even further. Examples were provided where assault and drug cases are taking up to two years to get to court. With more serious cases, there are even further delays and examples were provided of cases that took three years to reach the courts. The issue of summonses is further discussed in Part 11.

Named Suspects on PULSE

Crime recording systems in other police services usually have an application that provides the details of any named suspects recorded in a crime report who have not yet been arrested for that crime. This is particularly useful information for supervisors who can monitor investigations and ensure that where suspects are identified that they are arrested at the earliest opportunity. Clearly, suspects may re-offend and it is important to ensure that opportunities to arrest are taken, particularly if an arrest may prevent another crime from occurring. Unfortunately, there is no PULSE search facility that provides this important piece of information. During inspection visits, the Inspectorate did not find any supervisor who was able to provide details about how many people were shown on PULSE as a suspect, who had not yet been arrested.

Not Recording a Named Suspect on PULSE

A practice brought to the attention of the Inspectorate was the decision of some investigating gardaí not to record a known suspect's details on the PULSE record right away. In essence, this information is not recorded in case another member might arrest that person and take credit for that detection. Senior gardaí indicated to the Inspectorate that they are aware of this issue. This is a serious matter, particularly if an early arrest could have prevented that suspect from committing another offence. In contrast, in other police services, it is viewed as helpful when an officer locates and arrests a suspect that is wanted by another officer.

Timeliness of Prosecuting or Progressing Cases

During visits to the seven divisions, the Inspectorate discovered lapsed criminal cases where there was an identified suspect for a crime, but the six month time limit for proceedings had passed. These cases are effectively lost. In two of the divisions visited, a large number of drug possession cases were identified where a person was found with an illegal substance, but no proceedings were ever commenced. This will be further explored in Part 11. In fact, these crimes are shown as detected, but the suspect was never brought to court. Another reason for lapsed cases takes place in circumstances where there are both serious and minor offences in connection with a particular individual. As the more serious offences often take longer than six months to fully investigate, the minor offences have, by that time lapsed and they cannot be dealt with. Most divisions visited do not have systems in place to track such cases, particularly the less serious ones. At present, the system relies heavily on individual gardaí ensuring that summonses are issued or directions to charge are obtained before the case becomes statute barred. The Inspectorate is aware that this problem is not confined to these two divisions and such cases occur across Ireland. Failure to progress a prosecution may be a neglect of duty issue.

Recommendation 6.22

The Inspectorate recommends that the Garda Síochána conducts a national audit of lapsed criminal cases and introduce a system to ensure that investigations are progressed in a timely manner. (Short term).

This is linked to a recommendation in Part 11, with regard to lapsed cases that are recorded as detected.

To achieve the above recommendation, the following key actions need to be taken:

- Address the causes for lapsed cases;
- In the absence of an electronic case management system, develop a filing and tracking system to significantly reduce the number of cases which are not progressed in a timely manner.

Child Interviews

Garda policy directs that only specialist interviewers will take statements from child victims of sexual abuse. The policy also directs that specialist interviewers should interview adult victims of sexual offences, but interviews with children should take priority. The Garda Síochána has trained specialist child interviewers who conduct interviews in cases where a child or young person may have been the victim or witness of sexual or physical abuse or serious neglect.

During meetings with investigators, concerns were raised in some divisions about time delays in completing interviews. Gardaí stated that it can take up to six months before a child interview is conducted. In divisions where the specialist interviewers were dedicated to that role, the interviews appeared to be conducted much sooner than in places where the interviewers had to be released from other posts. The transcription of those tapes also adds to delays and responsibility for this function appears to have fallen to the gardaí.

Recommendation 6.23

The Inspectorate recommends that the Garda Síochána conducts a review of the availability and deployment of child specialist interviewers and with the HSE, to review the process of creating interview transcripts. (Medium term).

Computer Examination

The forensic analysis of a personal computer or a lap top seized as an exhibit is taking an unreasonable amount of time. Investigating gardaí at every district highlighted long delays, ranging from two to four years for completion of computer examination. The Computer Crime Investigation Unit (CCIU) which analyses computers is centrally based and part of National Support Services (NSS). This unit is struggling to deal with the volume of work and has a significant backlog. A substantial part of this backlog relates to the examination of computers seized from those suspected of possessing indecent images of children. The delays are impacting on the progress of investigations and the management of potentially high risk offenders. The Garda Síochána is aware of the risks arising from this situation and is taking steps to reduce the delays in examination.

The use of technology has resulted in an increase in the amount of IT equipment seized. The CCIU has received an increase in staffing levels, but the unit is still struggling to clear the long back log. The CCIU conducts a risk assessment for cases and prioritises the more serious crimes. At present, there is a four year back log and the unit is receiving more cases each day.

The CCIU would like investigating gardaí to conduct a preliminary check (triage) at the point of a search or before seizure, to assess if there is any evidence to be retrieved. Time invested in deciding on what evidence can be obtained would reduce the amount of time that is later spent examining equipment without evidence. The CCIU believe that this would reduce workload by approximately 40%. At the time of finalising this report, the unit is drafting an instruction to investigators. The Inspectorate believes that there is an opportunity to regionalise the unit to reduce the amount of travelling required and also to develop closer links with local investigators.

Other policing jurisdictions also face problems with delays in computer analysis, but not to the extent of the delays experienced in Ireland. Solutions used in other services have included taking computer analysts out on searches and providing hand held technology that allows cursory examinations to be conducted at the time of a policing operation, in order to determine if there is evidence on a computer or other device.

The Inspectorate believes that the back log needs to be addressed and there appears to be a good business case for examinations to be conducted on a regional rather than a central basis.

Recommendation 6.24

The Inspectorate recommends that the Garda Síochána conducts an urgent review of the approach taken to computer examination and significantly reduces the time taken to provide evidence to investigators. This should include the resources required to provide an effective service and to explore options for creating units in key geographic locations. (Short term).

Telephone Analysis

Detectives and investigating gardaí also highlighted to the Inspectorate significant delays in obtaining mobile phone subscriber information and details of calls made by suspects using mobile phones. Some of the mobile phone companies are not providing a timely service to the gardaí and delays of nine to twelve months are not unusual. These delays are severely impacting on the timeliness of investigations. This is further discussed in Part 8. The Inspectorate believes that the Garda Síochána should engage with the telephone service providers to agree a more effective and efficient way of obtaining this sort of information.

Recommendation 6.25

The Inspectorate recommends that the Department of Justice and Equality and the Garda Síochána engage telephone service providers to reduce the current delays in providing call data. (Medium term).

Impact of Delays on Victims and Witnesses

The timeliness of an investigation is very important to victims of crime and particularly in cases involving violence and entries to peoples' homes. A long delay in arresting suspects and completing investigations is not good victim service. Delays in getting cases to court also impact on the availability of witnesses and victims and long delays may make it more difficult for them to provide clear and accurate accounts of what happened in their case.

Impact of Delays on Suspected Offenders

Whilst a victim of crime is a key priority in any crime investigation, there also needs to be cognisance about the impact of a delayed investigation on a suspected offender; particularly on a person who may not have committed that crime. Delays in completing crime investigations can make it more difficult to locate transient offenders and a delay also increases the risk of that suspect re-offending. There is also the issue of fairness to a person in terms of their right to a fair trial. Article 6 of the European Convention on Human Rights outlines the right to a fair trial and also the right to a hearing within a reasonable time. In Ireland, judges have dismissed court cases for abuse of process due to excessive and avoidable delays.

Part 9 of this Crime Investigation Report fully discusses the findings of the volume crime cases and the issues around timeliness and investigating known suspects. It highlights a number of concerns in respect of gathering evidence and dealing with suspects.

The following are some of the key findings contained in Part 9:

- Delays or failures to gather and view CCTV evidence;
- Delays in obtaining victim and witness statements;
- Some poor quality statements from victims and witnesses taken by the gardaí;
- In some cases, action only taken following the information request from the Inspectorate;
- Delays in dealing with known suspects.

Overall Timeliness

The issue of timeliness in crime investigation is important in respect of speedy summary justice. In Ireland, the process of crime investigation is considerably slower than in other policing jurisdictions visited, with less serious crime investigations taking up to six months to investigate and commence proceedings. With more serious offences, this stretches to over a year. This is particularly worrying in a case where there is a named suspect at large who may well re-offend during this period. Other policing services have a starting point of making an early arrest and where possible charge a person on the day that the crime was first reported. In Ireland, the Inspectorate found cases where there were unnecessary delays.

International Comparisons

Other policing jurisdictions generally operate two systems for progressing crime investigations. Where a suspect is identified, an arrest is usually made at the earliest opportunity and a quick decision is made whether to prosecute or not. In cases where there is sufficient evidence to prosecute, authority to charge can be obtained immediately and the person can be charged whilst still in police custody. This effectively brings an investigation to a quick conclusion and all case papers are completed at that time.

Where a crime is committed without an identified suspect, investigating officers are usually given between two and four weeks (depending on the complexity of the crime) to complete their investigations. In these policing jurisdictions, summonses are used far less in criminal cases and more for traffic matters or for offences where a power of arrest is conditional. It is clear to the Inspectorate that other policing jurisdictions make far quicker decisions about the outcome of a criminal investigation.

The Greater Manchester Police (GMP) conducted an informative piece of analysis of the time actually taken to bring a case to conclusion and the actual time it takes to complete an investigation. They found that investigations were taking fifty-five days, but the actual investigation time involved was only 4.5 hours. As a result, they have changed the approach to crime investigation, moving investigations from first responders to dedicated neighbourhood teams, who now conduct the investigations. The change in crime investigation practices has reduced the time to conclude a case by 50%.

Combined with other recommendations in this report, the Inspectorate believes that the majority of crime investigations should be concluded within a maximum of twenty-eight days.

Recommendation 6.26

The Inspectorate recommends that the Garda Síochána reduces the time scales for crime investigation from three months to a maximum of twenty-eight days. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Record all suspected offenders' details on PULSE;
- Develop a search facility on PULSE to identify named suspects not yet arrested;
- Take witness and victim statements at the time of dealing with a crime where there is a likelihood that a suspect will be arrested;
- Re-allocate crime investigations for any garda who is transferring, retiring or is on extended absence from work.

6.16 Other Investigative Opportunities

CCTV Database

The use of CCTV in criminal investigations has become prominent in terms of gathering and viewing CCTV footage to see if the crime was captured or the suspect entering or leaving the vicinity. In serious crimes, CCTV is often the first focus of an investigation team.

At present there is no national CCTV database that contains the details of all CCTV systems (public and private) that are in operation. Other police services have developed a database of all systems and whilst the initial identification and recording of systems was time consuming, it provides full details of where systems are and what areas they cover. The Inspectorate believes that it would be a good initiative to develop and maintain a garda national CCTV database to assist investigators in crime investigation. It may be possible to link with CCTV location information gathered by the Private Security Authority.

> **Recommendation 6.27**
>
> **The Inspectorate recommends that the Garda Síochána develops a national CCTV database that contains details of all systems that are operating. (Long term).**

Use of Automatic Number Plate Recognition

Automatic Number Plate Recognition (ANPR) provides technology that scans vehicle number plates, checks these against vehicle and police databases and identifies vehicles of interest. Other police services use this information to prevent and detect crime. In Ireland, 112 garda vehicles are equipped with mobile technology and there are limited ANPR systems on static cameras. Between 1st January and 30th September 2012, mobile ANPR read 8,484,112 number plates and this activated 592,864 matches to vehicles on the ANPR system. The majority of activations were for uninsured or untaxed vehicles. In most cases, systems fitted to police cars allow checks to be made on the car directly in front and directly behind the garda equipped vehicle.

Most UK police services have the same mobile technology, but are moving more towards static ANPR systems and linking them into existing camera systems, such as those operated by local authorities. The advantages to this are significant in terms of the volume of vehicle checks processed at any one time and one camera can effectively cover many motorway lanes. With these systems, police services need to be able to react to activations and often assign police vehicles to key locations to stop vehicles of interest. In serious crime investigations, the static ANPR systems have proved beneficial in tracking the movements of vehicles before and after crimes were committed. The Inspectorate believes that the Garda Síochána should with its partner agencies explore the options to develop ANPR on existing camera networks.

> **Recommendation 6.28**
>
> **The Inspectorate recommends that the Garda Síochána should, with its partner agencies, explore the option of developing Automatic Number Plate Recognition system (ANPR) on existing camera networks. (Long term).**

Case Files and Investigation Files

As previously highlighted, PULSE is not a crime investigation system and following the creation of an incident on PULSE, there is often very little added to the record. In practice, the record of an investigation reverts to paper based systems. Such paper work is often referred to as a case file. 'Case file' is a loose term and often a case file only consists of a copy of the PULSE record or a victim's statement of complaint. In cases where directions for prosecution are sought from a district officer or the DPP, the file is usually referred to as an 'investigation file' and these paper files generally contain far more information.

The numbers of case files created for crime investigations varied greatly across the seven divisions visited, depending on the type of crime that was committed and where that crime took place. Generally, the Inspectorate found that in more rural districts the local superintendent had a much higher expectation that a case file would be created for all incidents. In some of the more urban districts, superintendents would still like a case file for most crimes, but accept that in reality this

is not always going to happen. In one of the urban districts visited, an audit of 300 burglary offences produced only fifty case files.

Most garda districts use a variety of paper pro formas for monitoring crime investigations and the investigating garda uses the pro forma to record the actions they have taken, e.g. obtaining and viewing CCTV. With paper based case files, it is difficult to supervise the progress of a case without access to the investigating garda or to the case file. If the garda is off-duty on leave or on other absence such as sick leave, the file is often unavailable and no one else will be able to say what is happening with that crime. If a victim wants an update on their crime, only the investigating garda can provide it.

Many national units do not routinely investigate crime and often a PULSE record is only created once an arrest is made. National units do not usually create a case file, but will create a 'Jobs Book' for serious cases and an investigation file for less serious cases that need to go to the DPP for directions.

There is no national standard operating practice for when a case file should be created and what it will look like. All seven divisions visited operated different processes and pro formas and within some divisions, districts were found to be operating different case file systems.

Examples include:

- One division uses a case management form, but it is only used for more serious cases such as robbery;
- Some divisions expect case files for certain crime types such as burglary, but in reality this is not always happening;
- Some divisions expect case files for all crimes and all incidents;
- One division has a stand alone software package that monitored the progression of cases that were nearing the six month statute limit.

The Garda Síochána is in the process of designing a case file that will provide a national standard file that all units will use. In the absence of

an electronic case management system, the Inspectorate believes a standard national case file protocol would ensure consistency in application and approach across all divisions and specialist units.

> **Recommendation 6.29**
> **The Inspectorate recommends that the Garda Síochána implements a standard national case file. (Short term).**

Case File Requests

The Inspectorate made two separate requests to the Garda Síochána for case files in order to assess the quality of this work. Firstly, the Inspectorate asked for thirteen case files for a variety of different crime types that resulted in a successful prosecution. The files received were cases where a suspect had been identified and had proceeded through the courts with successful outcomes. The files received were very comprehensive and completed to an excellent standard.

Following that request, the Inspectorate made a second application for a much larger number of case files that were randomly selected by the Inspectorate. In general, unless the case was going to court, the quality of the case files was of a much lower standard. Analysis of the second set of case files is highlighted in this Part in the Volume Crime Case Review section.

Other Policing Jurisdictions

Most other policing jurisdictions do not operate a similar system of case files unless a case is likely to go to court, at which stage case papers are prepared for a prospective court case. In all cases, details of investigations are recorded directly onto their crime recording systems and the only other documents created might be exhibits or a victim or witness statement. Files are not generally completed for cases that are likely to remain unsolved.

In the Garda Síochána there is a clear difference in the quality of a case file for a routine criminal investigation and a file that is submitted to a district officer or the DPP for directions on charging. The files going to the district officer for directions

generally followed a similar and structured format. These files had the appearance of a prosecution file and were completed to a much better standard.

Case File Locations, Storage and Movements

During field visits, gardaí were asked where case files are kept and the consistent response was "everywhere". The majority of gardaí stated that files are kept in their lockers. In extreme cases, locations for keeping files included members taking them home. The retention of files by individual gardaí removes the ability of supervisors to check the progression of cases and if officers are away from work for extended periods, then files are not readily available. The Inspectorate found one district that retained all case files in a cabinet in the Public Office, so that they were available for supervision and for enquiries made by victims of those crimes.

There are often several copies of case files. Producing numerous copies is costly both in terms of personnel time and wasted resources, such as paper and photocopying. It is also producing a significant problem in terms of storage and the secure management of case files, all of which contain personal and sensitive information. Each fieldwork visit included a tour of the relevant storage areas for case files and in many cases, stores were generally full to overflowing with files and the ability to retrieve files was not always adequate.

Across the divisions visited, the Inspectorate found a large variation in the time taken for a file to travel from one person to another and to be returned. For example, a garda investigating a case may need to seek directions from a district officer about whether to charge a person for an offence. In most cases, this file will travel from the investigating garda to a sergeant or an inspector before it goes to the district officer. The Inspectorate was informed that there are large variations in the time it takes for files to be returned with decisions. Examples included two days to several months, and it appeared to be wholly dependent on the individual that received the file. Where a file was sent to the DPP, there was similar feedback about cases that were returned in two weeks, to a national unit case that took two years to obtain a response setting out directions and advice concerning a prosecution. A national unit also gave

an example of an internal garda investigation that was completed in three weeks, but it took twelve months to obtain directions.

Cases in district courts outside of the DMR are currently prosecuted by superintendents and inspectors. More serious cases are dealt with at circuit courts and these cases are prosecuted by state solicitors on behalf of the DPP. During field visits the Inspectorate met with several state solicitors who are prosecuting cases in those divisions. In general, they have a good relationship with district officers. With regard to crime investigations and case files the following points were raised:

- Files are often sent that are incomplete and require additional statements. In some cases the missing statements are required from the district officer that sent the file;

- Files with no likelihood of a prosecution are submitted;

- The quality of case files varies greatly;

- Case files can take a long time to reach the state solicitor and some statute time limited cases are arriving with only a few weeks to go before the six months prosecution deadline.

With regard to submitting files to the DPP, the Garda Síochána has a duty to submit all files relating to certain offences, such as sexual assaults. In addition, the Inspectorate was informed that in national units, many cases are submitted to the DPP, even where there is insufficient evidence to proceed with a court case. This involves the completion of a full file to the DPP in a case where the facts of the case indicate that a prosecution will not take place, including production of up to three additional copies of the case file. In a complex case, this is a significant undertaking and an unnecessary cost.

In other policing jurisdictions, investigators of all crime types (serious and volume) have formal processes to access pre-charge advice on a case. This allows an investigator and a prosecutor to discuss the merits of a case and identify any additional investigation leads that need to be taken. This has two distinct benefits. Firstly, fewer cases are sent to prosecutors where there is insufficient evidence to

proceed and secondly, fewer cases are returned for additional enquiries. The Inspectorate supports the concept of obtaining pre-charge advice and believes that it should be available to all investigators.

The manual photocopying of case and investigation files was a common topic across all seven divisions visited. A file may be copied on several occasions and examples include:

- A district administration unit may retain a copy;
- A divisional administration unit may retain a copy;
- The investigating gardaí often keeps a spare copy of the file in case it gets lost when the original is sent to a supervisor or the DPP; and
- Copies are prepared for submission to the DPP: three copies are made for summary cases and four for indictable cases.

There is a significant time and cost implication for this. The Inspectorate is not aware of any analysis conducted by the Garda Síochána to cost the process of copying case files, but it is likely to be a significant issue and one where there are clear opportunities to save time and resources. Other policing jurisdictions have moved to the production of one file to avoid unnecessary costs or have encouraged prosecutors to accept files electronically. With electronic file systems, cases can move much quicker and progress can be easily tracked and monitored.

Volume Crime Case Reviews Case Files and Investigation Files

Case Files

Of the ninety cases investigated, the divisions indicated that fifty-two (58%) had associated papers and, where possible, those papers were supplied to the Inspectorate. In some instances, divisions were unable to locate case files. The creation of case files varied greatly between divisions, with the highest completion rate of 85% of cases with a file to the lowest at 27%.

The quality of case files was generally of a low standard and usually consisted of a victim's statement, a copy of a PULSE record and in some cases an investigation pro forma. The Inspectorate did not see any added value in the paper file above the PULSE record.

Investigation/Prosecution Files

Of the fifty-two cases with associated files, twenty-three had more comprehensive case files that were sent to the district officer or the DPP. These were completed to a much higher standard than the other twenty-nine case files. Of the twenty-three files, two were completed to an excellent standard, one in connection with a serious aggravated burglary completed by a detective and the other by a uniformed garda investigating a linked series of burglaries. Of the other twenty-one files, nineteen were completed to an acceptable standard and two were very short on information and content.

File Supervision

On checking the files, the Inspectorate found limited evidence of supervision by sergeants and inspectors before a file was sent to a district officer. For example, there were no notes on files showing that investigating garda were tasked to complete certain actions. There were also basic errors in cases, such as the wrong date for crimes recorded on witness statements or garda statements where the date of the statement was not shown. Case files also included victim and witness statements that clearly showed that a more serious crime took place than the crime that was recorded on PULSE. In one particular case, every mention of the crime in the case file refers to an assault with harm and yet the crime was classified as a minor assault.

Victim and Witness Statements

The quality of victim and witness statements varied greatly from well completed and detailed statements, to very short statements that were missing basic details, such as how the crime happened and good descriptions of suspects. In a case of assault with harm, the victim's statement was only eleven lines long and the associated witness statements were equally short. The taking of a witness statement is a core function for any police officer and it is critical to obtain best evidence to support a potential court case. The issue of gardaí taking poor witness statements was raised during this inspection by training staff at the Garda College and by senior gardaí in divisions.

Outstanding Actions from the Inspectorate's Request for Case Files

There were significant delays in providing the requested case files from all divisions and at the time of completing this report, there are still some cases that are awaiting satisfactory responses. In one individual case, it took eleven months to respond to the request for information.

Following the supply of case files and information on cases, the Inspectorate sent a list of follow up questions in response to the paper work supplied. Again, there were delays in receiving this additional information and at the time of completing this report, there are still five outstanding actions.

The inability to respond in a timely manner to what in most police organisations would be a simple request for files highlights the deficiencies identified by the Inspectorate in crime case file management.

Case Management

There is no electronic or national standardised system for case management in the Garda Síochána. All divisions and national units visited operate different systems for monitoring cases. Six out of the seven divisions visited operate a paper based case management system. The decision to create a case file is often made at district accountability

meetings and cases are logged in registers. At these meetings the Inspectorate found that not all crimes are monitored in respect of case progression and the focus tends to be on the more serious crimes that have taken place. This approach results in an absence of oversight for the cases that are deemed less serious.

Some districts send a paper reminder to gardaí requesting updates on crimes and investigating members complained that they are regularly asked for the same update for an action that is complete. If this was all recorded on PULSE, then it would remove the need for such paper updates to be generated. Often the reminders are sent to establish if the garda has conducted routine enquiries, such as house to house enquiries. This is all relevant information that should be recorded directly onto PULSE and should not result in a garda having to spend time writing paper reports to update managers.

Good Practice

One division secured funding for a piece of software that operates on PULSE and uses a traffic light system to flag up cases that are moving towards the six month limit for prosecutions. The use of this system appeared to be a better way of ensuring supervision of cases as sergeants did not want to receive a message highlighting that one of their members' cases was flagged as red.

Other policing jurisdictions have moved towards electronic systems for case file management. West Yorkshire, Denmark and the PSNI use the same record management system that tracks case progression. Demonstrations of this system showed that supervisors can track individual cases and case loads of individual officers. It also allows for the scanning of all documents, such as statements and the direct transfer of a case from the police to the prosecutor.

Two changes would significantly improve case file management:

1. A national standard that is consistent across the Garda Síochána; and

2. A move away from paper files and paper based management systems to electronic IT solutions.

The Garda Síochána must have a computerised case investigation and case management system that ensures that investigations are completed diligently and expeditiously. In the interim, the Inspectorate believes that an enormous amount of time and money could be saved by using PULSE to the full extent of its capacity.

Recommendation 6.30

The Inspectorate recommends that the Garda Síochána develops a national electronic case file management system. (Long term).

In the absence of an electronic case file management system, the following actions need to be taken:

- Reduce the number of unnecessary case files that are created;

- Keep original or primary case files in a secure place and ensure that access is tracked and that they are available if required for investigative purposes;

- Ensure that case files are not taken outside of a garda station without the permission of a supervisor;

- Develop an electronic process for passing cases files from one unit to another and particularly to the DPP.

Supervision of Crime Investigation

Consistent and robust front-line supervision is necessary to ensure effective crime investigation. During the course of inspection visits, the Inspectorate met many committed and professional supervisors at both sergeant and inspector ranks. A common concern raised by these ranks was the amount of time available to supervise their teams, particularly in relation to crime investigation. Supervisors regularly complained about administrative processes assigned to them

that restrict the time available for supervision and patrol. In order to ensure a high standard of investigation and a good service to victims of crime, there must be a presence of effective supervision.

The Inspectorate noted an absence of effective supervision at all stages of crime investigation. Supervision at a local level should be timely and appropriate to the case being investigated. There should be clear guidance to all supervisors about their role in supervising crime investigations and the standards of investigation expected. As individual district officers are responsible for crime investigations in their own area, the Inspectorate also discovered that within the same division there are variances in the way that districts operate.

Supervisors should ensure the timeliness of investigations and make sure that steps are taken to arrest offenders as soon as possible and particularly in cases of prolific or high risk suspects. There also needs to be better supervision of more minor crimes, ensuring that these are investigated not only efficiently but effectively. During the sampling of PULSE incident records, the Inspectorate noted one division using the review facility on PULSE to task investigating gardaí with actions. In other policing jurisdictions this is common practice and supervisors send messages to officers on crime investigation systems, instructing them to take certain action. On PULSE there was a general absence of recorded entries showing supervisors had checked the progress of investigations. The role of supervisors should also include checking that all appropriate support has been given to a victim of crime. This is especially relevant for those who are vulnerable in some way, such as the elderly, those with disabilities or victims of sexual assault. Good supervision will also identify gardaí with good investigation skills and those with development needs. The Inspectorate was informed by the Garda Síochána that they have recently developed a PULSE tab for supervisors to monitor investigations.

With reducing availability of sergeants and inspectors on front-line duties across the five units, many are often left without a dedicated supervisor or may be working without a supervisor on duty at that time. In these cases, front-line supervisors need to operate

across portfolios and teams and not just supervise the officers that work directly to them. In order to improve the standards of investigation, supervisors must be intrusive and need to be supported by senior gardaí when they tackle poor performance.

Good supervision does not always come with a cost. Supervision is about not making assumptions about what may have happened, but checking what you are told and making sure that gardaí do what they were asked to do. It is clear from discussions with gardaí, that they are more likely to carry through a task when they know that a supervisor will check to see that it was completed. Clearly, fully functioning CAD, crime investigation and case management systems would enhance the supervision of crime investigation, from dealing with the initial incident through to preparing a case file for a prosecution. However, in the absence of these systems, the Garda Síochána can still improve the supervision of crime investigation, if the recommendations in this report are implemented.

Following the Inspectorate's visits to divisions and after access to PULSE was provided to the Inspectorate, the Garda Síochána published two new HQ Directives, addressing many of the areas of concern identified by the Inspectorate during this inspection. These directives articulate the responsibilities of sergeants, GISC and district officers in respect of reviewing PULSE incidents and directing that they are completed to the highest standard. The Inspectorate welcomes the contents of the directives, but the Garda Síochána must ensure that the instructions are turned into daily practice. To record supervisory activity, the Inspectorate believes that a PULSE record should have a supervision tab to be completed for all crime investigations.

Recommendation 6.31

The Inspectorate recommends that the Garda Síochána implements systems to improve the quality of supervision of crime investigation, including the development of a tab on PULSE to record all supervision of an investigation. (Short term).

Bringing an Investigation to a Conclusion

The Garda Síochána does not have a policy for closing a crime investigation. In most garda divisions, a case is never formally closed. As mentioned previously in this part, the non-closure of investigations results in gardaí attempting to manage enormous numbers of crimes, some of which are patently unsolvable. This problem is exacerbated by the approach that all crimes remain 'open' until such time as an offender is identified. In interviews with both senior officers and rank and file gardaí, there was a general view that crime investigations are never closed.

There comes a time in a crime investigation, where it is obvious that a case cannot be progressed any further. Often this can be after the primary investigation by a garda. If this part of the investigation is completed to a good standard, then a decision can be made at that point if further investigation will take place. For other investigations, that decision might come after a secondary investigation is completed, which should be within a few weeks of the crime taking place. Clearly this approach is targeted at less serious crimes and particularly those volume crimes that are the focus of this report. From dip sampling PULSE incidents between April and June 2012, the Inspectorate found that many crimes without any obvious lines of enquiry are still technically under investigation. From checking PULSE and case files, it is clear that in many cases, no further investigation ever takes place.

A closed case can always be re-opened if further information or evidence becomes available. The process of closing a case is to remove it from a garda's case load. This simple process would allow the investigating garda to concentrate on solvable cases, where there are leads that need to be followed up. It is also easier for supervisors to allocate new investigations based on a current case load, rather than on a historical one. Supervisors will find it more straightforward to check the progress of twenty cases, rather than 200 or in extreme cases 2,000.

For victims of crime, the conclusion of an investigation can also be a form of closure for them. Often victims appreciate that an investigation can only go so far and unnecessarily prolonging an

investigation has no obvious benefits to a victim. With some low level property crimes, a victim may only be reporting a crime for insurance purposes and are realistic about what action can be taken. All crimes are always investigated at the outset, but decisions need to be made about how much further investigation should take place. The Inspectorate did find two district stations where superintendents are making the decision to close investigations. For example, a case is closed in one district after six months, if there are no further leads and in the other district, cases are closed after twelve months. Whilst the Inspectorate welcomes the approach, there is no crime screening to determine if the cases are actually solvable in the first place and even the timescales for closure are still far too long. There is also an issue in respect of a crime where a person is named as a possible suspect. Continuing an investigation that will never result in a prosecution, leaves a person listed as a suspect in a difficult and unnecessary position; particularly when they may not have committed the alleged crime. Bringing a case to a conclusion should be accompanied by supplying information to a suspected offender that the case is now closed, but may be re-opened if further evidence comes to light.

Effective supervision and professional judgement should be applied by supervisors to bring investigations to a conclusion at a reasonable point. The victims and witnesses to crimes should be provided with an update on the outcome of the investigation at that time and provided with reassurance that the investigation of their case will be resumed, if further evidence comes to light. All other police services visited have a formal process for closing cases at particular intervals in crime investigations and the Inspectorate believes that the Garda Síochána needs to introduce a process that brings a crime investigation to a conclusion.

Recommendation 6.32

The Inspectorate recommends that the Garda Síochána introduces a national policy and procedure for bringing an investigation to a conclusion. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Ensure that the process includes formal updates to victims, witnesses and suspects.

6.17 Crime Investigation – Developing New Ways to Investigate Crime

Telephone Investigation

Unlike other policing jurisdictions, the Garda Síochána does not conduct telephone recording or telephone investigation of crime. There are strict criteria for deciding the types of offences that are recorded in this way and it would clearly not include crimes where the victim is vulnerable or where there are opportunities to arrest an offender. Offences that can be recorded in this way include criminal damage, theft or vehicle crime offences. Offences such as some burglary, domestic violence and robbery are usually excluded from this process.

In Hertfordshire, crimes are recorded by telephone by trained civilian police staff in a centralised contact centre. A further dedicated team of predominantly police staff undertake the telephone investigation of these crimes. The agreement of the victim to telephone investigation is obtained in all cases and, if necessary, an officer is sent to see a victim. Telephone reporting of crime in Hertfordshire is available 24/7 and the telephone investigation team operate from 0800-2100, seven days a week. In other services, brief details are taken from a victim and the telephone investigation units contact the victim to record and investigate the crime over the telephone. In these units, there is usually a mix of police officers and police staff. Such units would provide an excellent opportunity for utilising gardaí who are on restricted duties and are unable to work outside of a garda station.

West Yorkshire Police use telephone investigation units that manage a large proportion of low level offences. If a suspect is identified, the case is sent to an officer to carry out a full investigation. The Metropolitan Police Service investigates 12% of their crime in this way. In many cases, telephone reporting may suit a victim of crime as they do not have to wait for an officer to call to their house. In remote areas, it can remove the need for an officer to travel great distances to take a report of minor crime. Once a crime is investigated on the telephone it may be closed pending any further information becoming available.

The Garda Síochána still provide face-to-face contact, but it is becoming increasingly more difficult to do this and there is a need to consider other ways of dealing with crime victims. A different approach may provide a better and more flexible service to victims of crime that wish to report their crimes in this way. The 24/7 Garda Information Services Centre (GISC) could be utilised to perform a telephone reporting and investigation system. Applying this process to Ireland at a low level of between 5% and 10% of all crime could create an opportunity to deal with between 12,000 and 24,000 crimes a year in a different way.

On-line Reporting of Crime
Good Practice

The Garda Síochána's on-line pilot that allows victims to report a crime on the internet is a good example of how police services can be delivered in a different way. In considering a more efficient use of current garda resources, it is clear that there is a case for increasing the use of on-line reporting. This offers the public an effective way of reporting crime at a time convenient to them and it reduces demand on front-line services. Currently, the Garda Síochána offers this facility for those who are victims of theft, where the monetary value does not exceed €500. This system is only recording approximately thirty crimes per month, but Denver records 6% of the total crime via the internet. The current on-line process operated by the Garda Síochána is easier for the victim to initially report a crime, but once received it generates a number of activities that do not save any garda time. For example, a garda has to call on the victim to verify that a crime has taken place and then it is allocated for investigation. The Inspectorate believes that on-line reporting of crime should be extended to include other less serious crimes, but the process should be streamlined. Crimes without any investigative leads could be dealt with by telephone investigation units.

Hampshire Police Service operates an initiative which allows businesses to report crime on-line. This application is designed to tackle low level crime in shops, licensed premises, hotels and other businesses. It enables businesses not only to report crimes on-line, but also to upload CCTV or photographs of offenders, complete witness statements and even arrange to have customers' credit cards cancelled if necessary. Participants of the system can share images of suspects with other businesses to prevent further crimes. A smart phone application allows the public to view images of individuals that the police would like to identify. When a member of the public recognises a 'subject of interest' they can respond confidentially or openly to their local police. Eight further UK police services, including Northamptonshire, Humberside and Cheshire, are now using this facility.

Recommendation 6.33

The Inspectorate recommends that the Garda Síochána develops new systems for recording and investigating crime. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop telephone reporting and telephone investigation of crime;
- Further develop opportunities for extending on-line reporting of crime and reduce the bureaucracy of the current process.

Crime Investigation Units

During this inspection, the Inspectorate visited or made contact with a number of other police services to examine how they manage the investigation of crime.

The following table contains details of particular crime types and the various units that conduct investigations.

Police Service	Crime Type	Investigation Unit
Denmark	Murder	• National investigation units
	Volume crime	• Solvable cases go to investigation units with a mix of detectives and uniformed officers
	Burglary	• Dedicated detective units
Denver	Murder, Robbery, Sexual Crimes, Missing and Exploited Persons, Domestic Violence and Fraud	• Dedicated detective units
PSNI	Murder	• Murder Investigations Teams
	Rape	• Regionally based Rape Crime Units
	Serious crime	• Detective units
	Domestic Abuse	• Dedicated DV units
	Child Abuse	• Child Abuse Investigation Teams
	Volume Crime	• Regular units conduct the primary investigation and Neighbourhood Policing Teams conduct the secondary investigation
Scotland	Murder and murder case reviews	• Specialist crimes units based in three regional centres. Domestic related murders may be dealt with by divisional detective units
	Robbery and serious assaults	• Detective units
	Rape	• Divisional rape investigation units
	Domestic Violence	• Divisional DV Abuse Teams
South Wales	Murder, Kidnap and Extortion	• Major incident investigation teams deal with all murders. There is a separate murder review team that is fully civilianised
	Other serious crime such as sexual assault, burglary and robbery	• Divisional detective units
	Volume crime	• Regular units investigate most volume crimes, but any prisoners are handed over to Divisional Hub Teams. Hub teams manage 83% of prisoners, including all DV prisoners
West Yorkshire	Murder	• Homicide investigation teams
	Serious crime – a total of 11 offences including; commercial robbery, burglary, vehicle crime by prolific offender, serious assaults, fraud and arson	• Detective Units
	Serious sexual assault	• Rape investigation unit
	Volume Crime - A total of 16 offences including: robbery, burglary, theft, less serious assaults, DV, non-complex sexual assaults	• Crime Management Units/Evaluation Units
	Race and hate crime, criminal damage, car crime, assaults in schools and anti social behaviour	• Neighbourhood teams

In these police services, the equivalent of regular units play a vital role in attending crime scenes and completing the primary investigation, but the next part of the investigation process is passed to dedicated units, releasing regular units to focus on other policing activities. Creating the right balance of numbers between investigation units and regular units is crucial to the whole crime investigation process.

The advantages of using dedicated units include:

• Clarity about who investigates particular crime types;

• More serious or complex crimes are investigated by detectives;

• In most cases the burden of secondary investigation is removed from the uniformed officers that recorded the initial crime;

• Victims can contact an investigation unit for an update, rather than trying to contact an individual investigating officer.

It is important to ensure that dedicated investigation units have sufficient numbers of staff with the right skills. Many police services have investigation units with a mix of detectives, trainee detectives and police staff assistant investigators. Assistant investigators are now used in many police services, such as the PSNI and Surrey where they are used for all functions except the arrest of suspects.

Model for Crime in Ireland

Earlier in this Part, the Inspectorate recommended that murder and other serious crime should be investigated by dedicated units. This will release divisional units from the investigation of murder and other similar offences.

Serious and Volume Crime Divisional Investigation Units

The Inspectorate believes that with the creation of a new divisional model, the Garda Síochána must ensure that detective resources are fully utilised in the investigation of both serious (non-homicides) and volume crime.

In other policing jurisdictions, only detectives investigate rape and other sexual offences. With volume crimes, many police services use dedicated units with detectives and non-detectives to investigate crimes such as assaults, burglary, domestic violence, robbery, and vehicle crime. The Inspectorate believes that detectives should also be fully utilised to investigate these types of offences.

The Inspectorate believes that the Garda Síochána must develop a model of dedicated investigation teams that deal with all serious crimes and a significant percentage of volume crime investigations. Regular units need to be released from the routine investigation of volume crime to allow them to respond to emergency calls, to conduct high quality investigations at crime scenes and then hand over secondary investigations to dedicated units.

Recommendation 6.34

The Inspectorate recommends that the Garda Síochána creates divisional investigation units to investigate designated volume crimes. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Release regular units from investigating high volumes of crime;
- Create volume crime investigation units that utilise detective resources;
- Publish clear protocols about the type of crimes units will investigate.

Recommendation 6.35

The Inspectorate recommends that the Garda Síochána provides clarity about the crime investigation role of divisional specialist units, such as drugs and other tasking units, traffic units and community policing units. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Publish clear protocols about the type of crimes specialist units will investigate.

Draft Model

The following table is a draft model of how units could be configured into the investigation of crime. Any model will need to take into account the needs of both rural and urban divisions.

With any model, there needs to be clarity and written protocols about which units investigate certain crimes.

Crime Management

As outlined in Part 5, the Inspectorate believes that there should be a crime management process for allocating crimes based on agreed protocols.

Crime Type	Examples	Investigation Units
Serious Crime including other Designated Offences	**Examples include** • **Murder** • **Kidnapping** • **Offences Against the State** • **Other Designated Crimes** • **Murder Review**	• **Regionalised Investigation Units**
Other National Units Criminal Investigation	**Examples include** • **Internal Garda Investigation** • **Serious Organised Crime** • **Armed Robbery** • **Serious Firearms Offences** • **Serious Drug Offences** • **Human Trafficking** • **Cybercrime** • **Criminal Finance** • **Intellectual Property Crime** • **Environmental Crime** *The role and investigative functions of other national units will be part of the Haddington Road Review.*	• **Internal Affairs** • **Serious Organised Crime Unit**
Serious Crime excluding Murder and Other Designated Offences	**Examples include** • **Serious Assaults** • **Serious Sexual Assaults** • **Aggravated Burglary** • **Criminal Damage (by fire)**	• **Divisional Detective Units**
Volume Crime	**Examples include** • **Assaults** • **Burglary** • **Domestic Violence** • **Robbery** • **Vehicle Crime**	• **Divisional Investigation Units**
Crime Prevention Quality of Life Crimes Roads Policing	**Examples include** • **Public Order** • **Anti Social Behaviour** • **Drugs** • **Traffic Enforcement** • **Race Crime** • **Criminal Damage (not by fire)** • **Theft**	• **Regular Units** • **Traffic** • **Community Policing** • **Drugs Units and Taskforces** • **Case Progression Units (to deal with any prisoners for these crimes)**

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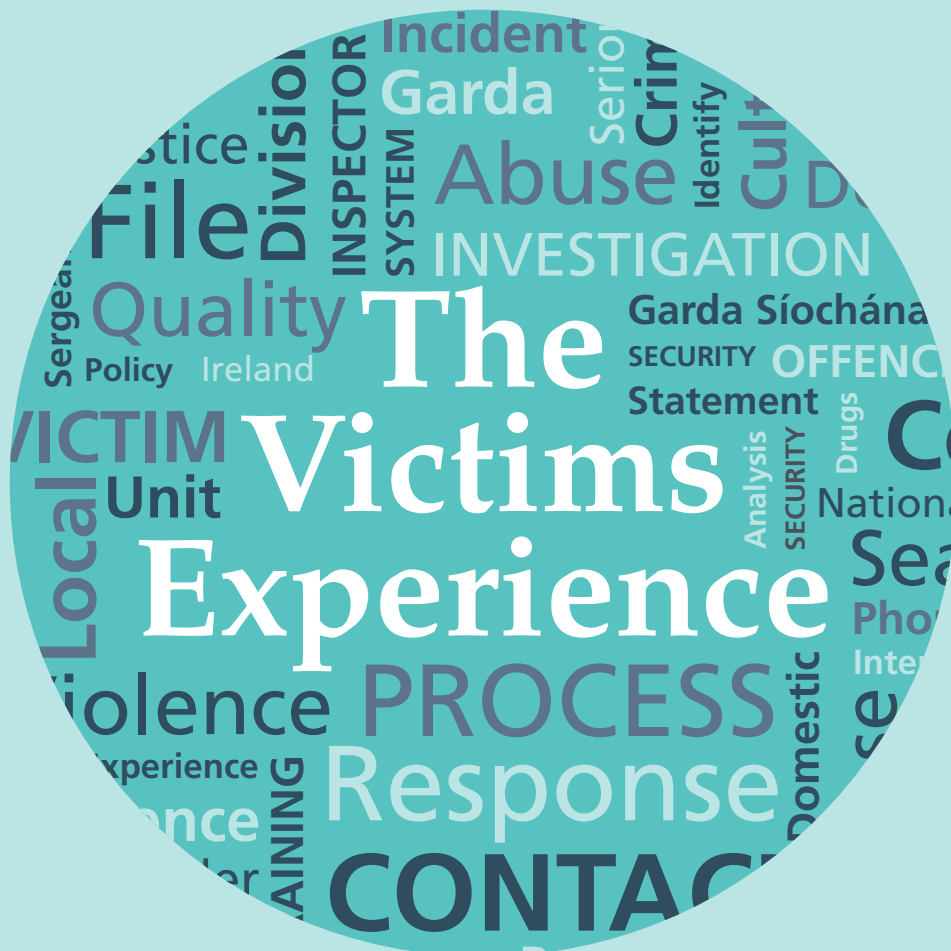
CRIME INVESTIGATION REPORT

PART 7 | THE VICTIMS EXPERIENCE

7.1 INTRODUCTION

The way a victim or a witness is dealt with following an incident of crime is an important aspect of any crime investigation. All victims should have a reasonable expectation that their crime will be accurately recorded and that there will be an appropriate level of investigation. Victims will also have a reasonable expectation to receive regular updates about significant developments in their case, such as the arrest or prosecution of an offender.

In order to gain a better understanding of the experience of victims, the Inspectorate conducted telephone and face-to-face interviews with a cross-section of victims of crime. The Inspectorate also contacted a number of victim support agencies and organisations, and attended the 2013 Garda National Crime Victims Forum.

There are two very important contact stages for victims of crime with the gardaí, which are closely related to the recording and subsequent investigation of crime. These are the initial contact that a garda has with a victim of crime and the subsequent follow-up contacts while a crime is under investigation. Keeping a victim up to date with an investigation is a challenge faced by most police services.

Victims experiences have already featured in several parts of this report and in Part 6 in particular; the report explored the service currently provided by the Garda Síochána to victims of rape and domestic violence.

7.2 Victims Charter

The Victims Charter is a document issued by the Victim's of Crime Office on behalf of the Department of Justice and Equality, as a guide for users of the criminal justice system. The latest version of the charter was published in June 2010 and sets out victim rights and entitlements to the services provided by the various state agencies and one voluntary sector organisation working with crime victims.

The following are key elements of the charter standards that a victim can expect from the Garda Síochána:

- Respond quickly to calls and investigate complaints;
- Provide contact details of the investigating gardaí and the PULSE crime reference number;
- Explain what will happen during the investigation and update victims on the investigation;
- Provide details about the Crime Victims Helpline and other support services;
- When a suspect is in court, to provide details of the hearing, bail conditions and court outcomes.

There are a number of other commitments in the charter, such as actions to support victims of elder abuse, domestic violence, race crime or sexual assault. This support also extends to families of murder victims and other serious crimes. Where a crime is committed by a young person, the victim will be informed of this and the victim's views will be taken into account. The victim may also be invited to participate in various processes, such as a family conference.[1]

7.3 The Victims Rights Directive

In 2015, the E.U. Victims Rights Directive will be transposed into Irish law, providing minimum rights, support and protection for all victims of crime regardless of where the crime was committed in the E.U., the residential status of the victim or the victim's nationality or citizenship. The Directive defines a victim as a natural person who has suffered some type of harm, which was directly caused by a criminal offence. The Garda Síochána will play an important role in ensuring that the Directive is implemented within the timeframe.

Once the Directive is transposed, the key responsibilities of the gardaí will include:

- To ensure that information is consistently provided to all victims throughout the criminal process;
- To provide information to victims on how to access support, such as medical, psychological and alternative accommodation;
- To provide contact details so that a victim can communicate with a garda about their case;
- To provide information on access to legal advice and the procedures available, if a victim wants to make a complaint in relation to their case.

Providing information to a victim about their case is an important aspect of the Directive and is particularly important at key points in an investigation when for example, the victim can

be given details about a trial. Other important information might relate to an offender being released from prison, particularly in cases where there is a risk of harm to the victim. An important change to procedures is the requirement to provide a victim with brief details of the reason why a decision is made not to prosecute or to end proceedings. The Victims Rights Directive will ensure that all victims of crime will have a right to information, support and protection.

7.4 Garda Síochána Website – Victim Information

The Garda Síochána website provides information for victims, including a page with answers to frequently asked questions by victims of crime. Some of the information provided is sourced from the Crime Victims Helpline (see below) and covers questions and answers, such as:

- What happens when I report a crime?
- What is a PULSE number?
- Who investigates a crime?
- What are the steps in investigating a crime?
- How long will it take?

Easily accessible online information is an essential element of care to victims of crime. In light of the upcoming transposition of the Victims Rights Directive, the Inspectorate would recommend this material be updated. This helps victims to be informed and prepared on what to expect and experience during this difficult time.

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1 Under Part 8 of the Children Act, 2001, the Probation Service can convene a family conference for young offenders who come before the courts.

7.5 National Support Agencies and Processes

National Crime Victims Helpline

The Crime Victims Helpline is a national confidential helpline run by a team of experienced volunteers trained in counselling and listening skills. The helpline provides a single point of contact for victims of crime and provides services, mainly to victims of burglary, theft, anti-social behaviour, assault and harassment. The helpline receives approximately 3,000 calls and e-mails per year, one third of which are from victims of assault.

Due to data protection restrictions, the Garda Síochána does not provide the victim's details to the helpline, but provides the helpline contact details in a letter sent to all victims of crime. In all police services in the UK, victims are asked at the time of recording a crime if they would like to be referred to the Victim Support Scheme and if they agree, the request is automatically sent by the police.

The Victims of Crime Office

The Victims of Crime Office within the Department of Justice and Equality was set up to encourage state and voluntary organisations to provide a better service to victims. The core mandate of the Victims of Crime Office is to improve the continuity and quality of services to victims of crime by state agencies and non-governmental organisations throughout the country. It works to support the development of competent, caring and efficient services to victims of crime by:

- Using the Victims Charter to achieve improved standards of treatment of victims by relevant State and voluntary sector organisations;
- Promoting awareness concerning victims needs and services available to victims of crime;
- Advising the Minister for Justice and Equality on victims issues in Ireland and on international developments pertinent to victims;
- Working in co-operation with Cosc, the Anti-Human Trafficking Unit, the Criminal Law Reform Division and other relevant sections of the Department of Justice and Equality

to ensure a co-ordinated policy response to issues in relation to victims of crime by the Department.

The Director of the Victims of Crime Office is a member of the independent Commission for the Support of Victims; whose Office provides the secretariat to the Commission. The Commission funds voluntary sector organisations to provide support to victims of crime.

Support Agencies across Ireland

There are a large number of well established agencies and organisations across Ireland providing a range of support services to victims of crime. The vast majority of these organisations are engaged with victims of domestic violence and sexual assault. Most of these organisations operate independently of each other in respect of provision of services, funding and training.

Irish Tourist Assistance Service

The Irish Tourist Assistance Service provides help to visitors to Ireland who have become victims of crime. Whilst the service offers emotional support, the emphasis is on the practical needs of the victim, such as replacement of travel tickets or passports.

7.6 Garda Support Services

Garda Family Liaison Officers

As previously highlighted in Part 6, Family Liaison Officers (FLOs) are appointed in serious cases to keep victims families informed about the progress of an investigation.

Garda Victims Liaison Unit

The Garda Síochána has a Garda Victims Liaison Unit (GVLO) that is responsible for:

- Formulating strategy and developing policy;
- Supporting the implementation of the Victims Charter;
- Liaison with stakeholders, including victim support agencies;
- Supporting Family Liaison Officers.

The GVLO works with forty-nine Non-Governmental Organisations and arranges an annual Crime Victims Forum. The unit does not

have direct contact with victims, but receives feedback from victims of crime through regular reports from the Crime Victims Helpline.

The GVLO monitors the compliance of garda divisions with the policy to issue letters to victims of crime at the time that the crime is first reported and at key stages of an investigation.

Garda Divisional Victims Offices

A small number of garda divisions are operating Victims Offices with dedicated staff that provide a single point of contact for victims of crime. In the divisions visited, Waterford was operating a unit at the time of the inspection and DMR North has now introduced a similar unit. DMR North Central has operated a victims office for a considerable period of time. In Waterford, the unit has taken on the role of sending garda letters to victims and contacting them by telephone to provide an update on crime investigations and to inform victims of the various support agencies which can provide support. Perhaps most importantly, the unit updates victims with developments in cases.

From September of this year (2014), the Garda Síochána intends to establish a victims office in each garda division by the end of the year. The Inspectorate welcomes the introduction of dedicated victim units which provide a good opportunity for the Garda Síochána to ensure a more consistent approach to the service provided to victims of crime.

Victim Letters

To meet some of the commitments made in the Victims Charter, the Garda Síochána developed two standard victim letters that are generated by the PULSE system and are signed by or on behalf of the district officer (Templates of these letters can be found at Appendix 4.). Letter 1 is sent empathising with a victim that a crime has taken place and providing details of the PULSE reference number, the investigating garda's name and the garda station contact number. Whilst this letter also provides contact details for the Crime Victims Helpline, it needs to be updated to reflect a new free phone number that is now available to victims. In some of the divisions visited, a separate leaflet is also

sent with this letter that contains contact details for other support agencies. The Inspectorate would like this practice to be followed in all divisions.

Recommendation 7.1

The Inspectorate recommends that the Garda Síochána updates PULSE letters to reflect the free phone number for the Crime Victims Helpline. (Short term).

During contact with victims of crime the following matters were raised about Letter 1:

- Although most victims received Letter 1, not all victims received one;
- Some victims felt that it was a standard computer generated letter and viewed the letter as impersonal;
- Many victims did not understand the reason for receipt of a long list of support agencies for crimes that had no connection to the crime they reported.

Whilst the principle of victims Letter 1 is good, the content is the same for every victim, whether the crime committed is one of low value damage to property or a serious assault. The Inspectorate believes that the wording of the letter needs to be reviewed to make it more empathetic and to include both national support services as well as details of locally based support groups. Currently, letters are not sent to victims of sexual violence and not always to victims of domestic violence or in cases where the victim is vulnerable for any other reasons. The Inspectorate recognises that in domestic violence cases, a letter from the Garda Síochána to a household where the perpetrator is still living may create further risk for the victim. The Garda Síochána should consider providing a specific card with support and contact details that could be carried by gardaí and given to a victim at the time of recording the crime.

Recommendation 7.2

The Inspectorate recommends that the Garda Síochána improves the information provided to victims and particularly to victims of sexual assaults, domestic violence or those who are vulnerable for any other reason. (Short term).

In support of the above recommendation, the following key action needs to be taken:

- Develop a card or information leaflet with support agency and other contact details, particularly for domestic violence and sexual assault to provide to victims at the time of recording the crime.

Letter 2 is sent once an offender is identified and the case has progressed. The wording of this letter describes the fact that progress has been made in the investigation and that 'a person has been made amenable'. Most victims spoken to did not understand what this term actually meant and had to contact the investigating garda to establish what had actually happened. The Inspectorate believes that updating victims is an important aspect of investigating a crime and Letter 2 should be reworded to clearly explain what has happened in their case and to remove the need for a victim to contact an investigating garda for clarification.

Chart 7.1 shows the latest results for quarter three of 2013 for the selected seven divisions in respect of compliance rates for sending Letters 1 and 2.

Chart 7.1
Letters to Victims of Crime 3rd Quarter 2013

Division	Letter 1	Letter 2
DMR North	100%	98%
DMR South	89%	79%
Donegal	90%	88%
Kildare	59%	42%
Limerick	92%	86%
Mayo	81%	54%
Waterford	92%	77%
National Totals	89%	74%

Source: Garda Victims Liaison Office

The results show the current performance across the seven divisions with one division achieving 100% compliance with Letter 1 and 98% with Letter 2. In this quarter, just over 3,000 victims nationally did not receive Letter 1 and just over 1,500 victims did not receive Letter 2. The national performance shows a 5% increase in both letters in comparison with the same period in 2012. The Inspectorate

believes that Letter 1 should be sent in 100% of cases and that a minimum target of 90% should be set for the sending of Letter 2.

Recommendation 7.3

The Inspectorate recommends that the Garda Síochána introduces compliance rates for divisions of 100% for sending Letter 1 and a minimum of 90% for sending Letter 2. (Short term).

The Inspectorate believes that victims should always be updated at key points in an investigation of their crime, such as the arrest, charge, or bail of a suspect and any court appearance or other judicial disposal. In many cases, a telephone call will often be more welcome, as it provides a victim with an opportunity to ask questions about their case. Many gardaí fully understand the importance of updating victims, but the update is often a task that is not completed. Other policing services have developed software programmes aligned to crime recording systems that remind officers to contact victims of crime at certain intervals. The Inspectorate believes that the Garda Síochána should develop an IT solution that acts as a reminder to contact victims and that captures all contact with victims of crime.

A new initiative in the UK allows victims to check progress of their crime on-line with automatic updates to the victim.

Recommendation 7.4

The Inspectorate recommends in the absence of a case management system, that the Garda Síochána explores software options that would provide a reminder that a victim needs to be updated. (Short term).

Initial Garda Contact with Victims

The first interaction between a garda and a victim is most important and can ultimately determine whether the victim will assist with an investigation. During meetings and conversations with victims, the Inspectorate found two distinct levels of victim satisfaction, depending very much on the type of crime that was committed. With property crimes such as burglary, the feedback from victims was far more positive than if the crime was an assault or a domestic violence case. With property crimes,

the victims generally found gardaí to be empathetic and helpful with practical advice on issues such as crime prevention. When the incident was a crime of violence, some victims reported not perceiving the attending garda to be empathetic and in other cases, disinterested in dealing with their crime.

This same view was also expressed by many organisations representing the interests of such victims. Staff at a women's refuge explained that the service provided to victims of domestic violence varied according to the attitude of the attending garda and frequently the approach was one of disinterest or aimed at limiting garda involvement in investigating further. Inappropriate comments made by gardaí were reported by some victims of domestic violence, including:

- "there's two of them in it";
- "just don't annoy him and he won't come back";
- "let him sleep it off".

The Inspectorate learned that in one particularly serious case, gardaí attended an emergency call to a home where a wife was being threatened by her husband. The support group reported that one of the gardaí commented to the victim "we have enough to be doing, next time we won't call back". Later that same day, the husband returned to the home and stabbed his wife in front of their child; who was also injured in the process of protecting his mother. Both victims were taken to hospital and it took three days to take a statement from the victim and to arrest the suspect. A more positive attitude at the first time of contact with a victim may prevent or minimise further incidents.

At the Annual National Garda Crime Victims Forum, the Inspectorate met many representatives from victim support agencies, including domestic violence support agencies. Key issues raised with the Inspectorate on behalf of victims included:

- Victims that are "failed by" criminal justice services in relation to their expectation of achieving justice;

- Cases where statements of complaint are not taken from victims. One victim recounted trying eighteen times to get a garda to take a statement of complaint from them;
- Cases where victims felt discouraged from providing a statement of complaint;
- Unless a barring order is in force, an arrest is unlikely for domestic violence;
- An offender who breached a court order nine times without any custodial sentence;
- Criminal cases that are adjourned on numerous occasions.

Most police services find that their officers have varied levels of communication skills and that young and inexperienced officers often find it very challenging to deal with victims and suspects in emotionally charged situations. Most officers always provide an excellent service to victims, but a small minority of officers consistently provide a poor level of service. Many police services have taken action to identify the level of services provided by their officers and to use the information to acknowledge those who provide a good service and to tackle those who consistently deliver a poor service. Throughout the visits to divisions, the Inspectorate found little or no evidence of supervisors contacting victims of crime to determine the levels of service provided.

Other policing jurisdictions check the levels of service provided by officers by contacting victims directly and establishing their views. These contacts allow supervisors to take any remedial action necessary and are often well received by victims. Usually, pre-set questions are used to ensure that all victims are surveyed in the same way. In August 2014, the Garda Síochána began a process of procuring a Public Attitudes Survey, which may help to gather information from victims of crime about the way that their case was managed.

Victim's Statement of Complaint

The barriers identified in this inspection surrounding a victims statement of complaint are articulated in Part 3 of this report. Many gardaí expressed their frustration to the Inspectorate with victims that refuse to make a statement of complaint. In some cases, gardaí took the view that

if a victim did not make a statement of complaint then perhaps it was the case that the offence did not happen. This often resulted in recording the crime on PULSE or the incident was recorded on PULSE under the category 'Attention and Complaints'; which is not a crime category. Detective gardaí and other investigating members informed the Inspectorate that in serious crimes, such as unsolved sexual assaults, sometimes victims of these assaults are subjected to unnecessary pressure to either make a statement of complaint or to withdraw their complaint completely. The Inspectorate was provided with several examples where an investigating garda was directed by a district officer to take such action and in the view of the members, it was inappropriate to put a vulnerable victim under this kind of pressure.

Common Themes Raised by Victims of Crime and by Investigating Gardaí

The following are key themes identified during the Inspectorate's contacts with victims of crime and gardaí:

- Without a statement of complaint, a crime may not be recorded;
- Victims are often unaware that their crime has not been recorded;
- Victims are often unaware about the categorisation of their crime;
- Victims are sent away for medical treatment or to consider their next course of action. On many occasions, no follow-up is ever made with the victim;
- There are long delays in taking victim statements or statements are never taken;
- Victims sometimes learn about the outcome of their case in the court section of the local newspaper.

7.7 Victim Interviews

During this inspection process, the Inspectorate met with and spoke to a number of victims of crime or their family members. The intention was to establish the level of service provided by the Garda Síochána or other criminal justice partners to victims. For some, this was the first occasion where the person was a victim of a crime, but for others, it was not their first time to report a crime to the gardaí.

The Inspectorate was directly contacted by a family member in relation to the victim of a serious crime. This case is currently part of a Department of Justice and Equality review process and for this reason, the details of this crime are not included in this report.

The Inspectorate gained access to victims and family members through a variety of different means such as:

- Referrals from the Crime Victims Helpline;
- Referrals from support agencies;
- Direct contacts by the victim or family to the Inspectorate;
- Victims engaging with the Inspectorate on other matters that disclosed details of their crimes.

Volume Crime Case Reviews

Following the selection of the 158 Volume Crime Case Reviews, the Inspectorate wrote a letter to all of the callers who contacted the gardaí about those crimes, asking for an opportunity to discuss the level of service provided. Due to data protection concerns raised by the Garda Síochána, the Inspectorate sent the letter via the Garda Victims Liaison Office, who sent an accompanying letter to the victims of those crimes.

The method of access to victims in these cases was probably affected by the following factors:

- Only ninety of the 158 incidents were recorded as crimes;
- Fourteen of the incidents were recorded on PULSE after the request for details of those cases by the Inspectorate;

- Victims that did contact the Inspectorate, expressed their reservations about contacting the Inspectorate following the receipt of an accompanying letter from the Garda Síochána.

In total, six victims contacted the Inspectorate as a result of the letter received. The Inspectorate would like to thank those persons that made contact and shared their experiences. The Inspectorate viewed all of the PULSE records for the victims that were part of the case reviews, and also some PULSE records for other victims who were in contact with the office.

Victims Interviews

The following are extracts taken from interviews with eight victims who reported crimes at the divisions visited as part of this inspection. These interviews include victims from volume crime case reviews and referrals from other agencies.

Victim 1 – Burglary Victim - Excellent initial action, but poor follow up

The victim returned home to find their house ransacked and a significant amount of jewellery and other personal items stolen. The victim described an excellent and caring service provided by the first garda that attended. This garda asked the victim to write a list of the stolen items and that the investigating garda would collect it at a later stage. Some fourteen months later the investigating garda had still not contacted the victim. During this time, the victim rang the garda station and was repeatedly told that the investigating garda was off duty. Despite leaving several messages, the garda never contacted them. Following an intervention by the Garda Inspectorate, the property list was eventually collected.

Victim 2 – Burglary Victim - Excellent initial action, but poor follow up

The victim returned home to find their front door forced open. The initial response was good and the victim described the service provided at the time as excellent. A few days after reporting the crime, an investigator attended and took a statement from the victim. The victim remembers receiving a letter from the local superintendent.

Following the initial contact the follow up was poor and the victim did not have further contact with the gardaí until they were the victim of a further crime eleven months later. The victim was very understanding that gardaí are busy and that updates might be something that are not always completed. The victim did not receive a letter for the second crime. The Inspectorate checked PULSE and the crime was recorded.

Victim 3 – Assault Victim – Poor victim care

The victim was kicked and bitten by a known suspect and received several cuts to the face. The suspect also threatened to kill the victim's family. The victim attended the local garda station and spoke to a group of gardaí. The victim describes all the gardaí as uncaring and despite the fact that the victim was hysterical and bleeding from their injuries, no ambulance was called and no first aid was provided. According to the victim, one garda told them that they were too busy with another case to deal with theirs and another told the victim to deal with the matter themselves. No photographs were taken of the injuries and the victim was told to come back to the station later that day and a statement would be taken. The victim's family later called an ambulance and the victim went to a hospital. When the victim returned to the garda station, they were told that the gardaí were too busy to take a statement and the victim was sent away again. Six months later the victim had still not received any contact and does not know if the crime was ever recorded.

Victim 4 – Burglary Victim - Good initial action and good follow up

The victim returned home and was followed by two suspects who entered the victim's home and stole money and a handbag. The victim thought they heard the mention of a gun, but did not see a weapon. After a short period, a patrol car arrived with two gardaí. The victim found the gardaí to be helpful and they provided a good level of service. The victim received a letter from the local station, but commented that they found it very impersonal. The victim did receive at least one telephone call requesting attendance at an identification process.

Victim 5 – Robbery Victim – Poor initial action and poor follow up

The victim was violently assaulted and tied up by two males whilst making early morning deliveries to a business premises. The suspects took the keys to the premises and the victim's mobile telephone. The victim described the first gardaí who arrived at the scene as unprofessional and uncaring towards him. The victim explained that he had to ask them to cut his wrists free and had to find a knife for them to use. He also described them as not knowing what to do. The victim explained to the gardaí that there was a telephone application on his mobile phone that could locate his phone and possibly the suspects for this crime. He described a very slow response to this suggestion at the scene and again when he later raised this at a hospital. Detectives came within twenty-four hours and took a victims statement from him. After that visit, the victim unsuccessfully tried several times to contact the investigating garda. One year later a garda contacted the victim to talk about the mobile application that was on his telephone.

Victims 6 – Assault Victim – Good initial action, but poor follow up and a slow investigation

Following a party at a neighbour's house, the victim heard a knock on the door. On opening the door, the neighbour entered the house with a number of persons who assaulted both the victim and a friend. The victim was kicked and punched and the friend received a serious facial wound. The victim described the first garda who attended as excellent and that garda was assigned to investigate the crime. Statements were taken from the victims about a week later. At the request of the investigating garda, the victim attended a garda station to have photographs taken of their injuries, but the investigating garda was not there and no one else would help. The victim said the garda later made lots of appointments to call on the victim, but failed to turn up as promised. At some later stage, the garda called on the victim and apologised for not returning their calls. At that time, the garda told the victim that it took eight months to arrest the neighbour, but the victim

does not know if they were charged with the assaults. Following that visit, the victim tried to contact this garda several times without any success and does not know what has happened to their case. At the time that the victim was contacted, the crime had occurred twelve months previously.

Victim 7 – Serious Sexual Assault – Good initial action, but poor follow up and a slow investigation

The victim initially reported the serious assault in 2008, but shortly afterwards stated that they did not want to proceed with the complaint. In November 2010, the victim contacted the same garda and re-instated the complaint. The victim described the garda as helpful and caring, and believes that the investigating garda is a regular unit garda. A victim's letter was never received, nor any referral to a victim support agency. A short statement was provided by the victim at the time of the second report in 2010 and another more detailed statement was taken some eight months later. It took two years to take a statement from a key witness and at least twelve months to arrest the suspect. Whilst permission was granted immediately, the victims medical records were only obtained in September 2013. The victim has encountered many difficulties trying to contact the investigating garda. Some calls were replied to after two weeks and sometimes no return call was ever made. On one occasion the victim was told that the garda was on extended leave, but the person who took the call did not find out what was happening to their case. The victim believes that the last contact made was in September 2013. Three years after reporting the crime, the case is still not completed and the victim believes that a case file has gone to the DPP. Following this interview, the victim rang their garda station to speak to the investigating garda and to ask why they did not receive a victims letter and to request their PULSE reference number for their crime. The victim said that a sergeant spoke to them and said that the investigating garda was on extended sick leave and that only victims wanting to make an insurance claim are given a PULSE number.

**Victim 8 – Assault Victim –
High satisfaction levels with the
investigating garda, but dissatisfaction
with the outcome of the case**

The victim, a taxi driver, picked up a young male who was drunk. At the end of the journey, the male announced that he had no money, became aggressive and kicked the victim in the chest and damaged the victim's car. The victim called for help and gardaí attended and arrested the suspect. Gardaí told the victim that they were lucky not to be more seriously injured. The victim was highly satisfied with the first garda that attended the incident. The victim provided a statement the following day to the same garda and at that time was told that the suspected offender was apologetic and that he had personal problems. Following on from that contact, the victim had difficulties in contacting the investigating garda. Eventually the garda contacted the victim with an offer of compensation from the suspect and after consideration, the victim agreed to accept this. The victim has no idea what happened to the suspect in this case. The Inspectorate is concerned that an investigating garda appears to have negotiated a settlement between the victim and the suspected offender. To protect the anonymity of the victim, the Inspectorate has not checked PULSE to identify the outcome. It is clear that a crime took place and if a charge or summons was not proffered, then an adult caution is available in appropriate circumstances. Garda policy on the Adult Caution Scheme makes it very clear that under no circumstances should members become involved in the negotiating or awarding reparation or compensation.

These cases confirm many of the positives of dealing with gardaí, but also confirm many of the concerns raised by other victims of crime during interactions with the Inspectorate. The Inspectorate believes that the whole approach to victim care and contact by the Garda Síochána needs to be urgently addressed.

Follow-up Contact

As previously mentioned, keeping victims up to date with crime investigations is an area that most police services find challenging. Victims should have a reasonable expectation that a garda will contact them during the first few days and weeks of an investigation and particularly when there is a significant development in the case. Poor follow-up with victims often impacts negatively on victims overall satisfaction level with the service provided and can often ruin the good work that took place during the initial contact. From contact with victims and support agencies, it is clear that many victims are not kept up to date with developments in their case and find it extremely difficult to contact the investigating officer.

Summary of Victims Views of Follow-up Contact:

- Across most crime types, updates on the progress of investigations are not adequately provided to victims;
- Victims often find it very difficult to contact the investigating garda due to changing shifts;
- When victims ring a garda station and the investigating garda is not there, no one else helped them;
- Despite leaving messages for the investigating officer at garda stations, calls are not always returned;
- Crimes often take a long time to investigate;
- Investigators often break promises to update victims or fail to keep pre-arranged appointments.

Front-line gardaí and detectives recognise the importance of updating victims, but often struggle to find the time to do so. High workloads make it more difficult for investigators to keep victims updated. Many gardaí reported that they often have to cancel appointments with victims as a result of duty changes to their working day. The current pilot roster further adds to this difficulty, as members are away from work for extended periods of time.

Many victims who tried to contact an investigating garda reported that it was a frustrating process. The investigating officer is not always available when the victim calls and the default position appears to be to tell the victim that the garda is not at work and to take a message from them. This is because the investigating garda will be the only person with intimate knowledge of the case. However, there are many occasions when a garda taking a call or dealing with a visitor to a garda station could be more helpful. The Inspectorate was informed by a district officer that a case was identified where a victim had to make ten telephone calls to a garda station to get their mobile phone returned to them. It is even more frustrating for victims when the investigating garda does not return their call. Victims informed the Inspectorate of leaving two or three messages for the investigating officer and then giving up trying to make contact. Some members receiving calls from victims stated emails were routinely sent on the garda system to the investigator, advising them of the victim's call.

There were some good examples of victim contact found by the Inspectorate in divisions that use community gardaí to visit victims and particularly vulnerable victims of crime. Generally, the Inspectorate found that victims are very understanding that gardaí are busy, but do not understand when no one replies to messages left or why no one takes any responsibility for helping them with the information that is required.

PULSE does not currently have the ability to generate a reminder to a garda to contact a victim. This sort of application would provide a fail safe to ensure that regular updates are provided to victims. This is an area that needs to be addressed.

By dip sampling PULSE records, checking case files and by contacting victims of crime, the Inspectorate was easily able to identify cases where no updates were provided or recorded. For many crimes, no updates were recorded on PULSE since the date that the original crime was recorded. In the majority of these cases, the crimes were at least twelve months old when the Inspectorate viewed the PULSE record and the case files. The Inspectorate chose this period of time to allow for the proper course of action to have occurred. The Inspectorate believes that there is an absence of robust supervision of victim contact in those divisions without a victims office or other means to ensure contact.

The access of gardaí to external e-mail was very inconsistent across the seven divisions. Some members stated that they had no external e-mail access and other gardaí explained that if you apply for access then it will be given. Many victims would like the option to use e-mail to communicate directly with the garda dealing with their case and it would ensure that the member actually received their message.

During the examination of the Volume Crime Case Reviews, the Inspectorate found that in 43% of the cases that were investigated, there were no updates on PULSE in the twelve months that followed the creation of the record. In the PULSE records that were updated, the entries tended to be more about the investigation, rather than victim updates on the progress of the case. It is important to record updates and attempts to update a victim on PULSE. Senior gardaí believe that contact with victims is often made, but is not always recorded. This should be immediately addressed and there is no cost or technical barriers to this taking place.

Across the seven divisions, the Inspectorate found an inconsistent approach to updating victims and there was no national standard as to how or when this contact should take place other than the two required victims letters. In four of the divisions the following different approaches are taken:

- An investigating garda is expected to update a victim within fourteen days;
- A divisional clerk updates all victims;
- The investigating garda is expected to update a victim within seven days;
- A dedicated unit manages all contact with victims.

The division operating a dedicated victims unit has completely removed the responsibility to update victims from the investigating garda. This is a small unit, but it appears to operate effectively and the division has seen a reduction in the number of complaints about the service provided to victims.

PULSE has a programme with an update facility aimed at victims and built around contact in one day, one week and one month. The Inspectorate found limited use of this facility, but it may provide a system to fill the current gap.

Crime recording systems in other policing jurisdictions often have associated software programmes that remind officers at certain intervals to update victims. For example, in West Yorkshire and in the PSNI, the crime recording system has a diary that prompts investigating officers to contact victims. The Inspectorate believes that the Garda Síochána should introduce such a system to improve the service provided to victims of crime.

Many UK police services operate a 'Call Back' system where victims of crime are contacted by telephone to establish the level of service provided by the officer that dealt with them. In these services, a variety of approaches are used such as police staff and volunteers calling victims and using a set of specific questions. Feedback from victims about the 'Call Back' system is very positive and generally well received. The system very quickly identifies those officers that always provide a good service to victims and those that do not. For officers that are dealing with victims, they will know that a 'call back' may be made to check what action was taken.

As mentioned earlier, the Inspectorate welcomes the introduction of the Victims Offices by the interim Commissioner, and looks forward to seeing the establishment of a set of standards to ensure that victims receive a consistently high quality service.

Repeat Victimisation

Currently, there is no garda policy or procedure for dealing with people who are repeat victims of crime. Police services in other jurisdictions usually ask victims if they have been the victim of another crime in the last twelve months. Depending on the crimes committed, there is a policy that provides for an enhanced response to the individuals who are repeat victims. The Inspectorate found an inconsistent approach across the seven divisions inspected, with some divisions clearly identifying this vulnerable group and others who do not. The Inspectorate believes that PULSE should have a mandatory field that records if a person is a repeat

victim of crime and a policy and procedure that ensures an enhanced service is provided, such as specialist crime prevention advice.

Victim Impact Statements

Victims may make a victim impact statement in certain cases. It is a victim's account, in their own words, about the effect that the crime has had on them. This helps a judge to understand the impact of the crime on the victim and a judge can take this into account when deciding what sentence to give an offender. A victim impact statement can be read by, or on behalf of, a victim at the sentencing stage. In some circumstances, family members including parents and guardians can complete a statement on behalf of a victim. Victim impact statements can only be submitted in cases involving sexual offences or violent crimes, or in cases where a judge thinks that it is appropriate, such as in a fatal road traffic collision. Guidelines were developed by the Garda Síochána, the Director of Public Prosecutions and the Victims of Crime Office. It is important in these cases that an investigator informs a victim that this option is available to them and provides a copy of the guidelines.

Community Impact Statements

In some policing jurisdictions, senior police officers can complete a Community Impact Statement on the impact particular crimes are having on the local community. Community Impact Statements are not currently used in Ireland. The statement is provided to inform:

- The decision to charge a suspect with an offence;
- Restorative justice interventions;
- Decisions on possible conditions of a caution;
- Proposals for sentencing in pre-sanction reports;
- Partnership activity to tackle issues raised by the community;
- Sentencing.

It is a multi-functional tool which can be used across the justice system to enable decision makers to tailor responses to the local issues it describes. It can also be used as a means to assess what measures could

be taken to deter further issues of local concern. The statement may be used in addition to a Victim Impact Statement.

Recommendation 7.5

The Inspectorate recommends that the Garda Síochána adopts the following practice in its policy and approach to dealing with victims and witnesses. (Short term):

- Create a national standard for victim and witness contact with set timescales and set events that will result in an update to a victim or witness;

- When a victim of crime or a witness contacts a garda station for an update to create a process where someone takes ownership of that enquiry;

- Provide clear guidance and, where necessary, training to all gardaí on their roles and responsibilities with regard to victims of crime;

- Create a mandatory field on PULSE that identifies repeat victims of crime;

- Create a policy and a process for identifying and managing repeat victims of crime;

- Create a tab on PULSE to record all victim updates or attempts to update a victim;

- Provide external e-mail access for all investigating gardaí;

- Review the approach taken by gardaí to the initial contact with victims of assault and domestic violence (this complements the recommendations on DV in Part 6);

- Ensure a consistent standard of victim referral to support agencies;

- Ensure that in appropriate cases victims are provided with the Victim Impact Assessment Guidelines;

- In consultation with the DPP to consider the use of Community Impact Assessments.

Recommendation 7.6

The Inspectorate recommends that the Garda Síochána reviews the approach and quality assures the supervision of victim contact. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop a quality call back system which monitors the quality of the service provided to victims of crime to ensure that the good work of gardaí is acknowledged as well as dealing with those who consistently provide a poor service;

- Provide guidance, and where necessary training, to existing supervisors and newly promoted supervisors on their roles and responsibilities for ensuring appropriate victim care.

7.8 The Way Forward

There are a number of recommendations running throughout the Crime Investigation Report that could greatly improve the levels of services given to victims. Examples include:

- The creation of crime management units to monitor cases and oversee contact with victims of crime. With the implementation of Garda Victims Offices, there may be an opportunity to co-locate both units;
- Crime screening to focus on cases that could be solved and bring more offenders to justice;
- Better system of allocation of crime to ensure that crimes are allocated based on the skills of an investigator;
- Reducing the time it takes to conduct an investigation;
- Specific investigation units that provide a better service to victims;
- Serious crime allocated to trained investigators to provide a better service to victims;
- Enhanced supervision of cases, including obtaining feedback from victims on the service provided.

In terms of providing a better service to victims of crime, it would be more appropriate to assign investigations of more serious offences such as rape and sexual assault cases to those gardaí selected and trained to investigate those types of crime.

The creation of investigation units for specific crime types and the development of crime management units will act as a central point of reference for victims to call for updates on their crime. In these cases, a victim can contact a specific unit and irrespective of whether the investigating

garda is on duty, someone from that unit can still provide an update on that crime. Crime management units would also ensure that victims are contacted at certain time periods.

Witness Care Units

Whilst this report has focused on victim contact and care, the Inspectorate is very conscious of the need to also treat witnesses with respect and to provide updates on the progress of a case. Witnesses are a vital element in evidence gathering and a case may well hinge on the testimony of a witness to a crime. It is important that an investigating garda also updates witnesses on the progression and the outcome of a case. A witness that is well managed will often come back to help the police in future cases.

Some policing jurisdictions have developed victim and witness care units. These units are usually operated by police support staff responsible for managing cases once a person is charged or summonsed. In these cases, the responsibility for updating victims and witnesses about court cases and court outcomes passes from the investigating officer to this unit. Such units are operating in many services in the UK and were recently introduced in the PSNI. The primary function of the unit is to keep people up to date and to make sure that victims and witnesses are notified in good time to attend court and also take on the responsibility of notifying members for court appearances as well. These units provide a single point of contact for victims who want an update on their case. The introduction of victim and witness care units would take away a lot of post-charge work from gardaí and release that time for patrol and crime investigation.

The Garda Síochána needs to provide a far more consistent level of service for victims of crime and regardless of where a crime occurs in Ireland, a victim should receive the same high level of a consistent service. Witness Care Units are discussed further in Part 11 and are the subject of a recommendation.

GARDA INSPECTORATE

PROMOTING EXCELLENCE & ACCOUNTABILITY

Intelligence Led Policing

CRIME INVESTIGATION REPORT

PART 8 | INTELLIGENCE LED POLICING

8.1 INTRODUCTION

Modern police services strive to be 'intelligence led'. The first step to achieve this is to understand what is meant by 'intelligence led policing'. Intelligence is not simply information. Information without analysis is of minimal value. While collecting and considering good quality information has always been central to good police work, modern police services use sophisticated systems to gather useful data, which after a process of evaluation, collation and analysis produces intelligence for dissemination to tactical or strategic teams.

Tactical intelligence assists in operational investigations, whereas strategic intelligence is principally used in policing policy and planning.

Effective use of intelligence led policing informs police decision-making, particularly in the efficient allocation of resources; which in turn supports successful crime prevention and investigation.

The Garda Síochána must ensure that information is gathered from all available sources and that there is a clear process of evaluation, analysis, cross-referencing and prioritising in order to task units or individuals to action the resulting intelligence. This process is often referred to as 'the intelligence cycle'. The Inspectorate specifically looked at how the Garda Síochána uses intelligence to support volume crime prevention and investigation.

This part examines the creation, assessment, sharing and management of data. It looks at:

- How intelligence is managed and used at all levels, but particularly at regional, divisional and district levels;

- How intelligence is used to task garda resources to prevent and investigate crime;

- How the Garda Síochána uses intelligence obtained from registered informants and from confidential lines such as Crimestoppers.

Part 8 reviews the garda units gathering intelligence, the range of contributors of intelligence and the intelligence systems used by the Garda Síochána. For security reasons, the Inspectorate has not included information on processes and tactics that might compromise national security or intelligence collection methods used by garda activity.

8.2 Importance of Intelligence

The primary objective of any police service is to prevent crime from occurring. A crime prevented means one less victim, one less crime investigation and avoids all the expense and activity that is required to support an investigation.

Effective policing, which identifies risk of harm to communities, prevents crime and assists in the detection of offenders, will always be reliant on accurate and timely intelligence. As highlighted in Parts 3 and 4, inaccurate and incomplete crime and incident recording on PULSE impacts negatively on the overall scope and representation of data and results in analysis and decision making being made on partial and deficient information.

Management and Application of Intelligence

Professional, effective intelligence management involves linking information from a wide range of sources to build a composite picture. The collation of appropriate information, its accurate assessment and timely analysis is vital to effective policing. The collation and use of intelligence also needs to operate within the existing legislative framework, in this context: the European Convention on Human Rights Act, 2003 (ECHR) and the Data Protection Acts of 1998 and 2003. At an operational level, it should determine and inform:

- The daily briefing of operational gardaí and their supervisors;
- Identification of risk and the appropriate management of that risk;
- Tasking of gardaí and other resources to prevent and detect crime;
- Effective management of offenders, particularly those persistent and prolific offenders;
- Liaison with border police services, in this case, Police Service of Northern Ireland (PSNI) on cross-border threats;
- Liaison with statutory partner agencies who share a responsibility for crime prevention and investigation, e.g. notifications to the HSE of children needing attention.

Use of Intelligence

Good quality intelligence is the life blood of policing operations and is used to inform managers of risk issues. The section in the Garda Síochána Code on the Criminal Intelligence System provides that every member has a role to play in intelligence gathering. Unlike other police services, there is no clear statement on the need for quality intelligence and the role of all operational gardaí in gathering intelligence.

State Security Intelligence

Security and Intelligence Division includes the Intelligence Section, which focuses on intelligence relevant to State security and threats arising from terrorist activities.

National Criminal Intelligence Unit

The National Criminal Intelligence Unit (NCIU) is part of Security and Intelligence Division in the Garda Síochána. The NCIU focuses on intelligence in relation to serious and organised crime. The NCIU has daily contact with garda national units, Garda Liaison Officers attached to Irish embassies and with other police services.

Key Functions of the NCIU

The NCIU has three key national functions and the unit is divided into three sections: Operations, Vetting and Covert Human Intelligence Sources (CHIS). In Operations section, gardaí are designated as 'desk officers', appointed to manage operations and requests for assistance. The NCIU provides a service at fixed hours, but will operate outside of these hours to support an on-going operation. In a serious fast-time case such as a tiger kidnap, a desk officer will be assigned to work with a senior investigating officer to provide and evaluate intelligence. The garda roster has greatly impacted on their ability to manage case loads. The Inspectorate has been informed of the difficulty in managing case loads and apart from serious cases, desk officer tasks are not progressed whilst they are off-duty.

The NCIU can task national units to gather intelligence or to conduct intelligence led pro-active operations against known targets. Where such an operation has been authorised, the NCIU will issue a name for the operation. Currently, 55% of the intelligence received by the NCIU is referred

to garda national units, and 45% is referred to divisions and districts. Of the information sent to national units, 65% goes to the Garda National Drugs Unit.

Intelligence on Threats to Life

The Garda Síochána has a positive obligation to take all reasonable steps in respect of individuals whose lives are threatened. The policy and guidelines are published in a 2011 Garda HQ Directive. Threats are graded in risk levels from low to critical. During 2012 (period 01.01.12 to 30.09.12), there were a large number of threats, with only one threat graded as critical (an attack is imminent) with the majority graded as substantial (an attack is a strong possibility). Information provided to the Inspectorate during this inspection indicated that all of those cases still appear as current threats.

Intended victims often present themselves to gardaí to report that a threat has been made against them. In cases where an intended victim may not be aware of the threat, the district or divisional officer can authorise that the person is informed about the threat and a formal Garda Information Message (GIM) is served on the person. In most cases, a district investigator will contact the intended victim about a threat that has been received locally, and the NCIU will provide any available intelligence to assist the senior investigation officer to determine the level of risk and any action to minimise the risk. The NCIU often receives requests from divisions to review threats to life incidents that are still under investigation and the Inspectorate was informed of one divisional request which required the review of forty-seven threat to life cases. The submission of this volume of cases placed the NCIU under enormous pressure and the Inspectorate noted that the division had a very large number of live threats to life investigations.

Prioritisation of Intelligence

The Inspectorate was informed that too much information is received to be actioned effectively. This clearly presents an organisational risk. The Inspectorate found that the volume of operations is very high and there is an absence of formal prioritisation at a corporate level.

Intelligence System

Security and Intelligence Division operates an intelligence system which is separate from PULSE. This system is a central repository for intelligence in relation to State security and serious and organised crime for the entire Garda Síochána. This system is in serious need of upgrading and the intention is to migrate to a new Major Investigation Management System (MIMS) intelligence system. The Inspectorate understands that the testing of this new system is at an advanced stage. The migration is likely to be a major operation as there are 95,000 old electronic records and the current data is unconstructed and will need cleansing before it is placed onto the new system. The new system will provide NCIU with access to all of the intelligence of the national units, but national units will be restricted to viewing only that intelligence relevant to their own speciality, i.e. drugs. This system will not be viewable to frontline units or used in the day to day investigation of crime.

Security Vetting

The NCIU provides a non-statutory security vetting function for a range of internal positions and also in response to requests from other police services. This includes vetting for new entrants to the Garda Síochána, such as recruits and reserves. In 2013, 4,700 vetting checks were carried out. The Inspectorate believes that this is not best use of intelligence resources and there is no good reason for gardaí performing this vetting function.

The Inspectorate noted that people vetted for entrance to the Garda Síochána are not subject to further vetting, at any later date. In other policing jurisdictions, people are subjected to further vetting including financial vetting, at key times; such as on application to join a national unit or for promotion to higher ranks where the post holder would need to be included in the distribution of more sensitive material. The Inspectorate believes that vetting needs to be an on-going process and is a good tactic to reduce internal threats to an organisation.

> #### Recommendation 8.1
>
> **The Inspectorate recommends that the Garda Síochána reviews the security vetting process to consider a need for additional vetting prior to specific appointments or promotions. (Short term).**

8.3 Surveillance

Use of Surveillance

The use of surveillance is provided for by the Criminal Justice (Surveillance) Act 2009 and a Garda HQ 2012 Directive. Unlike legislation in other policing jurisdictions, e.g. the UK (Regulation of Investigatory Powers Act 2000), the powers used by the Garda Síochána allow more scope for gardaí to observe suspects outside of the legislative requirements.

National Surveillance Unit

The use of a properly trained surveillance officer is a crucial resource in safeguarding the security of the State and tackling serious criminality. In most policing jurisdictions, the demand for surveillance units far exceeds their capability. Many organised criminals are surveillance conscious and the use of untrained officers without the necessary skills and equipment often compromises policing operations. The Garda Síochána has made a significant investment in the skilled resources deployed in the National Surveillance Units (NSU).

The Inspectorate met with members of the NSU, who described the garda roster as severely impacting on their availability and it has reduced capacity by up to 20%. It was explained that the unit does not need five teams and they do not need to work longer hours; they just need to increase the number of days worked. It was further explained that the roster reduces individual garda availability by forty-two days per person per year. In a situation where demand far exceeds the capability of the unit, the roster is further seriously impacting on this critical work area. A supervising officer described the roster as "not made for the mission".

The work of the NSU is targeted towards dissident activity and serious and organised criminality. In 2013, the NSU were involved in operations that led to nineteen arrests for cases that appeared before the Special Criminal Court. As a national unit, they operate outside Dublin and try to help when requests are made for their services. With volume crime, their involvement is more limited, although they have participated in operations to target inter-regional travelling burglars. The NSU are sometimes tasked to monitor specific individuals.

Due to the inability to service all of the demands placed on the NSU, many regions and other national units have developed their own small surveillance teams. These teams are not trained to the same level as the NSU and do not have access to surveillance devices. Other national units see merit in having their own surveillance equipment, such as tracking devices for cars that they could deploy at times when the NSU is unavailable.

Recommendation 8.2

The Inspectorate recommends that the Garda Síochána conducts a review of the use and prioritisation of surveillance and the availability of surveillance equipment and training to non-national surveillance units. (Medium term).

Operational Decision Making

Several national units, including the NSU, may be involved in a single operation. The issue of making and recording decisions during the running of an operation was raised by a number of national units. During an operation, events invariably unfold that require fast-time decision making. With surveillance, this could include dangerous driving by the persons being followed or the commission of a crime that is unconnected to the operation. The recording of decisions made and the rationale for them in such situations is an important aspect of the management of that operation. At present there is no garda policy, instructions or training about how those decisions should be recorded. In many police services, formal operational/decision logs are used to record key decisions and the rationale for them. In most cases, this only becomes an issue when a serious incident occurs and there are follow-up enquiries about decisions made. National unit supervisors identified a need for training and development in decision-making and recording by those in command of pre-planned and spontaneous operations.

Recommendation 8.3

The Inspectorate recommends that the Garda Síochána conducts a review of the training and development for decision making and recording of decisions for those managing pre-planned and spontaneous incidents. (Medium term).

The management of spontaneous firearms incidents was raised during several focus groups. On a regular basis, armed officers are attending incidents and an on-scene commander (usually an inspector) is not always available. The responsibility on these occasions falls to the armed officers who are dealing with the incident. It is very important that a properly trained supervisor attends the scene of all spontaneous and pre-planned firearms operations and takes command of the incident.

Recommendation 8.4

The Inspectorate recommends that the Garda Síochána conducts a review of the training and availability of on-scene commanders to take command of pre-planned and spontaneous armed incidents. (Medium term).

Telecom Liaison Unit

Within Security and Intelligence, there is a section called the Telecom Liaison Unit (TLU), which provides a single point of contact with communication service providers and also deals with telephone interception issues.

Significant delays in obtaining telephone call data from some service providers was raised in a previous part of this report. This issue was raised by a number of senior investigators, particularly in relation to some telephone companies. The delay in providing the data is causing delay to the investigation of many crimes. In some cases the investigating garda may be asking for unnecessary call data information, or the time period sought is extended beyond what is needed to investigate the crime. It is important that a supervisor checks the application to ensure that the data is required and that the parameters for the call data are proportionate and necessary to facilitate the investigation of the crime. The TLU explained that there are no time limits imposed on telephone companies for providing the call data and that service providers do not always respond in a timely manner. This is the subject of a recommendation in Part 6.

The TLU informed the Inspectorate that with the advancement of telephone applications, the Garda Síochána needs to upgrade their surveillance equipment.

Recommendation 8.5

The Inspectorate recommends that the Garda Síochána ensure that technology is upgraded before the implementation of 4G. (Medium term).

Garda Síochána Analysis Service
Good Practice

The Garda Síochána Analysis Service (GSAS) is headed by an intelligence professional based at Garda HQ. The Head of Unit reports directly to the Assistant Commissioner for Crime and Security and has two deputies that perform a quality assurance role for all of the analytical products produced. The targeted recruitment of professional analysts is a real success story for the Garda Síochána and they have been very well received. There are a total of twenty-eight analyst posts and the original intention was to incrementally increase the number of analysts. Analysts are based at a number of locations, including Garda HQ and across some of the regional offices.

GSAS produce a variety of reports, including monthly crime reports to the respective regional and national assistant commissioners. The reports provide an overview of crime trends on a month by month basis, as well as rolling year averages. Analysts based in regions also produce specific reports on particular crime trends or profiles on known criminals. The Inspectorate found the reports produced by GSAS to be of a high quality and senior gardaí stated that they use them to better inform operational decisions. The unit head attends a senior management monthly meeting held by the Commissioner and provides the latest picture on crime trends.

Researchers and analysts are a key component of any good intelligence system and best results are usually achieved when intelligence units have a good mix of police officers and GSAS analysts and researchers. However, within the Garda Síochána, the Inspectorate found that analysts are generally working separately from gardaí who work in intelligence units. During inspection visits, the Inspectorate found many examples at regional

and national level where analysts and gardaí are analysing similar intelligence in the same buildings, but in different offices.

A significant challenge for GSAS is the retention of analysts in posts where there is limited opportunity for career progression. Analysts are attractive to private sector organisations, who offer significantly higher levels of remuneration. At the time of writing this report, five of the original twenty-eight analyst posts are vacant. This is impacting on the service that the unit can provide in terms of crime analysis.

Although GSAS is considered to be the centre of excellence in terms of crime intelligence analysis, it has no role in overseeing the use of crime intelligence outside of its own remit. Currently, GSAS does not have a role in setting standards for use of intelligence, such as the collation, analysis and dissemination of intelligence throughout the service. This is a missed opportunity, given the experience and expertise of the GSAS senior management team.

Recommendation 8.6

The Inspectorate recommends that the Garda Síochána designates GSAS as the professional lead for developing standards for the collating, analysis and evaluation of intelligence to ensure that professional standards are maintained. (Short term).

Availability of Intelligence on PULSE

The Garda Síochána operates a number of different intelligence systems, but PULSE is the main repository for crime information[1] in respect of the majority of crime that is committed. Data must be exported from PULSE into another database for analysis. This was first set up as a temporary PULSE solution, but a more long term solution has never been addressed. Unfortunately the database to which PULSE information is exported does not contain critical information such as the Modus Operandi[2] field. This is information that analysts need to use on a daily basis. Extracting data from PULSE is challenging and more detailed

searches have to be forwarded to a unit called the Information Analysis Service (IAS). This unit conducts many searches that should be available to other intelligence users such as GSAS analysts. In the absence of an investment in an IT solution, the Inspectorate believes that analysts should be trained and provided with access to the data available to IAS staff.

Recommendation 8.7

The Inspectorate recommends that the Garda Síochána provides GSAS analysts with full access to PULSE data. (Short term).

Across all Garda Síochána units, the Inspectorate found large numbers of gardaí who are, on a daily basis, collecting and storing statistics and information. The Inspectorate found duplication in activity and the lack of automation often demands manual searches. The use of gardaí to conduct such searches is not best use of those resources and many functions of intelligence gathering and analysis should be performed by police staff researchers and analysts.

The Inspectorate is aware that the PULSE system contains a large number of management and information reports that are not used and many managers do not know what is available and how to extract it. The Inspectorate believes that the Garda Síochána must fully exploit the information that they have, but at present they are unable to readily access or interrogate it. The Garda Professional Standards Unit within the Garda Síochána, informed the Inspectorate that this is an area under examination. One initiative is the introduction of a daily search on PULSE that can be run by districts to provide standardised information for use as part of the district officer's daily meeting. The Inspectorate welcomes this approach.

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1   This crime information is commonly referred to as "PULSE intelligence" or "intelligence on PULSE".
2   A term used by law enforcement authorities to describe the particular manner in which a crime is committed.

8.4 National Intelligence Model

The Garda Síochána informed the Inspectorate that they work to a national crime model, but there is no written document outlining what this model is, how the model works and what processes should take place to make sure that resources are targeting prolific offenders or hot spot locations where crime takes place.

Other police services visited as part of this inspection work to a national model of intelligence. The Canadian Criminal Intelligence Model links up all elements of the criminal intelligence process within law enforcement in Canada and has a separate CAPRA[3] model for officers in deciding how to act in an interaction with a suspected offender. UK police services use the National Intelligence Model (NIM) created by the National Criminal Intelligence Service (NCIS) to target crime and disorder and prolific offenders of crime. The desired outcome is to create safer places for those that live, work or visit an area. The model looks at three levels of offenders ranging from those that commit crime at a divisional level (Level 1), to those that cross divisional borders (Level 2) and to those operating at a national level (Level 3 serious organised criminals). The intention of NIM was to move police services from reacting to crimes, to policing on the front foot and trying to prevent a crime from taking place. Research, design and testing of the model were completed by police officers, analysts and intelligence specialists from a number of police services and agencies. The NIM approach also determines who will target a particular criminal. For example, a division manages Level 1 offenders, regions co-ordinate activity against Level 2 offenders and national units focus on Level 3 offenders. Australia is the most recent advocate of a NIM structure with its Criminal Intelligence Model (2012).

From field visits, the Inspectorate found that much of the terminology created in the NIM is also used by the Garda Síochána; but in practice it operates in a very different way and the processes that make it work have not been adopted. As the PSNI use NIM, the Inspectorate believes that its full use by the Garda Síochána would be of benefit in cross border work.

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3   Community Policing Problem Solving Model, CAPRA (C =Clients, A =Acquire/Analyse Information, P =Partnerships, R =Response, A =Assessment of Action taken)

Tasking and Co-ordinating

The tasking and co-ordinating process is a key element in the National Intelligence Model, as it is the conduit for actioning intelligence, prioritising targets and for ensuring that results from activity are fed back through the intelligence process. In simplest terms, tasking and co-ordinating is about having the right people, in the right place and at the right time. At the start of a tour of duty, all operational front-line gardaí should be given specific tasks to complete, which are focused at preventing crime or monitoring offenders in their patrol areas. The tasks should be determined beforehand, on the basis of intelligence and local knowledge of current crime patterns and supported by a supervising officer. Gardaí working on regular units should have a daily parade and a supervisor should task all gardaí such as with a particular patrol in a crime hot spot or to conduct an enquiry on a suspect who is on bail. At the end of a tour of duty, gardaí should provide a result, explaining what action they took and feed this back into the intelligence system. For national units, activity should be prioritised and focused on serious organised criminals identified by intelligence. Field visits to divisions and national units have shown that there appears to be an absence of any such formal tasking and co-ordinating and as a result gardaí on patrol or on local specialist or national units are self-tasking and generating much of their own work.

Chart 8.1 shows the NIM intelligence process with tasking and co-ordinating at the centre of the model.

Tasking and Co-ordinating Meetings

Under the NIM model, priorities and policing activity are driven by strategic assessments (six monthly reviews of main crime priorities and emerging issues) and a tactical assessment (the recent crime profile). A major development in the UK was the creation of a joint strategic assessment completed by all the main partner agencies.

At a national, regional and divisional level, many police services operate a weekly or bi-weekly meeting to prioritise targets and task all available resources. With reductions in staff in all major police services, there is a real need to ensure that priorities are selected and that all available staff are appropriately tasked. In the UK, there is a

Chart 8.1

Business Planning

Government & Local Objectives

Performance Management

Business Excellence Model

BUSINESS

Managing

Crime

Criminals

Disorder

Problems

Prioritise Intelligence Work

Tasking & Coordinating Process

Production of Intelligence Products

Tasking & Coordination Meeting

OUTCOMES

Outcomes

Community Safety

Reduced Crime

Controlled Criminality

Controlled Disorder

Intelligence Products

Knowledge Products

System Products

NCIS - National Intelligence Model Tasking and Co-ordinating process.

statutory obligation between the police services, local authorities and the health service to make communities safer. As a result, local authorities, fire services and other statutory agencies, such as those dealing with young offenders are invited to attend tasking meetings to discuss the deployment of all agency resources. Most local authorities have uniformed patrol staff, such as parking wardens or police community support officers and the tasking meeting co-ordinates all patrol activity.

Tasking and co-ordination are core parts of the intelligence management process, as they underpin the strategic, operational and tactical work arising from the production of intelligence. These key elements are:

- Strategically, the tasking and co-ordinating meetings provide an overview of emerging challenges to assess and inform preventive or mitigating medium term planning;

- Operationally, such meetings provide an opportunity to frame priorities, responses and identify resources required;

- Tactically, they provide a forum to inform police units about imminent threats and to develop preventive or mitigating responses.

Recommendation 8.8

The Inspectorate recommends that the Garda Síochána implements a national intelligence model/process. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop national standards for the way that intelligence units operate at national and divisional levels;

- Develop a corporate intelligence tasking and co-ordinating meeting that is chaired by a senior officer;

- Develop a regional and divisional intelligence tasking and co-ordinating process;

- Ensure that every operational garda and reserve is assigned a daily intelligence task;

- Conduct a review of all national units that are operating intelligence units and to ensure that GSAS analysts are aligned to intelligence units;

- Ensure that check points and other pro active initiatives are intelligence led, outputs are accurately recorded and evaluations are conducted to identify what works well.

8.5 Garda Síochána Internal Crime Meetings

The Garda Síochána convenes a number of different crime meetings at national, regional, divisional and district level. The meetings in general do not follow a similar format, and agendas and attendance at meetings vary greatly from place to place. The Inspectorate found some good examples where regular meetings are held to discuss crime trends and a broad range of specialist gardaí are invited to attend.

Operation Fiacla
Good Practice

> **Operation Fiacla is a national Garda Síochána initiative against individuals and gangs committing burglary offences. This is a good example of how the Garda Síochána can effectively task resources at a national and local level towards a particular crime issue and co-ordinate activity across all the regions and divisions. The Inspectorate believes that this approach needs to be adopted in respect of other priority crimes.**

Checkpoints

The Garda Síochána conducts check points on a daily basis for a variety of reasons such as Mandatory Alcohol Testing (MAT) and to prevent or detect criminal or traffic offences. Currently, only MAT checkpoints are recorded on PULSE under a defined category. Other checkpoints, if recorded, are placed into the wide category of Attention and Complaints.

As part of Operation Fiacla and the national response to burglary, the Garda Síochána conducts daily check points on key locations at certain times of the day. The Inspectorate was unable to determine the effectiveness of these check points as records and results are often not entered on PULSE or are difficult to find. The Inspectorate tried to identify the outcomes of checkpoints in respect of the number of arrests, recovery of property and intelligence records. Like any initiative, over time gardaí can lose interest unless they are given fresh impetus. During field visits, the Inspectorate was informed by gardaí that they did not perceive that

the check points were always intelligence led and in the right place. The success of a good intelligence system is the evaluation process of identifying effective and ineffective operations and initiatives. The Inspectorate considers that the process of using checkpoints or other such activity should be part of the tasking process, needs to be intelligence led and results must be recorded and evaluated.

Garda Síochána Tasking Meetings

The Garda Síochána does not convene a national tasking and co-ordinating meeting to inform and direct the activity of national and regional units. There is a unit called the Tasking and Co-ordinating Unit (TACU) within the National Support Services (NSS). TACU was introduced in 2010 primarily to co-ordinate regular tasking meetings for the five bureaus in NSS and to manage the flow of intelligence between the NCIU and NSS operational units. However, the TACU is not actually performing the suggested role of its title and a tasking meeting has not been held for almost two years. In essence, TACU acts as an intelligence hub to receive information from the National Crime Intelligence Unit and to send it to the appropriate bureau within NSS. The passing of intelligence from the NCIU through TACU and onto the national units is all managed on paper.

Development of Tasking and Co-ordinating Meetings

The Inspectorate believes that the Garda Síochána must develop a tasking and co-ordinating process at all levels that reviews intelligence and crime trends, identifies priorities and allocates appropriate resources. The Inspectorate considers that under the current structure of the Garda Síochána, tasking meetings should be held at three specific levels: national, regional and divisional. While a version of these meetings already occurs, there is a need for strategic linkage between the various levels.

The Inspectorate believes that it is important to co-ordinate the activity of national units and to provide a structured forum for regions and divisions to seek the assistance of units, such as the National Surveillance Unit and uniformed operational units, such as Air Support, Mounted and other specialist units.

Linkage is also required at regional and divisional level to facilitate co-ordinated requests for assistance to deal with cross-border and particularly challenging criminals. The Inspectorate believes that a senior garda member should chair all tasking meetings, particularly at a national level.

Divisional Resources Available for Tasking

Within divisions, there are a significant number of units that should be tasked and directed towards policing plan targets and local priorities. The following are the various units and examples of taskings that should be allocated:

- Criminal Intelligence Officers and analysts to produce crime or suspect profiles and to support predictive policing by identifying locations for future offences;
- Detectives to conduct the interviews of prolific offenders;
- Regular unit, community gardaí and reserves to patrol hot spots for crime or enforce bail conditions;
- Crime Prevention Officers to develop target hardening crime prevention initiatives ;
- Traffic gardaí to target particular roads used by criminals;
- Taskforces and Drug Units to target those offenders committing volume crime;
- Crime Scene Examiners to attend priority crime scenes.

National Support Services Intelligence Units

Most of the national units have their own separate intelligence sections. Within National Support Services (NSS), the Inspectorate found six separate intelligence units. Some of these units work in the same building, but operate in isolation of the others. This disconnection risks the occurrence of 'blue on blue' operations where two national units independently target the same suspect at the same time, compromising an operation, and wasting resources.

In addition, analysts within NSS are not co-located with gardaí working in intelligence units. There should be one intelligence hub/unit servicing NSS, and analysts and gardaí should be working

together as part of one single team. A single hub would remove the risk of two units targeting the same person.

Recommendation 8.9

The Inspectorate recommends that the Garda Síochána amalgamates the current National Support Services intelligence units into a single intelligence hub. (Short term).

Intelligence Role of the Regional Detective Superintendent

The Inspectorate visited all regions and met with regional and divisional detective superintendents to discuss their role in managing intelligence. The role and responsibilities of a detective superintendent in a region can vary. Regional detective superintendents often perform the role of controller for Covert Human Intelligence Sources (CHIS), managing a small team of detectives who deal with registered informants. Detective superintendents control other regionally based units such as Regional Support Units (RSUs) that provide an armed response to incidents involving significant risks and in some regions a small surveillance capability. The Inspectorate found a considerable variance in the methods employed by detective superintendents to ensure that intelligence was utilised effectively.

In one region, a detective superintendent has developed a clear process in relation to the use of intelligence, including holding bi-monthly meetings with all district detective inspectors, focussing particularly on cross-border and travelling criminals.

In a different region, a detective superintendent described their role as the operational manager for the regional assistant commissioner, with responsibility for the deployment of a regional surveillance team, the RSU and CHIS unit. Although the post has no defined role description, it does by its very nature, include many activities which need to be intelligence led, such as the effective tasking of the regional units. The Inspectorate did not find any clear formalised process for determining how these units are deployed. In the absence of a formal tasking and co-ordinating meeting, resources are

deployed by the detective superintendent using professional judgement rather than intelligence data to determine how best to task them. In this region, there was little if any liaison between the region and with divisions on the use of CHIS or monitoring of the value and outcome of intelligence obtained from them.

In another region, the Inspectorate found that a detective superintendent had no clear remit in respect of intelligence or operations. Their role was vague and undefined, described by the post holder as 'a bit muddled' with no clear responsibility for intelligence or tasking. Despite their position as senior investigating officers within the organisation, most detective superintendents had no clear role for ensuring the effective collation, analysis, dissemination and use of criminal intelligence. Indeed, there is no clear linkage from GSAS to regional and divisional detective superintendents and then onto the local Criminal Intelligence units. Each detective superintendent works independently of the other, with no clear standards or framework for using intelligence in a timely and effective manner.

As highlighted in Part 2, the Inspectorate is advocating a change in the way that detective superintendents are currently used. To complement their role, the Inspectorate believes that detective superintendents should be responsible for all aspects of the effective management and use of intelligence. This needs to sit alongside a revised policy with clear operating standards for the use of intelligence.

Intelligence to and from Other Countries

Interpol and Europol are units within Crime and Security Division managing enquiries from other international police services and enquiries from Ireland to other countries. Enquiries can range from a check to make sure that a person is safe and well in Ireland or abroad; or to an investigation of a crime in another country where the suspect may be located in Ireland. Europol is a small unit that focuses on criminal and operating intelligence and this is passed to the National Criminal Intelligence Unit.

Interpol Unit

Interpol covers 190 countries and the Garda Síochána Interpol Unit manages 120,000 enquires a year, of which 50% require assessment or action in Ireland and the rest are in connection with enquiries that are sent abroad. Interpol Unit is staffed by garda desk officers who manage the enquiries and they are supported by police staff who enter the information onto a stand alone computer system. The Inspectorate was informed that the police staff are able to do many of the tasks that do not require sworn powers and there are opportunities to increase the current roles afforded to police staff. General enquiries received by the unit include: information on a person wanted in and outside of Ireland; serious crimes including tiger kidnappings; and a growing number of enquiries in relation to cybercrime.

Garda Liaison Officers (GLOs) at sergeant rank are based abroad in the main European cities and provide a liaison between the Garda Síochána, Interpol and European police services. The Inspectorate was informed that GLOs are providing an excellent service.

There is no Standard Operating Procedure (SOP) for Interpol Unit staff and in particular for the desk officer. The Inspectorate believes that a written SOP would provide clarity about the role of Interpol staff and how they should operate.

Recommendation 8.10

The Inspectorate recommends that the Garda Síochána conducts a review of Interpol Unit and in particular the management of enquiries, minimum staffing levels of the unit and the IT infrastructure. (Medium term).

To achieve the above recommendation, the following key action needs to be taken:

- Create a Standard Operating Procedure for Desk Officers.

8.6 Criminal Intelligence Units in Garda Divisions

Criminal intelligence units should be the hub for receiving, collating and evaluating intelligence received locally and for liaising with the National Crime Intelligence Unit (NCIU). Each of the seven divisions visited had a number of intelligence units operating from district stations. There are approximately 120 designated gardaí called Criminal Intelligence Officers (CIOs) in divisions and districts, whose role is to collate, evaluate and disseminate intelligence. Within the divisions visited, the Inspectorate found that all CIOs are gardaí and that they have limited interaction with regional or HQ based analysts. A National Crime Intelligence Officer attached to NCIU provides policy advice and general guidance to CIOs all over the country. In some districts, the CIO had a clear line manager, but in other places it was less clear who was supervising the unit.

While they are considered to be a divisional resource, in many cases a small number of CIOs work at different district stations within the same division, sometimes on their own. The Inspectorate met one group of CIOs in a division who had not all previously met. Most of the CIOs had no relief officer and this frequently resulted in situations where there was limited or no intelligence coverage on districts when the CIO is off-duty, whether on four rest days or some other absence. One CIO returned after sickness absence to find a backlog of a month's work.

A major part of a CIO's work is the creation and circulation to gardaí of bulletins: information sheets about a particular crime or an offender. In some places CIOs are circulating up to five bulletins a day. In general, patrolling gardaí were complementary about the bulletins and the information supplied by CIOs.

With the move to a divisionally based policing model, the Inspectorate believes that there are benefits to be gained by creating a single divisional intelligence hub that manages all local information and intelligence.

Recommendation 8.11

The Inspectorate recommends that the Garda Síochána develops divisional intelligence units. (Medium term).

Role of the Criminal Intelligence Officer

Whilst the Garda Síochána Code sets out the role of the CIO, how they are recruited and their day to day remit, it does not describe how the CIO should be operating with other individuals or teams who contribute towards crime investigation on districts and divisions. It also does not explain how CIOs should liaise with partner agencies to gather and share intelligence or how open source intelligence should be used.

In discussions with the Inspectorate, CIOs outlined their main functions as:

- Daily review of intelligence entered onto PULSE and quality assuring that intelligence;
- Creating intelligence bulletins (internal information sheets on crimes or CCTV stills of suspects that are circulated to gardaí);
- Attending case conferences for serious crimes such as homicides;
- Creating and monitoring of warning markers on PULSE (such as wanted suspects or vehicles of interest);
- Uploading of prisoner photographs onto PULSE.

The Inspectorate found that CIOs spend a considerable amount to time undertaking administrative tasks, such as the uploading of prisoner photographs onto PULSE. Whilst there will always be a degree of administration associated with this role, it would be a much more effective use of resources to allocate these administrative tasks to police staff and allow a CIO to focus on analysing and evaluating the criminal intelligence picture in their area. A Standard Operating Procedure (SOP) is required to clarify the functions and operating practices of a CIO, to make it more appropriate to both current policing demands and international best practice.

Recommendation 8.12

The Inspectorate recommends that the Garda Síochána creates a Standard Operating Procedure clarifying the functions and operating practices of a criminal intelligence officer. (Short Term).

Criminal Intelligence Officer and Attendance at Meetings

In most divisions, CIOs are included in case conferences held following a homicide or other major crime and will generally be tasked to produce profiles of potential suspects. The creation of suspect profiles was described as a very time consuming process and in some cases different units are creating profiles on the same offenders who come to notice at a later date.

There was limited evidence of CIOs being involved in producing offender profiles in districts and regions visited where there was a focus on managing prolific offenders, e.g. through Operation Fiacla (burglary). There was also limited evidence of CIOs producing subject or problem profiles, which would inform local officers about a volume crime trend and the approach to preventing or detecting that offence.

The Inspectorate found no evidence that CIOs regularly attended unit briefings or parades to either provide intelligence or to encourage gardaí to input actionable intelligence reports. Most CIOs recognise that this is a gap and some try to visit units resuming duty after a period of rest days. Other police services have briefing officers, whose role is to prepare an electronic briefing with associated tasks. This briefing is used to task patrolling officers, but is available to all officers and particularly those working at remote locations.

There was also very little evidence of CIOs being used in either the planning or execution of major crime operations. The Inspectorate views this as a missed opportunity to employ CIOs on the more high profile cases where they could support both the planning of the operation from an intelligence perspective as well as ensuring that all available intelligence is captured during and after the operation.

Who Contributes Towards Criminal Intelligence?

Within divisions and districts there are a number of units and individuals that can contribute towards the intelligence picture as can be seen in Chart 8.2.

During interviews with detectives, drugs units and CIOs, it was clear that detectives and specialist units do not always input intelligence about their operations or investigations onto PULSE. A variety of reasons were offered, which included seeking to retain information about forthcoming arrests, or lack of confidence in the security of the PULSE intelligence system. There will always be a need to protect certain intelligence for reasons of operational confidentiality, but an effective system will meet this need without difficulty. Failure to share information about known or suspected offenders means that vital knowledge about their offending habits, or the risk they pose to others, may not be actioned.

Apart from detectives and gardaí who patrol, there are other invaluable sources of information, such as Crime Scene Examiners (CSEs) who are visiting the majority of burglary and other serious crime scenes to conduct forensic examinations. The Inspectorate found limited evidence of CSEs routinely supplying information to CIOs about particular methods used by suspects at crime scenes and recording this on PULSE. The Inspectorate considers that there is a gap in linking crime scenes and providing information to CIOs and analysts to identify trends and suspected offenders. This inconsistency was evident in all divisions visited.

District intelligence units described to the Inspectorate what they see as a one-way flow of intelligence from local policing units to national units with little in return. From visiting national garda units, it was apparent to the Inspectorate that those units are receiving far more information than they can manage. The Inspectorate believes that there needs to be a clear process (i) to decide how the high volume of intelligence received by national units is managed, and (ii) to seek opportunities to utilise local specialist units to action intelligence that is not currently progressed.

Chart 8.2

Unit and internal sources of intelligence	CIOs' perceptions provided during field visits
Regular Units	• Main contributors; • Quality is varied; • Some very poor and low level intelligence; • Sometimes create multiple and unnecessary entries.
Detectives	• Provide very little intelligence; • Do not always enter information onto PULSE; • Keep intelligence to themselves.
Drugs Units and Local Taskforces	• Provide very little intelligence; • Do not always put intelligence on PULSE until an arrest is made; • Keep intelligence to themselves.
Traffic	• Mixed response some traffic units provided good intelligence and some very little.
Community Policing	• Regular providers of intelligence on quality of life issues.
Crime Investigators	• Provide very little intelligence about a crime investigation.
Crime Prevention Officers	• Two divisions reported good contact; • Five divisions had no contact.
Crime Scene Examiners	• Two divisions had regular contact; • Five divisions had limited contact.
National Units	• One way flow upwards; • Very little intelligence sent to divisions.
Garda Analysts	• Limited contact; • One division had good contact via e-mail.

Criminal Methods of Operation

An offender's method of operation is referred to as 'modus operandi' (MO). There is an MO feature on PULSE that allows the recording of specific pieces of information that can be used to link crime scenes and offenders. Burglary offences are often committed by a suspect who may use a particular tool or method for entering a property and large numbers of burglaries are often committed by a small number of prolific offenders. Without this level of detail, an analyst or CIO is unable to link offenders to multiple crime scenes. When an arrest is made, it is vital to be able to link crimes that a suspect may have committed and for those crimes to be put to the offender during interview. This is particularly important in serious crimes such as murder or serious assault. The Inspectorate identified that MOs are not always entered onto PULSE.

Recommendation 8.13

The Inspectorate recommends that the Garda Síochána ensures that the Garda Information Service Centre, investigators and specialist staff include modus operandi in all PULSE incident records. (Short term).

Access to PULSE Intelligence

Throughout this inspection, gardaí of all ranks expressed concerns about inappropriate viewing of PULSE incidents and other data primarily by other members who have no professional need to access that data. Most national and local specialist units and detective gardaí in general, informed the Inspectorate that they greatly restrict the level of information and intelligence that is placed on PULSE. This includes both PULSE crime investigations and PULSE intelligence records. The main issue is the unrestricted access that every garda has to the PULSE crime and intelligence systems. Other police services restrict the majority of officers from accessing the intelligence records of other divisions and national units and regularly check to see if officers are viewing intelligence records that should not concern them. Most of the Garda Síochána national units use stand alone databases for intelligence that are not connected to PULSE and offer a greater level of internal security. The national units are in the process of migrating their intelligence to a new MIMS (Major Investigation Management System) intelligence application that will provide restricted levels of access for individual units.

Recommendation 8.14

The Inspectorate recommends that the Garda Síochána implements a system of regular intelligence audits and daily spot checks to ensure that intelligence on the PULSE system is only accessed for a legitimate purpose. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Introduce a process to ensure that supervisors check the intelligence that their staff are accessing to ensure that the searches conducted are linked to a criminal investigation, a pro active operation or other legitimate purpose;
- Explore IT security solutions that will limit access to intelligence records based on user security levels.

Creation of Intelligence Records

Most CIOs were unable to say how many intelligence reports are created each year in their division and to provide a breakdown of the numbers of reports created by particular units. Those who were able to supply data stated that intelligence report numbers in divisions ranged from 1,000 records per year to over 50,000. CIOs play a role in assessing and evaluating intelligence and use a 4 X 4[4] system to grade intelligence. Intelligence was described by CIOs as high volume, but low value. Most CIOs reported that the numbers of intelligence records created are decreasing. In particular, CIOs believe that stop and search records are not always entered onto PULSE and can remain in garda note books.

There is an anomaly in the PULSE system which affects CIO work. Criminal intelligence recorded in one division is only accessible and visible to the CIO in that division. This means that intelligence is recorded in the division where the garda is stationed, rather than the area where the intelligence is obtained. A national unit or a traffic garda working in a different division for the day, can create an intelligence record on a person that lives in that locality. However, in the absence of contact from the CIO in the specialist unit, the record will

not be known to the CIO in the district where the intelligence is relevant. In these cases, a CIO where the garda is based is required to inform the CIO in the area where the intelligence is most relevant.

Data Quality of Records and the Quality of Intelligence

CIOs have responsibility for reviewing and validating the information entered on PULSE, collating intelligence and correcting or removing inaccurate information. Most intelligence reports are created by a member contacting GISC. A drop-down menu for GISC call takers could improve the quality of the intelligence provided.

The PULSE system allows any member to create an intelligence record on a person or a location and once created, it cannot be deleted or removed; but can be altered or explanatory text added. This includes records that are later found to be factually incorrect and potentially damaging to an individual.

The following two examples, obtained on field visits, show data recorded as intelligence on PULSE; but in the first example, the data is inaccurate and in the second example it is potentially damaging to an innocent individual.

Example 1 – Inaccurate intelligence

An off duty member's car was captured on CCTV at a garage around the time when a car drove away without paying for fuel. Although the member was not a suspect, their car details were recorded on the PULSE intelligence system as being connected to the offence. At a later date, a check made on the car owned by the member would link the car to this crime.

Example 2 – Potentially damaging intelligence

A person was stopped by gardaí attached to a drugs unit who searched the person under the powers conferred by the Misuse of Drugs Act. Although no drugs were found, PULSE intelligence records retained information that the person was stopped and searched by a member from a drugs unit. Because the search was drugs related, this has the potential to cast doubts on a person's character if they are subject to security vetting, even though no drugs were found.

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4   4x4 is a system used to evaluate and grade intelligence to establish the reliability of the source of the information.

In the case of the car belonging to a member, the intelligence record was changed to remove the association of the car with the theft of fuel. The Inspectorate does not view the current process of changing data in this way as an acceptable practice and a system should be developed to allow inaccurate data to be removed from PULSE.

The second example was raised as an issue by a number of gardaí, including senior officers, who were concerned that the recording of such intelligence on PULSE is almost criminalising a person who was not found in possession of any drugs. CIOs informed the Inspectorate that the system allows for alteration of inaccurate records by changing some of the details of the record (such as changing a date of birth) so that it will not be linked to a person in the future.

Unlike many international systems for recording such data, PULSE contains all crime data, all divisional intelligence data and all stop and search records. This can be a strength of a system if all the data is accurate, but can be a significant weakness if the data is incorrect. Systems employed in many UK police services have a filter process for turning stop and search data into intelligence. A negative stop and search in these police services is not always considered as intelligence especially if the person has no previous involvement in criminality.

CIOs informed the Inspectorate that an inordinate amount of their time is spent correcting inaccurate and poor quality intelligence reports. This includes spelling mistakes and inappropriate comments. Precise recording of names is important, as inaccuracy can lead to the creation of a different and unlinked intelligence record for someone who is already on the PULSE system. There is a lack of corporate guidance to operational members about what constitutes quality and useful intelligence. In discussions with operational gardaí, examples were provided where members created multiple intelligence reports because it is a way to provide evidence of personal activity for promotion or selection purposes.

An example of high volume and low value intelligence was provided where a garda drove into a particular area and recorded the registration

number of ten vehicles parked near an address of interest. Those vehicles were entered onto PULSE as ten separate intelligence records

Recommendation 8.15

The Inspectorate recommends that the Garda Síochána provides a basic training programme to members and police staff, including GISC, on intelligence led policing, to increase awareness of the value of criminal intelligence, to provide information on data protection issues and to provide clarity on the system operating in the Garda Síochána. (Short term).

To achieve the above recommendation, the following key action needs to be taken:

- Develop a drop-down menu for GISC to improve the quality of intelligence on PULSE.

The Inspectorate did not find any evidence of supervisors checking the quality of PULSE intelligence reports. CIOs did not see that it was their role and they do not want to discourage gardaí from creating records. This creates a high volume of worthless information on the PULSE system. Gardaí explained that many offenders have hundreds of intelligence entries and that important intelligence can sometimes be missed. This is particularly relevant in fast time situations such as when gardaí are dealing with a person on the street and have requested that person's details be checked on PULSE.

Recommendation 8.16

The Inspectorate recommends that the Garda Síochána ensures that supervisors check the quality of intelligence records submitted by members. (Short term).

Recording Intelligence on Children

The recording of childrens' details on PULSE intelligence records was raised by a number of people as a concern. The Inspectorate was informed that there are a significant number of children under the age of seven and infants under the age of one with intelligence records. The Inspectorate

requested statistical information to confirm the number and demography in this PULSE category. The Garda Síochána has responded that they are not yet in a position to give definite figures but are dealing with the issue as a matter of urgency.

Recommendation 8.17

The Inspectorate recommends that the Garda Síochána conducts an urgent review of the recording of childrens' details as an intelligence record on PULSE. (Short term).

Duplicate Intelligence Records

Another anomaly in the PULSE intelligence system is the creation of a duplicate intelligence record (with a unique PULSE ID) for a person or for a location that is already recorded on the system. There are many reasons for this, including the facility for any member to create a new intelligence record. Where a garda or GISC call taker does not search PULSE thoroughly for an existing record, it is possible to create another record on PULSE, which becomes a duplicate. During visits, the Inspectorate saw examples of duplicate records on PULSE and in one case there were thirteen duplicate records for the same person. A person that has come to notice can of course add to this confusion by providing a completely different identity or by slightly adjusting their name or date of birth. If new reports are vague or unspecific about the correct details of a person, such as a date and place of birth, or distinguishing marks such as a tattoo or a scar, it will be impossible to link these to the existing reports for that subject.

This issue was also raised during an Inspectorate visit to the Garda Interpol Unit, which other police services regularly contact for enquiries such as a fingerprint comparison of a suspect under investigation by the requesting police service. In some cases, the check of the fingerprints against garda records reveals multiple hits against suspects with different details and in one case the person was linked to seven different identities. This is confusing and such records should be merged into one PULSE ID with a note to explain that the person uses a number of aliases. Part of the problem appears to be the issue of matching a PULSE incident number (unique reference number for a particular crime) and a person's PULSE ID number (unique reference number for each person on PULSE). One solution which has been

identified is for an alert system to be introduced at the Fingerprint Section in the Technical Bureau to inform an investigating garda immediately that the fingerprints of the person that they are dealing with match those of another record on PULSE that has a different name or date of birth.

The responsibility for merging duplicate reports is left to CIOs, but some are untrained and not all CIOs are doing merging work. In one district, the superintendent deployed two gardaí on a full time basis to undertake the merging of thousands of intelligence records and said that it would take some considerable time to bring order to the current situation. CIOs expressed a strong concern that the PULSE system is cluttered with duplicate intelligence reports, which cannot be verified and are not or cannot be linked to existing subject records.

The Inspectorate was informed that gardaí can also contribute to duplicates by not thoroughly searching PULSE, in order to link a person to someone who already has an existing intelligence record. In these cases, a second record for the same person is created. The Inspectorate was also informed of cases where a new PULSE record was created as a result of a garda not taking action in a case and a second record is created with slightly different details about a person. An example of this was provided where a garda had not arrested a person who was shown on PULSE as wanted. This is further covered in Part 10.

PULSE allows an individual garda to create an intelligence record. In other police services, officers create an intelligence report, but it is placed into a 'holding or cloud' file allowing a CIO to check, sanitise and grade the intelligence before it is entered onto the intelligence system permanently. The Inspectorate believes that the Garda Síochána should introduce a similar practice to deal with the creation of intelligence records.

Recommendation 8.18

The Inspectorate recommends that the Garda Síochána restricts the creation of PULSE intelligence records to a Criminal Intelligence Officer. (Short term).

Recommendation 8.19

The Inspectorate recommends that the Garda Síochána tasks Criminal Intelligence Officers with a review of PULSE for duplicate records and inaccurate intelligence records. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Introduce a system to identify and remove intelligence that is inaccurate or misleading;
- Allow CIOs to recommend removal of inaccurate information with the approval of a supervisor;
- Provide clear direction on the merging of duplicate intelligence records.

Open Source Information

Open source information is publicly available material such as that on Twitter, Facebook, YouTube and other social media sites. There is currently no garda policy on the approach and use of social media. Many gardaí in investigative and criminal intelligence roles are restricted from access to such sites. Other police service intelligence units have ready access to sites and regularly use it to check for entries by known criminals and particularly for street gangs and organised criminal networks. Street gangs have used YouTube and other sites to post evidence of assaults committed on other gangs and also to indicate future criminal activity.

The consequence of restricting access is that many gardaí are visiting these sites at home on their own personal equipment and all those interviewed felt uncomfortable about doing this. The Garda Síochána check some open source sites for intelligence about planned demonstrations or other protests, but have limited capacity at a national level to do this properly.

The Inspectorate believes that intelligence units at local and national levels should have full access to interrogate and monitor open source intelligence. The Inspectorate was informed that the PSNI use this sort of intelligence on a daily basis and have deployed dedicated resources to manage this process.

Members of the NCIU also stated that ANPR[5] is not fully developed as an intelligence tool. This was the subject of a recommendation in Part 6 of this report.

Collators' Cards

In both divisional and national units, the Inspectorate found that many intelligence units still retain paper intelligence records dating back many years, which are called collators' cards. In other police services, a move to an electronic intelligence system led to the transfer of relevant data from collators cards to an electronic intelligence system and the destruction of cards where the intelligence was out of date or inaccurate. In the units visited, there did not appear to be a plan of what to do with these cards and many of them are merely filed. The Inspectorate believes that the Garda Síochána must provide direction for the migration of intelligence from the collators' cards onto an electronic system or the sanction to destroy them.

Recommendation 8.20

The Inspectorate recommends that the Garda Síochána provides clear guidance on the retention and disposal of collators' cards which contain personal identifying information. (Short term).

Intelligence for Parades and Briefings

The Inspectorate attended at least one unit parade in every division visited, and observed parades at several district stations. The sharing of current intelligence about offenders, their associates and vehicles and requests to gather intelligence about known suspects was rarely covered during a parade. As mentioned in Part 2, many districts did not conduct a parade. The Inspectorate attended one parade where members were shown photographs of suspects and given details of vehicles which were of interest to investigating officers. In most places, members were expected to read CIO bulletins and were left to decide where to patrol on that particular day. The Inspectorate believes that operational gardaí should be briefed daily with the latest intelligence on crime and tasked to complete actions that will reduce opportunities for crime or locate a person(s) suspected of crime.

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5   Automatic number plate recognition (ANPR)

IT Equipment

A consistent theme throughout the inspection of national and district intelligence units was that outdated IT equipment blocked them from accessing or viewing evidence about a crime. The Inspectorate was informed that the National Intelligence Unit is working on outdated software and is unable to load PDF documents and to view photographs. CIOs in particular experience daily challenges in accessing the necessary IT applications and equipment to perform their role effectively. CIOs often use personal laptops and computers to view CCTV footage, to download stills and to turn those stills into briefing documents and bulletins. This represents a risk of breaching security of intelligence data, but their motive is to ensure that intelligence is provided to local gardaí.

CIO Training

During field visits, the Inspectorate identified a significant variance in the amount of formal training that CIOs had received. Some had undergone a CIO course in recent years and others had little if any formal training but had learnt 'on the job' over many years. A common concern was the lack of continuous professional development to provide CIOs with the skills now required to complete their roles effectively. This includes merging duplicate intelligence reports and IT based training to create PowerPoint presentations or Excel spreadsheets. The Inspectorate also recommends continual training on data protection requirements.

Good Practice - Garda Portal

There is a dedicated site for CIOs on the Garda Portal, where difficulties can be discussed and good practice shared. There is also an on-line computer based training package available through the portal on the use of criminal intelligence, but this is focussed on the role of operational gardaí rather than the CIOs role. A number of CIOs have attended an annual intelligence conference organised by Crime and Security and spoke positively about the ability to network with other intelligence officers. Senior managers from GSAS deliver presentations at the annual conference, which are seen as informative and useful. A recent positive development is the introduction of a GTube application, which allows CIOs to upload CCTV footage of suspects onto the Garda Portal.

8.7 Information Sharing

The Inspectorate met with many gardaí in roles where they are required to share information and intelligence with other police services and other agencies. When asked about information sharing protocols, no one was able to produce a document that showed what data could be exchanged and how it will be managed. Gardaí dealing with young offenders are sharing information with statutory and non-statutory agencies and CIOs are providing information to local authority housing managers. The lack of understanding about information sharing and the absence of protocols were raised as major issues during every visit.

The Garda Síochána is not the only body responsible for making communities safer. There are a number of statutory and voluntary agencies that work closely with the Garda Síochána to help to tackle crime and disorder, deal with offenders and support victims. During the visits to the seven divisions, and where possible, the Inspectorate met with representatives from the following organisations:

- HSE;
- Probation Service;
- Local Authority;
- District Courts;
- State Solicitors;
- Joint Policing Committees;
- NGOs that work with victims of crime.

In the UK, the 1998 Crime and Disorder Act placed a statutory obligation on the police and local authorities to work together to make places safer. In later times, this obligation was extended to include other organisations such as the National Health Service.

The Inspectorate found that close relationships and trust are used by gardaí and partners as the basis for sharing information. To enable these organisations to work effectively together, there is a need to be able to share information. The Data Protection Acts of 1998 and 2003 set out how information should be managed and the circumstances under which it can be shared. The Garda Síochána worked with the

Data Protection Commissioner to develop a Code of Practice to assist all garda employees with data protection compliance.

Disclosure in the context of data protection is the provision of personal data to a third party by any means whether written, verbally or electronically. The Data Protection Act places serious responsibilities on every employee of the Garda Síochána not to disclose data in relation to any individual to any other individual who is not entitled by law to receive it. Personal data is used within the Garda Síochána in the normal course of operational functions.

The public policy objective being pursued by particular data sharing arrangements without consent should be explicit. An assessment should be made as to whether the likely benefits of the sharing justify the overriding of the individual's data protection rights. The assessment should represent a careful balancing of these factors. The legal basis for data sharing, including the conditions under which such sharing is permitted, should be set out in primary legislation. Any decision to share personal data between public bodies (and thereby to set aside a person's right to privacy) must not be taken lightly. This is especially the case when bulk data is shared. Such decisions should only be taken following due consideration at senior management level.

Information sharing was raised by many gardaí and also by many partner organisations as a major issue that needs to be addressed. It is clear from discussions with a range of gardaí that there is a reluctance to seek or share information with other organisations on the basis that it will breach the Data Protection Act. The Inspectorate found confusion and lack of clear guidance on when and how information can be shared. The Data Protection Act provides for the disclosure of information for the purposes of investigation, prevention and detection of criminal offences, but the Inspectorate found no clear guidance for members as to how this should operate on a day to day basis.

Police Scotland employs an information sharing specialist who provides guidance on the development of information sharing protocols,

training and changes to personal role profiles. Legislation provides for the sharing of information proportionately with regard to data protection regulations. Guidelines set out all the information which might be relevant. Data protection takes account of the prevention and detection of crime, the risk to the individual or to other people. Under the Schedule to the Scottish Data Protection Act 1998, sharing can be done without consent. Partnership working varies from one part of the country to another, but the fundamental template documents are guided by the specialist. Protocols have been prepared between the police and many other bodies and agencies for the prevention and detection of crime. Records are kept on what is shared and why.

There are Community Planning Partnerships which oversee community and safety, which brief community officers on registered sex offenders, pickpockets etc. in the context of upcoming events. There is an agreement with Rape Crisis Scotland on information sharing and there are local agreements also. The Scottish Intelligence Database (SID) has opened the intelligence system for domestic violence and extended it to partners such as Women's Aid and Assist. These organisations have been trained in intelligence. A multi-agency taskforce (MATAC) based in Glasgow, meet every fortnight and is composed of police, Women's Aid and Assist and Housing partners, with full intelligence sharing. The philosophy is "if in doubt, share". Inappropriate information sharing is a crime and there is a significant emphasis on training. With the extension of the intelligence facility to support bodies, the intelligence log is greater in number and quality than previously.

Feedback from Partner Organisations on Information Sharing

The following are some of the observations from Irish partner organisations about information sharing:

- Guidelines are needed to facilitate information sharing of data;

- Good sharing by front-line gardaí;

- Lots of 'off the record' conversations;

- Gardaí give the impression that they are afraid to disclose data to non-police agencies;

- Sharing is done through mutual trust and good will;

- There are no written protocols;

- The Garda Síochána are too cautious;

- There is a need to develop encrypted e-mail to enable the sharing of more intelligence electronically e.g. details of children to be discussed at case conferences.

There are inconsistencies with sharing data and in some divisions it came down to the practices of individual gardaí. In one division, two members dealing with registered sex offenders took very different approaches in terms of disclosing information.

Local Authority Housing Departments regularly apply for information about prospective tenants. The local CIO usually conducts a search of PULSE and provides a summary of known information. This is forwarded to the local superintendent for a decision as to how much information is supplied to the housing team. In the absence of an information sharing protocol, this data is disclosed under the terms of the Housing Act.

Local senior gardaí attend Joint Policing Committee meetings and deliver an update on policing issues in that area. There is a real reluctance to provide any information or statistics in advance of meetings. In the majority of cases, no personal data is included and the data is subsequently provided at the meeting. The reluctance to share this sort of information greatly reduces the opportunity for members of the committee to digest the data and prepare more informed questions.

In disclosure of data regarding the safety of children, decisions about disclosure of data often fall back on the question "is it in the best interests of the child?" In many respects this allows the Garda Síochána far greater discretion than if they are dealing with adults.

There is a general absence of information sharing protocols and without fail, all senior managers in partner organisations would like to have information sharing protocols as a clear basis for the passing of information from one organisation to the other. It would be more productive for agencies to have a formalised information sharing protocol in place, which is compliant with the Data Protection Act. In the UK, it is a standard operating practice to have information sharing protocols with other agencies to agree what information will be shared, in what form and how it will happen.

The Criminal Assets Bureau (CAB) is an agency with representatives from the Garda Síochána, Social Welfare and Revenue Commissioners working together in a joint enterprise. The organisations are co-located and share information held by each agency, albeit under strict arrangements. The Inspectorate believes that the sharing of information by these agencies is a good model that could be replicated outside of CAB. The Inspectorate believes that the sharing of partner data is a key component of victim care, crime prevention and crime investigation. This is an issue that needs to be resolved at the highest levels of all the various organisations to formalise information sharing protocols, in consultation with the Data Protection Commissioner for Ireland.

8.8 Covert Human Intelligence Sources (CHIS)

The Garda Síochána gathers information and generates intelligence about crime and criminals. The ability to infiltrate criminal organisations is key to understanding the way in which organised criminal networks operate and to help to formulate strategies to thwart and frustrate them. A well tried and tested method of gathering intelligence is through the use of informants, who can provide specific information about those involved in crime. In policing circles, informants are now referred to as Covert Human Intelligence Sources (CHIS). The Garda Síochána revised its approach to using CHIS in 2006 following the Morris Tribunal Report. The CHIS system is subject to formal review by a retired judge and this process was described as very robust.

Regional CHIS Units

The Garda Síochána has invested significant resources in CHIS units, which are based at both regional and national levels. The Assistant Commissioner of Crime and Security has corporate responsibility for the CHIS system and divisional chief superintendents and regional assistant commissioners have leadership roles to ensure the integrity and effectiveness of the CHIS system within their areas.

National Source Management Unit and Oversight of CHIS

Within Crime and Security Division, the National Source Management Unit (NSMU) has the responsibility for oversight of all CHIS activity, including processing referrals for registration, providing advice to those involved in dealing with CHIS and training gardaí in source handling. The NSMU manages a national register of all CHIS. The Major Investigation Management System (MIMS) system has provided a more sustainable IT platform for recording and monitoring CHIS.

There are still outstanding issues with the migration of paper records dating back to 2006 when the new CHIS system was first introduced that need to be uploaded onto MIMS. The Inspectorate was informed that there is a significant piece of work that needs to be completed to convert old paper records onto the new MIMS system. With new registrations, handlers are checking old paper files to see if the person was previously considered. Retrospective record conversion of these records would reduce the time taken to assess new registrations.

All registered CHIS are risk assessed and should be formally reviewed every three months. This is a very labour intensive and time consuming process. If a CHIS is classified as a high risk, they are referred to the NSMU for this risk assessment.

Registration of a Source

If a garda identifies a person that may be suitable to be a CHIS, they are required to refer them straight away to a source unit. The CHIS controller[6] appoints a handler[7] to conduct an assessment. The handler enters that person onto MIMS, which automatically registers that assessment with the NSMU. The NSMU play a key role in the assessment of a CHIS as they have access to all Garda Síochána intelligence systems. The NSMU particularly look at a person's motivation to be a CHIS. At present there are between ten to fifteen CHIS referrals entered onto MIMS on a daily basis, of which 50% are assessed as suitable. The NSMU may designate a person as unsuitable before a regional assessment is completed. A usual reason for unsuitability will be the person's involvement in crime. In these cases, the NSMU place a warning marker onto MIMS highlighting that the person is unsuitable to be a CHIS.

Referrals to Source Units

Success of a CHIS system requires all gardaí who have contact with the public to encourage people to come forward with information and where someone is suitable, to refer them to the source unit for assessment. During the inspection it was clear to the Inspectorate that this is an area that needs to be developed.

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6   A CHIS controller is usually at superintendent rank and have oversight responsibilities.

7   Handlers have day to day responsibility for dealing with CHIS and directing activity.

Recommendation 8.21

The Inspectorate recommends that the Garda Síochána tasks regional Criminal Human Intelligence Sources units to engage with divisions to encourage the referral of persons who are suitable to be considered for registration. (Medium term).

Urgent Intelligence

If an urgent piece of intelligence is received from a registered or unregistered CHIS, it can still be actioned and in many cases the Detective Inspector in charge of the NSMU will be contacted for advice on how to manage that intelligence.

CHIS Outcomes

The Inspectorate found limited evidence that any actionable or useful intelligence on volume crime was being returned to districts and divisions from those CHIS who were successfully registered. In some cases, when local detectives had engaged a person with information, the detective referred the person to the regional CHIS unit and often the intelligence that was returned to the local area was not the original intelligence and in many cases no information was ever received back. The Inspectorate found an absence of performance management data to show the outcomes from CHIS in respect of the numbers of arrests and seizures that resulted from CHIS intelligence.

The current approach to CHIS has resulted in gardaí becoming reluctant to engage with people who may be able to provide useful intelligence for fear of breaching garda policy. Detectives and other gardaí are not permitted to gather or use intelligence from criminals. The Inspectorate recognises that criminals have to be managed within clear safeguards, but the current approach is not encouraging the effective use of a valuable source of criminal intelligence.

Volume Crime and CHIS Intelligence

Very little evidence was provided at divisional level about intelligence from a CHIS that led to an arrest or provided positive support for an investigation. Exceptions to this tended to involve more serious crimes, such as murders or drug offences. There was very little actionable intelligence coming to divisions in relation to volume crime. With burglary and car crime offences, it is crucial to be able to identify individuals that are committing

crimes and persons or places that are receiving stolen property. During the visits to divisions, the Inspectorate found limited evidence that this sort of intelligence is provided. The Inspectorate believes that CHIS must be refocused towards volume crime.

The current CHIS system is not operating to support volume crime investigation and opportunities are being lost to capture and act upon valuable intelligence; which would assist in bringing offenders to justice. The current system has limited if any credibility with the majority of detectives and senior gardaí who met with the Inspectorate. It is the Inspectorate's view that the safeguards, which were introduced after the Morris Tribunal, are inhibiting the use and tasking of CHIS. The regular three monthly review process undertaken for every CHIS is heavily bureaucratic and time consuming. The Inspectorate recommends that the Garda Síochána review the current approach to managing CHIS.

Recommendation 8.22

The Inspectorate recommends that the Garda Síochána conducts a review of the corporate approach to the use of Criminal Human Intelligence Sources to ensure that it provides measurable outcomes in relation to volume crime. (Long term).

8.9 Crimestoppers and Garda Confidential

Crimestoppers and Garda Confidential are two systems which provide an opportunity for members of the public to provide information directly to the Garda Síochána. Tackling crime effectively requires the help of communities. International police services use similar methods to engage and encourage communities to report crime, to provide intelligence and to help to find missing or wanted persons.

Crimestoppers is a joint initiative between the Garda Síochána and the business community, which encourages people to report crime by calling a free phone number. Calls are taken by trained gardaí based in the National Bureau of Criminal Investigation (NBCI) operating between 09.00 and 21.00 daily. Members of the public are

able to provide information confidentially and without giving their personal details if they so wish. Crimestoppers is overseen by the Irish Crimestoppers Trust which was established in 1998. Crimestoppers also provide another contact point for a Dial to Stop Drugs line. The Garda Serious Crime Review Team uses Crimestoppers for appeals to assist with cold case reviews for serious crimes.

Not all information received by Crimestoppers will provide sufficient detail to be able to be actioned. In 2013, Crimestoppers received 1,556 calls, but they were unable to say how many reports were suitable to be actioned and what the results were. Of the total calls received, 33% were misdirected calls due to one of the high street banks mistakenly putting the Crimestoppers number on ATM machines, asking people to report any suspicious circumstances to the Garda Síochána. During visits to divisions, the Inspectorate found limited evidence of Crimestoppers information being received or that the intelligence received was actioned. A drugs unit informed the Inspectorate that they had received ten reports and that only one piece of information was actionable. A senior detective stated that the division only receives approximately two Crimestoppers reports per month and that these were invariably about drug related offences. In contrast, a comparable division in London receives twelve to fifteen Crimestoppers reports per month.

Garda Confidential provides a similar service with a different free phone number. Calls to this number are received in the Dublin Command and Control Centre under the control of the Garda Síochána.

The Inspectorate was unable to find any formal tracking system that monitors Crimestoppers information and what happens when that information is sent to a national unit or a local division for action. International best practice is to have a central tracking system to ensure that information is actioned and results monitored.

Crimestoppers International Practice

Internationally a key marketing point of Crimestoppers is the reporting of intelligence to an independent and non-police organisation. This reduces the fear that a police officer may find out the identity of the caller. A major problem in the current garda system is the fact that a person ringing to provide information speaks to a member of the Garda Síochána. In the UK, calls to Crimestoppers are received by fully trained non-police call takers. Crimestoppers UK operates a 24/7 365 days service and they have now taken on the responsibility for Crimestoppers calls in Northern Ireland and other international police services. In the UK, Crimestoppers records 100,000 reports a year. This system:

- Has the capability and technology to take all Crimestoppers calls currently managed by the Garda Síochána;

- Offers an on-line reporting service that is now accounting for nearly 40% of the reports received. This service is not currently offered by the Garda Síochána;

- Provides performance data broken down into the information received for particular crime types would also be available.

The charges for this service are nominal (less than half the current cost of one garda per year). This would greatly reduce the current cost, provide a much better service and one that would be more attractive to those wishing to report crimes and other information.

The Inspectorate believes that having two different numbers (Crimestoppers and Garda Confidential) is unnecessary and confusing and that there is an opportunity to move these functions to one system. This would also release gardaí currently managing telephone calls made to Crimestoppers and Garda Confidential.

Recommendation 8.23

The Inspectorate recommends that the Garda Síochána conducts a review of the use of Crimestoppers and Garda Confidential. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Evaluate outsourcing Crimestoppers so that it is independent of the Garda Síochána;

- Provide one 24/7 365 confidential line;

- Develop electronic reporting for the public to be easily able to report intelligence information;

- Implement a central tracking system that ensures that intelligence is effectively actioned.

Open Crime Information for Citizens

Increasingly, citizens and customers expect a public service that meets their needs. They expect a service that is responsive, flexible, efficient and innovative (Public Service Reform Plan 2014-16). Other policing jurisdictions have recognised that providing on-line crime information and crime mapping allows citizens an opportunity to obtain up to date crime information for the area in which they live. Providing access to crime information can also reduce the volume of requests that police services receive from a broad range of interested stakeholders. It can also lead to an increase in reporting of intelligence to the police.

Alongside statistical releases by government bodies such as the CSO, Home Office, or New York City Council, many police agencies make crime data available in two formats. These are:

1) Tables set out on internet web pages or in annual reports; and

2) Interactive or dynamic crime maps that can be altered by the user to reflect a desired crime type, date, location, etc.

Reports are generated for a range of crimes, represented by symbols and the generation of compact reports for each crime type in a particular time period is possible. Good examples can be found on:

› www.lapdonline.org/crime-mapping-and-compstat;

› maps.ny.gov/crime/;

› www.police.uk;

› www.police.qld.gov.au/forms/crimestatsdesktop.asp/;

› www.crimeinchicago.org/

The Inspectorate believes that there should be a system of open crime information to inform the public about local crime levels. While this could be achieved by the Garda Síochána, other organisations, such as CSO may have the expertise to do so. In addition to informing the public, it is likely to engage the public in relation to suspicious activity, crime prevention and investigation.

Recommendation 8.24

The Inspectorate recommends that the Garda Síochána initiates a process with public service information bodies, including the Central Statistics Office, to develop on-line crime mapping information. (Medium term).

8.10 The Way Forward

The impact of limited allocations of resources requires the Garda Síochána to be more strategic about how it prioritises work and how it deploys available resources. At a basic level, all operational resources must be tasked daily and the results of those tasks fed back into the intelligence system.

A new approach must link the intelligence structures found in national units with those in regions and divisions to ensure there is not only standardisation of approach, but effective sharing of all but the most sensitive intelligence.

The Garda Síochána must recognise that high quality intelligence supports and drives the operational response to crime investigation, prevention and the identification of risk. More effective supervision is also required to enhance the quality and accuracy of intelligence entered into the Garda Síochána intelligence systems.

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Investigation and Detention of Suspects

CRIME INVESTIGATION REPORT

PART 9 | INVESTIGATION AND DETENTION OF SUSPECTS

9.1 INTRODUCTION

A significant factor in preventing and reducing crime is the ability of a police service to effectively identify and manage prolific offenders of crime. Once a crime is committed, police services have a duty to bring those responsible to justice. Part 9 explores the investigative processes of gathering evidence to identify suspects and the decision-making process in relation to how to deal with an offender.

Part 9 also examines what happens when a person is taken to a garda station and the issues around their detention in custody. This includes the various processes, such as the initial reception, conducting interviews and the taking of fingerprints and photographs.

9.2 Investigation of Suspects

Authority to Arrest

There are a number of laws, rules and garda policies in place that govern the questioning and treatment of suspects. This includes powers to arrest and to conduct investigations.

National and International Articles and Rules

The Irish Government is a signatory to international conventions on human and civil rights. The Garda Síochána has a duty to act in accordance with both the Irish Constitution and the European Convention on Human Rights. The introduction of human rights into the policing arena provides many rights for individuals and places obligations on police services, such as a duty to protect life. The function of the Garda Síochána was statutorily defined in the 2005 Garda Síochána Act and includes "vindicating the human rights of each individual". This is particularly relevant when dealing with persons detained in garda stations, who are vulnerable and for whom the Garda Síochána have a duty of care to ensure their protection and to uphold their human rights.

Judges' Rules

Judges' Rules were created in 1912 as a guide to police officers dealing with criminal investigations and to clarify the circumstances in which officers can question people in connection with crimes. In essence, when endeavouring to discover who has committed a crime, an officer can put questions to any person, whether a suspect or not, to obtain useful information. A person should be cautioned before an allegation is put to them and this applies whether the person is in police detention or not.

Powers of Arrest

Arrests may be made either with a warrant or, if there is common law or statutory power to do so, without a warrant. Short of an arrest, there are no powers to detain a person for the purpose of an investigation. Section 4 of the Criminal Law Act 1977, and Section 30 of the Offences Against the State Act 1939, created powers of arrest for a range of offences. This report will primarily examine arrestable offences, which are punishable on indictment by a term of five years imprisonment or more. Most powers of arrest that originated under common law have been superseded by statutes. However, gardaí still use the common law power of breach of the peace and particularly when dealing with incidents of domestic violence. Other police services have discouraged the use of common law breach of the peace in such cases.

Many other statutes provide a power of arrest in relation to specific offences, such as the Misuse of Drugs Act 1977, and the Criminal Law (Sexual Offences) Act 2006. Some criminal offences, such as possession of a small amount of drugs require

an additional level of suspicion to effect an arrest; such as a suspicion that a person is providing a false name and address.

In the UK, police services operate under the Police and Criminal Evidence Act 1984, and in Scotland, under the Criminal Procedures Act 1995, which provide all powers for arrest, searching and detention in custody. These acts in many ways are far more reaching in respect to similar powers to those conferred on the Garda Síochána. In the UK, police officers can arrest a suspect, interview them and release them on police station bail pending further investigation. This approach encourages an early arrest. In Ireland, whilst under some circumstances a person's detention may be suspended, there is no such garda station bail and generally, gardaí gather all evidence first and arrests tend to come at a later date.

Recording of Persons Connected to a Crime

Whilst investigating a crime, a number of people may be identified at a crime scene as persons who can assist with an enquiry; such as a suspect or a witness to the offence. These persons should be recorded on PULSE and placed under one of the following categories:

- Witness;
- Suspect;
- Questioned in relation to; or
- Suspected offender.

The categorisation process on PULSE is very important in linking an individual to a particular crime. A person at the scene of a crime who was spoken to, but without specific evidence to link them to the crime, is shown on PULSE as questioned in relation to the crime. Where evidence exists that a person may have committed a crime, they can be recorded as a suspect on PULSE. Once arrested, a person is usually recorded as a suspected offender.

The categorisation of a person as a suspected offender is important, as this records a crime as detected. Before a person can be charged or summonsed for an offence, PULSE must be updated with this category. A person can, at any stage in an evolving investigation, move from one category to another. The use of two status codes with the word

suspect is confusing. In other policing jurisdictions, a single suspect code is usually used and a person who is no longer a suspect is shown as eliminated from an enquiry. During this inspection, the Inspectorate, noted that it is common practice in the Garda Síochána to prematurely categorise a person linked to a crime as a suspected offender before any arrest, charge, summons or other case disposal. The implications of this are discussed in Part 11.

Recommendation 9.1

The Inspectorate recommends that the Garda Síochána reviews the current PULSE status codes, in conjunction with recommendation 11.2 to clarify investigation and detection status codes. (Short term).

Invitation to Attend a Garda Station

There are other options available to an investigating gardaí apart from an arrest, such as inviting a person to attend a garda station to assist with enquiries. This is not an arrest, and the person must be so informed and that they are free to leave at any time. If the person becomes a suspect during the interview, they should be arrested so that the statutory protections pertaining to the detention come into operation, People (DPP) v Conroy.[1] When a person attends a garda station voluntarily, a witness statement may be taken, but where an allegation is being put to that person, the individual should be cautioned and the statement obtained is referred to as a "statement under caution". The use of cautioned interviews is a regular occurrence.

Dealing with a Suspect or a Suspected Offender

Irish law differs from that in some other jurisdictions in respect of the arrest and detention of suspects. During this inspection, the Inspectorate was informed by gardaí of all ranks that effectively, there is one opportunity to arrest a person and that is a reason for not always arresting at the time of first dealing with a suspect or an incident. Whilst legally there is a power to arrest a person and release them to return to a garda station, it is not something that is often used.[2]

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1   People (DPP) v Conroy [1986] IR 460, [1988]ILRM 4.
2   Suspension of Custody Part 2 of the Criminal Justice Act, 2011.

9.3 Making an Arrest

The Garda Crime Investigation Techniques Manual

The Garda Síochána has a well-established Crime Investigation Techniques Manual, which is a comprehensive reference publication for more serious complex crimes. The manual is specifically designed to provide guidance and instruction to those dealing with serious and complex investigations. Volume crime investigations are the vast majority of investigations conducted by the Garda Síochána. The Inspectorate believes that the Garda Síochána should develop a standard operating procedure for the investigation of all crime, with a focus on volume crime investigation. This should cover all aspects of crime investigation and dealing with offenders.

Interviewing a Suspect

The Crime Investigation Techniques Manual states that in an ideal situation, a suspect should not be interviewed until the preliminary investigation is complete; i.e. the scene of the crime has been examined, evidence of a technical nature collected and written statements taken from witnesses. However, it states that a suspect should be interviewed as quickly as possible after the crime. It further highlights that every minute that elapses between the commission of the crime and the time of interviewing affords the suspect an opportunity to compose themselves, to fabricate alibis or to communicate with their accomplices. A delay can provide an opportunity for a suspect to contact a victim or witness to persuade or intimidate them to withdraw their allegation.

Timings of Arrests

The Inspectorate found that members make arrests only after they are in possession of all of the available evidence in the case. The approach usually taken is to gather all available evidence before questioning a suspect about the crime. In some respects, there are merits in this approach in respect of making sure that all exhibits and witness evidence is available in order to conduct a full interview. However, in many cases, an early arrest and interview is viable. When key evidence is gathered, such as CCTV footage, victim or witness statements, together with any other corroborating evidence, the member is in a position to put the case to a suspect and ask them for an explanation. The Inspectorate found many cases where interviews took place many months after the crime was committed. In respect of some crimes, obtaining technical and forensic evidence is taking several years to analyse, which can significantly impact on the timing of an arrest.

In other jurisdictions, an arrest is far more likely to take place where a suspect is available to be arrested and there is probable cause or reasonable grounds to suspect that they have committed an offence. There are many cases where the primary evidence is available, such as an offensive weapon, drugs or a public order offence without the need to unnecessarily delay an arrest.

Arrested but Not Charged

The Inspectorate found that some offenders are not subsequently charged after arrest. In many cases, a suspect is arrested, interviewed and released without charge, pending the completion of a case file to be sent to the district officer or, in more serious cases, to the DPP for a decision on whether to prosecute or not.

In other jurisdictions, authority to charge for most offences can be obtained on the day that the person is arrested and without a full file. Where directions are obtained, a person is immediately charged and the case file is completed at that time. The Inspectorate believes that the DPP and Garda Síochána should review the current process for providing charging advice to investigators.

Gardaí may re-arrest a person in order to charge them and this is specifically provided for in Section 10(2) Criminal Justice Act 1984. With regard to re-arrest for investigation, Gardaí may only generally do so under judicial supervision, such as by warrant and where "new information has come to light".

Advantages of an Early Arrest and Early Interview

The Inspectorate believes that there are distinct advantages to the timely arrest of a suspect, in that it:

- Creates an earlier opportunity to interview the suspects;
- Increases opportunities to secure corroborating evidence before it can be destroyed, such as clothing worn by the suspect;
- Increases opportunities for securing forensic evidence;
- Reduces the opportunities for suspects to re-offend, particularly in cases of assault, sexual abuse or cases involving threats and intimidation;
- Reassures a victim that the case is being progressed expeditiously;
- Reduces the time period between the date of the crime and any judicial outcome;
- Reduces the time to set up alibis.

Impact on Victims

Unnecessary delays in making an arrest can have a significant impact on a victim or witness and can negatively affect a potential prosecution. Avoidable delays can also impact on the confidence and increased fear of crime of a victim. Delay in arresting and prosecuting a suspect can result in a victim or a witness withdrawing their support for a prosecution through a variety of different pressures, such as intimidation by a suspect.

9.4 Barriers to Arrest

Throughout this inspection, the Inspectorate identified a number of processes and procedures that delay the arrest or interview of an offender.

Resource and Roster Issues

Investigating gardaí explained that arrests have to be carefully planned. Detective units often have small numbers of gardaí and arrangements to execute an arrest need to be planned for when colleagues are available to assist with the arrest and any subsequent interview. In some more rural areas, the numbers of people on units is significantly lower and finding available members to make arrests can be more challenging. An example was provided in a rural area where a garda had to unnecessarily wait an additional week to make an arrest, before a colleague would be available to assist.

The new pilot roster has added to the delays, by significantly reducing the number of supervisors and gardaí that are available on a given day. A regular unit sergeant explained that the shift roster and availability of members delayed the arrest of a suspect for a serious assault. In this case, the arrest was delayed for nine days until sufficient gardaí were available. The Inspectorate was told this was not an isolated case and such delays take place on a daily basis. This presents a number of risks; most importantly, that a suspect could re-offend or move away from the area during the period between the commission of the crime and their arrest. The pilot roster further exacerbates delays as depending on when a garda starts to investigate a crime, it can be four days[3] before the garda is back on duty and can recommence an investigation.

Gathering of Evidence

The gathering of all available evidence can take considerable time, particularly when the responsibility rests with a single investigating garda. As previously highlighted, most crimes are investigated by gardaí who are attached to regular units. The roster for those working on regular units has no specific time built into it for crime

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3   A garda normally has four rest days before going back on a tour of duty.

investigation. Gardaí on these units have to manage investigations by conducting enquiries around their daily work pattern.

Reasons for Delay in Early Arrest

The Inspectorate identified a number of factors that influence garda decisions as to whether or not to arrest a suspect, who is present on scene when gardaí are dealing with an incident.

An arrest effectively removes one or more gardaí from patrol duties for an extended period of time, particularly where an interview is required. In many divisions visited, the Inspectorate was informed that at certain times of the day, resources are short and an arrest of a suspect might remove all available responders in that area. This is further complicated in more rural areas, where a garda station could be a long distance away from where an incident took place. In cases where there is no victim, such as minor public order offences, this may be an appropriate action to take and the garda may decide to warn a person or to deal with the matter at another time. In the case of a more serious offence and one where there is a victim, this approach is far less satisfactory. Many people that gardaí deal with (suspects, witnesses and victims) may have consumed alcohol or other substances, reducing the ability of gardaí to take statements and delaying any interview with a suspect. Gardaí are confronted by this problem particularly at night. The Inspectorate found that in many cases of assaults, where persons are intoxicated, gardaí often decide not to arrest at the time. As discussed in Part 4, some victims of crime who have consumed alcohol are sent away, with the onus on the victim to contact the gardaí later if they want to report a crime. In most cases, no PULSE record is created at the time and often no follow-up is conducted with the victim. On checking PULSE, CAD and other garda systems, the Inspectorate found examples of crimes that were notified to the garda, but were not recorded as crimes or were recorded as a non-crime incident in the Attention and Complaints category.

Statements

The taking of victim and witness statements is an important part of a crime investigation and is the first formal stage of recording evidence that may be used to prosecute an offender.

Dealing with Victims and Witnesses

During this inspection, the Inspectorate has identified a number of issues with obtaining victim and witness statements. These include:

- Some victims stated that they were left with a perception that the garda did not want to investigate the crime when it was first reported ;
- Significant delays in obtaining victim and witness statements;
- Broken appointments to gather evidence, such as taking photographs of victims' injuries;
- Obtaining authority from victims to access medical records and then not requesting the records;
- The taking of withdrawal statements from victims, who don't want to prosecute;
- Victim and witness statements, lacking in detail.

The Inspectorate found cases where the PULSE incident and case file stated that a victim was unwilling to make a statement of complaint. In most cases, there was no recorded evidence of any attempts to persuade a victim to assist with a criminal investigation. The Inspectorate examined a case involving a burglary at the home of a vulnerable and elderly victim. The PULSE incident and a case file tracking form record showed that the victim was unwilling to make a statement. Since the time of the crime, there is nothing to indicate that any further investigation took place or that any additional steps were taken to try and encourage the victim to make a statement. The Inspectorate has examined numerous cases where it took several months to take a statement from a victim and in one very serious assault case, some six months later a statement had still not been taken.

The Inspectorate found examples where gardaí appeared to make several attempts to obtain withdrawal statements. (See also Part 7 and the Addendum to this report) This is a practice that needs to be examined. The Garda Síochána must develop clear guidelines on when it is appropriate to take a withdrawal statement and how that process should be appropriately supervised.

Identification of Suspects

An option open to an investigator is the use of a photo fit or facial recognition systems, a service provided by the Technical Bureau. This is completed on a laptop and can provide an image of a suspect that can be circulated to the public and to gardaí to try and identify a suspect. With advances in technology the photo fit is now far more lifelike than those previously produced. The Technical Bureau informed the Inspectorate that it used to create around 140 photo fits a year, but this has reduced to fifty or sixty a year. This is an important investigative tool that should be more widely available to help to solve crimes where a witness saw a suspect.

Investigation Units

As highlighted in Part 6, the absence of dedicated garda investigation units to deal with arrested persons is a significant factor in whether or not to make an arrest. In other jurisdictions, a uniform first responder will make an arrest, book in the detained person, write their arrest notes and go back on patrol. The goal in these services is to get responders back out as quickly as possible and for investigation units to process those who are arrested. As outlined in Part 6, the Garda Síochána does not operate the same system of investigation units as other police services and the Inspectorate believes that this increases the time delays in making arrests.

Crime Investigation Delays Impacting on Arrests

In Part 6 of this report a number of issues were raised about delays in conducting crime investigations and those delays have a significant impact on dealing with offenders. Examples include:

- A general slow approach to conducting crime investigations;
- Not conducting all enquiries at the time of first response;
- Delays in gathering and analysing evidence, such as CCTV;
- A preference for summonses, to reduce the time pressures on submitting case files;
- Delays in obtaining victim, witness and medical statements.

All of these issues further add to the delays in making an arrest and the subsequent way that offenders are managed.

In other police jurisdictions visited by the Inspectorate, there was a clear understanding of the risks of delayed arresting and not progressing an investigation into a named suspect. The greatest risk to an investigator is the opportunity for that suspect to commit a further offence.

9.5 Supervision and Impact on Arrest

The absence of effective front-line supervision is a key theme presented throughout this inspection. Across the seven divisions, the Inspectorate found a lack of intrusive supervision to ensure that crimes are investigated quickly and that identified offenders are arrested at the earliest opportunity.

In every division visited, the Inspectorate spoke to a variety of both uniform and detective sergeants and inspectors to understand the levels of supervision that exists and particularly in relation to the determination of how and when to arrest offenders. The following issues were raised by those supervisors as significant challenges to good supervision:

- An absence of a detective or uniform sergeant on all operational units;
- Identified suspects are not always entered onto PULSE for a variety of reasons. In these cases, a supervisor checking a PULSE record could be unaware that there is an identified suspect;
- The approach to supervision of crime investigation is focused on paper reporting. In many cases, investigating garda are required to provide unnecessary written reports on crimes to their sergeants, inspector and district officer on the progress of an investigation. The material for these reports is usually contained on PULSE;
- PULSE does not allow supervisors to search for the details or numbers of outstanding suspects for their unit or in their geographical area;
- There are no clear national standards or policies about crime investigation.

The absence of a front-line supervisor on every operational unit is a real issue for the Garda Síochána. The Inspectorate believes that face to face daily contact with a supervisor is essential to ensure that investigations are progressed and that front-line supervisors should be dealing with any blockages that are preventing an early intervention, such as an arrest.

From sampling PULSE records, the Inspectorate is aware that there are large numbers of crimes with suspects details recorded on PULSE, where there is no recorded of action being taken to find them and bring them to justice. This includes serious crimes, such as rape and other violent assaults. Other policing jurisdictions have an IT facility to identify cases where a suspect is recorded, but not yet arrested, including time frames for how long the suspect has been entered onto the system and the relevant crime types. This is extremely useful management data that can be used to check the overall numbers and prioritise those offenders who should be arrested as a matter of urgency. (See Part 6).

In summary, supervision of crime investigation should be far more intrusive, but also supportive, particularly in cases where inexperienced gardaí are investigating serious crime. Supervisors should set clear timescales for arresting suspects and prioritise cases where prolific or high risk suspects need to be arrested.

9.6 Investigation and Interviewing of Suspects

Volume Crime Case Reviews

As explained in previous parts, the Inspectorate has tracked 158 volume crime cases from the first contact made to the garda through the various processes of recording an incident to allocating a crime for investigation. In this part of the report, the Inspectorate examined how the seven divisions visited sought and gathered evidence, and how crime investigations were dealt with, particularly in cases where suspects were identified. It is important to restate that this was a random selection of incidents dealt with by the gardaí. The following examples are taken from those cases.

The analysis of the findings are separated into five areas:

1. Prompt and effective investigations of crimes;
2. Incidents that were not recorded and not investigated;
3. Delays in cases where there were opportunities to deal with a suspect;
4. Investigations that were not progressed effectively;
5. Delays and lost opportunities to gather best evidence

1. Prompt and Effective Investigations

The following cases show prompt and effective investigations that resulted in the arrest and prosecutions of named suspects.

Volume Crime Case Reviews Prompt and Effective Investigations of Incidents

Case 1

During the months of June and July 2012, two vacant premises were targeted by a group of young offenders and a significant amount of damage was caused. The investigating garda took witness statements and identified and interviewed twelve young suspects in the presence of their parents and guardians. The PULSE record contains updates on the investigation activity and at the conclusion of the investigation a number of offenders were given juvenile cautions.

Case 2

In May 2012, two armed suspects forced entry into a house. One week later a suspect was arrested and charged with the crime. Over the following months more suspects were arrested. This matter awaits a court hearing and for that reason specific details about the case are not included.

Case 3

In May 2012, a suspect broke into a house and confronted a female occupant with a bread knife taken from the kitchen. The suspect subsequently committed additional burglaries. The suspect was arrested the following day and made full admissions to the crimes. The offender was sent to court on the same day and sentenced to nine months imprisonment in July 2012.

These are good examples of serious cases that were dealt with promptly in terms of gathering evidence and effecting arrests.

2. Crimes and Incidents that were Not Recorded and Not Investigated

The following are cases where crimes were not recorded and subsequently not investigated at the time of first reporting.

Volume Crime Case Reviews Crimes Incidents that were Not Recorded and Not Investigated

Case 1

In May 2012, a robbery took place where a suspect snatched a handbag from the victim. This was not recorded on PULSE until July 2013 (after a request from the Inspectorate). No statement was ever taken from the victim, no suspect photographs were shown to the victim and no further investigation is recorded. When the crime was recorded, it was incorrectly categorised as theft, instead of robbery. The Inspectorate was informed that the investigating garda was cautioned by a supervisor.

Case 2

In March 2012, a male was assaulted and a suspect was identified at the time. This was never recorded on PULSE and no investigation ever took place. The Garda Síochána has acknowledged that the crime should have been recorded. The Inspectorate was informed that the garda involved in this incident was given advice by a supervisor.

Case 3

In March 2012, an assault took place; the suspect was captured on CCTV and the original call message shows that a suspect was intercepted by gardaí. This crime was not recorded on PULSE and no investigation appears to have taken place. The Garda Síochána has acknowledged that the incident should have been recorded and an instruction was given to that effect.

Case 4

In April 2012, a male reported that his car was broken into and his lap top and registration documents were stolen. This crime was not recorded at the time and a PULSE incident was created in October 2013 (after the request by the Inspectorate). The crime had occurred in another county and the crime was transferred to another division to commence an investigation some twenty months later. The Garda Síochána has acknowledged that the crime should have been recorded and the investigating garda was subject to a discipline enquiry.

Case 5

In April 2012, a person at a garda station reported that their mobile telephone had been stolen. This was noted as a robbery in an official station book that is used to record calls from the public, but it was not recorded on PULSE. This incident was recorded some twelve months later (after the request by the Inspectorate) as lost property as the victim had not made a formal complaint. It is the Inspectorate's view that the victim made a complaint of robbery and a crime should have been recorded and investigated.

Case 6

In May 2012, a victim reported that he had just seen a suspect who had assaulted him. This was not recorded on PULSE until May 2013 (after the request from the Inspectorate). The Garda Síochána has acknowledged that it should have been recorded at the time and the garda involved was dealt with by local management. This was later recorded in the category of Attention and Complaint and not as a crime. The garda that dealt with this incident did not have any details of the victim, but believed that they were intoxicated at the time. There is no record to show that a unit responded to this call.

Case 7

In April 2012, a car was broken into and a bag was stolen. This bag was later recovered nearby. The PULSE record states that the victim did not want to make a statement, as they had recovered their property. On checking the PULSE record the Inspectorate identified that this PULSE incident was not created until June 2013 (after the request from the Inspectorate).

Case 8

In May 2012, a victim presented himself to gardaí with a cut to his head and information that threats had been made to his life. This information was corroborated by family members who confirmed the information provided. This crime does not appear to have been recorded as the victim refused to provide a statement.

Case 9

In September 2012, a victim rang the gardaí to say that she was the victim of a robbery and her mobile phone had been stolen. In July 2013, a PULSE incident for lost property was recorded (after the request from the Inspectorate). The report from the division stated that the victim was intoxicated at the time and did not mention the loss of a mobile phone. The PULSE narrative conflicts with the information recorded by the garda call taker.

Case 10

In June 2012, the occupier of a house called the gardaí to report that they had disturbed two males trying to load the victim's lawnmower onto a van. This was not recorded on PULSE until July 2013 (after the request from the Inspectorate) and then in Attention and Complaints and not as a crime. The PULSE narrative conflicts with the information recorded by the garda call taker.

Domestic Violence Cases

- In June 2012, a victim contacted the gardaí and stated that her husband had beaten her and she wanted him arrested. By the time the garda attended the scene the husband had left the house. Ten days later the victim attended court to obtain a court order. This incident was not recorded on PULSE until twelve months later (after the request from the Inspectorate). The Inspectorate was informed that the garda involved in this case was reminded about their responsibilities. When recorded, it was categorised as a domestic dispute. This conflicts with the information provided by the victim to the original garda call taker;

- In April 2012, a domestic violence report was received where the victim stated that the suspect pushed her, injured her back and knee and damaged a bed. From the correspondence returned to the Inspectorate it appears that no gardaí responded to the incident. No PULSE incident was created at the time and the Garda Síochána reported that the garda was subject to a discipline enquiry. A domestic dispute report was created in May 2013 (after the request from the Inspectorate);

- In June 2012, a domestic violence report was received where it was alleged that a male was "breaking up the place." This was not recorded on PULSE until July 2013 (after the request from the Inspectorate) and it was recorded as a domestic dispute incident. There was no explanation from the division concerned as to why this was not recorded at the time.

Other Cases

- In March 2012, the occupier of a house heard a noise at the back door and noticed that the back door keys were missing. The back door keys were later found at the side of the house. This was not recorded as a crime and a crime scene examiner was not called to look for forensic opportunities;

- In March 2012, a caller reported a car crime. No follow up was ever made and it was not recorded on PULSE.

Key Findings

There are a number of serious issues arising from these cases:

- Crimes were not recorded and investigated at the time of reporting;

- Several PULSE incidents were created after the request for information by the Inspectorate;

- Victim and witness statements were not always taken and in most cases, there was no further victim contact;

- There is an absence of intrusive supervision.

3. Delays in Investigating Crimes with a Suspect

The following are cases where there were delays in investigating crimes where a suspect was present, was known or could have been identified.

Volume Crime Case Reviews Delays in Investigating Crimes with Suspects

Case 1

In April 2012, a victim in a night club was assaulted by a male. Initially this was incorrectly classified as an assault minor, but was changed to assault with harm in December 2013 (after the Inspectorate asked for a copy of this case). A statement was taken from the victim, which is less than one page long and is short on detail for such a serious assault. The victim provided the name of a friend who identified the suspect by name. There is no statement in the case papers provided from the victim's friend or any door staff that helped the victim on the night of the assault. Nineteen months later, the investigating garda conducted an interview under caution with a male that they described as "knowing from the general area". There was no explanation as to how this person is linked to the crime. During this interview, the garda asked a number of questions including "Are you capable of biting someone, male or female in a row". During the interview the suspect was not asked if they were at the night club at the time of the assault. On checking the case file and the PULSE record, there is no record of any supervision of this case, until after the time that the Inspectorate asked for details. There is also no evidence on the file of obtaining a medical statement from the hospital regarding the injuries sustained by the victim and there is no explanation as to why a named suspect was not placed on an identification parade. This is a poor investigation of a named suspect who had committed a violent assault.

Case 2

In April 2012, a teenage boy was the subject of an unprovoked head butt by a male. The PULSE incident was created six days later and was incorrectly classified as a minor assault. At the time of dealing with the victim, the garda was given information about the suspect's details and on viewing the CCTV the garda recognised the suspect. A victim's statement was taken six days later and nineteen days later a witness statement was taken. The suspect was not arrested, but was interviewed twenty-six days later, where they fully admitted the offence. The seriousness of this assault was reflected in an eleven month prison sentence in November 2012. This was a serious assault that was not investigated promptly and there were long delays in taking victim and witness statements and dealing with the suspect.

Case 3

In May 2012, a victim was head butted in the face and a glass was broken over his head, causing injuries. Suspects were identified at the time of the offence and this was confirmed on CCTV footage. The suspects were not interviewed until August and September, some three to four months later. The delay is not explained in the case file.

Case 4

In May 2012, a male was assaulted outside a night club. The assault was captured on CCTV. The suspects were not arrested and interviewed about the matter until August 2012. The case went to a first hearing at a district court in February 2013, by which time one of the offenders had absconded to another jurisdiction.

Case 5

A victim was assaulted in November 2012 whilst walking home with his girlfriend and sustained serious facial injuries. The assault was captured on CCTV. Despite clear lines of enquiry, the suspect was not arrested until May 2013. Delays in obtaining medical statements are mentioned in the case papers, but it does not appear that such statements were ever obtained. This case was still shown as outstanding at the time of the inspection.

Case 6

An aggravated burglary was committed in September 2012 by a suspect with a knife. A named suspect was arrested in December and it transpired that this person was not actually involved in this crime. A second suspect was later identified and arrested in May 2013. During an interview with this suspect it transpired that the crime as described by the victim had not in fact occurred. The Inspectorate asked for additional information from the Garda Síochána in respect of this crime to establish how the second suspect was identified. This information was requested in October 2013, but was not provided.

Case 7

In November 2012, a victim was assaulted and sustained a facial injury. A suspect was identified, but was not interviewed until April 2013. Despite permission from the victim to access their medical records, a statement from the doctor who examined the victim was not obtained. There is evidence on the case file of a sergeant questioning why medical evidence was not obtained, but there was no follow up.

Case 8

In May 2012, a victim was punched in the face and bitten by a named suspect. This crime was recorded on PULSE in September 2012. The crime was recorded as an assault minor, but the case file has many references to a more serious assault. Although the suspect was present at the time of the incident, no arrest was made and it took four weeks to obtain a victim's statement. Suspects for this case were not interviewed until July and August 2013 and a case file was submitted to an inspector in October 2013. In November 2013, directions were received to prosecute the suspect.

Case 9

In May 2012, a victim was hit in the face with a glass, resulting in stitches from the injury. The suspect made an admission at the time, but was not arrested. The victim's statement is only fourteen lines long and is poor in content, e.g. there is no description of the suspect. A key witness statement did not include any description of the suspect. The suspect was not arrested until two months later.

Key Findings

There are a number of key findings arising from these cases:

- Delays or failures to gather victim and witness statements;
- Unexplained delays in dealing with identified suspects;
- Some poor quality victim and witness statements;
- Late recording of crimes and in one case created five months later;
- Delays in gathering evidence and making arrests;
- There was an absence of intrusive supervision.

4. Investigations that were Not Progressed Effectively

The following are cases where investigations were not progressed effectively.

Volume Crime Case Reviews Investigations that were Not Progressed Effectively

Case 1

A burglary occurred in March 2012. No investigation appears to have taken place until a new investigating garda was assigned in August 2013 (after the Inspectorate had asked for details of the case). The Inspectorate was informed that the investigating garda had subsequently retired and would have faced disciplinary proceedings if they were still in the service.

Case 2

In May 2012, a victim and family member were in their car when two youths smashed the window and slashed the car tyres. The initial entry on PULSE mentions the need to check for CCTV, but there is no further information that this was ever conducted. On checking PULSE, there is an entry on the record that states that numerous attempts were made to contact the victim and eventually the victim stated that they did not want to make a statement of complaint. On examination of this entry, the Inspectorate identified that this information was entered on PULSE in May 2013 (after the Inspectorate had asked for details of the case).

Case 3

In May 2012, a victim was attacked in their driveway by a group of males and was punched in the face causing injury. No statement appears to have been taken from the victim and there are no updates on PULSE as to any further investigation. No case file was sent to the Inspectorate.

Case 4

In April 2012, a crime took place where the suspect said they had a knife. This was recorded as a theft, but the victim's statement makes it clear that a robbery took place. The last update was recorded in August 2012. No record of investigation exists since that time and there is no information about any attempts to identify a suspect. The case file mentions that CCTV was requested and the investigating garda is awaiting those outcomes. Some twelve months later, there was no PULSE update on whether any further investigation took place and whether any CCTV enquiries were conducted.

Case 5

In June 2012, a burglary occurred and PULSE shows that entry was gained through an open window and that property was stolen. The PULSE incident was initially categorised as a burglary, but was reclassified as Attention and Complaints on the same day and closed. There was no recorded rationale to explain why this was not a crime and why it was not investigated.

Case 6

In May 2012, a burglary took place where a number of suspects drove a car through the closed doors of a garage and were disturbed by a neighbour, as they were searching through a press in the garage. Two months later a victim's statement was obtained, but no statement from the neighbour was supplied to the Inspectorate. The crime was incorrectly classified as criminal damage. There is no mention of enquiries to trace CCTV in the initial PULSE entry, but two months later the investigating garda reports that no CCTV was available. One year later no case file was made available to the Inspectorate and PULSE has no update about any attempts to trace the vehicle or the suspects.

Case 7

In June 2012, a male was stabbed several times. Garda correspondence describes the victim as unwilling to make a statement and the district officer authorised for the crime to be reclassified from an assault with harm to an assault minor, as the victim was unwilling to assist. On the night of the assault the victim was described as intoxicated and aggressive to gardaí, but co-operative with the ambulance service. A photograph was taken of the victim's injuries. There was no record of a detective or a supervisor assigned to try and obtain a statement at a time when the victim was more amenable.

Case 8

In April 2012, armed suspects entered a shop and threatened to shoot staff. Two victim statements were taken at the time which consisted of nine lines and fifteen lines, respectively. The statements are lacking in detail and there is no evidence of any supervisor identifying this, or the taking of additional statements. Whilst the recovery of clothes worn by the suspects is mentioned, there are no details about any examination of the items found.

Case 9

In May 2012, a victim reported damage to door locks in what appeared to be an attempted burglary. A case file tracking form was completed by the investigating garda detailing the investigative actions taken. On examination of the case file, the Inspectorate found that it was completed after the Inspectorate's request for information on this particular case. The victim's statement was not taken until May 2013. The crime tracking form was submitted to a sergeant fifteen months after the date of the crime.

Case 10

In May 2012, a violent robbery took place in a pub after closing hours. Two suspects entered, one armed with a hand gun. The suspects pushed one witness to the ground and placed a gun to the head of the other. Statements were taken at the time, but they were short and missing key details, e.g. a witness mentioned a third suspect, but there is no further information and no description. With the redactions of the names of the gardaí in the information supplied to the Inspectorate, it was unable to determine whether a detective or non-detective garda took these statements.

Domestic Violence Cases

• In June 2012, the Gardaí were called to a domestic violence assault, where the suspect was present, but was not arrested. No statement was taken from the victim at the time. Nine days later, the victim contacted the garda to withdraw the allegation;

• In March 2012, two ex-partners made cross allegations of assault and this is recorded in garda correspondence. As no statements of complaint were provided, this incident was initially created as an Attention and Complaints and later marked as invalid, e.g. no crime took place. This should have been recorded as two assaults and marked as a domestic violence incident.

Other Cases

- In June 2012, a window of a car was smashed and property taken. The PULSE incident shows that enquiries are on going. Twelve months later there are no updates on PULSE;

- In June 2012, a victim reported damage to locks that could have been an attempted burglary or a criminal damage. A crime tracking form showing details of all the actions taken was created in August 2013 (after the request by the Inspectorate);

- In June 2012, property was stolen from a motor vehicle. There was no case file and no PULSE investigation update since the first day of recording;

- In May 2012, a crime scene examiner was not called to an attempted burglary. In an internal memorandum, the investigating garda provided an update in October 2013, stating that CCTV and house to house inquiries were completed. This information was recorded on PULSE (after the request for information from the Inspectorate);

- In April 2012, a burglary occurred where a significant amount of identifiable jewellery was stolen. The stolen property list was not collected until August 2013 (after the request from the Inspectorate).

Key Findings

There are a number of issues arising from these cases:

- Investigations were not effectively progressed;

- Some case forms and updates were created at a much later stage on PULSE (after the request from the Inspectorate);

- Victim and witness statements were not always taken and in most cases there was no further victim contact;

- Delays in gathering evidence;

- There was an absence of intrusive supervision.

5. Delays and Lost Opportunities to Gather Best Evidence

The following are cases that highlight delays in investigations and lost opportunities to gather evidence.

Volume Crime Case Reviews Delays and Lost Opportunities to Gather Best Evidence

Case 1

In June 2012, a robbery took place in a shopping centre by a suspect who threatened to assault the victim, and at the time, the suspect may have been armed with a knife. Gardaí attended the scene, but did not obtain and view available CCTV footage. In November 2012, CCTV footage was viewed and a garda recognised the suspect who was immediately arrested. During an interview, the suspect made a full admission to the offence. This was a serious crime, but it took five months to view CCTV evidence which led to an arrest. There was no evidence of any instrusive supervision in this case.

Case 2

In May 2012, a burglary took place, but the victim's statement was not taken until seven months later. There is no explanation as to why it took so long to take the statement. An entry on PULSE showed CCTV was viewed, but this entry was not placed on PULSE until May 2013 (after the Inspectorate had made a request for information).

Case 3

In April 2012, a male entered a shop with an iron bar, threatened and assaulted the owner and stole money. It took five days to take a victims, statement and to show the victim photographs of potential suspects.

Lost Forensic Opportunities and Other Delays

These are a selection of other delays and lost opportunities

- In May 2012, a burglary occurred and CCTV enquiries were not conducted until three months later;

- In September 2012, a robbery occurred at the victim's home and the victim heard the mention of a gun. The victim was allowed to clean up the crime scene before a crime scene examiner could attend. The victim later declined to attend an identification parade. There is no information on PULSE or in the case file to show any intervention from a supervisor to persuade the victim to take part in an identification process.

Delays in Obtaining Victim and Witness Statements

The following are a selection of cases where there were delays in taking statements:

- In April 2012, a call was received to a domestic violence case involving the breach of a safety order. A victim's statement was not taken until September 2012;

- In April 2012, a call was received to a domestic violence case where the suspect breached a safety order and damaged a car wing mirror. It took five months to obtain a victim's statement;

- A burglary reported in May 2012 and a victim's statement taken in December 2012;

- A robbery in May 2012 where no victim's statement appears to have been taken;

- A robbery on a young victim. It took ten days to obtain a victim's statement and by that time the victim did not want to go to court as a witness;

- A knife point robbery in May 2012, a witness statement was not taken until February 2013;

- In June 2012, a suspect was arrested for burglary. It took two months after the arrest to take a statement from the witness who called the garda;

- A robbery case. Most witness statements were taken immediately, but it took seven weeks to obtain a key witness statement.

Findings

There are a number of important key findings from the Inspectorate's review of these cases:

- Unacceptable delays to gather and view CCTV evidence;

- Significant delays in obtaining victim and witness statements;

- Poor quality statements lacking details taken from victims and witnesses by the gardaí.

The five areas examined in this analysis of the 158 case studies highlight the inconsistencies in crime investigation from some excellent investigations to crimes that were not recorded and not investigated.

The detailed examination of the 158 random cases across seven divisions highlights deficiencies in the recording, investigation and supervision of crimes notified to the Garda Síochána. The delay or lack of investigation of a crime and not dealing with a named suspect in a crime results is a poor service to victims. It also creates a risk of further crimes committed by the same suspect.

Dealing with Failures to Record a Crime

Not recording a crime or conducting an appropriate investigation is a very serious matter. In dealing with this problem, the seven divisions have taken very different approaches to dealing with the gardaí involved. One division reported that gardaí were disciplined, one division stated that gardaí were cautioned, some divisions issued management advice and some did not take any action. One consistent theme across all divisions in respect of such cases was the noticeable absence of any comment about supervisory responsibility for ensuring that a crime was recorded correctly and investigated diligently. This is in common with the issues highlighted in the Guerin report.

Recommendation 9.2

The Inspectorate recommends that the Garda Síochána conducts an examination of the process of dealing with named suspects in a criminal investigation. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop a national Standard Operating Procedure to reduce delays in identifying and locating suspects; and to provide clear protocols for arrest and charging suspected offenders;

- Ensure that suspected offenders are arrested at the earliest opportunity;

- Develop the use of photo fit identification as an investigative tool;

- Review and update as necessary, the guidance provided by the Garda Crime Investigation Techniques Manual.

9.7 Garda Professional Standards Unit

The Garda Professional Standards Unit (GPSU) was established in 2006 under the 2005 Garda Síochána Act. The purpose of the unit is to examine and review, as directed by the Commissioner, the operational, administrative and management of performance of the Garda Síochána at all levels.

As part of the inspection process, the Inspectorate requested copies of all GPSU examinations conducted in the seven divisions visited. At the time of the request, only four of the divisions had been examined by GPSU. The Inspectorate also conducted a field visit to the GPSU.

GPSU Examinations of Divisions Visited

The Inspectorate reviewed the examinations conducted on four of the seven divisions, which took place between 2008 and 2011. Whilst the examinations did focus on some high risk areas, they did not conduct a thorough examination of how crime is managed, including the examination of case files and calls for service. The examinations did not identify poor recording practices, crimes that were not effectively investigated or inappropriate classification of crime. From talking to those involved in these types of examinations, the GPSU focused on policy review and the questions they asked at that time focused on whether people were aware of a particular policy and where they could find it. Domestic Violence (DV) was examined in two divisions, and the outcome of the examination concluded two areas of strength and a few areas of improvement. There is no evidence in these examinations of a focus on crime investigation practices, such as a review of CAD or paper records for calls from victims or that case files were examined to check that investigations were conducted thoroughly. In both of the divisions reviewed by the GPSU, the Inspectorate found incidents of DV that were not properly investigated. At no point in the examinations is there any evidence of GPSU staff checking the implementation of policies and the quality of crime investigations.

During 2012, the GPSU began a new process for conducting examinations. In that year, the GPSU examined a division that was one of the divisions visited by the Inspectorate in 2013. This allowed the Inspectorate to compare its findings against those of the GPSU. Under this new process, crime investigation case files were examined and some of the findings in the report confirm many of the issues that the Inspectorate found such as:

- Of the eighty-four case files requested by GPSU, the division was unable to find twelve;

- Garda notebooks were not checked by supervisors;

- Garda statements were not always dated;

- In the case of a serious robbery, it took twelve months to interview named suspects. This case was already four years old when the GPSU examined it;

- Not all gardaí were aware of the policy in relation to reporting and investigation of sexual assaults;

- Not all investigations were monitored and supervised;

- In three sexual assault cases, GPSU were unable to determine if the files were ever sent to the DPP.

During this examination, the GPSU did not check compliance rates from calls made for garda services to the creation of a PULSE record.

In 2013, under new management and with new direction, the GPSU has significantly changed the way that examinations are conducted. The Inspectorate reviewed one examination on which comparison could be drawn. The examination identified some of the issues that the Inspectorate found in respect of:

- Domestic Violence cases inappropriately categorised;
- Unsatisfactory investigation of sexual assaults and inappropriate recording of sexual assaults in Attention and Complaints;
- PULSE records created after the GPSU request;
- Case files completed after a request from the GPSU;
- An inability to find out the results for calls for service;
- Statements and other papers undated;
- Tardiness in investigations and delays in submission of files for directions;
- Named suspects not arrested or delays in interviewing or conducting arrests;
- Cases not reallocated to a new investigator following a retirement or during absence, such as extended sick leave.

The Inspectorate welcomes the new GPSU approach, finding it to be a much more intrusive and evidence-based process, but considers that it should include some risk areas that are not yet subject to examination, such as reclassification of crime, victim satisfaction and detections.

The GPSU start the year with a plan of activity, but the plan is often interrupted to do bespoke pieces of work, such as conducting critical incident and serious crime reviews for significant cases, where prosecutions have not been successful. Part 6 of this report and the most recent GPSU examinations, identify issues with the recording, non-investigation and supervision of complaints of sexual assault.

The Inspectorate found that garda national units have never been subject to GPSU examination. Some of those units have been operating for seventeen years without any formal inspection

process, either internally or by the Garda Inspectorate. This is far from an ideal situation and should be addressed.

The current GPSU programme of conducting four divisional examinations a year is not going to address the issues that exist across the twenty-eight divisions. Following receipt of the Crime Investigation Reports, the Garda Síochána must review how the GPSU will be tasked in the future. There are thematic areas, such as incident and crime recording, classification of crime, investigation of crime and particularly the investigation of victim based offences that should fall within the GPSU remit.

The Inspectorate believes that the GPSU must be focused on dealing with the high risk areas that are presenting the greatest danger to victim and community confidence.

Recommendation 9.3

The Inspectorate recommends that the Garda Síochána reviews the programme of examinations conducted by the Garda Professional Standards Unit (GPSU). (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Ensure that the GPSU are tasked pursuant to the high risk issues including those identified in the Crime Investigation Report, such as reviews of compliance of PULSE policies on entries, classification and reclassification of crime and detections;
- Establish a robust process of monitoring the implementation of GPSU recommendations.

The provision of GPSU reports to the Garda Inspectorate has greatly assisted with this inspection. In order to facilitate its statutory remit and to help identify emerging trends, the Inspectorate recommends that copies of all future GPSU reports are provided to the Inspectorate.

Recommendation 9.4

The Inspectorate recommends that the Garda Síochána provides all future GPSU reports to the Garda Inspectorate. (Short Term).

9.8 Dealing with Persons in Garda Detention

Introduction

There are a number of reasons why a person is taken to a garda station, including persons arrested and those who are vulnerable and in need of immediate care and attention. The decision whether to arrest a suspect or not at the discretion of an individual garda dealing with an incident. For example, there are some occasions where a garda has a duty to apprehend a person wanted on a warrant and bring the person to court. Another example would be where a garda is dealing with a suspect and there is reasonable suspicion that the person has committed an offence. The Garda Síochána also detain and bring to a garda station persons that have not committed crimes, but are being detained for their own well-being. Situations where this might arise include cases where persons whose may be suffering from mental health issues, whose behaviour may pose a serious risk to themselves or others.

The decision to arrest is also driven by factors such as the seriousness of the offence. The more serious the crime, the more likely it is that an arrest should take place. The location of an incident and the distance from the nearest garda station may also be factors which may influence a decision to make an arrest. The presence of alcohol in a suspect or a victim can also hinder an arrest, as a garda will not always be able to obtain a statement, if a person is unfit through intoxication. The Inspectorate was informed by members that in more rural areas, discretion is often applied when considering whether to arrest or not. A single patrol unit in a rural area is often faced with the dilemma as to whether to make an arrest in circumstances where to do so would remove the only unit that is available to answer emergency calls.

Detained Persons and Transfer to a Garda Station

A person who is arrested should be transferred to a garda station as soon as possible after arrest. The absence of suitable transportation for convening persons to garda stations was raised at every division visited. Often, there is no suitable garda station van available to transport a person and garda are using patrol cars as a result. For compliant persons, and in the absence of a van, this may be a suitable option, but for non-compliant persons this is not good practice and the use of a patrol car presents a risk to the escorting garda and the detained person.

Following an arrest and under certain circumstances, a garda can place handcuffs on arrested persons. During the inspection, the Inspectorate was informed that whilst some gardaí are trained in the use of rigid handcuffs, this equipment has not been issued. Rigid handcuffs are in operation in many other international police services. This type of restraint offers far more options than traditional link handcuffs and provides more control for an officer if a person is resistant. The Inspectorate believes that rigid handcuffs should be issued to gardaí trained in their use.

Recommendation 9.5

The Inspectorate recommends that the Garda Síochána issues rigid handcuffs to gardaí trained in their use. (Short term).

Detention in Garda Custody

The detention and treatment of persons brought to garda stations is covered by the Custody Regulations of 1987, as amended by the 2006 Criminal Justice Act. The regulations outline a number of practical protective measures for those detained. Regulations 19 and 20 deal specifically with conditions and treatment of persons in custody. Detention in a garda station is available for the purpose of proper investigation of a crime. Prior to authorising a person's detention in custody at a garda station, a member-in-charge must have reasonable grounds to suspect that detention is necessary for the proper investigation of the offence for which a person was arrested. Where the grounds for detention later cease to exist, a person should be informed and immediately released.

Supervision of Detained Persons Taken to Garda Stations

As a counterbalance to the power of arrest and interview for questioning under the Criminal Justice Act, 1984, the concept of a "member-in-charge" was simultaneously introduced. The member in charge has a number of key responsibilities, such as authorising detention of a person, if it is deemed necessary for the proper investigation of an offence. Other responsibilities include the monitoring of the detention period, the recording of information concerning the arrested person, the recording of the details of their arrest and providing guidance to the proper conduct of an interview. Outside of Dublin, the member in charge role is usually performed by a garda and the person is often a member attached to a regular unit. In divisions visited as part of this inspection, the Inspectorate found that a garda designated as member in charge will often have other daily responsibilities, such as looking after the public office and answering the main station telephone line.

In the Dublin Metropolitan Region, the Station House Officer (SHO) is a sergeant assigned with responsibility for managing detained persons at garda stations. The SHO also has other daily responsibilities, such as providing advice to gardaí on patrol who are dealing with complex or serious incidents. On occasions, this may necessitate a SHO attending a crime scene.

Many persons detained at garda stations are vulnerable for a variety of reasons, including those with medical conditions, mental illness or those who are intoxicated and as a result, their behaviour may present a significant safety risk to themselves or others. The role of member in charge and SHO is very important and it places considerable responsibility on the person designated to that role.

Training of Sergeants and Members in Charge

During meetings with sergeants and gardaí, the Inspectorate identified that the vast majority of sergeants and garda performing the member in charge role have received no specific training. During a recent visit by the Inspectorate to the Garda College, it was established that the Garda Síochána has developed a new training course

for those performing the member-in-charge role. Whilst the Inspectorate acknowledges that a course is now available, there are still a significant number of untrained gardaí and sergeants performing this role.

In the PSNI, only those who have completed a custody training course are used in this role. This is a four week course for sergeants, officers and civilian detention officers who work in custody suites. The course includes all aspects of dealing with detained persons and related areas such as dealing with those who are wanted on a warrant or on bail. The course also contains a practical exercise for participants.

Supervision of Custody Suites in Other Policing Jurisdictions

The Garda Síochána does not operate a custody sergeant system that is used in many other international police services. These services have established the position of custody sergeants, who have sole responsibility for the management of those who are detained at a police station. The role of this sergeant is seen as key to ensuring that there is control of everything that happens within a custody suite. Custody sergeants are often posted for extended periods to this role to avoid circumstances where different people perform the role every day. Dedicated custody sergeants have professionalised the management of detained persons. They are supported by police officers or civilian detention officers who have designated responsibilities, such as conducting regular checks on detained persons and taking fingerprints and other samples.

The PSNI assign dedicated custody sergeants and currently have seventy-two personnel performing those roles. All custody sergeants receive a formal training course and there are 180 other trained sergeants who can perform the custody sergeant role as cover during leave and other absences.

Other policing jurisdictions are moving towards the utilisation of civilian support staff in custody suites. Across many services, civilian employees are now routinely deployed in custody suites as detention officers in a gaoler capacity. Some services have also developed detention officers to deal with the initial reception of a detained person on arrival at a

police station. This has released custody sergeants from administrative duties such as data inputting, to provide better supervision of detained persons. The use of police staff releases police officer time for front-line duties. The PSNI now have 146 civilian detention officers. The Greater Manchester Police (GMP) deploys 108 sergeants and 200 civilian detention officers. Only fully trained staff are authorised to work in custody suites.

The responsibility for managing detained persons is an important role and includes the welfare and safety of persons in custody and also ensuring that investigations are conducted diligently and expeditiously.

Custody sergeants can also provide guidance and direction to an investigator dealing with a detained person in respect of the next steps and ensuring that all necessary action is taken. The PSNI and other police services now operate a system called Evidential Reviewing Officers (EROs) who are supervisors that are usually attached to prisoner processing or case progression units. EROs conduct an early assessment of a person in detention and provide advice on the way forward.

Garda Inspectorate Report on Front-Line Supervision

The Inspectorate's report on Front-Line Supervision, published in 2012, highlighted inadequate supervision of detained persons and recommended that sergeants should be responsible for all processes relating to a detained person. The recommendation of solely using a sergeant to process detained persons was rejected at that time by the Garda Síochána. The Inspectorate believes that this recommendation is still valid and should be implemented.

Custody Facilities

Across Ireland, many garda stations have a number of cells and detention rooms used for housing those detained in custody. Detention rooms are often used for young persons. The numbers of cells and detention rooms varies greatly from stations with one to three cells in the more rural areas, to stations in cities with over twelve to twenty cells. During inspection visits to divisions outside of the main cities, the Inspectorate regularly found no persons

actually detained in custody, at the time of the visit. Most divisions operate multiple custody facilities at the various district stations and at the time of the visits, the Inspectorate established that in the DMR alone there are forty separate locations where detained persons can be held.

The number of custody suites in the divisions visited ranged from five to twelve. The Inspectorate was informed by members that there are occasions where one or two persons are detained at each site at the same time. The Inspectorate does not view this use of multiple custody facilities, each staffed by a member in charge or an SHO, as best use of garda resources.

The Inspectorate visited many of the custody facilities and found that the condition of custody facilities varied greatly between district stations. Some station custody facilities had been refurbished and were in a good state of repair and some were in poor overall condition, with cells often covered in graffiti. In one district station, 50% of the cells were out of commission and were used to store property and exhibits. Most of the district stations with poor facilities had plans to modernise the facilities and to include CCTV, showers and exercise areas.

Chart 9.1 outlines the Inspectorates findings from visits to custody areas in the seven divisions. 'Insecure areas' described in the chart refer to custody areas without key pad entry systems and areas with unrestricted access.

Chart 9.1

Inspectorate Assessment of Custody Areas in Selected Divisions

Garda Station	Number of Cells	Supervision	Comments
Ballymun DMR North	6 cells	SHO	• CCTV in operation • Insecure area • AFIS livescan machine • Overall satisfactory condition
Castlebar Mayo	4 cells	Member-in-charge	• Upgraded following a PSU examination • AFIS livescan[4] machine • Overall good condition
Crumlin DMR South	4 cells 2 detention rooms	SHO	• Detained persons are processed next to the public office which is not ideal as conversations can be heard by callers to the station • Insecure area • No CCTV • No showers • Two interview rooms away from the custody area • No AFIS livescan machine • Custody area requires refurbishment
Henry Street Limerick	12 cells	SHO	• 50% of cells out of service • Detained persons brought in via the public office and down two flights of stairs • Insecure area • Interview rooms on first floor • AFIS livescan machine • Custody area requires refurbishment
Milford Donegal	3 cells one out of service	Member-in-charge	• 140 persons detained in 2012 • No AFIS livescan machine • Two interview rooms • Insecure area • General condition satisfactory
Naas Kildare	6 cells 1 detention room	Member-in-charge	• 1,100 detained persons per year • No CCTV • AFIS livescan machine • Custody area requires refurbishment
Waterford	6 cells	Member-in-charge	• 3,500 detained persons per year • Due for refurbishment • No CCTV • All cells covered in graffiti • Two interview rooms upstairs • Insecure area • No shower facilities • AFIS livescan machine

Source: Data obtained from sampling of custody areas by the Garda Inspectorate

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4   AFIS is an automated fingerprint identification system. It has increased quality over ink systems and can often return a search of a million records in under a minute

Entering Garda Custody Areas

In most policing jurisdictions, a detained person is brought by police transport to a secure entrance. Entrance to the custody suite is made through a caged area attached to the back of a custody suite. In most divisions visited as part of this inspection, these facilities are not in place. Several district stations bring detained persons through the main entrance of a garda station through the public waiting area and into the main part of the station. On occasions this involves bringing people who are non-compliant through the public waiting area and potentially past victims of crime. This is not good practice and all detained persons should, where possible, be brought through the rear of a garda station and directly into the custody area. In one district station, the custody suite is in the basement and arresting officers have to walk people down two flights of stairs. This presents a significant and unnecessary safety hazard for all concerned.

Custody Security

During these inspections, the Inspectorate did not find any secure custody area. In most other policing jurisdictions, a custody area has a secure entry and exit system to prevent persons entering into a custody unauthorised area and also to prevent persons from escaping. There were also a number of windows in interview and doctors' rooms that were not secure and provided opportunities for people to escape or to discard concealed property.

CCTV was limited to a few places and often systems only covered the entrance into a custody area. This is an important security feature that is used in most other policing jurisdictions along with audio and visual recording, which acts as a good safeguard to those with responsibility for managing detained persons.

Interview Rooms

All the stations visited had facilities for conducting interviews with detained persons, but in many garda stations these interview rooms were away from the custody area and in some garda stations it necessitated taking a detained person up and down flights of stairs to rooms on other floors. Again, it is good practice to have interview facilities as part of a secure custody area. With solicitors now attending interviews, the Garda Síochána will have to provide secure facilities for private consultation.

Health Provision in Custody Suites

As part of the reception of a person into garda detention, the SHO or a member in charge should conduct a risk assessment of the individual. This is a fairly basic risk assessment and other police services have developed a more comprehensive risk assessment process. Gardaí conducting risk assessments are untrained and should receive training on all aspects of dealing with detained persons. Many of the persons detained will require medical attention and a local doctor should be called to examine the person and to see if they are fit to remain at a garda station.

In the UK, there is a move towards the health service taking responsibility for commissioning medical care provisions of those in police custody. In the PSNI, by 2015, all health care for detained persons will be governed by the health department. In Scotland, the National Health Service controls custodial healthcare. Currently, the PSNI spend £3.5m (€4.4m) a year to operate a forensic medical examiner scheme that utilises doctors to attend custody suites. The Garda Síochána process of medical care is very similar to that used in other police services. Many UK police services are now employing nurses in centralised custody suites to provide immediate care to a detained person. Police services have found that there are opportunities to improve health care, whilst reducing overall costs.

Engagement with Partner Agencies

The PSNI identified many detention issues where police officers are fulfilling roles that should be performed by other agencies. This includes custody suites that are used as places of safety for those with mental health issues and who need immediate care and attention. The PSNI has issued an instruction that custody suites are not to be used as a place of safety for those who are clearly in need of medical treatment. Currently, the PSNI is working closely with the Health Department and local hospitals to work through this particular issue. These authorities are trying to resolve the issue of hospitals receiving people in the custody of the police who are suffering from mental health

issues. Police officers are experiencing long delays at hospitals waiting for psychiatric assessments to take place and for a decision to be made as to whether the person will be admitted.

The facts as described in the PSNI are replicated in the Garda Síochána on a daily basis. The current practice of using garda stations as places of safety puts the person at risk and is resulting in the Garda Síochána dealing with an issue on behalf of another agency. This is not addressing the key needs of the person and it is placing unnecessary corporate risk on the Garda Síochána. The Inspectorate believes that the Garda Síochána should engage key partner agencies to develop action plans for managing people that are suffering from mental health issues and who come to the attention of garda members for care and not for criminal matters. Improvements in this process could release a significant amount of garda time that is currently spent on non-garda duties.

Recommendation 9.6

The Inspectorate recommends that the Department of Justice and Equality convene a working group to explore the following recommendations in respect of health care provision and demand reduction for persons in custody. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Review and implement international best practice for improvement in health care provision for persons detained in custody;

- Develop clear and unambiguous protocols among the strategic partners for dealing with persons, in both public and private locations, that are suffering from mental health issues and in urgent need of medical attention;

- Establish clear and unambiguous protocols among strategic partners for an appropriate response to young persons who are taken to garda stations, particularly after normal office hours; (See page 28, Young Offenders in Custody)

- Ensure a comprehensive risk assessment process for detention of prisoners.

International Custody Facilities

The current situation in Ireland is very similar to the position previously found in many UK police services, namely a proliferation of small custody facilities, often in poor condition, managing small numbers of detained persons. It is the Inspectorate's view that refurbishing multiple sites within a single division is not the best use of public funds. Likewise, trying to manage multiple custody facilities that operate significantly under capacity is not best use of garda resources.

Other police services have moved to larger centralised custody suites designed to meet the needs of a division, a region or a whole police area. Clearly, the location of a centralised custody suite needs careful consideration as this can have a high impact on operational resources. Most police services place custody facilities in key geographical areas and also co-locate other units such as detective units, crime scene examiners, prisoner processing units, warrant offices and property stores at the same locations.

In Northern Ireland, the PSNI has reduced the number of custody suites from twenty-nine to sixteen with further plans to significantly reduce that number. Belfast operates a fifty cell centralised custody facility at Musgrave and there are plans to develop a small number of similar sized suites to cover the services' needs. The PSNI also need to cater for rural needs and are likely to situate custody suites within a reasonable travelling distance. The Greater Manchester Police (GMP) has reduced custody suites numbers from eighteen to ten (two of which are held in reserve) and deal with 80,000 detained persons a year. Like the PSNI, the GMP is moving towards super sized custody facilities with fifty to sixty cells. Scotland has forty-two primary custody centres, which can manage 200,000 detained persons a year. West Yorkshire Police has taken a slightly different approach to managing offenders with separate adult and juvenile custody suites.

In Dublin, Cork, Limerick and other cities, there are opportunities for rationalisation of custody facilities. The main detention centre in Dublin City is located at the Bridewell, which has thirty cells, but is in poor condition. The Bridewell would need

significant investment to upgrade the facilities, but in the long term it has the potential to provide centralised custody facilities for several divisions or the whole of the DMR. Cork City has a similar facility to the Bridewell, which is also in poor condition and in need of significant investment. The Inspectorate understands that there are plans to build a new court facility in Cork and it is believed that there could be benefits in reviewing the plans to see if there is an opportunity to develop a centralised custody facility for Cork City. There are additional benefits of co-location with the courts in reducing the need to transfer prisoners to and from garda stations.

Custody and Cell Management

Many UK police services have taken the responsibility for custody away from the control of divisions and created a separate unit/directorate that provides a service to those divisions. This has removed many of the previous problems where divisions were saying that their custody facilities were full when in fact this was not the case. These cells were being held for the division's own requirements. This resulted in officers having to contact different detention facilities until someone agreed to accept a prisoner. This was an issue raised by officers working in Dublin and particularly at Dublin Airport, who have to call garda stations looking for cell space.

Garda Inspectorate Report on Front-Line Supervision

The Inspectorate's report on Front-Line Supervision recommended the rationalisation of stations designated for detaining persons for longer than six hours. This recommendation was accepted but has not been implemented.

The report also highlighted certain requirements for an effective and efficient custody facility, which include:

- Sufficient trained, dedicated staff;
- A sergeant designated as a custody officer;
- CCTV that records visual and audio from entering the rear of a garda station yard through to the custody suite and the whole custody area;
- A secure environment that stops unauthorised people entering and prevents those who might attempt to escape.

Most of the current custody facilities used by the Garda Síochána do not meet these standards. The Inspectorate believes that the Garda Síochána needs to conduct a full review of all custody facilities and explore opportunities for rationalisation, centralisation and where opportunities exist, to co-locate with other justice partners. The Garda Síochána also needs to explore opportunities for creating much more efficient and effective custody suites.

Detention Time

The period spent from the time of a person's arrest to the time of their release from a garda station is referred to as the detention time. On arrival at a garda station, the member in charge or the SHO must be provided with information about why a person was arrested and why it is necessary to detain them to investigate a crime. Before authorising the detention, a member in charge must be satisfied that there are reasonable grounds to detain a person for an investigation. The member in charge has a pivotal role at this point to determine if a person needs to be detained or not. The use of gardaí in this role of member in charge can place that garda and particularly, a young and inexperienced garda in a difficult position. From checking a number of custody records, the Inspectorate did not find any examples of where a member in charge refused to authorise the detention of an arrested person.

For most criminal offences, a person can be detained at a garda station for a period of six hours from the time of arrest. After that period has expired, a person should be charged with an offence or released from detention. If further investigation is required, further periods of detention can be authorised by a superintendent for an additional six hours and an additional twelve hours on the authority of a chief superintendent. For offences against the State, a person can be detained for twenty-four hours, with further twenty-four hour periods authorised by a chief superintendent and then a district judge. For a case involving murder and drug trafficking, significantly longer periods can be authorised to allow the investigation of the crime to take place.

Detention Time for Complex and Serious Crime Investigations

The initial period of six hours for detention of a person in Ireland is a relatively short period and was created during a time when there was a different landscape for dealing with detained persons and when there was far less complexity of crime investigation. With serious crimes and often more complex crimes such as fraud investigations, this six hour period is often insufficient to enable an effective investigation to be completed. A significant period of any detention time can be used waiting for transport to go to a garda station, dealing with the reception of a detained person and waiting for a solicitor to attend. Dealing with a detained person can also be delayed whilst victim and witness statements are taken or while CCTV or other evidence is gathered and examined. Currently, interviews in garda stations are tape recorded and require a contemporaneous written record to be made at the time of the interview. These interviews are using a significant period of the detention time. With the recent introduction of solicitor's access to an interview, there is likely to be more delays in the starting time of an interview and an extension to the duration of an interview.

The actual starting point for a detention time in Ireland is the time of arrest. In the UK, the detention time starts at the time of arrival at the first police station in the police service area. This deducts any time spent travelling and particularly if the person is arrested a long way from a police station. Scotland used to operate under the same six hour detention period as Ireland, but this was extended to twelve hours with the option of extending that period to a further twenty-four hours. In the UK and Denmark, a person can be detained for a period of twenty-four hours without charge and with the authority of a superintendent for a further twelve hour period. In Denver, people can be detained for up to seventy-two hours without charge and in Chicago complex cases have forty-eight hours to process a detained person. The extended detention period does not mean that a person has to be detained any longer than absolutely necessary, but it does allow more time to fully investigate a crime.

During meetings, senior gardaí consistently raised the issue of time pressures of trying to deal with complex cases in six hours. The Inspectorate believes that the six hours initial detention period is too short and that an increase to twelve or twenty-four hours would provide sufficient time (where required) to fully investigate most offences.

Suspension of Questioning

The Criminal Justice Regulations 1987 state that persons should not be interviewed between midnight and 8 a.m., except in cases where there are serious reasons for continuing or starting an interview. This is particularly relevant to persons who are arrested late at night or in the early hours of the morning. Where a person is arrested under Section 4 of the Criminal Law Act, 1984, a member in charge may determine that questioning should be suspended to afford the person a reasonable period of rest, providing the detained person consents. In contrast, where a person is detained under the Offences against the State Acts, such consent is not required. Any such breaks in detention are not included in determining the length of detention time. It is not always in the best interests of a detained person to be interviewed during those times and any evidence gained may not be accepted by a court. Suspension of detention also takes place where a person requires medical or hospital treatment or an appearance at court.

In England and Wales, people are usually placed into a period of uninterrupted (usually eight hours) rest from the investigation during the night, but the detention time is not suspended. The fact that UK police services have twenty-four hours to hold a person in detention, removes this as an issue of insufficient time to conduct a thorough investigation.

Many other policing jurisdictions have one single piece of legislation that provides powers of arrest, search and detention for all offences and provides a consistent basis for all dealings with detained persons, irrespective of the offence for which they are detained.

Extensions of Detention

Where an investigation for a more serious crime is unable to be progressed within the six hour period, the power exists to extend detention in custody without charge. This process involves a superintendent or a chief superintendent reviewing the progress of a case and making a decision about whether the case is being dealt with efficiently and effectively. The permission to grant an extension can only be authorised at the time when the six hours is due to expire, although it can be completed by telephone. As a result, superintendents receive telephone calls at all hours of the day and night to consider extensions of detention. In other policing jurisdictions, an extension can be authorised in advance, if the circumstances of the case will require additional detention time. The position in the UK and Scotland is that an inspector who is on duty conducts reviews of a person's detention at specific times to ensure the case is progressed diligently and a superintendent is only required to conduct a review of a person's detention as the twenty-four hour period approaches.

Statements Regarding Extensions of Detention

Another aspect of the extension process is the large amount of statements that are generated by superintendents and chief superintendents who are authorising extensions in detention. For all extensions, a full statement is completed as part of a case file and senior gardaí are frequently notified as witnesses to go to court. The Inspectorate was informed that whilst senior gardaí are warned to attend court they are not always required to give evidence. In other policing jurisdictions, it is highly unusual for senior officers to complete such statements and even rarer to attend court as a witness.

Intoxicated Persons Arrested for Minor Offences

A number of senior gardaí raised an issue of persons arrested for public order and other minor offences who are intoxicated and after six hours in garda detention are still incapable of taking care of themselves. An extension beyond six hours for their safety is not governed by statute. In these cases, gardaí do not want to release a person when still unfit through drink or drugs. An increase in detention time or a change in legislation would provide a legal basis for detaining persons until fit to be released.

Suspension of Custody and Police Bail

Part 2 of the Criminal Justice Act 2011 provides a new system to make more effective use of detention periods. This provision allows the period of detention to be suspended and the person released during the period of suspension. This allows gardaí to follow up on information such as an alibi obtained during questioning and to conduct further investigations. This provision requires a person to return to a garda station on no more than two occasions and the period between the first and subsequent detention must not exceed four months.

During the inspection visits, the Inspectorate did not find any evidence of this power being used and many investigators did not appear to be aware of the provision. The Inspectorate believes that the provision provides an opportunity for a much earlier arrest of a suspect and the release pending any further investigation that needs to take place.

UK police services use this process and it is referred to as police or station bail. This is an extremely useful provision and it has certainly led to a much quicker initial arrest with many benefits to this. Station bail in the UK also allows the police to attach conditions to the bail such as not contacting any victims in the case. It can also reduce the time that a person spends in detention as they can be released to return at a later date. However, the experience of some UK services has shown that police station bail is often over used and people are bailed for extended periods. (See also Part 10).

The Inspectorate fully supports the use of suspension of custody and or police bail. If managed effectively, it provides an opportunity for early arrest, early interview and, if necessary, to release a person pending further enquiries. The limitation period of four months is a good safeguard to prevent any abuse of the process.

Re-arrest to Charge

A garda can re-arrest a person to enable a charge to take place. The Inspectorate found an inconsistent approach to re-arresting across the seven divisions, with some places using it far more often than others. During examination of custody records, the Inspectorate found some examples where the custody record showed that a person was arrested for the purpose of charging, but no charges were actually attached.

The Inspectorate believes that the subject of detention times and authorities for detention should be reviewed by the Garda Síochána with key criminal justice partners to determine if the initial detention period is sufficient to allow the effective investigation of an offence.

Young Offenders in Custody

A young person under the age of eighteen should have a parent or guardian informed about their arrest so they can attend a garda station to act as an appropriate adult for the young person during any interviews. In the absence of a parent or guardian the garda try to use the services of a Peace Commissioner, a volunteer or a social worker. A young person should be released from detention to an appropriate person. In the absence of a guardian for the young person, the HSE are contacted with a view to accept the young person. Gardaí reported that they are finding it increasingly difficult to obtain the services of a social worker and to place a young person with the HSE.

Drug Testing and Support and Treatment

Some of the most persistent and prolific offenders have significant drug habits and turn to crime to fund their addiction. Apart from driving whilst intoxicated, those detained at garda stations are not subject to any substance drug testing. Scotland, West Yorkshire and other police services test persons arrested for crimes designated as "trigger offences". These are usually acquisitive crimes such as burglary and robbery. A sample taken can test for up to six drug types and results are produced within five minutes. In West Yorkshire results are included in a court case file and the information is placed before the court. Early intervention is crucial and drug referral workers (non-police) are often attached to custody suites to offer services to those who admit to having a drug problem. In one division in the UK, drug referral workers and police officers are conducting a pilot to visit known offenders prior to an arrest to try to persuade them to enter a treatment programme.

> **Recommendation 9.7**
>
> **The Inspectorate recommends that the Garda Síochána engages key partner agencies to develop an effective drug arrest referral scheme for those detained in garda stations. (Medium term).**

9.9 Custody Records and Prisoner Logs

Paper Based Custody Records

All persons detained at a garda station should have a custody record completed for them. This is a paper based system completed by the member in charge.

The Inspectorate found the custody records to be cumbersome. The sections are disjointed and not user-friendly. The Inspectorate was informed that a new version is being developed, but it is not yet in operational use. Storage of completed custody records is also an issue as they physically take up a lot of space.

On examination of custody records, the Inspectorate found many parts of the record that require completion were not filled in. A custody record is an important document that is usually part of a case file and will be disclosed as part of a court prosecution. The Inspectorate is aware that court cases have been lost because custody records were not completed or details in the custody records conflicted with other documents.

With most paper based systems, the most used part and potentially the most important, is the record of actions taken whilst a person is in detention. This is titled on the custody record as "details of actions/ occurrence" and is a free text section to record all incidents or actions taken in respect of a detained person. In this section, space is very limited and for many of those detained beyond six hours, continuation sheets are required. Continuation sheets are kept in separate A3 bound books and the Inspectorate found it difficult to reconcile

some custody records with the continuation record. In some cases, stations were unable to find a continuation sheet for a custody record. This is unsatisfactory and the separation of two parts of what should be one custody record is not good practice. Sergeants and members in charge do not find the custody records or continuation sheets to be user friendly. There is also significant waste in each custody record as many sections are never used.

Examination of Custody Records

During this inspection, the Inspectorate visited a number of custody suites at the district stations and examined approximately 100 custody records per district for persons detained at those stations. The following are the key findings:

Custody Record Examination Key Issues

Legibility of written records

The quality and legibility of handwritten custody records varied greatly from record to record and from officer to officer. Some were written legibly and easy to follow and other records were not.

Details of arrest - Offence in respect of which arrest/detention made:

(This section records the reasons for arrest)

- One district station completed this section to an excellent standard and correctly identified the offence and the date it was committed;

- Most custody records did not contain the date of the original crime. In some cases, the arrest was made on the same day, but in other cases, the crime took place sometime previously. This omission made it difficult to supervise and audit the custody record.

Recording reasons/grounds for detention

The Inspectorate found inconsistencies in the custody records in the recording of the reasons for detaining a person in custody. In one district, the members in charge all recorded why the person was arrested and detained and wrote the details directly onto the custody record. In most other district stations, the member in charge recorded that as a result of a conversation with the investigating or arresting garda, the person was detained. The Inspectorate was informed by members in charge that the record of the conversation is kept in garda notebooks. The Inspectorate does not view this as good practice and believes that all relevant information should be recorded on a custody record as the location of primary and best evidence. Notebooks may be misplaced, gardaí retire or transfer, and there is a risk that information about a detained person is lost. It is good practice to record the reasons for detaining a person in a custody record, rather than to say, "as a result of what I was told I authorised detention". The absence of such data made it very difficult to audit custody records without details about when the crime took place and what evidence linked the person to the offence for which they were arrested and the grounds for authoring detention.

Multiple custody records

In one district, the Inspectorate found that two custody records were sometimes created for the same detained person on the same date. The first record concerned the arrest and interview of a person and the second record concerned the arrest of the person for the purpose of charging. This was brought to the attention of the divisional chief superintendent.

Released from detention without explanation

The Inspectorate found a large number of custody records where it was unclear why persons were released. In one case, two people were arrested for burglary, but were not interviewed and were released within seventy-five minutes of arriving at the garda station. In this case, a sergeant contacted the arrested garda and it was established that the victim had stated that the alleged money that was stolen had been found. It would be good practice to have an entry in the custody record to that effect.

In several other cases of robbery and burglary, people were arrested late in the evening and released shortly afterwards. In these cases, the persons arrested were young people and appeared to be released into the custody of a parent or guardian. They were not interviewed and there was no explanation as to why they were released and what was going to happen to the case. An entry should be completed to explain the reasons for release such as, released due to their age and the time of the night and that they would be interviewed in the morning.

Arrested, but not interviewed

The Inspectorate found a number of custody records where people were arrested for a criminal offence, but were not interviewed whilst in detention. In some cases, the member in charge had recorded in the custody record that the person was drunk. There was no entry to explain why they were released without any apparent action taken.

People detained for charge

The Inspectorate found custody records marked "arrested for purpose of a charge", but in some cases no charge was actually shown on the custody record. There were also examples where people were arrested and released shortly afterwards, without any apparent action taken. In these circumstances, an entry should be recorded on the custody record as to the circumstances of the case and why a person was not interviewed or released without charge.

Custody record sections not used

In most custody records examined, many sections of the records were not completed.

The sections on fingerprints and photographs were often not completed.

The section on property taken from the person detained or retained by the person was not always filled in correctly. This section has very little space for recording property and exhibit details and there is limited capacity to describe exactly what the item looked like and any distinguishing features. This is an important section if there is any dispute over property at a later stage. Other jurisdictions take great care over this particular issue.

Timing of entries in custody records

The Inspectorate found some discrepancies in the times of entries in custody records and the times recorded in other documents. This included some custody records where the times recorded on the memorandum of the taped interviews did not correlate with the times shown in a custody record. For example, the Inspectorate found some custody record entries that showed that a person detained was returned to a custody area from interview at a time that the record of interviews shows that it was still being conducted. The 2013 GSOC Annual Report recommended that digital clocks should be available in custody suites and the Garda Inspectorate views this as a sensible proposal to ensure accuracy of entries in custody records and other associated documents.

Delays in Arrests

During inspection visits, the Inspectorate identified the following custody records where there were delays in making arrests.

Custody Record Examination Delays in Arrests

Case 1

A case of violent disorder committed in December 2012 where the offenders involved were known to the investigating officer. The suspect was not arrested until March 2013.

Case 2

In August 2012, a victim sustained an injury. A known suspect was captured on CCTV, but was not arrested until December. Following the arrest, it is unclear what happened to the subject, but they were not charged with an offence.

Case 3

An offensive weapon offence that took place in July 2012. The suspect was arrested in November, but was not charged.

Case 4

A serious assault took place in January 2013 with an arrest made in April. In this case, it took three months to take statements from witnesses

Case 5

An Assault case in August 2012 where the suspect was not arrested until December. The suspect was not charged at the time of arrest.

Case 6

A theft and fraud crime committed in November 2012, with an arrest in March 2013.

Garda Professional Standards Unit District Examinations

Custody records are regularly inspected during the examinations conducted by the GPSU. The Inspectorate has reviewed those examinations and has identified some common themes:

- Some excellent custody records and some poorly completed records;
- Inconsistencies in the quality and details recorded in custody records;
- Prisoner logs are not always closed.

These results were generally consistent with the findings of the Inspectorate.

Computerised Custody Records

Within the garda custody paper based system, there is limited management information available and utilised. As part of this inspection, the Inspectorate requested information in connection with persons in detention that would be readily available in other policing jurisdictions. In the absence of a computerised custody system, some of this information was difficult to extract and some of the data would have required manual examination of custody records.

There are many advantages to a computerised system, which include:

- Entries in custody records are timed and dated;
- There are no legibility issues;
- Electronic systems provide important management information that does not require a manual search, i.e. average time to process detained persons for particular offences;
- Live custody records can be checked remotely.

The other police services visited during the course of this inspection have computerised custody systems. Whilst in most cases it can take longer to initially process a person electronically, there are many benefits. Some services have developed integrated systems where custody links directly to call management and crime investigation systems,

which avoids double keying of data. It also provides far more information about a detained person and any risks that may be posed to themselves or others.

Prisoner Logs

In the absence of a computerised custody system, the Garda Síochána has developed an application on PULSE called a prisoner log. When a person is detained in a garda station, a PULSE prisoner log entry should be created. This records basic details of the person, the time of arrest and the time of release from detention. This allows remote access and a garda can check if a person was previously arrested and what is happening in other cases. The Inspectorate found that prisoner logs were not always created or updated and persons were still shown as being in custody, although released some time previously. Also, some of the personal data entered on prisoner logs conflicted with data contained on custody records.

Custody Record as Primary Evidence

Many gardaí have interaction with detained persons and often create notebook or diary entries about the action or decision that they have made. Examples include a superintendent authorising an extension of detention or a sergeant that checks with a detained person that an interview is being conducted properly. Following an intervention with a detained person, an entry is also made in the custody record to that effect. Where a case is progressing to a prosecution case file, the superintendent or the sergeant is required to make a formal witness statement about any action undertaken. Three entries are made in different places and often consist of the same information.

Internationally, the custody record is usually accepted as primary or best evidence and all entries such as extensions of detention are placed directly onto the custody record. In other jurisdictions, this action existed prior to any introduction of a computerised custody system. This process also retains all information about the detained person in one place and should remove the need for duplication of a notebook entry and a statement. A member explained that they had written hundreds of statements for actions taken with detained persons who were interviewed, but have never actually been required to attend court and

give evidence. The Inspectorate believes that the custody record should be classified as primary or best evidence and disclosed as part of a case file in a court case. All matters pertaining to a detained person should be recorded directly onto the custody record and not in an individual's notebook or diary.

All senior gardaí that met with the Inspectorate would like an electronic custody system. Internationally, there are many different versions in operation and the Inspectorate recommend that the Garda Síochána should identify a system that best meets their needs and that is integrated with other garda IT systems. The Inspectorate believes that the Garda Síochána must operate an electronic and fully integrated custody management system.

Recommendation 9.8

The Inspectorate recommends that the Garda Síochána develops and implements a technology based custody system to ensure appropriate oversight and management of persons in custody. The Inspectorate recognises that this a long term solution, but the planning and development should start now. (Long term).

In the interim, to achieve the above recommendation, the following key action needs to be taken:

- Develop a more user friendly and detailed paper custody record which contains all relevant information for a detained person and ensures through active supervision that entries are accurate.

Recommendation 9.9

The Inspectorate recommends that the Garda Síochána conducts a full review of custody provisions to include centralisation/ rationalisation of facilities, and potential for improvements to security arrangements, supervision and training. (Medium term).

To **achieve the above recommendation, the following key actions need to be take**n:

Facilities
- Rationalise the current custody facilities and move to a smaller number of improved purpose built custody suites;

- Centralise custody facilities on a regional basis (urban areas) and a divisional basis outside of cities; (Long term)
- Seek opportunities to share/develop custody facilities with partner agencies;
- Introduce digital clocks in custody suites.

Operations

- Appoint dedicated custody sergeants with responsibility for persons in custody;
- Appoint civilian detention officers;
- Ensure that only trained personnel are deployed into custody suites;
- Ensure that all gardaí are fully aware of the provision to suspend custody;
- Provide effective supervision and guidance to investigators dealing with a person in garda detention;
- Ensure that prisoner logs are completed correctly.

Prisoner Processing and Case Progression Units

As highlighted in Part 6, the Garda Síochána operates a system where an arresting garda will retain responsibility for investigating crime and dealing with prisoners. This greatly impacts on regular units and an arrest will effectively remove them from patrol for extended periods of time.

Other police services operate systems whereby response officers deal with the original call, gather all available evidence in so far as is possible at that time, and where possible make an arrest. On arrival at a station the person is booked in and the case handed over to an investigation unit. The seriousness of the crime will dictate who deals with that prisoner.

The PSNI operate Case Progression Units, which consist of a mixture of detectives and unformed officers who take on responsibility for that investigation. Officers attached to this unit are trained in interviewing prisoners and in other investigative skills such as managing disclosure. This releases response officers to go back out on patrol and ensures that trained investigators progress the interviews and secondary investigation. The Greater Manchester Police (GMP) operates a

similar system called Prisoner Processing Units. As highlighted in Part 6, South Wales also use a similar system. These units have become proficient at processing detained persons and are often trained to higher levels of interviewing skills and complete investigations and submit case files for decisions on prosecutions.

With larger custody facilities, the use of case progression is good practice and provides a much more efficient way of maintaining officer numbers on patrol and for responding to calls.

> **Recommendation 9.10**
>
> **The Inspectorate recommends that the Garda Síochána considers the implementation of case progression units aligned to centralised custody facilities. (Medium Term).**

9.10 Interviewing Suspects in Detention

One of the main reasons for the arrest of a person in connection with a crime is to provide an opportunity for a person to give an explanation of an incident. It also presents an opportunity for an investigating garda to ask the person to account for their movements and actions in connection with a criminal investigation.

All interviews with detained persons at garda stations are audio and visually recorded. The garda stations visited by the Inspectorate with custody facilities have designated rooms that are used to conduct such interviews. Most stations are still using VHS video tapes, which are bulky and the retention causes pressures on storage capacity. Some divisions have moved towards DVDs, which will greatly relieve the pressure on property stores.

In addition to the audio and visual recording, the Garda Síochána is required to record in writing anything said during the course of an interview. Due to the wording of the caution given to a person detained at the start of an interview, the Garda Síochána is required to contemporaneously record anything said during the interview. The second part of the caution states "whatever you say will be taken down in writing and may be given in evidence". This situation creates a number of

unnecessary obstacles in the interview process, including the slow process of writing down all of the questions asked and the responses given during an interview. As a result, it necessitates two gardaí for each interview one who usually conducts the interview, whilst the other is used to record the questions and answers. The constant stopping and starting of questioning to ensure an accurate written record is made, removes any spontaneity or flow in the questioning process.

An interview for a volume crime offence, without manually recording all of the conversation, could usually be completed within thirty minutes, but with the current process it can easily take two to four times longer to complete it. The Inspectorate found interviews for non-serious crimes that have taken over two hours to complete. There is a significant waste of garda time contemporaneously recording taped interviews. Not only is valuable garda time lost, but it is also unnecessarily keeping people in detention for longer periods of time. A significant proportion of time is lost with the six hour detention period. With the recent change to allow access of solicitors to interviews the interview time is likely to increase further.

The manual recording of an interview is not required in other policing jurisdictions when the interview is digitally recorded. The Inspectorate is aware that the Garda Síochána and key criminal justice partners have been examining this issue for several years. The Inspectorate previously submitted a written paper[5] supporting the need to remove the requirement to contemporaneously record taped interviews. The removal of the need to record a conversation would significantly improve the quality of a taped interview and would release an enormous amount of gardaí time. This is an issue that was raised during every divisional visit and by all gardaí involved in investigations.

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5   To the Advisory Committee on Garda Interviewing of suspects following recommendations of the Morris Tribunal

Records of Taped Interviews

At the conclusion of a taped interview, the written record is transcribed into a typed version to accompany case papers to assist a district officer or a prosecutor to make a decision on a case. A transcript will also be required as an exhibit in a subsequent trial. At present, the default position appears to be the creation of a full transcript of the interview. The Garda Síochána currently has responsibility for completing this task and a variety of methods are used for typing them. This includes the use of police support staff, but also investigating gardaí. The use of gardaí to type up records of an interview is not best use of their time. Internationally, many police services use trained audio typists or send the notes to external providers though there is a significant cost in doing this. An interview conducted without the requirements to take notes is likely to contain more questions and creating a full transcript will therefore take longer. The Inspectorate is aware that the concerns about the cost of a taped transcript is a major obstacle in removing the need to take notes at the time of the interview. The Inspectorate believes that the current garda time lost in conducting interviews and typing transcripts is significantly higher than any cost that would be incurred to have typists completing them.

In the UK, the default position is to only create a record of an interview for cases going to trial. Also, full transcripts are not completed as a matter of course. A Written Record of Taped Interview (WROTI) is created, which covers the salient points of an interview. This is agreed by the prosecution and defence and it focuses on the important points of an interview. The Crown Prosecution Service (CPS) in the UK has published guidelines stating that the defence are not entitled to insist on the provision of a full transcript. Any approach to prepare a full transcript is resisted, unless the reviewing lawyer considers it to be essential to the proper presentation of the case. If the defence insist that the court should have a transcript, the CPS has taken a stance that the defence should prepare it. The record of the interview is usually resolved between the prosecutors and the defence; and on occasions, a trial judge can be consulted. The issue of taped transcripts needs to be resolved by the Garda Síochána and the DPP, in conjunction with the courts, with a view to determining when and in what format a transcript will be created.

Interview Training

Effective interviewing and communication skills are essential for any police officer and particularly for an investigator. This training should start at the initial foundation training for new entrants to a police service and there should be continuous professional development throughout an officer's service. Training officers to conduct interviews is about skilling staff to gather evidence and information and to ask the right sorts of questions in the right way. Developing good interviewing skills assists officers dealing with vulnerable victims, in taking statements from witnesses and interviewing suspects who may have committed serious crimes.

There are four interviewing skill levels for conducting interviews, primarily for use with suspects, and a separate training programme for specialist interviewers that are used to interview child and vulnerable adult victims and witnesses:

- Level 1 and 2 provide basic interview skills;
- Level 3 provides advanced skills for interviews for serious crimes;
- Level 4 is aimed at supervisors to provide support and guidance to Level 3 interviewers;
- Child Specialist Interviewing.

This a model of interview techniques training that is used in many other policing jurisdictions. Levels 1 and 2 are used internationally to provide basic interview skills for all officers and police staff involved in investigations. This basic course is also used to identify those officers who are particularly skilled in interviewing, with an intention to train them to Level 3.

Since 2000, new gardaí trained at the Garda College received lectures on the procedures and legislation for interviewing (Phases 1 and 3 Foundation Training). During training, student gardaí were shown the machines used for recording interviews, but were not trained to use them or to practice interviews. These student gardaí were not provided with structured and accredited Level 1 and 2 training.

Continuous Professional Development (CPD) units were created to deliver post-induction training and to ensure the ongoing professional development of gardaí and support staff. Post 2008, CPDs were designated to run courses to train gardaí to Level 2 interview standard and commenced the delivery of an abridged version of the current course. It is not known how many people received this training, but it was not an accredited training course and it was not delivered to all staff. Since 2012, no Level 1, 2 or 3 training has been delivered by the Garda Síochána and only Specialist Child Interview Training courses have taken place.

The Inspectorate is aware that an external review and evaluation of Level 3 training has taken place and the Inspectorate met with an external consultant involved in the evaluation. This evaluation included a questionnaire with ninety gardaí, trained to Level 3. Of those who completed the questionnaire, 18% had never received any Level 1 or Level 2 training (abridged version) and of those who had received an abridged training course, 68% were unsatisfied with the training provided.

During a visit to the Garda College, the Inspectorate was informed that an internal review of interview training had identified deficiencies in the interview and statement taking training notes for the old Foundation Training course. The current position in the Garda Síochána is that not all garda have received any Level 1 and 2 training and those that did receive training, may not be fully equipped with the skills to conduct interviews.

The Garda Síochána has developed a new programme of Interview Techniques training. During inspection visits, the Inspectorate found that there was a significant demand for Level 3 and 4 courses and particularly from gardaí and sergeants investigating serious crimes.

Most international services have used an accredited model for many years that provide interview skills. The model requires five days training compared to the training which only requires a small number hours of training delivered to many gardaí. Since 2005, approximately 5,000 gardaí have joined

the Garda Síochána and a large majority of those gardaí have not received any or appropriate interview techniques training. It is unclear to the Inspectorate how many of the other 8,000 members of the Garda Síochána who joined before 2005 are trained to an appropriate level. The Garda Síochána has developed a new interview techniques course and now has the enormous task of trying to train and retrain those members involved in criminal investigations.

Throughout this inspection, senior gardaí have commented that many witness and victim statements lack basic details and are completed to a poor standard. The importance of the taking of the first victim statement and the interview of a suspect is critical in any investigation. The Inspectorate believes that the absence of an effective interview training course is a contributory factor to identified issues with this process.

With the introduction of solicitors attending interviews, a garda needs to be trained in managing those interactions and particularly around issues such as pre-interview disclosure. Most gardaí have had no disclosure training. When the access to interviews was opened to solicitors in the UK, both police officers and solicitors received training.

Right to Silence and Drawing of Inference

When cautioning a person before an interview takes place, an investigating garda must tell a person that they are not obliged to say anything unless they wish to do so. It is therefore not unusual for a suspect during an interview to decline to comment when specific questions are asked or statements are made to them. However, there is a provision that allows a garda to advise a person that evidence may be given to a court of their failure to account for objects, substances or marks on their person or of the failure or refusal to account for their presence at a location. This particularly concerns where a person fails to mention facts, when in the circumstances such matters clearly call for an explanation. A court or a jury may draw inference from the defendant's failure to answer a question. Section 19A of the Criminal Justice Act 1984 (as amended by Section 30(1) of the Criminal Justice Act 2007) requires a

detained person to mention at interview stage any fact, which might later be relied on at trial stage in their defence.

The Act provides that where a person fails to account for an object or their movements, a garda must endeavour to warn the person that inference may be drawn from the failure to account for their actions. In such cases, the availability of a solicitor to be present at an interview provides an additional safeguard to protect the rights of the person being interviewed.

Bearing the above in mind, the Inspectorate examined a number of tape recorded interviews during this inspection process, where persons clearly failed to account for objects and other actions. In most cases, no warnings were ever provided by the interviewing garda. In one particularly serious investigation there were a number of interviews conducted where a warning should have been provided. In that particular case, the Inspectorate checked sixty-seven records of interviews and there appeared to only be two interviews where a suspect was formally warned.

The issue of silences and inferences drawn from them is an area that requires attention in terms of training for those involved in interviewing. The Inspectorate believes that this should be an integral part of the interview techniques course.

Quality of Interviews

To assess the quality of taped interviews the Inspectorate examined those cases from the 158 incidents and crimes that have been tracked throughout this inspection. Of those 158 cases, sixteen cases resulted in a taped interview of a suspect. Within these cases, sometimes more than one suspect was interviewed and often suspects were interviewed on more than one occasion. The following are the findings from those written records.

Tape Recorded Interviews

Well conducted Interviews

In one case, there were a number of suspects arrested in connection with an aggravated burglary. The investigating gardaí conducted multiple interviews that were clearly well planned, covered the main evidential proofs of the case and the questioning was comprehensive.

Inappropriate language and terminology

In examining the records of interviews, the Inspectorate found two examples where inappropriate terminology and language was used and which appeared to be unnecessary. This is a record that would be used in a court case and the use of inappropriate language should be avoided and particularly if it could be viewed as oppressive.

Linked crimes at the same location

A number of burglaries took place at the same premises where diesel was stolen from sheds. One of the cases dated back to April 2012. In February 2013, a further crime took place and two suspects were arrested. It took six weeks to take a victim's statement, which stated that several similar crimes had previously taken place at the same location. On checking the interview records, one suspect was asked about other offences and admitted several other crimes but no dates or details of the offences were raised. The second suspect was never asked about any other offences. Before any interview, an investigating officer should prepare for that interview and have details of the offence for which they were arrested and also any other offences that the suspect may have committed. From checking the case file this does not appear to have been identified by a supervisor and this appeared to be a lost opportunity to solve other crimes.

The majority of crimes are committed by a small number of prolific offenders and before conducting an interview, a garda should conduct enquiries to identify other crimes with a similar pattern and any intelligence that may link that person to those crimes. Where additional offences are suspected a garda can further arrest a suspect and put additional questions to them.

Inferences

A burglary took place, two suspects were detained and a total of three interviews were conducted by detective gardaí. Due to the redaction of the names and personal details from the written records supplied to the Inspectorate, it was not possible to establish which records referred to which suspect. During the three interviews conducted, the suspect(s) made no comment in response to a large number of questions. The vast majority of questions were asking the suspects to account for their movements and actions around the time that the crimes took place. In two interviews no warnings were given for failing to account for objects found at the time of their arrest and for their movements. In one interview, a detective said "I will give you a chance to account why you were seated in the car". Whilst this is asking the person to account for their movements, there was no warning attached to this so that an inference could be drawn.

Duration of interviews

The Inspectorate has checked the duration of a large number of interviews, including checking custody records. With the requirement to make a written record, it is hard to establish by checking times as to whether an interview was thorough (time taken) without checking the content of the interview to see the quality of the interview conducted. Some interviews that are short in duration might result from an interview with a person that declined to make any comments. Conversely, a long time spent in an interview would not necessarily mean that an interview was well conducted.

From the records of interviews conducted, the Inspectorate identified that where the crime was more serious, interviews were more likely to be conducted by detective garda. This is good practice as in most jurisdictions detectives usually have more experience in interviewing.

The Inspectorate found a number of interviews for burglaries, robberies and assaults where the person was away from the custody area for approximately thirty minutes. That is the time

from when the custody record shows the person was handed over for interview, to the time that they were returned. This includes the time taken to go to the interview room and to return. The fact that questions and answers have to be recorded in that time period suggests that little time was spent on the interview. For example, a burglar arrested in connection with three crimes was away from the custody area for interview on two occasions for twenty-nine and thirty-seven minutes. In the case of a knife point robbery, a suspect was booked out for interview for only twenty-five minutes. The Inspectorate also found a number of interviews that took several hours to complete.

Specialist Child Interviewers

Specialist Child Interviewers (SCIs) are required to attend the Garda College for training on three occasions. To date, ninety people have been trained. Most have completed the training modules, although only fifteen people are fully qualified. Unlike other interviews, SCIs are predominately dealing with victims and witnesses and there is no requirement to make a written record at the time as interviewers are not cautioning children or vulnerable adults.

Supervision of Taped Interviews

When the Garda College started to deliver interview training, it was decided that they would go out to districts and check the quality of interviews conducted. The College does not have the capacity to do this and it has never happened.

During meetings with supervisors, the Inspectorate did not find anyone that had listened to the taped interviews conducted by their staff. A member in charge or an SHO is required to enter an interview room during the actual interview to check that the interview is being conducted appropriately, but do not remain in the room. In some districts visited, video links have been installed from interview rooms to other offices, which provide the opportunity for other investigators to watch a live interview. These are primarily used for investigations into serious crime, but do provide an opportunity for better supervision of day to day interviewing. Other police services that have

checked interviews found that some were poorly planned and did not fully investigate the suspected offence.

In some international police services, supervisors dip sample interviews conducted by officers and check the quality of the interview. Sergeants are also encouraged to periodically participate in an interview to observe the interviews conducted by their officers.

Whilst many members will have developed excellent interviewing skills, it is important to train officers and to provide a model and framework that ensure consistency in the quality of interviewing and particularly that interviews are well planned, and conducted in a manner that will secure the best possible evidence in an investigation.

The Garda Síochána needs to address the current skills gap in interview training and skills and to ensure that any training is focused on those members that are currently interviewing persons.

Recommendation 9.11

The Inspectorate recommends that the Garda Síochána addresses the existing skills gap for gardaí trained in interview techniques, statement taking and disclosure. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Identify and assess the skills gap in interview techniques training;
- Train all garda members involved in the interviewing of witnesses or suspects to Level 1 and 2 standard;
- Provide Level 3 and 4 training courses to ensure sufficiently trained garda members are available to interview suspects involved in serious crime;
- Introduce a line management protocol to check the quality of taped interviews.

9.11 Evidence of an Arrest

Notebooks and Pocket Book Rules

Under the Garda Code, official notebooks are issued to members for recording important information and details of facts which come to their attention in the course of their duties. It also states that notebooks should be periodically reviewed by supervisors, however the Inspectorate only found one district where the superintendent was actually doing this.

Notebooks are generally used by members to record information provided during briefings, details of incidents that are dealt with and evidence of an arrest. There are specific rules about completing notebooks and these sorts of rules are used by other services. Rules include recording the date and time of incidents and not leaving gaps on page lines to avoid inference that an entry was made at a later date. Where a garda notebook is used to record evidence of an arrest or dealing with an incident, the notes become the original notes of a case and must be retained for evidential purposes.

In conducting the inspection and from requesting case files, very few copies of notebooks were attached to the cases files and generally gardaí evidence was presented in the form of typed statements. In many cases the statements were written some time after the arrest was made.

Where notebook entries were supplied to the Inspectorate, the quality of the entries was poor and did not appear to adhere to any standardised notebook rules. As part of this review, the Inspectorate visited the Garda Síochána Ombudsman Commission to review the types of complaints that are received in respect of crime investigation. A recurring theme in the investigation of complaints was the poor quality of notes made at the time of dealing with a crime or an arrest. GSOC have found that notes can be very short and do not always record details of significant events, such as when force is used to restrain an arrested person. Statements are often written some time later and the notebooks should be the basis for creating a statement. In some cases, garda members are creating very detailed statements at a later date from their very brief original notes. It is also good

practice with arrest notes to record the time and date that the notes were made. Some international services have a device in custody areas that stamps a date and time directly onto arrest notes to record the actual time when completed.

When gardaí are dealing with a victim, a witness or a suspect at an incident, notes should be taken about what was said and what happened. Where a statement is not taken at the time or a suspect is not arrested, it is good practice to make a record at the time and, where significant statements such as an admission to an offence, it is good practice to contemporaneously record any comments made and to invite a witness or a suspect to read over the notes and to invite them to sign the notes as an accurate account of any conversation.

Gardaí that witness an arrest or witness an incident should also make a notebook entry about what they have seen. From the case files provided to the Inspectorate, it was unclear if this always takes place. This can only be properly checked by searching incident logs or CAD messages to see what units attended and then comparing this with case files to check for notes from all those involved. With the implementation of car and radio tracking devices, it will be much easier in the future to establish which officers were present at an incident.

Notebooks are retained by gardaí and carried with them whilst on duty. There is always a risk that notebooks can be misplaced and with that any original arrest notes. Other police services use notebooks to record details of crimes or other incidents that are reported to officers, but are not generally used to record evidence of an arrest. In these services, a separate arrest booklet is used and is written fully to record all aspects of the evidence leading to an arrest. This booklet is retained with case papers and is not returned to the officer unless the case is required at court. Some of the gardaí working in national units reported that they sometimes retire a notebook for a serious case to ensure that it is not lost.

The Inspectorate believes there should be standard operating procedures for the recording of entries in garda notebooks, which should be routinely supervised for compliance.

Statements

As part of the request for case files, the Inspectorate received a significant number of typed victim, witness and garda statements. On most occasions, victim and witness statements contained the date that the statement was obtained. With garda witness statements and case file documents, the practice of including the date was far less consistent. Many statements, case file covering reports and other memoranda were undated and sometimes not signed. This practice was not just restricted to gardaí, as some sergeants were also not dating statements. This made it impossible to determine when statements were taken and when case files moved from one person to another. The same issue was also identified by the GPSU during a recent examination. It is unclear why this is happening. The failure to date a statement could lead to evidential challenges. All statement forms should have the date as a mandatory field and all statements should be dated.

Volume Crime Case Reviews - Undated Garda Statements

On checking cases where gardaí completed their own witness statements in a case, the Inspectorate identified that many typed statements were undated and this included statements completed by supervising officers. Evidentially it is important in a chain of evidence to date any document.

Conversely, most victim and non-garda witness statements checked by the Inspectorate contained the date on which the statement was taken.

In other policing jurisdictions, witnesses (including police officers) are required to sign the bottom of each page of a statement after the last word. This removes any suggestion that further details are added at a later stage.

The current practice of undated and, in some cases, unsigned statements and garda documents must be stopped.

Recommendation 9.12

The Inspectorate recommends that the Garda Síochána improves investigative skills for gathering best evidence, including the taking of witness statements, arresting, interviewing suspects, gathering CCTV and the disclosure of evidence. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Ensure that garda notebooks are completed to a high standard and that supervisors check notes books as outlined in the Garda Code;

- Ensure that all gardaí present at an incident complete a notebook entry including any evidence of an arrest or incidents that took place;

- Consider the implementation of a separate booklet for completing arrest notes;

- Develop clear guidance on the recording of contemporaneous notes;

- Ensure that all statements are dated and signed at the foot of each page and after the last line of a person's statement;

- Introduce a system to ensure that a supervisor checks the quality of statements taken from victims and witnesses;

- Implement a national standard for the taking of a withdrawal witness statement;

- Ensure that PULSE is used to record the gathering and attempts to gather evidence.

Home Address Searches

Many persons arrested, may well have committed other similar connected offences and the proceeds of those crimes or other evidence could be found at a place where they reside or control. Where a valid arrest is made on private property, gardaí have the power to search those parts of the premises in the possession or control of the suspect at the time of the arrest. If the person is arrested away from a home address gardaí need to obtain a warrant to search that address.

Section 6 Criminal Justice Act 2006 provides a power to search an address for an arrestable offence, where it is suspected that there is evidence of or relating to the commission of an arrestable offence. The Irish Constitution provides that "the dwelling of every citizen is inviolable and shall not be forcibly entered save in accordance with law". A dwelling therefore enjoys a special constitutional protection, which other premises do not.

Applications to search residential premises are generally made on sworn information to a judge of the district court. Out of office hours this is more

difficult and particularly, if the offender's residence is a long distance from the location of arrest. Where a person is arrested for burglary, gardaí need to obtain a warrant under the Theft and Fraud Act, but are unable to do this outside of court hours. In cases of an emergency, it is necessary to convene a special sitting of the court to apply for a warrant. In practical terms this can seriously delay the investigation of a crime and it is expensive to convene a court. Prolific offenders will often have arrangements in place to ensure that action is taken to dispose of evidence if they do not return within a specific time. During meetings with gardaí, it was clear that these sort of obstacles prevent some searches from ever taking place.

In England and Wales, the Police and Criminal Evidence Act (PACE) provides a power to conduct post-arrest searches of premises, without a warrant if authorised by an inspector. The legislation also permits an address to be searched before a suspect is first taken to a police station. This is used where the arresting officer suspects that stolen property or drugs may be moved, if the arrested person does not return within a given time. This power is particularly used for those arrested for volume crime and drug offences.

The Inspectorate requested details of the numbers of warrants obtained to search a home address for persons arrested for burglary, robbery, car crime and drugs. In the absence of a computerised custody system the Garda Síochána do not know how many of those people arrested for the types of crimes mentioned above had their addresses searched and what the results were. During focus groups with members, the Inspectorate was informed that searches that should be conducted do not always take place. During a visit to a detective training course at the Garda College, the participants provided the Inspectorate with a copy of a search log. This is a document that can be used by an officer in charge of a search to record important information. The search log provided did not have a section that catered for exhibits and particularly what was found and where. The detective's training course explained that search logs are used in some districts, but not in all and there is no national standard form. This is standard practice in other police services and ensures that all important details are recorded and acts as a formal record of the search. The Garda Síochána should create a national standard search log to be used for all searches.

Recommendation 9.13

The Inspectorate recommends that the Garda Síochána ensures that where appropriate, addresses of detained persons are searched. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop a Standard Operating Procedure for conducting address searches for detained persons;
- Develop a national standard form for search logs.

The current powers for searching addresses in Ireland has additional safeguards to the UK powers, but it is impacting on the number of searches that take place and the time taken to complete them. The searching of addresses connected to a person detained can be an important part of an investigation and the Inspectorate believes that the Garda Síochána must make sure that necessary searches are conducted in a timely manner.

Independent Custody Visitors

An Independent Custody Visitors Scheme (ICVS) has been operating in the United Kingdom since 1993. It involves volunteers from local communities attending police stations to visit people detained in police custody to ensure that they are being properly treated. Custody visitors make unannounced visits and are granted full and unobstructed access to custody areas and to those detained persons who agree to see them. A report from each visit is sent to the officer in charge of the station. The visitors provide an accountability framework to the management of detained persons. The value of the custody visitors was highlighted by Baroness Nuala O'Loan, the first Police Ombudsman for Northern Ireland, at a Department of Justice Seminar on garda reform in June 2014.

An independent custody scheme brings many benefits to a police service and ensures greater openness and transparency.

9.12 Fingerprints and Photographs

Powers to Take Fingerprints and Photographs

Where a person is detained under the following legislation, they may be fingerprinted and photographed once detention is authorised:

- Section 4 Criminal Justice Act, 1996;
- Section 30 Offences Against the State Act, 1939;
- Criminal Justice (Drug Trafficking Act) Act, 1996;
- Section 50 Criminal Justice Act, 2007.

A person detained under the above legislation may have their fingerprints and photographs taken on the authority of an officer not below the rank of inspector. Fingerprints may also be taken voluntarily if the person detained consents. Where a person is under the age of eighteen the consent of an appropriate adult must be obtained. Responsibility for taking fingerprints and photographs rests with the arresting member.

During field visits, the Inspectorate noted that it has become common practice in garda stations to ask persons detained to voluntarily provide their fingerprints, regardless of whether or not one of the four pieces of legislation mentioned above applies. It was explained that if a person consents to the taking of their fingerprints, such prints are retained indefinitely. Where fingerprints are taken under the authority of an inspector and where proceedings are not instituted within twelve months or proceedings are discontinued, the person can apply to have their fingerprints destroyed. In many divisions, the Inspectorate was informed by gardaí that they are also taking fingerprints with consent, in respect of other offences outside of the statutory powers.

The unavailability of an on duty inspector at certain times was raised as another contributory factor to asking people to voluntarily give their fingerprints. In other police services, the authority rests with the designated custody sergeant and it only escalates to an inspector if the person refuses to allow them to be taken.

The Garda Síochána has drafted a new fingerprint policy that is currently operating on a pilot basis in a number of stations. This draft policy specifies that consent should only be requested in circumstances where it is not practicable or possible to take fingerprints under the authority of an officer not below the rank of inspector. The Inspectorate supports the removal of the practice of taking fingerprints voluntarily, but recommends legislative changes to devolve the authority to a custody supervisor.

In other jurisdictions, a custody sergeant is in charge of a custody area and has full responsibility for the care and management of an individual while detained at a police station. A custody sergeant, in these jurisdictions, is responsible for authorising the detention of a person in custody and is best placed to ensure that fingerprints are taken in appropriate cases. The Inspectorate believes that the authority level should be at sergeant rank and that fingerprints and photographs should be taken under the authority to take them, rather than on a voluntary basis.

Electronic and Wet Ink Fingerprinting

The Garda Síochána operates two systems for obtaining fingerprints. There is an electronic system called AFIS Livescan (Automated Fingerprint Identification System) and the traditional method of wet ink fingerprinting. AFIS is now operating in many garda stations and there are many advantages to the electronic system including:

- Instantaneous upload onto the AFIS fingerprint system;
- Results are returned automatically to confirm identities;
- The system indicates a poor quality capture at the time the prints are taken;
- It provides previous details on a detained person to ensure that a risk assessment contains all known information;
- It is a cleaner process for taking prints.

AFIS provides a rapid identification system for those persons whose fingerprints are already on the system. This is particularly useful for those people who are wanted or who give false details

when arrested. AFIS also provides information about people who may present a significant risk to themselves or others.

Where wet ink fingerprints are taken, these are sent to the Fingerprint Section in Technical Bureau for searching against other fingerprints that may be on the system. Except in urgent cases, wet ink fingerprinting is a much slower process and results can take several weeks. An assessment of the quality of wet ink prints is only made when they reach the Technical Bureau. In cases of poor quality, the fingerprint form is sent back to the division concerned and is effectively unusable. Between 2% and 3% of all wet ink fingerprints are rejected by Technical Bureau as unsuitable. With this method of obtaining fingerprints, there is a significant risk that a person, who has provided a false name and address and who may be wanted for a serious crime, may be released from custody.

Unfortunately, AFIS is not in operation at all garda custody sites and many persons are still being fingerprinted under the old system. The use of AFIS in other jurisdictions has resulted in the identification of many persons who have provided false details and who were wanted in connection with serious offences. Indeed, many people wanted for serious crimes are sometimes arrested for less serious crimes such as traffic or public order offences. In the absence of AFIS, a person has the opportunity to provide false details to avoid detection for a serious crime.

Chart 9.2 highlights the numbers of fingerprints taken electronically on AFIS and the number taken using wet ink.

Chart 9.2

Fingerprints Taken* in 2012 - AFIS and Wet Ink

Division	AFIS	Wet Ink Prints	Total Taken	Number Taken on AFIS as a Percentage
Cavan/Monaghan	98	122	220	45%
Clare	186	85	271	69%
Cork City	233	296	529	44%
Cork North	85	110	195	44%
Cork West	118	29	147	80%
D.M.R. Eastern	2	131	133	2%
D.M.R. North Central	343	108	451	76%
D.M.R. Northern	110	307	417	26%
D.M.R. South Central	230	100	330	70%
D.M.R. Southern	248	206	454	55%
D.M.R. Western	378	126	504	75%
Donegal	110	36	146	75%
Galway	206	71	277	74%
Kerry	106	97	203	52%
Kildare	159	18	177	90%
Kilkenny/Carlow	320	45	365	88%
Laois/Offaly	97	28	125	78%
Limerick	499	53	552	90%
Louth	485	1	486	99%
Mayo	40	38	78	51%
Meath	123	29	152	81%
Roscommon/Longford	42	40	82	51%
Sligo/Leitrim	94	51	145	65%
Tipperary	125	86	211	59%
Waterford	365	101	466	78%
Westmeath	192	54	246	78%
Wexford	122	100	222	55%
Wicklow	146	40	186	78%
Total	5,262	2,508	7,770	68%

*Fingerprints taken under Section 4 of Criminal Justice Act,1984, Section 30 of the Offences against the State Act,1939,Section 5 of the Criminal Justice Act (Drugs Trafficking) Act,1996 and Section 50 of the Criminal Justice Act,2007.

Source: Data supplied by the Garda Síochána

The chart shows wide variance in the use of AFIS across the twenty-eight divisions ranging from 99% in Louth to 2% in DMR Eastern. The Inspectorate recommends that all persons arrested should be taken to a station where AFIS is operating and wet ink fingerprinting should only be used if AFIS is not working at that particular time.

Failure to Take Fingerprints

From meetings with gardaí of all ranks it was stated that fingerprints (AFIS or wet ink) are not always taken from persons who should have their fingerprints taken under the four distinct pieces of legislation. Reasons provided for not taking fingerprints included a lack of training on AFIS or no ink or cleaning equipment available to take wet ink prints. Many of the district officers and detective superintendents highlighted the failure to take fingerprints as a major issue of concern.

During visits to custody areas, the Inspectorate met many gardaí performing the role of member in charge. Whilst many of them were trained to take fingerprints on AFIS, there was limited or no knowledge of how to obtain results from the prints taken. The main advantage of AFIS is the fast time identification of a person in custody, which is negated if the member does not know how to obtain the result.

The failure to take fingerprints is a serious matter. Fingerprints link a person arrested at the time to the crime that they are suspected of committing. People arrested often provide false details and without fingerprints, an innocent person whose personal details are used can later be investigated or arrested for a crime that they did not commit. Where a person arrested provides false details, the absence of fingerprints makes later identification of that person very difficult if not impossible.

During a visit to the Garda Vetting Unit, it was stated that vetting applications could be progressed much more efficiently if fingerprints are taken, as it would allow for much easier identification of the applicant.

Detained Persons in Other Jurisdictions

In other policing jurisdictions, all persons detained at a police station are fingerprinted, photographed and have their DNA taken. With electronic fingerprinting, a result is obtained almost immediately. This process ensures that a person previously fingerprinted is able to be identified at a very early stage following their arrival at a police station. There is also a health and safety factor in this process. The person in detention may present a significant risk to themselves or others. The Inspectorate believes that these sorts of risks could be reduced by extending the powers to fingerprint all persons, once their detention is authorised.

Custody Record Sections for Fingerprints and Photographs

Within a custody record, there are two distinct sections for recording the authority to take photographs and to take fingerprints. In the majority of custody records checked these sections were not completed and the Inspectorate was unable to determine if the fingerprints and photographs were actually taken. The custody records checked, included persons arrested for assaults, burglaries and robberies. These sections should be completed and signed by the member in charge. The Inspectorate believes that there is a lack of supervision for these most important elements and before a person is released, a supervisor should ensure that all actions are completed. The Inspectorate believes that a custody sergeant system would ensure compliance in properly completing custody records and successfully implementing all investigative processes.

Request for Fingerprint Data

The Inspectorate made several requests for information about the numbers of people arrested for offences where a power existed to take fingerprints from detained persons.

The data in chart 9.3 is the most recent data supplied to the Inspectorate for the years 2012 and 2013. The Inspectorate asked for the numbers of people arrested and taken to garda stations under the four pieces of legislation (authority to take prints)[6] and of those persons, how many actually had their fingerprints taken. All of those people should have had their fingerprints taken and there should be 100% compliance rates.

Chart 9.3
Fingerprints Taken* in 2012 - AFIS and Wet Ink

Year	Number of Persons in Garda Custody	Number of Fingerprints Taken	Number Taken as a Percentage of Number in Custody
2012	17,332	7,770	45%
2013	15,657	7,104	45%

*Persons detained in garda custody under Section 4 of Criminal Justice Act,1984, Section 30 of the Offences against the State Act,1939,Section 5 of the Criminal Justice Act (Drugs Trafficking) Act,1996 and Section 50 of the Criminal Justice Act,2007.

Source: Data supplied by the Garda Síochána

Chart 9.3 shows that in both years only 45% of those arrested for the offences listed in this chart had their fingerprints taken. Additional information in 2013, was provided by the Technical Bureau that 12,351 persons in custody provided their fingerprints voluntarily. A significant number of these people provided fingerprints for offences where there is no specific power to take fingerprints.

2012 Analysis of Fingerprints

Chart 9.4 is a breakdown of the numbers of persons detained in garda custody in 2012 who should have had their fingerprints taken versus the number actually obtained.

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6   Persons detained in Garda custody under Section 4 of Criminal Justice Act,1984, Section 30 of the Offences against the State Act,1939,Section 5 of the Criminal Justice Act (Drugs Trafficking) Act,1996 and Section 50 of the Criminal Justice Act,2007.

Chart 9.4

Persons Detained in Garda Custody * vs Fingerprints taken in 2012 by Individual Divisions

Division	Number of Persons in Garda Custody	Number of Fingerprints Taken	Number Taken as a Percentage of Number in Custody
Cavan/Monaghan	568	220	39%
Clare	483	271	56%
Cork City	785	529	67%
Cork North	404	195	48%
Cork West	240	147	61%
D.M.R. Eastern	634	133	21%
D.M.R. North Central	1333	451	34%
D.M.R. Northern	1218	417	34%
D.M.R. South Central	1060	330	31%
D.M.R. Southern	1055	454	43%
D.M.R. Western	1227	504	41%
Donegal	347	146	42%
Galway	494	277	56%
Kerry	363	203	56%
Kildare	431	177	41%
Kilkenny/Carlow	559	365	65%
Laois/Offaly	289	125	43%
Limerick	922	552	60%
Louth	668	486	73%
Mayo	225	78	35%
Meath	565	152	27%
Roscommon/Longford	338	82	24%
Sligo/Leitrim	284	145	51%
Tipperary	694	211	30%
Waterford	870	466	54%
Westmeath	406	246	61%
Wexford	461	222	48%
Wicklow	409	186	45%
Total	17,332	7,770	45%

Source: Data supplied by the Garda Síochána.

Chart 9.4 demonstrates a wide variation on the numbers of persons fingerprinted in the twenty-eight divisions and the compliance rates ranged from 21% in DMR Eastern to 73% in Louth.

Chart 9.5 provides a breakdown of persons detained in garda custody for specific crime types in 2012 who should have had their fingerprints taken as against the number actually obtained. In selecting these offences, the Inspectorate sampled a number of serious and volume crimes.

Chart 9.5

Persons Detained in Garda Custody vs Fingerprints Taken in 2012
By Incident Category/Type

Incident Category/Type	No of Persons in Garda Custody	Number of Fingerprints Taken	Number Taken as a Percentage of Number in Custody
Assault Causing Harm	1,293	604	47%
Assault Minor	247	94	38%
Aggravated Burglary	226	113	50%
Burglary	3,057	1,324	43%
Drugs	2,438	1,379	57%
Murder	115	62	54%
Robbery	1,284	627	49%
Rape	182	97	53%
Sexual Offences (other than rape)	360	185	51%
Theft from M.P.V.	472	6	1%
Unauthorised Taking (Vehicle)	511	199	39%
Total	10,185	4,690	46%

Source: Data supplied by the Garda Síochána.

Findings

Even with the most serious of cases listed above such as murder, rape and aggravated burglary, the compliance rates for the taking of fingerprints is poor. In respect of many offences such as burglary and car crime offences, the use of fingerprints is a key weapon in identification of a suspect involved in a future crime. The failure to take fingerprints has an impact on other areas such as vetting checks and finding people wanted on warrant who provided false details when arrested.

A recent Garda Síochána draft policy highlights the importance of taking fingerprints and namely "this duty is triggered each time a person is in custody in a garda station, notwithstanding that he/she may have been fingerprinted on a previous occasion".

It further states that "fingerprints taken under lawful authority by Section 28, Criminal Justice Act 1984 are used to prove convictions both nationally and internationally. For this reason it is of the utmost importance that members exercise their powers under this section to the fullest".

The Garda Síochána has supplied data to the Inspectorate that shows a systemic failure to fingerprint persons in garda custody for crimes **where the taking of fingerprints are authorised under law. This is an area that requires urgent attention and compliance rates should be to 100%.**

Fingerprints and Photographs After Conviction

There are many occasions when a person is summonsed to court for an offence, without an arrest taking place. This may occur when someone is not arrested, but is invited to attend a garda station in connection with a crime or is summonsed directly to court. In such cases, the investigating gardaí has not had an opportunity to take a person's fingerprints and photographs. If that person is later convicted at court of an indictable offence, the person should be served with a form directing the individual to attend a nominated garda station to have their fingerprints taken. This should take place within seven days of conviction. Under Section 28, Criminal Justice Act 1984, it is an offence for a person to fail to present themselves and proceedings should be initiated where they do not. The taking of fingerprints in these cases link that individual to the conviction and it is very important to prove convictions both nationally and internationally. It is immaterial if the person's prints were taken on a previous occasion and fingerprints should be taken on each conviction. It is good

practice to have equipment available at courts, as it ensures that persons committed directly to prison also have their fingerprints taken.

In many of the divisions visited, there was no system in place to ensure that fingerprints are taken in these circumstances. This is a major gap. In one division, forms were served but there was no follow up to make sure that the person turned up. In another division, a court sergeant manages this process and there was evidence of people being prosecuted for failing to provide their fingerprints.

Chart 9.6 shows the number of people convicted of indictable offences at all courts in 2012 and 2013, who should have had their fingerprints taken.

The chart shows that a considerable amount of people have not had their fingerprints taken under Section 28. In 2012, only thirteen out of twenty-eight divisions took any fingerprints under this power and in 2013 this increased slightly to fifteen divisions.

Chart 9.6

Fingerprints Taken Under Section 28 of the Criminal Justice Act 1984 In the years 2012 and 2013

Division	2012		2013	
	Fingerprints Taken	Fingerprints not Taken	Fingerprints Taken	Fingerprints not Taken
Cavan/Monaghan	0	216	6	134
Clare	32	152	16	127
Cork City	100	623	52	474
Cork North	16	230	62	148
Cork West	53	130	85	125
D.M.R. Eastern	0	303	0	213
D.M.R. North Central	0	924	0	737
D.M.R. Northern	0	755	0	564
D.M.R. South Central	0	858	0	715
D.M.R. Southern	0	390	0	301
D.M.R. Western	0	628	0	468
Donegal	2	150	0	90
Galway	70	342	45	251
Kerry	27	126	12	87
Kildare	0	232	0	187
Kilkenny/Carlow	10	155	2	107
Laois/Offaly	0	266	1	225
Limerick	19	342	89	225
Louth	0	194	0	131
Mayo	2	121	2	44
Meath	0	233	2	132
Roscommon/Longford	0	199	2	132
Sligo/Leitrim	0	136	0	103
Tipperary	1	275	0	208
Waterford	35	247	10	135
Westmeath	10	201	3	154
Wexford	0	166	0	95
Wicklow	0	223	0	129
Total	377	8,817	389	6,441

Source: Data supplied by the Garda Síochána.

Chart 9.7

Total Fingerprints* that Should Have Been Taken vs Fingerprints Taken 2012 and 2013

Year	Number of Persons who Should Have Had Fingerprints Taken	Number of Fingerprints Taken	Number Fingerprints not Taken	Number Not Taken as a Percentage
2012	26,149	8,147	18,002	69%
2013	22,098	7,493	14,605	66%

* Includes fingerprints for offences under Section 28 and Section 4 of Criminal Justice Act,1984, Section 30 of the Offences against the State Act,1939,Section 5 of the Criminal Justice Act (Drugs Trafficking) Act,1996 and Section 50 of the Criminal Justice Act,2007.

Source: Data supplied by the Garda Síochána.

In 2011, there were only 152 prosecutions for failing to attend a garda station to provide fingerprints and only eighty-two prosecutions up to September of 2012. In 2012, one of the selected divisions visited was responsible for almost 50% of the total prosecutions.

There is a systemic failure to effectively deal with persons convicted of indictable offences at court, where fingerprints should always be taken.

Overall Compliance Rates

The total number of fingerprints taken and not taken in 2012 and 2013 is contained in Chart 9.7. This includes those arrested and taken to garda stations and those convicted of indictable offences at court, who should have had their fingerprints taken.

Chart 9.7 outlines that in a two year period, a total of 32,607 offenders did not have their fingerprints taken.

Implications for Failing to Take Fingerprints at a Garda Station and After a Conviction

The failure to take fingerprints has many ramifications including:

- A person could be released from custody having provided false details;
- A person could be released from custody who is wanted for a serious crime;
- Warrants are issued in false names or in the names of innocent people;
- Fingerprints found at a future crime scene cannot be matched to a person who was never fingerprinted;

- A fingerprint is positive identification and provides the link between the person arrested and a court conviction;
- An identification aid for the Vetting Unit is not available.

The Inspectorate believes that the Garda Síochána must urgently address the two processes for taking fingerprints and to ensure 100% compliance rates. Whilst a new process may improve the current situation, it will not be able to address the fact that many thousands of offenders each year have never had their fingerprints taken.

Multiple Fingerprint Identities on PULSE

As mentioned in Part 8, during a visit to the Garda Interpol Unit, an issue was raised about requests from other police services to check fingerprints from a crime scene or from a person that is detained. The Inspectorate was told of a case where a suspect detained by another police service was found to have seven different identities on PULSE, but with the same fingerprints. This creates difficulties in linking a person to a particular crime recorded on PULSE. It was suggested that an alert system is required in the Fingerprint Section to inform an investigating garda immediately if a person is matched to a different identity. This should result in additional enquiries to establish the identity of the person and is a good example of how AFIS could immediately identify a person and allow the correct identification at the time of arrest.

Positive Fingerprint Identifications

Fingerprints found at a crime scene are sent to Technical Bureau to check against existing fingerprint records. Where a match is found, Technical Bureau inform the local district station

and in most cases, the results are sent to a detective unit to take action or directly to the investigating member. Divisions reported that it takes between six to eight weeks to receive results on fingerprints found. In some cases, the fingerprints found may belong to a person who has legitimate access to the crime scene such as the occupier of a house. One district had received ten positive identifications in the first four months of 2013, of which five belonged to persons with legitimate access and five belonged to suspects who had been arrested. Technical Bureau do not currently track fingerprint identifications found at crimes and were unable to state how many are progressed and how many are still awaiting action. It is important that when identifications are made that action is taken to establish if the fingerprints belong to suspect or to a person with legitimate access.

Photographs

Although the Inspectorate found a higher compliance rate with obtaining photographs from those arrested at garda stations, there are still many occasions when they are not taken. Criminal Intelligence Officers (CIOs) have responsibility for uploading images onto PULSE and many reported regular difficulties, where gardaí do not complete a photograph form and in the absence of a form, CIOs are unable to upload any photographs onto PULSE. Some divisions reported that only one in ten forms are correctly completed and CIOs are wasting time reminding gardaí to complete the form. The Garda Síochána must ensure that photographs are always captured and to introduce a system that ensures that photographs are uploaded onto PULSE as soon as possible.

Recommendation 9.14

The Inspectorate recommends that the Garda Síochána conducts an urgent examination of the whole process of fingerprinting and photographing persons detained in custody and those who are convicted of an indictable offence at court. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Use AFIS Livescan digital fingerprinting technology for all fingerprints;

- Implement a system to ensure that the requirements of Section 28 Criminal Justice Act, persons subject to mandatory fingerprint identification, are fulfilled;

- Train all frontline gardaí to take AFIS fingerprints and how to obtain results;

- Develop a Standard Operating Procedure to ensure 100% compliance with the taking of fingerprints, photographs and other samples;

- Reduce the authority level for authorising fingerprints from an inspector to a custody sergeant;

- Provide divisions with regular management information on fingerprint compliance;

- Introduce a tracking system to monitor the progress of fingerprint identifications;

- Create a protocol to search for and merge multiple intelligence records with AFIS records to ensure proper identification information exists in the PULSE records system.

Identification Processes

There are two specific identification processes. One stage is prior to the identification of a named suspect. This aspect was covered in Part 3 in actions at a crime scene and showing a victim or a witness a number of photographs of potential suspects.

Where a crime takes place and there is a dispute about the identity of the offender, the gardaí have two identification processes for trying to confirm or disprove a person's involvement. Where the identity of a suspect is known, the garda should seek to conduct a formal identification parade. The current default position in the Garda Síochána is to arrange a live parade where the suspect is placed in a line-up and a witness is asked if they recognise the person who committed the particular crime. A live parade can be extremely difficult to arrange and is time consuming, as it requires a minimum of eight people of similar age, height and appearance to the suspect who agree to participate in a parade. Parades are also dependent on the suspect's co-operation. A formal parade provides more reliable evidence than an informal identification process which is generally of lesser evidential value. Where a person refuses to participate in a live parade a

garda is entitled to obtain identification through informal means. An informal identification can be conducted by taking a witness to a public place, which the suspect may frequent. An informal process should not be used where there is an opportunity to conduct a formal identification parade. Whilst identification processes are used by the gardaí, it is not provided for in statute and has developed as a result of case law.

Electronic Parades

In other policing jurisdictions, it is now unusual to conduct a live identification parade and electronic parades are often conducted. Finding a minimum of eight people of similar appearance often presents huge challenges and particularly if the suspect has distinctive features. For a victim it can also be a traumatic process to actually see the person who may have committed the crime. Some investigators prefer the live parade and believe that a victim may be more able to identify the person. The current system used in most UK services has a database of photographs taken against similar backgrounds. The system contains clips of over 50,000 different people, which can be downloaded to police laptops to allow identification to be conducted away from a garda station at a witness' home or hospital.

Electronic parades reduce the time taken to conduct parades and provides a more flexible approach to holding parades. Defence solicitors are always invited to attend such a process on behalf of the suspect. The Inspectorate welcomes the provision in the Criminal Justice (Miscellaneous Provisions) Bill, 2010 to provide regulations for the use of video identification.

> #### Recommendation 9.15
>
> **The Inspectorate recommends that the Garda Síochána examines the effectiveness of the current process for conducting identification parades and moves towards an electronic system of identification parades where appropriate. (Medium term).**

Refusal to Participate

The Garda Crime Investigation Techniques Manual highlights that courts are not concerned about a suspect's refusal to take part in an identification parade or attempts to frustrate it once it is assembled.

In the UK under PACE (Codes of Practice Code D 3.17 part v), the suspect is informed that a refusal to co-operate may be disclosed in any subsequent trial and that police can proceed covertly without consent or make other arrangements to test whether a witness can identify them. The Inspectorate believes that like taped interviewing, it would be helpful to criminal investigation if the garda could draw inference from a refusal to participate in an identification process.

Facilities for Identification Parades

The Garda Síochána does not have purpose-built facilities for conducting identification processes. Other services have developed identification suites, which were separate from custody suites to avoid contamination of processes and to reduce possibilities for confrontation.

Whilst there is no current legislation governing the conducting of identification parades, the matter is included Criminal Justice (Miscellaneous Provisions) Bill, 2010 that will allow the capture of a photograph for the purposes of showing the photograph to a witness. The Inspectorate supports the intention to legislate for the process of conducting parades, but it must be accompanied by training for gardaí and a move towards an electronic system.

Many police services had dedicated units and purpose-built facilities for conducting live parades. In most services, such facilities are located away from police stations to avoid contamination between suspects and witnesses and to remove the likelihood of witnesses meeting with the families and friends of suspects.

Verification of Detained Person's Details

In the absence of using fingerprints or where a person is previously not known to the gardaí, it is very important that a person's name, date of birth and address is verified before being released. The Inspectorate did not find any standard operating procedure about how personal identity is verified. In some divisions, the Inspectorate was confident that gardaí are contacting local stations where the person lives to verify personal identities; while in other locations the Inspectorate were less reassured that this is standard practice. If a person is released

without verification, then locating them in the future becomes far more difficult. The Inspectorate believes that there should be clear garda guidelines about verification of details and this is further discussed in Part 10.

Code of Practice

The Inspectorate is aware that the Garda Síochána is developing a code of practice for the issues around dealing with taped interviews and legal representatives. The Inspectorate welcomes the development of a code of practice, but would recommend that the Garda Síochána considers a code of practice for all matters concerning the search, arrest and detention of a person. In the UK, the Police and Criminal Evidence Act has a code of practice that sets out procedures and the rights of an individual. It is a single document that covers the following areas:

- Stop and search;
- Arrest;
- Detention;
- Investigation;
- Identification;
- Interviewing detainees.

A code of practice provides one source of reference for all authorities and powers and provides guidance for all persons involved in dealing with detained persons and investigative processes.

9.13 Exhibits and Property Management

The Garda Síochána is seizing and retaining a vast amount of property and exhibits. From visits to operational garda units, the Inspectorate found many places with excellent property systems and many with poor or no systems in place. The management of property coming into garda possession is a high risk area and requires careful management.

There are currently a number of places where property is recorded, which includes:

- Property books;
- Custody Records;
- PULSE;
- Drugs Unit Registers;
- PEMS store databases;
- Non-PEMS property records.

The Garda Síochána is in the process of implementing a Property and Exhibits Management System (PEMS), primarily across the twenty-eight operational divisions. At the time of the inspection visits, three out of the seven divisions visited did not have a PEMS in place and one had just launched its new system. Some of the divisions visited were in the early stages of PEMS and some divisions had experienced long delays in implementing property management systems. Reasons for delays included difficulties in finding suitable premises and a lack of people to staff the property stores. In some places, gardaí and sergeants were managing stores, which the Inspectorate does not view as a role which requires a sworn member.

The Inspectorate welcomes the concept of PEMS as a process of managing property. Unfortunately, PEMS is not a national property IT system; it is a local stand-alone database in some divisions operating independently from other PEMS stores, from the Technical Bureau and the Forensic Science Laboratory. The Inspectorate believes that that the Garda Síochána should be developing an electronic system that will, in the long term, allow bar coding of all exhibits, including DNA, which would track exhibits from crime scenes to

laboratories for analysis. The Inspectorate is aware that the Garda Síochána has submitted a bid for funding to the Government Audit Committee to provide a joined up electronic PEMS IT system. The Inspectorate welcomes any improvement to property management, but any system that is developed should have the technology to allow it to be integrated with other garda and key partner agency IT systems that will be implemented in the future.

Visits to Divisions and National Units

Good property management is not reliant on PEMS and during visits, the Inspectorate found some excellent property stores operating outside of PEMS and this was usually associated with good supervision by a station sergeant. In some district stations, the Inspectorate found property stores that were overflowing with items and with no clear systems to store and find property. Another division was using half of their custody facilities to store bulky property and drugs exhibits.

During all visits, the Inspectorate found exhibits and other property items in garda stations in all sorts of places, including gardaí lockers, in corridors, on top of cupboards, as well as in conference and parade rooms. In one district station, the Inspectorate found exhibits in an unsealed bag in a parade room. When gardaí were asked where exhibits are kept, the usual answer was "everywhere". This was not isolated to any one place.

The chain of evidence and continuity of the management of exhibits are factors required for a court case. The Garda Síochána must have a system that ensures that exhibits and other property are booked into a property store and only removed when necessary for examination, court or restoration to an owner. The Inspectorate is aware that there are several recent cases where property taken to garda stations was lost or stolen. These matters need to be addressed and, in particular, supervision is key to ensuring proper management of property and exhibits.

Forensic Samples

Most, but not all, district stations visited had dedicated fridges for exhibits that require storage in a cool place. On examination, the Inspectorate found that many of the fridges were full to over flowing with exhibits and some exhibits were dated. Some of these exhibits were retained in anticipation of new DNA legislation. With the new legislation, exhibits will require careful management.

Other police services have dedicated detective sergeants for managing such exhibits, ensuring that samples are sent for analysis and not left in fridges. The Inspectorate recommends that the Garda Síochána nominate a divisional lead for management of such exhibits. The new process for taking DNA from persons in detention has removed the need for those exhibits to be chilled and can now be stored without the need for refrigeration.

Forensic Examination of Samples

Exhibits taken from crimes scenes and samples from suspects that require examination are taken to three different places. Fingerprints, photographs, documents for examination and other similar exhibits are examined by Technical Bureau. If the exhibit is a computer or a mobile telephone then the exhibit is analysed by the Computer Crime Investigation Unit (CCIU) in the Garda Bureau of Fraud Investigation. If the exhibit is a blood or fibre sample, drugs or a shoeprint, then the exhibit is sent to the Forensic Science Laboratory. With serious crime cases, there are often occasions when all three units will be examining exhibits for the same case.

The Forensic Science Laboratory has been operating since 1978 and is located alongside the Technical Bureau at Garda Headquarters. The Laboratory provides a scientific service to the criminal justice system and will act as the custodians of the National DNA Database.

Computers and other digital equipment that requires forensic examination are taken directly to the CCIU. All other exhibits are taken to the Forensic Liaison Office (FLO) in Technical Bureau. On receipt of an item, the FLO creates an entry on an exhibits tracking system, which is not linked to PEMS or to PULSE, and this is used to monitor the movements of exhibits. A National system that links PULSE to

property so that exhibits in cases are easily tracked would be of benefit to the inventory process. In the absence of such a system, it requires investigating gardaí, crime scene examiners and the FLO to update PULSE with the progress of exhibits. This is not something that happens in all cases. The Inspectorate was told that it is sometimes hard to find historical exhibits going back beyond 2008, as records were not always updated. There are also issues with finding historical exhibits that were not labelled correctly.

Where an exhibit needs to go to the Laboratory, the FLO books the exhibit out of their system, and it is hand delivered. On receipt of the exhibit, the Laboratory create their own entry on an internal tracking system, which allows them to track the exhibits through their own system. The Laboratory would like to move to bar coding for drugs exhibits, but this will only track the exhibit within the laboratory. There is clearly wasted time and resources in this process and it would make sense to have one point of entry for all exhibits and for one IT system to track the progress of examinations.

For serious crime, the Laboratory stated that the introduction of Senior Investigating Officers has improved the management and direction of exhibits sent in for analysis. However, in less serious crimes, the Laboratory get far less direction from investigating officers. In many cases, the Laboratory do not know the status of a case and are concerned that in some cases they are examining exhibits in cases that are complete. The Laboratory experience difficulty in contacting individual gardaí and on occasions, will send a request to an investigating garda to question if they still want an exhibit examined.

The Laboratory is not operating an email system for results, which would speed up the process from an exhibit arriving, to the time that the result can be sent to an investigator.

The analysis of shoeprints has moved from Technical Bureau to the Forensic Science Laboratory and as highlighted in Report 3, there are now very few submissions of shoeprints.

Currently, the Laboratory is completing the analysis of drugs exhibits in thirty days. There is a twenty-two week backlog for serious crime examinations and this is linked to several serious crimes from the start of the year. The Laboratory finds it hard to catch up when demand suddenly rises.

The FLO often receive drugs exhibits without knowing the details of the contents of the package. This is passed to the Laboratory, which receives the exhibit and are not always aware of what should be in the package. Following analysis, the Laboratory hand back the exhibit in a sealed package and the person collecting it does not always know if the contents are as described.

Retention of Exhibits

Like other police services, the Garda Síochána are unnecessarily seizing and retaining exhibits. In some cases, a photograph may suffice or an undertaking from the owner to keep an item for any further use at court. In some divisions, there was no clear system for the outcome of cases and the destruction or return of property to an owner.

The Criminal Assets Bureau (CAB) focuses on organised criminality and those responsible for serious crime. The main focus of operation is to freeze, seize and confiscate assets under the Proceeds of Crime Act. Currently CAB has to retain seized property for seven years, unless the person who had possession of the property agrees to its disposal. This includes seizing assets lodged abroad. CAB informed the Inspectorate that they would like this period to be reduced to two or three years. An international group (Arrow) is trying to develop international best practice on the management of seized assets.

The issue of retention of property is also replicated in non-CAB cases and items of property are often retained after court cases for extended periods pending any appeal against the court decision. There is a significant cost involved in storage of bulky items and in some intellectual property crimes, victims are paying for those costs. Some items of property, such as cars, depreciate and are losing value whilst being retained for prolonged periods. The Garda Síochána has managed to recycle some seized vehicles for use in daily policing operations.

This is an area that the Garda Síochána and the DPP should examine and issue clear guidance about what needs to be retained and what could be restored to an owner.

Garda Professional Standards Unit

During a visit to the Garda Professional Standards Unit (GPSU), the Inspectorate was informed that they are currently conducting a national review of property management, starting with garda stations where property was missing and an audit of the management of drugs and drugs registers. The following are the general issues identified by GPSU:

General Property Issues

- PEMS is not always used to store exhibits;
- The section 'Item of Interest' on PULSE incidents is not always completed;
- Property books are not always used;
- Exhibits charts in case files do not always match entries on PULSE;
- Limited evidence of reconciliation between PULSE and property books;
- Chain of evidence is not transparent.

Drugs Registers and Seizures

- There is no national standard for drugs registers;
- Not all seizures had a PULSE record;
- Some exhibits were unable to be found;
- Not all cases had an investigation file;
- PULSE is not always linked to a drugs resister reference;
- Following analysis the valuation, type and quantity of drugs is not updated on PULSE.

The GPSU found that generally there were better systems in place to monitor drugs seizures, but there were inconsistencies in the information recorded in drugs registers in drugs units. The GPSU are advocating a national drugs register that ensures that all drugs units record the same information. The GPSU identified a general lack of supervision in respect of dealing with property and exhibits.

Many divisions and national units are retaining large amounts of cash and one unit was holding in excess of €70,000. In most other policing jurisdictions cash may be forensically examined, but after that point, it is lodged in a bank account. The GPSU advised the Inspectorate that this issue is the subject of an internal working group consideration.

Continuity of Evidence

Each item of physical evidence uplifted in the course of an investigation must be treated as a potential exhibit in court (Garda Crime Investigation Techniques Manual Chapter 8 Para 12). All persons involved in the process of managing exhibits are required to provide statements of continuity.

The chain of custody/evidence is very important in any prosecution to ensure that there is a clear record of the security of exhibits during their movements from place to place. Often, PULSE and property store descriptions of exhibits are not always recorded in the same way. It is very important to always accurately describe an exhibit in the same way.

The practice of statement writing extends fully to the chain of evidence and all garda and support staff involved in the process of transferring exhibits are required to write statements. Examples include a crime scene examiner that delivers exhibits to the FLO and the FLO officer that accepts them. Both these gardaí are required to complete statements. This is also required for exhibits sent to the Laboratory. For drugs analysis, the Laboratory complete a certificate and this is accepted in court as best evidence and removes the need for a forensic scientist to have to attend court to give evidence in all drugs cases. The Laboratory has received agreement in the DNA Bill to maintain a similar arrangement. However, this does not remove the requirement from the person accepting the exhibits at reception points of having to write a statement and potentially to go to court. The Inspectorate is unaware of any other policing jurisdiction where statements from those delivering and receiving exhibits are required to make evidential statements or to attend court.

Presentation of Exhibits in Court

All serious crimes are forensically examined and specialist crime scene examiners will take photographs and may create maps of the crime scenes and surrounding area. Where a case proceeds to court, at least sixteen albums (photographs/maps) are provided for each case. The Inspectorate understands that the cost per year ranges from €60,000 to 80,000. When the new Central Criminal Court was built, the use of technology to display such exhibits was considered and some of the courts were equipped to allow the electronic viewing of such exhibits. The Inspectorate understands that some of the monitors will need to be moved and jurors' rooms will require screens to be fitted. This electronic presentation of exhibits is currently used by the PSNI. The Inspectorate understands that the equipment, in the Central Criminal Court, has never been used for this purpose. The Inspectorate believes that there is an opportunity to use technology to significantly reduce the current cost of producing these sorts of exhibits. Technical Bureau would also like technology that allows the transfer of an exhibit, such as a fingerprint to be sent directly to them from a crime scene.

Good Practice - Drug Testing

> **To reduce the amount of drugs that are sent for analysis, the Garda Síochána has introduced presumptive drug testing. This is used to test small seizures of cannabis and white powder and has removed the need to send large numbers of exhibits for analysis. This has reduced the amount of exhibits that were previously analysed by 70%.**

Central Repository Store in Dublin

The Inspectorate visited the Central Repository Store in Dublin. This is used to store case files and exhibits for major cases and is also used for the retention of large volumes of garda files. This is a modern, well run store, but the pressure of storage space has already resulted in a plan to re-organise the store to cater for long term storage. As mentioned earlier, the move to DVDs for taped interviews will greatly reduce the pressure on all property stores.

It is vitally important for any police service to have an effective property management system in place. The police have a duty to safeguard any property that comes into their possession and to ensure that the chain of evidence for exhibits is protected. The Inspectorate believes that PEMS needs to be rolled out across all units and divisions and that all exhibits must be kept in secure property stores.

Recommendation 9.16

The Inspectorate recommends that the Garda Síochána conducts an urgent examination of the current process for exhibit and property management. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Implement an integrated IT solution to record all property seized and to track its movements across all of the systems (Long term);
- Complete the roll out of the Property and Exhibits Management System (PEMS) across all divisions and national units;
- Develop a national drugs register to ensure consistent inventory and data entry by all drugs units;
- Review the production of exhibits (photographs/maps) at court and seek opportunities to use technology to reduce costs;
- Introduce technological opportunities to provide immediate transfer of crime scene exhibits for examination;
- Nominate a person at national/divisional level to have responsibility for forensic samples to ensure they are sent for analysis.

Recommendation 9.17

The Inspectorate recommends that the Department of Justice and Equality convene a working group to explore options for legislative change to improve the effectiveness and efficiency of crime investigations. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Extend the detention time in custody without charge;

- Address the legislative gap in the powers of gardaí to detain a person arrested for minor offences, who after six hours, is still incapable of looking after themselves;

- Provide authority for the Garda Síochána to fingerprint, photograph and obtain DNA from all persons detained at a garda station, as commensurate with international identification standards;

- Consolidate all legislation dealing with powers of arrest, search and detention to facilitate compliance and ensure consistency across relevant legislation;

- Develop a Code of Practice for the treatment and detention of persons in garda custody;

- Consider mandatory drug testing of persons detained for "trigger offences" including but not limited to burglary and robbery;

- Remove the requirement to contemporaneously record notes at the time of a taped interview;

- Resolve the issues in respect of tape transcripts and a move to a Written, Record or Tape and Interview (WROTI) type system;

- Designate a custody record as primary evidence, to record all actions in a person's custody record and to remove the need for statements to be completed for all interactions;

- Introduce an Independent Custody Visitors Scheme to provide for custody care assurance;

- Improve the use of technology in court documentation and exhibits in criminal justice cases;

- Establish the process of identification parades in law and to consider the implications when a suspect refuses to participate;

- Review the requirements for maintaining a chain of evidence for an exhibit and seek to reduce the necessity for chain of evidence witnesses completing statements and attending court.

GARDA
INSPECTORATE
PROMOTING EXCELLENCE & ACCOUNTABILITY

Offender
Management

CRIME INVESTIGATION REPORT

10.1 INTRODUCTION

Persistent and prolific offenders are responsible for a significant proportion of volume crimes; particularly burglary, handling stolen property, robbery and car crime offences. In this part of the report, the Inspectorate examined the Garda Síochána processes to identify and manage prolific offenders of such crimes, including young and adult offenders.

Of equal importance is the ability of a police service to manage those prolific and persistent offenders following a court case, or at the end of a custodial sentence, to ensure that their opportunity to commit further offences is minimised. This is especially important in the case of high risk offenders, such as registered sex offenders. An effective approach to offender management will allow a police service to focus on those offenders who present the greatest risk to communities. Management of offenders post-conviction is best achieved with other partners such as the Probation Service, Local Housing Departments, Health Service Executive, Department of Social Protection and jobseeker agencies. A collaborative approach to offender management is crucial to protect communities from further crime and provide an individual with opportunities to encourage them to change their behaviour.

This part also examines the management of warrants and offenders on bail, as these two areas present high risks for the Garda Síochána and the communities they serve.

10.2 Offender Management

Young Offenders

In Ireland, a young offender is a person aged over 12 and under 18 years, who has committed a crime. Where a person within this age group is identified as a suspect in a crime, the young person must be referred to the Garda Youth Diversion Office (GYDO). GYDO is part of Garda Community Relations Unit and has a statutory duty, outside of the remit of the Director of Public Prosecutions (DPP), to make decisions about the case disposal of a crime involving a young offender, regardless of the seriousness of the crime. The statutory duty rests with the Director (GYDO) and not the staff in GYDO. The Director acts "under the general superintendence and control of the Commissioner" (Section 20, Children Act 2001). The Director may delegate his/her functions to an officer not below

Inspector. This is a unique pre-charge system for young offenders where the Director (garda superintendent) of GYDO makes all decisions on whether to prosecute or not; up to and including serious assaults and murder. This is a major responsibility and there is a view in GYDO that the DPP should be making decisions in respect of such serious crimes. The Director may consult with the DPP on complex cases and the Inspectorate is aware that this action is taken in some cases.

Section 52 of the Children Act 2001 states that "a child under 12 years of age shall not be charged with an offence", with the exception that a child aged 10 or 11 years may be charged with murder, manslaughter, rape, rape under Section 4 Criminal Law (Rape) (Amendment) Act 1990 or aggravated sexual assault. Section 52(4) states that where a child

under 14 years of age is charged with an offence, no further proceedings, other than remand in custody or bail may be taken without consent from the DPP.

Referrals to GYDO

Once a young person's details are entered onto PULSE in connection with a crime and categorised as a 'suspected offender' by the investigating garda, the PULSE record is automatically referred to GYDO.

The majority of young offenders are referred to GYDO for crimes that include theft, drugs and criminal damage. Most young offenders start committing minor crimes and their offending level can often escalate to more serious offences. However, some young offenders will enter the referral process with a more serious crime and GYDO stated that there is a noticeable increase in the referrals of young females, particularly in assault cases.

The Inspectorate was informed that there are some cases where a district supervisor needs to review and sign-off a PULSE incident, before GYDO can gain access to the PULSE record. GYDO can see these cases on the system, but cannot access them. Examples were provided where such cases are six months old, but are still in draft and have not been referred to them. In one extreme case, an investigation waited in draft stage for eighteen months without a referral to GYDO. A caution for a youth offender is not time bound by statute and GYDO are receiving late referrals. In cases where GYDO decide that a young person is unsuitable for a caution, there is a risk with late referrals that the time frame to bring a prosecution may have lapsed.[1]

In making decisions about whether to charge or to caution a young person, GYDO take into account many factors such as:

- Whether the young person is admitting the offence;
- The gravity of the offence(s);
- Rights of society and the rights of the young person.

Sometimes the poor quality of a narrative (description of how the crime took place) on a PULSE record makes decision making difficult and in these cases, GYDO have to request a case file for more information. This delays the GYDO process in that a more detailed narrative on PULSE would reduce the need for GYDO to seek more information. In more serious cases, GYDO may request a case file or additional information to ensure that the decision making takes into account all the factors of a case. The assessment of a young person is based on their suitability for the caution scheme.

Juvenile Liaison Officers (JLOs)

There are 115 garda Juvenile Liaison Officers (JLOs) based at garda divisions and eight full time sergeants supervising some of those JLOs. Once a decision is made to accept a person onto the scheme, the young offender is referred by GYDO to a JLO based in the area where the young offender lives and not to the area in which the crime was committed. Following the referral, a JLOs is required to prepare a suitability report on the young offender and to send the report to GYDO, who will make the final decision. Cases are allocated by GYDO directly to individual JLOs. Some are dealing with large volumes of cases and JLOs reported managing 250 to 300 cases a year. In making the assessment report, the JLO will usually facilitate a meeting with the young person and their parents or guardians.

Approximately 80% of all referrals to JLOs are accepted onto the scheme. The 20% assessed as unsuitable are returned to the investigating garda to initiate a prosecution. The Inspectorate found examples where cases returned to original investigating gardaí were not progressed. This becomes more difficult for JLOs where the case belongs to another division, and the JLO is relying on the garda in that division to progress the case. On checking PULSE incidents, the Inspectorate found cases that were referred back for prosecution, but no work towards a prosecution is recorded on PULSE. Whilst the case is shown as detected on PULSE, the detection is invalid, as no charge or summons was issued.

If GYDO decide that an offender is suitable for a caution, then the case is again referred back to the JLO to arrange for that caution to be given. For a

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1   The timescale to issue a summons in summary (minor) cases lapses six months from the date of the incident.

young person to be accepted on the scheme, they must admit the alleged crime and accept a caution. With some sexual assaults, where age is a factor in the crime, many young offenders are unwilling to admit to serious offences such as rape. Where a young person refuses to accept a caution, the case is referred back to the original investigating garda to progress a criminal prosecution.

JLO Outcomes

Of those cases referred back to JLOs, 51% are given an informal caution with a JLO supervision order for six months. A further 15% of young offenders are given a formal caution, with a twelve month supervision order attached. JLOs would prefer a procedure where a caution is given with or without a supervision order rather than the current formal and informal caution system. Many young offenders are cautioned on several occasions, before being placed before a court. From meeting with JLOs, there was a clear sense of frustration about cases where a JLO believed that a further caution was unsuitable and yet GYDO directed that the person be further cautioned. JLOs gave examples where young people were cautioned on five previous occasions. Many JLOs believe that continuing to caution young offenders is not a deterrent, but bringing them to court sends a message that this continued behaviour will no longer be tolerated.

Many JLOs are concerned about the seven to eleven age group, as they have no responsibility for that cohort. Some young offenders start their criminal behaviour before the age of criminal responsibility and JLOs would like to work with these younger offenders. The Inspectorate understands this concern. Other jurisdictions are examining early intervention options to engage families and young people who are coming to the notice of partner agencies.

JLOs sometimes deal with disturbed young people and with young offenders who have committed serious sexual assaults. Many JLOs do not believe that they are currently qualified to deal with young people with severe emotional and behavioural issues. JLOs informed the Inspectorate that the HSE struggle to meet the needs of some young offenders in respect of referrals for anger management or other behavioural support. However, they also praised the support given by many schools that fill gaps in provision by arranging courses for young people. Schools have good knowledge of young people and their families and provide an invaluable service to the process of dealing with young offenders.

Restorative Justice

JLOs are trained in mediation and delivering restorative justice practices. As part of the JLO process, there is an opportunity to use restorative processes, such as bringing victims and young offenders together. This may well be a process in which not all victims wish to participate, but for some, the process has helped to deal with the impact of the crime.

Restorative justice was introduced on a statutory basis for the first time in the Children Act 2001. There are two restorative justice initiatives provided for in the Act:

- A restorative conference or restorative caution included in the Garda Diversion Programme;
- A court ordered restorative justice conference delivered through the Probation Service.

In a restorative justice conference, a victim can speak directly to a young person about the hurt and harm that they have caused. In some cases, an agreement is reached on a way that the child can compensate the victim or to do something positive such as an apology. Other options include financial or other reparations to the victim or an initiative with the child's family and community that might help to prevent re-offending.

At present, about one in twenty cases are dealt with in this way. In the UK, research over a seven year period showed that following the use of restorative justice practices, re-offending rates fell by 27%. UK research shows that for every £1 spent on restorative processes, £9 was saved on the cost of re-offending. Surrey Police Service has found that good restorative justice programmes significantly reduced young offenders entering the criminal justice system.

Treatment

Many JLOs raised concerns about referring young people for treatment without mandatory attendance. In particular, JLOs raised concerns about those young offenders who commit sexual offences who are not currently mandated to attend adolescent sex offender treatment.

Diversionary Activity

Up to 5,000 young people each year are referred for diversion programmes and of those, 55% are referred following a JLO caution, and some are referred as they are young people on the 'cusp' of criminality. The courses focus on changing a young person's behaviour. Considerable funding for such programmes is available through the Irish Youth Justice Service (IYJS). Attending such diversionary activity is not compulsory, but a failure to participate, may impact on the outcome if a young person re-offends.

The Irish Youth Justice Service, manages the funding and the delivery of 100 Garda Youth Diversion Projects (GYDPs) nationwide. IYJS, in partnership with GYDO and community based organisations, is engaged in a major change programme to enhance the effectiveness of GYDPs. These projects are developing outcome focused programmes for young people in their charge based on evidence-informed service planning and delivery.

The Inspectorate understands from the Irish Youth Justice Service that before a child is accepted on a diversion programme, the Referral Committee (JLO & youth justice workers) consider all aspects of the child's case. This facilitates the sharing of information. The youth justice workers also use the screening version of the YLS/CMI risk assessment tool. In 2015, IYJS will role out the full version of the assessment tool to all GYDPs which can be used to develop an intervention plan for the children referred. Some JLOs appear to be unaware of any such formal information sharing protocol. The JLOs informed the Inspectorate that they would like a formal process to provide for the sharing of information in cases where young people, with behavioural issues, are attending diversionary activity.

Throughout Ireland, the Garda Síochána are involved in many activities, particularly to engage young people in sport. In Dublin, gardaí run a late night football league to engage young people, aged between thirteen and twenty-one years, at a time when young people are most likely to be involved in crime and anti-social behaviour.

Schools Programme

The Garda Síochána has a long standing schools programme where gardaí visit primary and secondary schools to deliver talks on personal safety and drugs. A reduction in the numbers of community gardaí has resulted in difficulty in the delivery of the programmes and in 2013 only 40% of schools covered by the plan received the scheduled visits. Other policing services have changed the way that police schools programme are delivered and elements of the Garda Programme are delivered by health professionals. Police officers are more involved with problem solving in and around the schools, rather than delivering class inputs.

Outcomes of the JLO Scheme

GYDO has no performance targets and does not record any statistics on outputs or outcomes in connection with re-offending rates. The Garda Síochána was unable to provide any data or research on what works in terms of JLO cautions, diversionary activity or restorative processes. It would be very beneficial to know the recidivism rates for each stage of the JLO process and what interventions have the greatest impact on the behaviour of young people. The absence of such data makes it difficult to determine the validity of GYDO decision-making in terms of JLO cautions and if they are cautioning too much, or at the wrong stage in a young person's offending. GYDO informed the Inspectorate that the Garda Síochána did some evaluation of the programme in early 2000, but GYDO was unaware of the outcomes. The current work with young offenders is far more established than for adult offenders, but the absence of outcomes and what works is a gap. There is clearly some excellent work with young people, but there is no performance or evidence-based measures to guide those involved as to where effort and resources will provide the best chance of preventing a young person from re-offending.

Case Management for Young Offenders

Garda Youth Case Management is a Garda Project which was developed as a pro-active and progressive approach to deal with prolific and persistent youth offenders. This process includes the appointment of a named member of the Garda Síochána to act as a Case Manager for a young person who is the subject of prosecution, generally for multiple offences. The Case Manager is responsible for leading, co-ordinating and managing the young person's interaction with the criminal justice system, the juvenile's family and all other agencies.

The main goal is to identify young people at risk and to engage and coordinate all appropriate services and stakeholders with a view to achieving a positive outcome for the child.

Future of GYDO

Whilst the Garda Síochána has responsibility for managing youth diversion, it is not a function that needs to stay solely within their remit. GYDO has developed excellent relationships with Irish Youth Justice Service and Young Persons Probation. The Inspectorate believes that bringing the right agencies together in a co-located team would provide a more co-ordinated and effective service to young offenders. The Inspectorate recognises that this may take some time to be achieved.

The current system of managing young offenders has many positive attributes and is a well established scheme. In the UK, multi-agency Youth Offending Teams have operated since 1999. These are managed by local authorities under the control of a Youth Justice Board. The teams are co-located and members of Youth Offending Teams have expertise in areas relevant to the care and rehabilitation of young offenders. These may include areas such as the Police Service, Probation Service, Social Services, the Health Service, Education, and Psychology. This co-location model has improved the sharing of information about young people and provides a one stop service for agencies to develop programmes to divert young people away from crime. The teams deal with young offenders aged ten to seventeen. Services provided include preparing reports to inform courts, supervising young offenders who are awaiting sentence and supporting parents and guardians.

Recommendation 10.1

The Inspectorate recommends that the Department of Justice and Equality convene a cross-departmental and multi-agency working group to progress the development of a co-located and fully integrated youth offender service. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Examine the role of the Garda Youth Diversion Office (GYDO), in pre-charge decision-making processes involving juvenile offenders suspected of serious crimes such as murder and rape;
- Consider the application of a suitable engagement or diversionary scheme for those aged under twelve who come to the notice of the Garda Síochána;
- Promote the use of restorative processes in accordance with the Children Act, 2001;
- Introduce an information sharing protocol between Juvenile Liaison Officers and diversion programmes to assist in the identification and treatment of behavioural issues;
- Reassess the process of formal and informal cautions;
- Produce evidence-based performance measures to assist in the planning of diversionary activity;
- Engage with a research partner to develop best practice in regards to the GYDO process and the Garda School Programme to ensure efficiency and effectiveness;
- Review the participation requirements for treatment programmes for young offenders and particularly those who have committed sexual offences.

Recommendation 10.2

The Inspectorate recommends that the Garda Síochána improves the current operation of the Garda Youth Diversion Programme. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- Ensure that all eligible cases are referred to GYDO for decisions;

- Ensure that the processing of young offenders is completed in a timely manner;

- Ensure that cases deemed as unsuitable for JLO cautions are progressed towards prosecution;

- Evaluate and clarify garda policy in the application of multiple cautions.

10.3 Adult Offenders

Garda Adult Case Management

The adult case management system is not as developed or proportionally resourced compared to the young offender system. The Garda Síochána conducts a large number of effective policing operations on high risk and prolific offenders, but do not have a co-ordinated, multi-agency approach to offender management.

There is a less formal system in operation for adult offenders eighteen years and over. The Garda Síochána is running a national pilot scheme called 'Adult Case Management'. This is very much in an embryonic stage and, at the time of the inspection, a total of 300 gardaí were trained in case management. These gardaí are allocated to individual offenders and their role is to co-ordinate court cases. Where a person breaches bail or commits another offence, the nominated garda should be informed, so that action is taken to bring any other cases together. An adult offender included in this scheme is highlighted on PULSE and the details of the garda case manager is included. This process could speed up the time taken to arrange court appearances, but at the time of completing this report, there was no empirical data to show the impact of the initiative. This is very much about case management, rather than about the more complex process of offender management.

Regional Approach to Adult Offenders

As discussed in Part 8, regional detective superintendents play a key role in tackling offenders who operate across divisional and regional boundaries. In the Southern Region, Operation Bliain is a targeted operation to identify and arrest burglary suspects who move between Kerry, Limerick and Cork. A key part of the operation is the identification of a number of suspected offenders and the allocation of case managers. Once arrested, a suspect is dealt with for all outstanding matters, including warrants. In the Western Region, Operation Aimsir also targets cross border burglary suspects. Active steps are taken to locate and arrest offenders. The regional detective superintendent has the ability to deploy additional resources, such as surveillance teams to follow suspects and gather evidence. In the Northern Region, the Inspectorate found the regional detective superintendent taking a positive lead in tackling cross border criminality with the PSNI. A case manager is assigned to the top ten suspects and has the responsibility for monitoring all police contact with the suspect, as well as liaising with agencies to locate the offender and affect an early arrest.

In the Dublin Metropolitan Region (DMR), there was less clarity about offenders who move between divisions and who is actually responsible for co-ordinating activity. Given the level of organised crime and gang related violence in and around Dublin, this is a missed opportunity. For example, at the time of the inspection there was no gang or firearms meeting held in Dublin that would bring together all the detective superintendents dealing with gang related activity. The Inspectorate visited two divisions in the DMR and found little evidence of co-ordinated plans to manage known prolific offenders who move across the city.

Divisional and District Approach

The Inspectorate found some good examples of pro-active operations to target offenders operating at district and divisional level. For example, in one division, pro-active cross district operations (Operations Alloy and Trasna) were conducted to tackle car crime and burglary offences. These operations involved covert and high visibility patrols in areas where analysis showed offenders were most active. Both operations had clear and

effective tactical plans to address vehicle crime and burglary offences, including effective monitoring of suspected offenders.

Restorative Justice Processes

The Restorative process for adult offenders is far less developed and used. The Probation Service, in partnership with community based organisations (CBOs) and some of its statutory partners currently deliver Restorative Justice Programmes and interventions, although not nationally. These include Restorative Justice Projects available to a number of the District Courts in Dublin and the Midlands.

The Probation Service published its Restorative Justice Strategy in 2013. In accordance with the strategy the expansion of the delivery of restorative justice service in the Criminal Courts of Justice (Dublin) and to Cork District Court is being conducted on a pilot basis. In order to facilitate this expansion an increase in the community funding was approved for the 2014 allocation for the two restorative justice CBOs. During the inspection, the restorative justice process for adults was described as "floundering" due to insufficient resources and this is a missed opportunity to deal with offenders more effectively.

Other police services have trained community officers in mediation and restorative skills with a view to addressing quality of life issues, crime and anti-social behaviour that impact on local communities. Mediation is a good process for dealing with issues concerning neighbours and people who live in close proximity.

Persons Released from Prison or Subject to Supervision Orders

A significant number of people leave prison early under various circumstances. This includes people on temporary release, early release, part suspended sentences, on parole or as part of a community return. There are also other schemes that provide alternatives to a custodial sentence. The Probation Service has many and varied responsibilities in terms of supervision of people who are subject to supervision orders:

- **Community Service Orders**

As an alternative to a custodial sentence, offenders can be given a Community Service Order (CSO).[2] The Criminal Justice (Community Service) Act, 1983, provides that a court may make a Community Service Order (CSO) as an alternative to a sentence of imprisonment or detention in respect of any individual over the age of sixteen who has been convicted of a criminal offence and who consents to the Order being made. In some of the divisions visited, there were large numbers of people on CSOs who were completing between forty and 240 hours on community projects.

- **Community Returns**

Community Return, introduced in 2011, is an incentivised schemes operated by the IPS and the Probation Service. It provides for earned temporary release for offenders who receive a custodial sentence of twelve months or more in return for unpaid work completed under supervised community service conditions. This requires people to complete two to three days work per week doing jobs within communities. Whilst it is still in the early stages, the compliance rates appear to be high.

Both of these initiatives are quite labour intensive for the Probation Service, but research has proved that community sanctions can help to reduce offending.

- **Temporary Release**

Most garda divisions receive lists of those on temporary release from prison, but the details are sometimes received after the person has been released. Those on temporary release are often required to report to their local garda stations at certain times. This is further covered in the bail section in this part of the report.

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2   The legislation for Community Service Orders allows a Judge to sentence a person to complete between 40 and 240 hours unpaid work in the community.

- **Post Release Supervision and Temporary Release Supervision**

Some people will have a post release supervision order attached to their sentence. In effect, when released from prison the Probation Service will try and help the person to re-integrate into the community and to avoid further offending. Some persons on post release orders can be subject to supervision for long periods of time, such as six years.

For some higher risk offenders who are due for release, a case conference is usually arranged and a probation officer will meet with prison staff and the offender. The first few days of a release from prison are extremely important for a person and without certain supports in place there is a likelihood of re-offending. The Probation Service, local authority and other state agencies have certain responsibilities; which include providing access to accommodation, training, education and obtaining work for the individual.

Conditions attached to orders can be particularly helpful to the Probation Service, who try to modify and encourage a change of behaviour.

- **Supervision During Deferment of Penalty**

In some cases, a judge will defer a sentence for a period of time to see if the behaviour will improve. This period of time can range from a month to twelve months. Often, the offender is not subject to any supervision order during that time. If the offender has not come to the notice of gardaí during that period cases can be often struck out.

- **Pre-Sanction Reports**

Once the facts of a case have been proven to the court, and before deciding on how to deal with the case, a judge may ask the Probation Service for a pre-sanction report, providing information about an offender and their personal circumstances. Adult reports are generally completed within six weeks and young offender reports within twenty-eight days. In 30% of cases, further probation service interventions are not required and these are usually for cases of possession of drugs and public order offences committed by low risk offenders.

As part of this process, probation officers are obliged to contact investigating gardaí to seek their views. In some areas, the Probation Service receive a good response to requests for views, but in other areas they find it difficult to contact gardaí and reports are often submitted without completing this process.

Probation officers reported that they often find it difficult to obtain a copy of the garda case précis or statement of facts. The Probation Service is not routinely provided with a copy, although it would greatly assist with the preparation of reports.

- **Offenders with Addictions**

Offenders may need long term treatment for their addictions. For those on shorter prison sentences, they do not always receive sufficient treatment programmes to meet their needs and impact on offending behaviour. On release, offenders without treatment often return to their previous lifestyle, including re-offending. The Probation Service focuses on those offenders released on a supervision order. For other offenders, it may be more difficult to access public treatment and the cost of private treatment may be prohibitive to many of those with addictions. This cohort can be responsible for committing high levels of crime.

- **Civil Orders – Post Release**

Section 26 of the Criminal Justice Act 2007, amended in 2009, introduced a new order to place restrictions on certain activities following release from prison. It was created to deal with those offenders involved in serious offences and to prevent people from engaging in named activities, such as associating with certain people and visiting certain places. These orders can apply for a period up to seven years and it is an offence to breach it. The Inspectorate did not find any examples of the application of this legislation.

- **Breaches of Orders**

When a supervision order is breached, a person should be returned to court to face the consequences. This can include an alternative penalty, up to and including a custodial sentence. A probation officer will apply for a summons to bring the offender to court, and a garda will serve it. Where a person fails to appear at court a warrant can be issued. For offenders on a treatment programme, probation officers are sometimes reluctant to deal with the breach, as this would impact on the offender's treatment. In some cases they work on a 'three strikes' rule. For minor breaches, the Probation Service often prefer the garda to deal with the breach, as probation action can severely impact on the relationship with their client. The outcome at court for a breach of an order very much depends on the local judge.

Integrated Offender Management in Other Jurisdictions

Persistent and prolific offenders, as well as those subject to early or temporary release from custodial sentences, may be more effectively managed through an Integrated Offender Management (IOM) approach. IOM operates in the UK and other European counties and brings together the police, probation service, health service, prison service, local housing departments and job seeker agencies. By understanding what causes an individual to commit crime, police and other statutory agency professionals can work together to put plans in place to reduce re-offending. This approach allows for joint identification and assessment of offenders, and a key feature is agreed information sharing between the agencies about those offenders who pose the highest risk of harm to local communities. It works particularly well with offenders who receive short sentences or those who are released from prison without statutory supervision. One of the key aims of IOM is to break the cycle of persistent or prolific offending, particularly where drug or alcohol addiction is a factor in offending behaviour.

Several jurisdictions operate an integrated approach to high risk offenders. In Denmark, the police and key partner agencies work together to co-ordinate a plan designed to prepare prisoners for release from custody by arranging employment, housing and addressing any health issues.

South Wales Integrated Offender Management Unit

In South Wales, there is an established and dedicated Integrated Offender Management Unit (IOMU) in one of the busiest divisions at Cardiff Bay. The unit is jointly headed by a sergeant and a probation manager. The team is staffed by a combination of police officers and probation officers who act as case managers for offenders. There is also representation from the Youth Offending Service, a job centre advisor, a local authority employment advisor and a housing officer. A dedicated probation officer deals with those young people who move up from youth to adult status, (those aged seventeen to eighteen).

The cohort dealt with by the IOMU, are those at high risk of re-offending based on their criminal history, personal circumstances, health issues including drug usage and those who are released both on licence and non-statutory release. Priority is given to those convicted of burglary and robbery offences, as well as those involved in organised criminal gangs. The IOMU manages 270 offenders, of which just over 50% have been released from prison. There is a clear referral mechanism to determine, which offenders will be accepted for management by the unit. Those not selected are passed to the offender's local division to be monitored by neighbourhood teams and pro-active units.

The selection process starts with referral by one or more of the agencies, who identify an offender as problematic, high risk or prolific. Offender history is assessed through a Home Office Integrated Offender Management matrix, which not only assesses their propensity to re-offend, but also the cost of their offending to date to the police service, other agencies, to victims and the Criminal Justice System. There is a strong emphasis on protecting the public and to reducing overall costs to the justice system.

A multi-agency selection panel makes the final decision and the offender enters the programme. Some offenders are referred to the programme as a

condition of their licence or part of a drugs treatment order by the courts and some agree to participate. Those selected are subject to bespoke and fast time interventions to get them into permanent housing, employment where possible and to address health and welfare issues. The unit has a daily briefing and tasking meeting to manage the offenders. Those on curfews will be checked daily, and offenders are classified into one of three categories:

1. Those fully engaged and compliant with interventions;

2. Those with mixed or poor compliance with interventions;

3. Those who are re-offending, wanted, disengaged with supervision or treatment programmes or in breach of orders.

Group three are categorised as high risk and will be the subject of pro-active action on that day to find, arrest and return the offender to court. Information about all of the offenders is shared with divisional officers and staff. In addition, the IOMU has a dedicated analyst who assesses emerging crime trends to identify those offences, which might be linked to IOMU subjects. This analyst works closely with the divisional intelligence team.

Outcomes of the Integrated Offender Management Unit (IOMU)

The outcomes since the inception of the IOMU in Cardiff are:

- Average re-offending rate of prolific and persistent offenders has almost halved – a reduction of 48%;

- A 52% reduction in serious acquisitive crimes in the Cardiff Bay area;

- Cost savings to the Criminal Justice System of approximately €700,000 based on the Home Office costing matrix;

- Those supported into employment show a 50% retention of that employment.

Integrated Offender Management in Hertfordshire

In Hertfordshire in the UK, offender management is a key tactic used extensively across most pro-active and reactive teams. This includes tasking twenty-four hour uniform response teams to target prolific offenders. IOM works at several levels, including a countywide multi-agency team which operates a scheme entitled 'Choices and Consequences - C2'. This offers prolific offenders a realistic opportunity to break free from the cycle of crime. Launched in 2007, it is supported by all criminal justice partner agencies, including, the senior crown court judge. Police identify offenders who must demonstrate a desire to rehabilitate by admitting to all past offences. Offenders are assessed by the probation service and if suitable for the programme, the final decision rests with the courts. The courts can defer a sentence for up to six months, whilst the offender undertakes an extensive rehabilitation programme that may include drug treatment, life skills, training, education and employment. The scheme is suitable for the most persistent and prolific offenders who often have some form of substance addiction that drives their offending behaviour.

There is a strong emphasis on education and training to give the offender a sustainable way of earning a living in the future. Unpaid work is frequently a feature of the community order imposed by the court. Any sentence that a C2 offender may have received is deferred by the courts and the offender must stay away from offending and deal with any addiction problems for a period of up to three years. Failure to do so will result in the imposition of the original sentence. C2 is now utilising GPS tracking technology to monitor offenders with many volunteering to wear tracking devices. Tracking provides information about the offender's location and is readily available to police and probation officers. It also allows checking to ensure that the offender was not in the area at the time that an offence similar to the offender's was committed.

An additional benefit of this approach is that offenders must admit to all of their previous offences. This gives police the opportunity to solve other crimes and to provide closure for victims of those crimes.[3]

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3   Further information can be found be found at www.herts. police.uk/C2programme.

Electronic Monitoring

The Irish Prison Service ran an electronic monitoring pilot and involved a total of thirty-one selected prisoners and a maximum of eighteen at any one time. The purpose of the pilot was to test the feasibility of using GPS satellite tracking technology to monitor prisoners on temporary release in the community and assess its potential for future use on a wider scale. Key potential benefits of electronic monitoring were seen as relief of overcrowding and enhanced reintegration of prisoners in their communities.

In other police services, more use is made of electronic monitoring, which some offenders request to be fitted. In some cases it allows offenders to refuse the requests of associates to get involved in crime and sends a clear message that they are being overtly monitored. For others, it is a way of more effectively managing curfews, with continual monitoring of their movements. In some police services, a failure to return or be at home at the start of a curfew time, sends a signal to the IOMU and this breach is then pro-actively acted upon. Electronic monitoring provides a continual record of the offender's movements.

Electronic monitoring has the following benefits:

- Assists with the detection and prevention of crime;
- More effectively manages resources, especially officer time;
- Provides a more effective way of managing curfews, exclusion orders and other court orders;
- Improves compliance with community supervision orders;
- Improves the available information and intelligence about prolific offenders.

The PSNI is currently tagging offenders with an external company fitting the tags and base station at the person's home and monitoring compliance. The UK has just launched a pilot to fit sobriety tags to offenders convicted of alcohol related crimes. The devices will check for alcohol traces twice a day and any breaches will be brought back to court.

Strategic Approach to Offender Recidivism

The Garda Síochána has developed a new pilot scheme called the Strategic Approach to Offender Recidivism (SAOR) designed to ensure that a national and strategic approach is taken to the management of young and adult offenders.

The objectives include:

- Identify prolific offenders;
- Reduce crime;
- Manage prolific and persistent offenders;
- Ensure a consistent approach to managing offenders nationally;
- Work in partnership to manage offender and reduce crime.

There are three tiers, including adult case managers, divisional based activity with key partner agencies to identify offenders and a multi agency regional forum. This was launched in the DMR Region and was accompanied by training and briefings to key personnel.

Integrated Offender Management – The Way Forward

In May 2013, the Irish Prison Service and the Probation Service launched a joint strategic plan that stated a commitment to create an integrated offender management programme. The Inspectorate fully supports that programme, but it needs the involvement of other partner agencies, including the Garda Síochána, local authorities and other agencies that are involved in offender management. There is significant good practice to be found in England, Wales, Scotland, and further afield in Europe.

Recommendation 10.3

The Inspectorate recommends that the Department of Justice and Equality convene a multi-agency working group to progress the development of a co-located multi-agency and fully integrated adult offender management service. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Focus on those who present the highest risk to community safety;
- Promote the use of restorative processes;
- Evaluate the treatment of offenders with addictions during short term sentences;
- Review the process for managing those offenders due to be released from prison;
- Ensure that the provisions in law, such as Civil Orders for managing offenders post sentence, are considered in appropriate cases;
- Consider electronic monitoring and other initiatives to monitor offenders;
- Research and publish performance measurements of offender management effectiveness.

Recommendation 10. 4

The Inspectorate recommends that the Garda Síochána improves the current operation of the adult offender management programme. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Increase the divisional and regional co-ordination of the management of prolific offenders;
- Promote the application of restorative justice;
- Provide the Probation Service with a copy of the precís or statement of facts to assist with preparation of pre-sanction reports;
- Fully inform the Probation Service of garda views for pre-sanction reports, to ensure that probation reports contain the views of the investigating garda;
- Develop the use of post release Civil Orders.

Sex Offender Risk Assessment and Management (SORAM)

A number of high risk offenders require additional levels of monitoring to ensure that there is regular review of the risks posed and a clear process to mitigate and manage the identified risk. One such group are convicted sex offenders, who are required to register with the Garda Síochána and provide details of their place of residence and any intention to travel for a period of more than seven days. In June 2010, a joint model of sex offender management was introduced, known as Sex Offender Risk Assessment and Management (SORAM). This brought together the Garda Síochána and the Probation Service to assess the risk of re-offending and to agree a co-ordinated plan to mitigate those who pose the highest level of risk. The initiative was piloted in five areas in Louth, Mayo, Tipperary, Cork City and DMR North. An evaluation was undertaken in 2011, which recommended the inclusion of the Health Service Executive (HSE) as a partner agency.

At the time of the inspection field visits, SORAMs were not in place in all the divisions visited, but are now in operation across all twenty-eight divisions. The Inspectorate visited divisions operating SORAM as well as those that did not. Where SORAM was operating, the Inspectorate observed a better sense of understanding about the requirements of the process and of the need to follow up risk assessments. The Inspectorate found that in some districts there were one or two dedicated officers, generally detectives, with responsibility for visiting and monitoring the activities of registered sex offenders. In many UK police services, local community officers also share the responsibility to visit medium and lower risk offenders to maintain that regular contact, as well as a continual reminder about their responsibilities to avoid further offending behaviour.

SORAM teams should convene regularly and is a good platform for agencies to share information and intelligence. From meetings with those involved in SORAM, there was a mixed response to how it was operating. In some divisions, SORAM was described as a dynamic process and in others as being very slow and evolving. One SORAM reported that the HSE were not attending and as a result, scheduled meetings did not always take place. In some divisions, there was excellent feedback on the work that takes place between gardaí managing sex offenders and local probation officers. In one serious case, a garda did some excellent work with a local community to manage the return of a person convicted of a serious sexual offence.

Prolific and predatory sex offenders pose a high risk to community safety and can be devious and manipulative in their dealings with others, including police and probation officers. The introduction of the SORAM process is welcomed as a way of co-ordinating the response to a small, but high risk group of offenders. There is a need to deploy dedicated officers, ideally those who have received training to manage this unique type of offender. There is also a need for clear lines of command and accountability for the SORAM process and this is one area which should fall within a revised remit for a divisionally based detective superintendent. The Inspectorate also advocates that there should be a comprehensive annual evaluation of how SORAM panels are operating, to share good practice, as well as addressing any problems at an early stage.

Sex Offenders Management Unit

Within the National Bureau of Criminal Investigation, sex offenders are monitored centrally by the Sexual Offenders Management Unit (SOMU). SOMU has responsibility for maintaining records of all persons subject to the Sex Offenders Act.

Following the inspections visits, the Inspectorate was unclear as to the level of compliance with the Act, the number of offenders who have failed to register or have failed to register correctly. The Inspectorate was informed that the Garda Síochána developed Operation Jeopardy to examine cases where people had failed to register correctly or had not registered at all. The operation began in February 2014, when 101 sex offenders were unaccounted for and the current position is that ninety-nine of the 101 have been located and a number of prosecutions have been initiated. The remaining two have been identified as residing outside of the jurisdiction. The Inspectorate has been informed that Operation Jeopardy continues to monitor these offenders.

Following a conviction at court, the SOMU should receive notification from the court by fax or by post that a person is required to register. The Inspectorate was informed of cases where following a conviction, a court may not have made the required order or where an order is made, court offices are not always notifying the SOMU. Sometimes an offender

sentenced to a term of imprisonment is not always notified by the court of the requirement to register. The Irish Prison Service has responsibility for notifying the garda when a person is due for release and to provide the person's future address following release. The period of registration depends on the severity of the offence and for some offenders they will be registered indefinitely. A person must be on a Probation Service supervision order to be placed on SORAM.

Currently persons have seven days to register with the Garda Síochána and can do so by letter. Often offenders register through their solicitor and do not attend a garda station. The offender can also notify any garda station, not necessarily the local one where they live. The Garda Síochána would like the seven day period to be reduced to three and for persons to be required to attend the local garda station. Once the gardaí are notified, a risk assessment takes place to assess the risk posed by the offender and to decide if they will be monitored by SORAM. In the UK, sex offenders must confirm their registration annually. Many of the gardaí involved in this process have not received any risk assessment training and many of those involved in SORAM are also untrained. This is a gap where the Garda Síochána and the Probation Service intend to deliver joint training.

Fingerprinting, photographing and taking DNA from convicted offenders should be taken as part of the investigation and prosecution process. As described in Part 9, the taking of fingerprints is an area of weakness for the Garda Síochána, who should ensure that all persons who are required to register have provided fingerprints and other samples.

Divisions are required to nominate an inspector with responsibility for monitoring sex offenders. The SOMU would like to have more interaction with these inspectors, but highlighted staffing levels as a reason that this does not always happen. Divisions are required to provide six monthly returns to SOMU on their sex offenders, but at the time of the inspection only 50% of divisions were providing this information. PULSE contains a warning system that alerts a garda that a person is a registered sex offender

and many CIOs have created intelligence profiles on registered offenders. SORAM operates across three agencies using three different IT systems and this is a barrier to effective sharing of information. SOMU are in the process of visiting each SORAM with representatives from Children and Family Services and the Probation Service.

The officers attached to SOMU are working the pilot garda roster and all work on the same shift. This means that the whole unit are off-duty at the same time, which greatly reduces the coverage of the office. The unit investigates some cases and at the time of inspection had ten open investigations.

SORAM is a process that is well established in other countries, but it needs well trained members and good interaction from all partner agencies. The Inspectorate recommends that SORAMs should be subject to multi-agency annual reviews across a range of key performance indicators.

Recommendation 10.5

The Inspectorate recommends that the Garda Síochána, HSE and the Probation Service conduct annual reviews of the progress of individual SORAMs. (Medium Term).

To achieve the above recommendation, the following key actions need to be taken:

- Provide oversight and governance to locate those offenders who have failed to provide proper notice pursuant to the requirements of the Sex Offenders Act 2001;
- Assess the exchange of information between the agencies with ongoing review of IT solutions for improved data sharing;
- Ensure that all members of SORAM receive appropriate training and particularly those involved in the risk assessment process;
- Provide for interagency communication and training to ensure that good practice is shared;
- Mandate that divisions provide bi-annual information returns on registered sex offenders;
- As part of a functional model for divisions, the detective superintendent should be responsible for SORAM.

Paedophile Investigation Unit

The Paedophile Investigation Unit (PIU) is based in Dublin and consists of a small team that investigates complex, high profile cases and those with an international element. The remit of the unit includes child trafficking and cases involving the production and possession of pornographic images of children. PIU currently receives about twenty-five requests per week in connection with identifying Internet Protocol (IP) addresses connected to possible offences. In most cases the unit will identify the IP address and send this to the local district to investigate the intelligence received. PIU provides advice to districts, such as how to obtain a search warrant. The current Garda Síochána IT system restricts the sending of evidence electronically, resulting in investigators having to travel to Dublin to view evidence. PIU only have access to one stand alone computer to receive and download evidence, as they are unable to use PULSE. This is a fundamental tool for investigation of these crimes. When evidence arrives, it can take days to download information and this removes the availability of the computer to be used by investigators coming to the unit to view evidence for other cases. PIU gave an example where one case had over 8,000 videos. Another problem area is the restriction placed on districts accessing social media sites. As a result, the PIU is swamped with requests from districts for help in cases under investigation.

Since 2001, the unit has used a paper system for managing investigations and would like to move to an electronic system. Internally, the PIU uses an electronic spread sheet to monitor cases. There is a concern that two investigators could potentially be looking at the same suspect, without knowing that another garda is also investigating a crime against the same suspect. Like the SOMU, all PIU staff work on the same roster and again are all off-duty at the same time.

The delay in obtaining evidence from analysis of computers has contributed to a situation where no PIU investigation case file has been sent to the DPP for directions in the last four years of operation.

Recommendation 10.6

The Inspectorate recommends that the Garda Síochána assesses the working practices and technology needs of the Sexual Offences Management Unit and the Paedophile Investigation Unit. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Resolve the current IT issues that are impacting on service delivery such as the sharing of potential evidence, the delays in examination of images and the potential for two investigations to run concurrently on the same suspect(s) (See Recommendation 6.24);

- Ensure minimum staffing levels rather than all members in the unit resting on the same day;

- Ensure that all persons convicted of sexual offences have their fingerprints, photographs and DNA taken.

Recommendation 10.7

The Inspectorate recommends that the Department of Justice and Equality convene a multi-agency working group to consider the following changes to the registration and management of sex offenders. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Following a conviction in court to ensure that all offenders are notified of a requirement to register under the Sex Offenders Act;

- Ensure that the Sexual Offences Management Unit are always informed of an order made against an offender;

- Consider a reduction from seven days to three days in the requirement to register with the garda and to a requirement to register at the garda station where they will be residing;

- Consider a requirement for an offender to confirm registration annually.

Non SORAM High Risk Violent Offenders

The SORAM process only manages registered sex offenders, unlike the process in the UK known as the Multi Agency Public Protection Arrangements (MAPPA) that also monitors violent offenders. This was covered in Part 6 under domestic violence. At this time, there is no additional process to manage other high risk violent offenders within the Garda Síochána or with partner agencies. (See also Part 6).

10.4 Warrants

Managing and executing warrants is an important part of any offender management system and the management of warrants is a high risk area. For police services, the most high risk warrant categories are bench and committal warrants. Categories of warrants include:

- Bench warrants are issued for those offenders who fail to attend court for a hearing, having been charged or summonsed by the garda for an offence. These are people who are unlawfully at large and who may commit further offences;

- Committal warrants are issued to commit a person to prison following conviction for an offence at court;

- Penal and Estreatment warrants are issued for non-payment of fines. These types of warrants account for the vast majority of warrants issued by courts;

- Family and Civil warrants are issued in connection with a number of other warrants connected to civil matters such as family law;

- Search warrants are issued to the Garda Síochána to enter premises to look for wanted persons or to search for evidence connected to a crime.

Arrest and committal warrants must be actioned in a timely manner to find the offender and bring them to court or to prison. Over time, historical warrants become much harder to execute, particularly when an offender is aware that a warrant is in existence. Warrants are issued on a daily basis and to be successful in reducing overall numbers, a concerted effort is required by a police service to execute more warrants than are being issued by courts.

Warrant Records

With the introduction of PULSE, warrant management was transferred from paper based records to electronic records. As a result, the PULSE system has many warrants that date back to the introduction of PULSE in 1999. During visits to warrant units, the Inspectorate was informed that some old warrants that pre-dated PULSE never went onto the PULSE system and one unit estimated that the district had 200 to 300 warrants in this category. The Inspectorate is unaware of the types of warrants and the offences for which they were issued and whether these warrants were cancelled at the court of issue.

In one district warrant unit, the Inspectorate was shown a box of dated warrants dating back to early 2000 that were never placed on PULSE and are marked for cancellation due to the length of time that has now expired. These warrants are, therefore, not counted in the districts warrant numbers. These warrants were marked as unsafe to execute, but as of yet have not been placed before a court to cancel them.

There are two distinct records of warrants: court records where the warrant was first issued and the PULSE system. The Inspectorate is not aware of any examination to reconcile how many warrants are issued by courts each year and how many of those warrants are actually recorded on PULSE. It is believed by the Inspectorate that there may be a significant gap between the two systems. The Garda Internal Audit section conducted two audits and found indications that significant numbers of warrants are not tracked correctly. An audit conducted in 2010 found that 49% of the warrants examined were not tracked correctly. A further review conducted in 2011 found an improvement in tracking in a number of divisions. However, there was still a significant difference in the records kept by the two systems.

Finding Warrants

The Inspectorate is aware that the Garda Síochána has completed three comprehensive warrant audits over the last three years At the time of completion of this report, the most recent audit was in draft form and unavailable for inspection. The two previous audits found that 22% of warrants could not physically be located on the day that the audits were conducted. This equates to a significant number of warrants.

The Inspectorate is aware that when people are stopped or arrested, the Garda Síochána are not always able to find the warrant. On some occasions people are released from garda stations without executing a warrant and on other occasions, people are taken to court in the absence of a warrant and the case is sometimes struck out.

There are many different reference numbers connected with warrants such as a PULSE number, a court case file number, a charge sheet number and a warrant number. A unique reference number shared between the court and the Garda Síochána would certainly reduce some of the confusion over a warrant reference number.

Recommendation 10.8

The Inspectorate recommends that the Garda Síochána in conjunction with the Courts Service reviews the process for tracking warrants from the courts to garda stations. (Short term).

Reducing the Number of Warrants Issued

As mentioned previously in Part 9, many warrants issued at court and summonses that are not served result from ineffective verification of the identity of a person that the Garda Síochána or other agencies have dealt with. Essentially, where the person's identify has not been accurately indentified, a warrant may be issued for the wrong person or a non-existent person. The Garda Síochána has a substantial number of warrants and summonses in false names and for addresses that do not exist or that have no connection to the person named on the warrant. This is generating a considerable amount of unnecessary warrants and summonses, and creating an unnecessary burden on warrants units that have to try and find the person who committed the original offence. A warrant in a false name or with a false address often results in the offender not being brought to justice.

There are two occasions when verification of offenders is crucial. Firstly, when dealing with an offender for an offence away from a garda station and secondly, at a garda station when an offender has been arrested. It is imperative to get the

identification right first time when dealing with an offender, because any failure to establish the correct identity of a person will make further action more difficult.

Verification Away from a Garda Station

It can be more difficult to confirm the identity of a person away from a garda station. Many warrants and summonses are issued following a road traffic offence. Where a member of the Garda Síochána suspects that a person has committed a specified offence under the Road Traffic Act 1961, Section 107 allows a garda to detain a person and demand the person's name and address. A garda also has a power of arrest, where a person fails or refuses to provide a name and address or where the garda suspects that the details given are false or misleading. In all cases, gardaí should obtain as many details of a vehicle as possible and to record that information in their note book and later on a PULSE record. A garda dealing with a person in the street should make all necessary enquiries to establish the correct identity of a person before allowing them to leave. Extra time invested at this point might save a considerable amount of time in the future.

There are a number of ways to verify a person's details, such as the voters register, photo identification enquiries with a local garda station or for a non-Irish national, through enquiries with Interpol. Recording physical details of a person is equally important; such as any visible marks, scars, tattoos or other distinguishing features that may prove invaluable if the person does not turn up at court. A driving licence is a good identification document. Warrant units have raised the issue of people failing to produce a driving licence to a garda as a contributory factor to poor identification. A person who fails to produce a driving licence on demand is given ten days in which to produce it and warrants units are unaware of any actual prosecutions for a person who has failed to produce a driving licence.

A pilot is currently running in the DMR whereby gardaí are using mobile telephone technology which allows a member to conduct a PULSE intelligence check on a person who they are dealing with on the street.

With regard to stopping a person in the street who is not in a vehicle, there is no power similar to that in the Road Traffic Act 1961 to detain a person to allow warrant enquires to be conducted. In these cases, a garda has to let a person go or to make an arrest where there are reasonable grounds to suspect that the person is wanted.

Verification at a Garda Station

A person should not be released from custody at a garda station until their identity and address are verified. Again, it is good practice to record details on PULSE of any methods verification obtained. As previously mentioned, a failure to take fingerprints or photographs will have a significant impact on identification at a later date. Electronic fingerprinting is available at many garda stations, providing an almost immediate identification of a person who is recorded on the system and ensures that a person who is wanted or who has given false details is not released from detention.

Conducting checks on PULSE prior to releasing a person from garda custody or on the street would strengthen the verification process and reduce the opportunity for false details.

In the absence of fingerprints taken at the time of an arrest, the main way of resolving the matter is for the original garda that dealt with the incident to identify the offender. Difficulties arise when there is a lapse of time between the incident and the identification or the garda has transferred or retired and this identification opportunity can be lost.

The Garda Síochána also has responsibility for executing warrants for offences that are prosecuted by other agencies. This includes offences such as unpaid television licences, revenue offences and offences on public transport. The agency representatives dealing with these offences have fewer powers than gardaí in terms of requesting details from persons that they deal with. A failure to pay a fine or to answer a summons will result in a warrant that is sent to the local garda station to execute. Gardaí often receive warrants without dates of birth or details of identifying features that would help to identify the person involved. The absence of a date of birth is a major factor and particularly in

cases where people with the same name live at the same address. In many cases without a date of birth or other method of identification, the warrant will never be executed.

A small investment of time to conduct proper enquiries at the first stage of dealing with an offender will significantly reduce the number of warrants that are issued by courts.

Recommendation 10.9

The Inspectorate recommends that the Garda Síochána creates a Standard Operating Procedure for identity verification. (Medium term).

Issuing of Bench Warrants

A bench warrant issued in the Dublin City courts is put directly on to PULSE by court staff when the charge sheet is received from the court. This is a good system that ensures that warrants are notified to the Garda Síochána at the earliest opportunity. Once a warrant is on PULSE a garda dealing with a wanted person is in a position to make an arrest. Outside of the Dublin City area, bench warrants are sent from the courts by post or hand delivered by a garda working at the court. With this system, there is a delay in the warrant being placed onto PULSE and in some cases, it can take five days for the relevant garda station to receive a warrant. This adds a delay to executing a warrant and by this time, opportunities to arrest the wanted person might already have been lost. Circuit court bench warrants are not entered onto PULSE by court offices and are sent to garda stations. Circuit court warrants are likely to be issued in more serious cases. The Inspectorate believes that all bench and committal warrants should be entered directly onto PULSE on the day of issue.

Committal Warrants

In most cases, a person is present at court when sentenced to a period of imprisonment. In these cases, a committal warrant directs that a person be taken to a named prison. The Garda Síochána has an obligation to physically hand this committal warrant to the prison to authorise the prison to accept the person. In some cases, this involves a garda driving long distances to deliver the warrant. Electronic delivery of a warrant from the court to the prison concerned would remove the need for a warrant to be hand delivered.

Issuing of Penal and Estreatment Warrants

Penal and estreatment warrants are sent by post from the issuing court to the station in the garda district where the person lives. Some districts often receive very large numbers of penal and estreatment warrants at one time and these can take a period of time to enter onto the PULSE system. The Inspectorate was informed during visits to the seven divisions that there can be delays from three weeks to three months in receiving and recording these warrants on PULSE. This delay allows an offender additional time to avoid detection and there is a risk that if the person is stopped by a garda, there is no warrant recorded on PULSE and the person is not arrested.

When people are released from court on bail to return at another date, a court may set a bond (a promised sum of money) to ensure that the person attends for the next hearing. In circumstances where a person fails to appear for their case, two warrants are actually issued; a bench warrant for the failure to appear at court and an estreatment warrant for the forfeiture of the bond. The bench warrant will be issued immediately, but estreatment warrants have to be validated by a specific court and can arrive a month later. In some cases, the bench warrant is already executed, before the estreatment warrant is issued. Duplication arises as gardaí still have to execute the estreatment warrant.

Stayed Warrants

Sometimes judges stay (postpone) the issue of a warrant, where an offender is given time to present themselves to the court. This can be in cases where an offender is ill and did not attend court on the day that their case was due to be heard. Warrants are sometimes stayed for five days to allow the offender to present themselves to the court. In these cases the warrant is not activated and great care needs to be taken to ensure that a person is not arrested on the warrant in the interim period.

PULSE Warning Markers

When a warrant is recorded on PULSE, it automatically places a warning marker (WRT) on that person's intelligence record. If the person is stopped and an intelligence name check is completed, the warning marker should highlight the existence of a warrant amongst any other intelligence reports on that person. There is an anomaly with the warning marker, as it does not

update the original PULSE record for the crime the suspect is linked to, and it does not link the warrant to the address where the person resides. This could result in a garda attending an address linked to the suspect on PULSE and being unaware that a person at that address is wanted for a crime. Such important information should be passed from a garda control room to a unit on their way to deal with a call.

Recommendation 10.10

The Inspectorate recommends that the Garda Síochána reviews the system of PULSE warning markers and sources an IT solution to ensure that markers are automatically flagged to an address or an incident on PULSE to which that person is connected. (Medium term).

Publishing Wanted Suspect Details

Criminal Intelligence Officers (CIOs) often circulate details of warranted persons on garda bulletins to ensure that local gardaí are aware of the existence of a warrant. In other jurisdictions, police services also use national and local media to publish photographs of most wanted persons and engage the public in helping to find them. This is well received by the public and can generate information about where people might be found.

Recommendation 10.11

The Inspectorate recommends that the Garda Síochána seeks opportunities, such as media, to engage the general public in helping to find wanted persons. (Short term).

Garda Responsibilities for Managing Warrants

There are different systems for managing warrants in the DMR and across the rest of the country. In the DMR, all bench warrants issued by the city courts go to one central point at the Bridewell Station where the warrant is retained. Outside of Dublin City, warrants are sent to district stations where they are held and entered onto PULSE.

A warrant is sent to the garda district where a person lives and that district has responsibility for executing the warrant. This is a sensible approach in terms of making enquiries, but creates a cost and time issue when a person is later arrested for another offence that was committed a long way from where they live. With penal warrants, when information is received that a person has changed their address, the warrant should be transferred to the district in which the person now lives. With bench warrants, a garda district will retain the warrant, irrespective of whether the offender moves at a later date.

Some divisions have, or are in the process of amalgamating, district warrant units to move to a more centralised approach. One district visited received an additional 3,500 warrants as part of an amalgamation of two districts warrant units.

10.5 Warrants Received, Executed and Cancelled

The Garda Síochána receives and manages high numbers of warrants. Chart 10.1 shows the numbers of warrants that were on PULSE awaiting action as of 1st January for the years 2012 to 2014. The term "On Hand" refers to the numbers of warrants recorded on PULSE and this represents the total number across all twenty-eight divisions.

Chart 10.1
Warrants on Hand in all Divisions
1 January 2012 to 1 January 2014

Warrant Type	On Hand 1 Jan 2012	On Hand 1 Jan 2013	On Hand 1 Jan 2014	% Reduction in Warrants on Hand between 1 Jan 2012 - 1 Jan 2014
Bench	31,645	30,895	31,166	2%
Committal	3,128	2,863	2,552	18%
Penal	89,259	88,702	88,618	1%
Total Warrants	124,032	122,460	122,336	1%

Source: Data supplied by the Garda Síochána

As outlined in the chart, the numbers of warrants in the three categories has reduced slightly, but there has not been a significant reduction since 2012. There are still over 122,000 outstanding warrants and over 31,000 outstanding bench warrants.

Execution of Warrants in 2013

Chart 10.2 shows the numbers of new warrants received in 2013 and the total number of new and existing warrants that were executed.

Chart 10.2

Execution of Warrants in 2013 all Divisions

Warrant Type	New Warrants Issued & Received	Total Warrants Executed	New Warrants Executed	Old Warrants Executed	% of Total Warrants Executed that were New [4]
Bench	19,728	17,330	15,445	1,885	89%
Committal	1,114	1,001	801	200	80%
Penal	46,035	32,019	25,911	6,108	81%
Total Warrants	66,877	50,350	42,157	8,193	84%

Source: Data supplied by the Garda Síochána.

The Garda Síochána executed 50,350 warrants in 2013, as outlined in Chart 10.2. Of the total number of warrants executed in 2013, 84% were new warrants and a much smaller percentage of warrants dating from previous years were executed. As time moves on, the historical warrants are much harder to execute.

Cancellation of Warrants

Chart 10.3 shows the numbers of new and old warrants that were cancelled in 2013.

Chart 10.3

Warrants on Hand in all Divisions
1 January 2012 to 1 January 2014

Warrant Type	Total Warrants Cancelled	New Warrants Cancelled	Old Warrants Cancelled	% of Total Warrants Cancelled that were New
Bench	1,679	674	1,005	40%
Committal	369	86	283	23%
Penal	11,001	4,821	6,180	44%
Total Warrants	13,049	5,581	7,468	43%

Source: Data supplied by the Garda Síochána

A total of 13,049 warrants were cancelled in 2013. The chart shows the comparison between the old and the new warrants that were dealt with in this way. It shows that a large number of new warrants received in 2013 were cancelled. For example, 40% of all bench warrants cancelled in 2013 were new warrants. In terms of high volumes of cancellations, older warrants accounted for 57% of the total that were cancelled. Without the cancellation of large numbers of warrants the Garda Síochána would be unable to reduce the number of warrants in existence.

Missing Warrants

Chart 10.4 shows the numbers of warrants that are missing.

Chart 10.4

Warrants Unaccounted for as of
31 December 2013

Warrant Type	Missing Warrants
Bench	526
Committal	85
Penal	3,152
Total Warrants	3,763

Source: Data supplied by the Garda Síochána

Chart 10.4 shows that there are 3,763 warrants that are unaccounted for. Warrant units informed the Inspectorate that some warrants are lost in transit from the court to the garda station and from garda station to garda station. Some warrants may also have been removed from a warrant unit in order to execute a warrant, but are not always returned. It is important that copies of warrants should always be taken if a warrant is going to be removed for an enquiry to execute it.

Warrant Unit Staffing Levels

During the field visits, the Inspectorate visited warrant units in each division. The Inspectorate found a wide variation in terms of the numbers of warrants and the staffing levels assigned to different warrant units. It was noted that some of the districts with very high volumes of warrants had disproportionately fewer staff.

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4   A new warrant is a warrant issued in that year.

Historically, warrant units operated with significantly fewer staff and in one district, up and until 2010, only one garda was managing warrants. This has resulted in a back log of historical warrants and in one district 85% of the warrants in existence are over four years old. The Inspectorate is aware that the Garda Síochána is now investing more resources into managing warrants, but the prior low staffing levels have resulted in a large number of unexecuted historical warrants.

Warrants are generated daily by courts and police services need to have appropriate staffing levels and systems in place to make sure that actions are taken to execute them. From visits to divisions, it is clear that in some districts, all gardaí are involved in executing warrants, but in other districts the function is left solely to the warrants unit. The effective management and execution of warrants needs the participation of all garda units.

The data on warrants showed one district receiving approximately 3,000 new warrants a year. As a result, that district needs to execute or cancel eight warrants a day just to maintain the current levels.

Currently, districts manage their own warrants. The Inspectorate believes that warrants should be managed on a divisional basis. This would provide far more consistency in dealing with warrants and provide more resilience with warrant unit staffing levels.

The Inspectorate established that some warrant unit support staff do not have the same level of access as gardaí do to PULSE intelligence and to prison data. The Inspectorate was unable to establish any reason for different authority levels.

Recommendation 10.12

The Inspectorate recommends that the Garda Síochána provides the same level of access to garda and partner agency IT systems for all warrant unit staff. (Short term).

Executing Warrants

Responsibility for executing warrants rests with the investigating garda for the original offence and the warrant unit where they exist. Bench and committal warrants carry the highest risk and are a priority for warrants units.

It is very important that a garda completes sufficient checks to make sure that a warrant is in existence, before making an arrest. The actual warrant is usually retained by a warrant unit. Outside of office hours, warrant units are locked and there can be difficulties in gaining access to retrieve the warrant. It is particularly challenging when an offender is wanted in several divisions. In these cases, the arresting garda must locate the warrants and charge sheets in preparation for a court appearance. Where a person is wanted at several courts, they can be taken before the local district court on all matters.

Most warrant units suggested that it would be good practice to scan a warrant onto PULSE, where it would be available at all times. Where a warrant is held at a garda station far from where a person is arrested, a faxed copy is usually sent to the station of the arresting garda. Most, but not all courts are willing to accept a copy of a warrant. The Inspectorate agrees that scanning would provide a more efficient process.

There are also difficulties in locating an original court charge sheet to make it available to the court where the person is appearing. Where a person is arrested a long way from the court of issue, a person is placed before the local district court. A lot of garda time is wasted in searching for the actual warrant and the charge sheet from the court. If the warrant and charge sheet is located at a garda district that is a long way from where the person was found, it can require a significant time and resource investment to execute.

Persons arrested on warrants issued by circuit courts and the High Court must appear before the issuing court. If the court is unavailable at the time, the Garda Síochána has to arrange a special court sitting. This is expensive to arrange.

The Inspectorate believes that the inefficiencies involved in re-uniting the original warrants and the charge sheets and the need to arrange special courts need to be resolved.

Charging with Failing to Appear at Court

Where a person bailed from a garda station or from a court, has signed a bond and fails to attend court, they commit an offence under Section 13 Criminal Justice Act 1984. This offence does not apply for failure to attend court when a summons was issued. The Inspectorate was informed that charges are not always brought in these cases. This is very important in future cases, where a gardaí might want to object to bail. A charge under Section 13 can be raised as an objection to bail in future court appearances. A failure to charge for such an offence, removes the opportunity to raise this as an objection to granting bail.

The offence becomes statute barred after twelve months and a person arrested outside of this time period cannot be charged with this offence.

Recommendation 10.13

The Inspectorate recommends that the Garda Síochána initiates a prosecution for persons, who having entered into a bond fail to appear at court. (Short term).

Enquiries to Find People

During visits to garda stations, the Inspectorate looked at the activity conducted to execute warrants. In some divisions, it was clear that there were concerted efforts by all gardaí to try to execute warrants. In other divisions some gardaí held a view that warrants were the remit of a warrant unit. The experience in other jurisdictions is that warrants are only well managed when detectives and all uniform police play their part in regularly executing warrants. Many districts have purges and warrant arrest days, but this sort of activity only provides unsustained reductions in warrant numbers. Long term impact requires daily and concerted activity.

Warrant units make a number of enquiries to locate people, including checking PULSE criminal intelligence and contacting other agencies. Some of these enquiries often establish that the address attached to the warrant is false or that the person does not exist (see also Part 8).

Warrant units send letters to people asking them to hand themselves in at a garda station. This is a tactic used in other policing jurisdictions and it helps to reduce the numbers of warrants. One district warrant unit reported a very good response to their letters and on the day of the visit, the Inspectorate was informed that fourteen people had presented themselves at the garda station in connection with outstanding warrants. On checking PULSE, the Inspectorate found examples where the letter appeared to be a once off event and there was limited evidence of any follow up action such as a visit to the address. Whilst letters are a valid option, further action is needed where a person does not present themselves. The letter viewed by the Inspectorate was softly worded and the Inspectorate believes that it could be worded more robustly to highlight the ramifications for a person who fails to hand themselves in.

Where a garda finds a person wanted solely on a bench warrant, they have a duty to arrest the offender and to bring them to the next court sitting. This involves the arresting garda going to court and giving evidence of the arrest. Where a person is arrested for other crimes as well as the warrant, a court presenting officer can deal with the case and the arresting garda is not required to attend. As highlighted in Part 8, some gardaí informed the Inspectorate that arrests are sometimes not made, as this requires the arresting member to attend court.

On the day of visiting a district warrant unit, the Inspectorate was informed that two gardaí had travelled a long distance to Dublin with an arrested person. These gardaí needed to find the warrant and the charge sheet and attend court to give evidence of the arrest. There is a significant cost in this scenario and the gardaí were effectively lost to operational policing for the whole day. The Inspectorate believes that a court presenter should present all arrests on warrant for the first appearance at court and that the requirement for an arresting garda to attend court should be removed. During Inspectorate visits, warrant units expressed

their frustration that suspects are released from garda custody without executing existing warrants or on some occasions bench warrants are executed, but penal warrants in existence for the same person are not. A consistent policy and practice is needed.

Arrest Enquiries

PULSE has a tab that is available to record all attempts and actions to find a person and execute a warrant. It is important to record all activity on PULSE to show the attempts made to execute a warrant. Many warrants checked by the Inspectorate appeared to have had little or no action recorded on PULSE. In some cases, action was recorded that a letter was sent, but it tended to be a once off action, without any further activity. Checks with other agencies such as Social Welfare were not always conducted in good time. In one case sampled, it took three years to conduct a check that identified a possible address for the offender. All warrant units said that gardaí are sent out to addresses to make enquiries, but the dip sample on PULSE found little activity recorded. A failure to conduct activity or to accurately record activity has serious implications if an offender goes on to commit a more serious offence. It can also contribute to a failed application to have a warrant cancelled, if the court is not convinced that sufficient efforts were made to execute the warrant.

Historical Warrants

The Garda Síochána has a high number of historical warrants that date back many years and in some cases, over sixteen years. The Inspectorate examined several cases of historical warrants and found that in many of these cases very little action has been taken to execute these warrants. Many of the original crimes investigated at a much earlier date may not now be capable of evidential proof. Also, witnesses in cases that are sixteen years old may not still be available. The Inspectorate believes that it is necessary to formally review these warrants to see if they are still evidentially capable of proof. If not, and in cases of minor offences, it may be appropriate to have the warrants cancelled.

Recommendation 10.14

The Inspectorate recommends that the Garda Síochána conducts a review of historical warrants to establish if the original case is still capable of proof. (Short term).

Cancellation of Warrants

Gardaí can return to a court to apply for the cancellation of a warrant. In such cases a court would expect extensive enquires to have been conducted to find the person. This occurs in cases of less serious crime and where it is established that the offender provided false details or is no longer living in this jurisdiction. One judge hears all applications for cancellations in the Dublin area. The judge is quite rightly robust in approach with an expectation that gardaí have made exhaustive enquiries to find the person. If a case involves a more serious offence, then the DPP should always be contacted to seek the authority to cancel the warrant. The Inspectorate was informed that gardaí apply to cancel warrants for serious crimes. The cancellation of a warrant for a serious crime is not something that the Inspectorate would encourage.

In all of the visits to warrant units, the Inspectorate did not find a clear and current policy providing guidance as to when a warrant may be cancelled. In the absence of a policy, there is an inconsistent approach, whereby some districts are cancelling bench warrants and some are not.

Recommendation 10.15

The Inspectorate recommends that the Garda Síochána develops a standard policy about when a warrant can be cancelled. (Short term).

Bench Warrant Examinations

The following are cases highlighted to the Inspectorate during visits to warrant units.

Bench Warrants

Case 1

A warrant office had twenty warrants for a person who cannot be identified and there are no fingerprints or addresses that can be checked to verify the identity of the offender. Requests have been sent across the country to different districts asking for any additional information that could help to identify the person. To date very few districts have replied to the requests. In one case of shoplifting in 2006, the arresting garda is unable to remember the case. To date, eighteen of the twenty warrants have already been cancelled and it unlikely that the other two warrants will be progressed.

Case 2

An eight year old bench warrant for theft, where there are no fingerprints, photos or other identification opportunities. The arresting garda is unable to recall the incident. This warrant remains unexecuted and there is no likelihood of an arrest.

Case 3

A person was stopped in a car and provided false details. It was established that the driver did not have insurance and was arrested and the car was seized. The driver was later released without executing two bench warrants and nine penal warrants.

Case 4

A garda changed an address for a person wanted on warrant and the new address was in another garda district. This warrant was transferred on PULSE and was sent to the district responsible for the new address. The garda that had changed the address and sent the warrant to the new district went back onto PULSE and accepted the warrant on behalf of the new district.

Case 5

A garda stopped a person and later completed an intelligence report on PULSE stating that after dealing with the subject and letting them go, the garda established that the person was actually wanted on warrant. At a date after that event, the same garda stopped the same person and entered another intelligence record with the same reason for not arresting.

Miscellaneous Issues

- In one division, the Inspectorate found that there are many bench warrants in excess of ten years old, where no enquiries have been made to arrest the persons.
- People are arrested at garda stations, but garda are unable to find the warrant and they are released.
- People stopped at the road side are not always arrested for outstanding warrants.
- People are arrested and taken to court, but sometimes charge sheets and warrants cannot be found and cases are struck out.
- Enquiries are sent to other districts to make arrests. Warrant units often receive no replies to such requests.
- Multiple identifications for the same suspect on PULSE make identifications more difficult.
- Some of the addresses shown on warrants do not exist.

The above cases highlight key issues in respect of the management of warrants and failures to execute them. In Case 3 a suspect in garda custody was released without the execution of a significant number of warrants.

Following a Garda Síochána review of the Guerin Report, a new system will shortly be introduced that requires a sergeant or a member in charge of detained persons at garda stations to cover five key points before a person is released from custody. This includes ensuring that the person is not wanted on warrant.

Activity Sampling

The Inspectorate visited warrant units and examined PULSE records for outstanding warrants. A random selection of twenty warrants were dip sampled to see what action was taken and when. Chart 10.5 outlines the results of that dip sampling.

Chart 10.5

Warrant Activity PULSE

Date/year Issue	Offence	Warrant Type	Activity Details	Dates of activity
2008	Drink driving	Penal	Nothing recorded on PULSE	Not applicable
2014	Public Order Act	Bench	Nothing recorded	Not applicable
2014	Public Order Act	Estreatment	Nothing recorded	Not applicable
Oct 2013	Unauthorised taking	Penal	Letter	2013
Dec 2009	Theft	Bench	Check at address	March 2010
			Check at address	2013
			Social Welfare check – new address obtained	2014
Dec 2012	No offence recorded	Bench	Letter sent	July 2013
Jan 2004 and 2009	Theft – two warrants	Bench	Suspect gone from address	2005
			Whereabouts not known	2011
			Social welfare check	2014
July 2011	Traffic	Bench	Social Welfare check – found letter sent	2014
Feb 2002	Public Order	Bench	Called at address	2009
			Check made	2013
July 2007	Theft	Bench	Checked address	2009
			Social Welfare Check	2014
June 2012	No Insurance	Bench	Social Welfare Check	July 2014
Oct 2012	No offence recorded	Penal	Letter sent and tried to call	Nov 212
June 2013	Public Order	Penal	Nothing recorded	Not applicable
June 2013	Public Order	Penal	Nothing recorded	Not applicable
May 2013	Driving offences	Penal	Letter sent	May 2013
Oct 2008	Criminal Damage	Bench	Nothing recorded	Not applicable
2005	Theft from shop	Bench	Address checked	June 2005
			Letter sent	2007
			Transferred to Limerick – not known at the address	2012
2006	Fraud	Bench	Nothing recorded	Not applicable
2009	Drink drive	Bench	Address checked	2009
2009	Unauthorised taking	Bench	Check with landlord	Apr 2010

Source: Data obtained from sampling warrants by Garda Inspectorate

Chart 10.5 includes some examples where:

- No activity is recorded on PULSE;
- Long periods without activity recorded;
- Once off letters sent to wanted suspects without follow-up;
- Checks with Social Welfare that took several years to complete.

Dealing with Penal and Estreatment Warrants

Penal warrants are issued for non-payment of fines and, as discussed earlier, estreatment warrants are issued in connection with a bond set by a court. Penal and estreatment warrants account for the vast majority of warrants that are in existence and gardaí have a duty to collect fines or to bring a person to prison in lieu of the non-payment.

Penal warrants are not enacted until thirty-one days have elapsed from the date of warrant issue and the fine remains unpaid. Considerable delays can arise in sending the penal warrant from a court to the district station. Some districts reported that delays of up to three months in receiving warrants.

Warrant units informed the Inspectorate that they received a notification not to execute estreatment warrants that were issued before 2013. As a result, thousands of such warrants were cancelled.

In other policing jurisdictions, non-payment of fines is not a matter for the police and there is no actual police power of arrest in respect of non-payment of fines and outstanding fines are managed by the court service. These are treated as administrative processes and are not the responsibility of police.

The Inspectorate does not believe that the Garda Síochána should be dealing with penal and estreatment warrants and should be released to concentrate on the more serious warrants in their possession.

Renewals of Warrants

Bench warrants are not statute time bound, but a penal warrant expires after six months and if unexecuted must be renewed by the issuing court. In many cases penal warrants lapse and are not renewed. Some of the busier warrant units reported receiving very large numbers of penal warrants at any one time and that volume is a reason for not renewing penal warrants after the six month period. Some districts only renew a penal warrant if the person comes to notice at a future date. This approach delays the process of an arrest, as they have to go back to the court to apply for a renewal and then to try and find the person again.

A warrant unit explained that where a penal warrant was issued in another court area, it has to be sent back to the court of issue for a renewal. This warrant unit has sent a considerable number of warrants back to the courts of issue for renewal. Some of these requests date back two years and they have not received any responses.

Lodging Persons in Prison

When a penal warrant is executed, the gardaí have a duty to collect the attached fine. Where a person refuses to pay the fine, a garda should not take a person to a garda station, but should take them directly to the prison named on the warrant. In some cases, this is not always the nearest prison. Many of the prisons do not accept people on warrants on certain days and after certain hours. This presents a dilemma for the gardaí and particularly late at night and at weekends. Sergeants and gardaí dealing with persons arrested on penal warrants explained that they often spend several hours trying to get a prison to accept a person. In the interim, gardaí are taking people to garda stations. Sergeants informed the Inspectorate that prisons are often contacted outside of the stated hours and are informed that they are delivering people to them as the Garda Síochána has no power to detain them.

Time Served

Penal warrants have a wide variation in the numbers of days to be served in lieu of non-payment of a fine. This can range from two to several hundred days. The taking of a person to a garda station is automatically registered as one day served and if kept overnight, they have technically served two days.

When a penal warrant is received, the warrants unit check with prison lists to see if the person served a term during periods that coincide with the penal warrant. If the person has served time,

albeit on a different matter, the penal warrant may be shown as executed as time is already served. To clarify this matter, the warrants unit contact the prison and resolve this by confirming the dates of imprisonment.

For divisions close to a male or female prison, the conveyance of a person to prison is a much easier proposition than it is for those divisions located further away. The following examples show the day to day reality of executing such warrants.

Penal Warrants – Case Studies

Case 1

A persistent female offender in a rural division is regularly arrested for offences such as theft from shops. The offender is charged and court cases usually result in a fine. The person does not pay the court fine and a penal warrant is issued. The local gardaí are unable to persuade the person to pay fines and eventually the offender is arrested on a number of penal warrants. The offender needs to be taken to a female prison in Dublin. If a station van is unavailable, three gardaí are sent to escort the person to Dublin. All three gardaí are lost from front line policing for the day and will incur expenses as they are away from their district. On arrival at the prison the offender is often released immediately.

In many cases, where a person is unable to make their way home, the gardaí may take them home or the prison may pay for a taxi.

Case 2

A male arrested in Dublin was taken to a Dublin prison escorted by gardaí. On arrival back at the garda station, the officers found a coat left by the person on the back seat of the patrol car. One of the gardaí went to the person's home address to leave the coat with relatives, but was met by the person who had arrived back from prison.

Case 3

A warrant unit arrested a male on three penal warrants totalling €4,000 with 225 days imprisonment attached. At the time of the arrest the warrant unit had only located one of the warrants and the offender was taken to prison. The sergeant from the warrant unit located the other two penal warrants and later that same day drove to the prison to hand over the other two warrants. By the time the sergeant arrived at the prison the person had been released.

Miscellaneous Cases – Other Agencies

- TV licence case where the penal warrant was in the name of a baby that lived in the household.
- Dublin Bus case, where there was no date of birth for the offender, the address is unknown and the warrant is likely to be cancelled immediately.
- Penal warrants in false names and false addresses where inspectors from other agencies do not have the power to demand identification.
- A Revenue case where Revenue would not provide a date of birth for the person unless the warrant unit applied under the Freedom of Information Act.

These examples show a small fraction of the daily waste of resources across the criminal justice system, including garda time and money in dealing with offenders who do not pay their fines. In these examples, the cost of lost time and, in the example of driving from the rural division to Dublin and back, far exceeded the value of the original fines. The current system is not best use of garda time and is taking significant resources away from patrol duties.

Value of Paid and Unpaid Fines

The value attached to penal warrants differs greatly from relatively small sums to many thousands. Gardaí contact people to collect fines and only accept cash in payment. Generally it is the same people who pay and the same people who do not. There is very little incentive to pay, as many people know that they may not in fact spend any time in prison.

In two warrant units, the total value of Penal and Estreatment fines that were part of outstanding warrants amounted to €3.4m in one district and just under €1m in the other. The latter district collected only €22,000 in unpaid fines in 2013 and €15,000 to date in 2014. There is a significant amount of money in unpaid fines that will effectively never be collected. The effort and cost that is currently invested in dealing with penal warrants at each district is completely disproportionate to the return in revenue and the time served in prison.

The Inspectorate believes that this is a very inefficient scheme that takes gardaí away from core policing functions. It is a process that is open to abuse and the fines that are attached are not being paid by regular defaulters and custodial sentences are not always served.

The Garda Inspectorate Report on the Fixed Charge Processing System made recommendations about how penalty notices could be handled and with a view to reducing the number of summonses and warrants that are generated.[5]

The Inspectorate welcomes the new Fines Act commitment to introduce attachment of earnings to recover unpaid fines. Criminal justice agencies need to work together to create an efficient system for dealing with such cases.

European Arrest Warrants

The number of European Arrest Warrants (EAWs) is increasing, with many people wanted in other countries living in Ireland, and many people wanted in Ireland, often fleeing to other countries. In 2005, there were five EAW's, rising to a peak of 400 in 2009.

The Garda Síochána has an Extradition Unit that deals with the more complex cases and those offenders believed to be in Dublin. Other cases are sent out to districts to try and find those who are wanted. Currently, the Extradition Unit is dealing with sixteen cases. European Arrest Warrants have to be certified before the High Court prior to entering EAWs on PULSE. The process of extradition can be complex and it requires a level

of specialist knowledge. Some European countries are circulating details of all offenders, even in cases of very minor offences. Some of the offenders for crimes committed in Ireland are also for less serious offences and when a person is arrested abroad, there is an obligation to bring them back and in some cases to go and collect them. When a person, who is going to be sent to another country is considered a safety risk, the police service involved may collect them or the Extradition Unit may travel with them.

Search Warrants Outside of Court Hours

Throughout the inspection, investigating gardaí of all ranks have raised difficulties in obtaining warrants to enter premises outside of court sitting hours. This includes obtaining warrants for serious crimes such as murder. It is not unusual for this process to take three to four hours and this can significantly delay an entry into premises to conduct an arrest or to search for evidence of an offence. Where a suspect may be in possession of a firearm or other weapon, any delay to the process of obtaining a warrant may result in additional safety risks to the public or to the police. In the case of a warrant to search for drugs, a Peace Commissioner can issue a warrant. This is a far quicker process and one that is generally used for all types of warrants in most other policing jurisdictions.

With less serious crimes, the Inspectorate was informed that delays might deter a garda from trying to obtain a warrant for an address that should be searched.

Future of Warrant Management

In summary, warrants are a high risk area for any police service and at present there are vulnerabilities in the way that the Garda Síochána manages warrants. The Inspectorate found no correlation between the numbers of warrants and the numbers of staff employed in warrant units. Many units were staffed by gardaí on restricted duties, who were unable to leave the station to arrest people, but were able to conduct telephone enquiries and PULSE intelligence checks to find people. There are roles in warrant units that do not require sworn powers and there are opportunities to increase the number of support staff assigned to these units.

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5   Report of the Garda Síochána Inspectorate, The Fixed Charge Processing System, A 21st Century Strategy,

The Inspectorate believes that the Garda Síochána should move away from district warrant units to a divisional approach. This would bring small numbers of staff together into one central point and provide a consistent approach to the way that warrants are managed. In the cities there are opportunities to have one centralised location for warrants and warrant units. For example, within the DMR, the Inspectorate believes that warrants could be centralised at the Criminal Courts of Justice (CCJ), which would ensure that all warrants and charge sheets are situated in one place. A dedicated warrants court at the CCJ could be used to deal with all persons on the first warrant appearance. The Inspectorate also recommends a change in the law to allow court presenters to provide evidence of an arrest on a warrant.

Recommendation 10.16

The Inspectorate recommends that the Garda Síochána develops a Standard Operating Procedure for the management of warrants. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Move to a divisional approach for the management of warrants;

- Confirm that all warrants are entered onto the PULSE system;

- Ensure that all reasonable opportunities to execute a warrant are explored and entered on PULSE;

- Provide for good supervision around dealing with warrants and failures to execute warrants;

- Provide appropriate staffing levels in all warrant units;

- Ensure that a person in garda custody is never released without searching for and executing outstanding warrants.

Recommendation 10.17

The Inspectorate recommends that the Department of Justice and Equality convene a multi-agency working group to examine and consider the following changes to the processing of warrants. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Develop a centralised location for warrants and charge sheets;

- Provide for a centralised and dedicated warrants court;

- Reconcile court warrant records and PULSE warrant records;

- Remove the requirement for an arresting garda to attend court on the first appearance for a person arrested solely on a warrant;

- Develop a system to ensure that warrants are placed on PULSE immediately;

- Review the requirement for High Court and Circuit Court bench warrants to return to those courts on a first appearance;

- Consider the scanning of warrants onto PULSE and the acceptance of the scanned PULSE copy by the court in the absence of the original warrant;

- Review the process of managing penal, estreatment and similar warrants and consider other options for the recovery of non-payment of fines;

- Review the practice of issuing stayed warrants;

- Review Section 13 Criminal Justice Act 1984 in respect of the twelve month time period to bring a prosecution to court;

- Improve the process for obtaining search warrants out of court hours;

- Consider the use of electronic committal warrants from courts to prisons.

10.6 Bail

Bail is a high risk area for any police service. People on bail are those charged or summonsed for an offence and, having appeared at court, are released, pending the conclusion of their case. Some people released on bail are subject to certain conditions intended to protect victims and communities and to ensure that a person returns to court.

Release from Garda Stations

Whilst the Garda Síochána do not grant bail, they make the first decision in respect of whether to keep a person in garda custody prior to court or to release a person under their own recognisance to attend court. Following a decision to charge a person, a Station House Officer (SHO), or a member in charge, is the responsible person for making a decision about whether to keep a person in custody. The decision can be influenced by many factors including the seriousness of the offence, whether the identity of the person is known and whether there are reasonable grounds to suspect that the person will not turn up at court. This is an extremely important process as the responsible person has to decide whether to release someone to attend court. The decision to release a person to appear at court with or without a surety is known as "station bail". A failure to attend court will result in the issuing of a bench warrant. Where a person is kept in custody, the reason for doing so should be recorded in the custody record and on the court case papers. People kept in custody are taken to court at the next available sitting.

The Inspectorate was informed that persons who should be kept in custody are sometimes released on station bail, when the local court is not sitting on the next day. In such cases, according to the law, the person should be taken to another court with jurisdiction. The Inspectorate was also informed that the majority of people are released from custody on station bail.

Cash Lodgements

The Garda Síochána can take a surety, or cash lodgement, prior to releasing someone from a garda station for later attendance. This lodgement can be forfeited if a person does not turn up at court. This system is infrequently used in some divisions and is never used in others. Clarification is needed as to whether it is garda policy to use this process and to ensure a consistent approach to its use.

Court Bail

The decision to grant bail in a particular case is a matter for the court, which is, subject only to the Constitution and the law, independent in the exercise of its judicial functions. There is a constitutional presumption in favour of bail, since, in the eyes of the law, a person is innocent until proven guilty. While the Garda Síochána may propose conditions to be attached to bail in a particular case, the conditions of bail will be a matter for the court to decide.

Bail is a form of conditional release and is granted upon the person entering into a recognisance, with or without a surety, to turn up for their court case. Bail also needs to be considered following a person's conviction, where the person wishes to appeal against the conviction or the sentence imposed. Not everyone that appears at court presents a need to be kept in custody. There are however, some dangerous or prolific offenders that, if released on court bail, may present a risk to public safety. These individuals provide the highest risk to communities.

There are two distinct legal grounds for objecting to the granting of court bail. There are objections that can be given under Section 2 of the Bail Act 1997 and there are the O'Callaghan Rules.

The criteria governing the granting or refusal of bail were laid down by Hanna J. in *The State v Purcell*.[6] These were:

1. The seriousness of the charge faced by the accused;
2. The severity of punishment imposed by law;
3. The strength of the case against the accused;
4. The prospect of a reasonably speedy trial;
5. The opposition of the Attorney General.

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6 [1926] I.R. 207

A further criterion was added; if there was evidence that the accused was likely to interfere with the course of justice, the court would be entitled to consider this as material against granting bail.

The argument of including the likelihood of committing further offences whilst on bail was rejected by the Supreme Court. However, Article 40.4.7 of Bunreacht na hÉireann[7] provided that "provision may be made by law for the refusal of bail by a court to a person charged with a serious offence where it is reasonably considered necessary to prevent the commission of a serious offence by that person."

The Bail Act 1997 defined a serious offence, as an offence that is punishable by at least five years imprisonment. A member of any rank may give evidence in proceedings under Section 2 of the Bail Act. In determining the issue of bail, a court must have regard to factors such as the:

- Nature and gravity of the offence and the likely punishment;
- Strength of evidence;
- Previous convictions and convictions in respect of offences whilst on bail;
- Seriousness of offence;
- Any other offence with which the accused is charged and is awaiting trial.

O'Callaghan's Case

The *People v O'Callaghan* is a Supreme Court decision in 1966, which still applies today. This case set out a number of factors, which a court should consider when deciding whether an accused should be granted bail. These are matters to which regard may be had in endeavouring to answer the fundamental question of whether an applicant for bail will evade justice by failing to appear for his or her trial or by interfering with witnesses, jurors or evidence. O'Callaghan's case recognised the presumption of innocence of the accused and that the primary purpose of granting bail is to secure the attendance of the accused to meet the charges. It is up to the prosecution to show that the accused is likely to attempt to evade justice if granted bail.

Section 2A of the Bail Act provides for an officer not below the rank of chief superintendent to give evidence of his or her belief that refusal is reasonably necessary to prevent the commission of a serious offence. This is used by some divisions, but not all and is particularly used in cases where offenders are involved in serious crime and organised criminal networks.

A breach of bail or a failure to attend court will result in the issuing of a warrant for the persons arrest and the forfeiture of any sum of money lodged either by the person or a third party on their behalf.

Understanding and Application of Bail by the Garda Síochána

The Inspectorate found an inconsistency in objecting to bail and when to use Section 2 Bail and the O'Callaghan rules. An example of the knowledge gap included an understanding of the definition of a serious offence under the Bail Act, which is different from the usual definition with serious crimes. Under the Bail Act, this would include offences such as shoplifting, which would not usually be defined as a serious offence. In Dublin, a knowledge gap was identified in respect of bail and its application and a sergeant has been assigned, who is a trained barrister, to deliver training across the city.

Risk of Complacency

In regard to objecting to bail, the Inspectorate found that there was a general perception from gardaí that all people get out on bail and that there is no point in objecting. An example was given where a person was arrested for shoplifting, charged and sent to court. The person was released from court and went straight out and committed a further shoplifting offence. The same process was followed, the person was charged and sent to court, but was again released on court bail.

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7   Article 40.4.7 of the Constitution was inserted by an amendment of the Constitution (the Sixteenth Amendment of the Constitution, approved by referendum in 1996.

Some senior gardaí raised concerns with the Inspectorate about complacency with the bail system. As a result, gardaí may not always object to bail in circumstances where objections should be raised.

Applications for bail are granted in the absence of objections by the gardaí. The Inspectorate was informed during court visits that there are some cases where the courts were surprised that a garda did not object to bail. Complacency in objecting to bail is a real and significant risk to public safety. The Garda Síochána must ensure that decisions around bail are always carefully considered and objections are raised in appropriate cases. This is an area that requires close supervision.

In other policing jurisdictions, where the person charged is a dangerous or prolific offender, it is seen as good practice to send a detective supervisor involved in the case to attend court to assist with any questions that a court may wish to ask. This ensures that an experienced officer, with good knowledge of the offender, and the crime committed attends to present the objections to bail. This is an approach that is used by some but not all of the divisions visited as part of this inspection.

High Court Bail Appeals

Where a person appears at a district court and is remanded into custody until the next court appearance, they can appeal the refusal of bail. All bail appeals are heard at the High Court. This court sits on a Tuesday and a Thursday and whilst most of the appeals concern Dublin cases, cases from all over the country are also presented, requiring gardaí to travel long distances to attend the hearings. In some cases video link has been used, but there are still a large number of officers travelling on a weekly basis. This is an expensive process and is taking gardaí away from other duties. Even within the Dublin area, ten local sergeants may be in attendance to deal with their district's cases. This is not best use of garda time. The Inspectorate believes that other options should be considered, such as managing appeals at local circuit courts and the use of a court presenting scheme if the High Court continues to deal with appeals. Gardaí should not be travelling long distances to attend hearings and if evidence

is required, it should be delivered by video link. Gardaí also expressed a perception that people who appeal at the High Court will usually get bail.

Court Bail Conditions

A good way of managing a person, who is not remanded in custody to await trial, is to attach conditions to their court bail. This allows a garda investigator to ask a court for conditions, such as those designed to protect a victim or witness from further offences or intimidation. A court can impose a sum of money in the name of a bail bond to encourage a person to turn up at court, which will be returned if the person answers to their bail. A person released from court with bail conditions signs a bail bond to confirm that they are fully aware of the conditions that are attached. In the case of a young person, it is good practice to ensure that any such bail conditions are discussed with a parent or guardian to ensure that they are fully understood. A breach of any condition should be brought to the attention of a court.

On checking bail conditions attached to persons, the Inspectorate found that in many cases gardaí are asking for the attachment of multiple bail conditions. These included conditions of residence, a requirement to report to a garda station, a curfew, a requirement not to contact a victim and in some cases a sobriety condition. In other jurisdictions, conditions may include either a curfew or a condition to report to a police station. The use of multiple conditions creates challenges for the Garda Síochána in terms of ensuring that those conditions are monitored.

Notification of Bail Condition to the Garda Síochána

Unlike warrants that are entered onto PULSE by court staff or by warrant units, there is no similar process for updating PULSE with court bail decisions. This process relies heavily on a person to present themselves at a garda station with the details of their bail, or for a court presenter or investigating garda who was at court, to notify a district station that a person is on bail with conditions attached.

Bail conditions are not routinely going onto a person's PULSE intelligence record and again, unlike warrants, there is no PULSE warning marker

highlighting that a person is on bail. If a person is stopped and in breach of their bail, a garda may not always know that the person is on bail and the conditions attached.

Criminal Intelligence Officers (CIOs) in some districts are circulating bail conditions on internal bulletins. The Inspectorate met several CIOs who were not always told of persons on bail. CIOs should always be informed as they have responsibility for ensuring that this sort of information is circulated to all gardaí. The volume of people with bail conditions is making it difficult to keep gardaí up to date with developments.

A sergeant in Dublin that deals with the district's High Court bail applications, uses a subject's intelligence record to enter details of a person's bail decisions. This intelligence then is available to any garda that stops that individual.

Numbers on Bail

At the time of the Inspectorate's visits to garda stations, no division was able to accurately tell the Inspectorate how many people were on bail at that time and the conditions attached. There is a PULSE application to record those on bail and the details of bail conditions, but the Inspectorate found this is not always used. One district station tried to run an enquiry on PULSE to establish the number of people currently on bail at that station. PULSE was unable to provide the result as the number exceeded 1,000 records.

The Inspectorate supports the use of bail conditions, but such use needs to be appropriate and the Garda Síochána needs to be able to monitor compliance.

Signing on at Garda Stations

A common bail condition requires people to report to a garda station between certain time periods on a daily basis or on specified days of the week. In other jurisdictions this bail condition is primarily used for persons who may be a flight risk and enables a police service to monitor their daily movements. Even with a daily check it still provides a person with a twenty-four hour period in which to leave the country. The use of signing on at police stations is a reactive way of monitoring bail and relies on the individual attending at the set times. Outside of those times, an individual will know that they are unlikely to be monitored.

Other jurisdictions have moved away from use of this bail condition towards curfews. For those on bail for acquisitive crimes, requiring a person to sign on at a police station often brings them through areas where they have previously committed crimes or where they may be tempted to do so. Also, bringing large numbers of people on bail to police stations is mixing persons on bail with the general public and often with victims of crime who have come to garda stations. Apart from those on court bail, some people on temporary release from prison are also required to sign on at garda stations.

The obligation to attend a garda station with the details of their bail rests with the person on bail. The person brings a court record detailing the requirements for signing on and the bail conditions attached. If a person did not turn up and present themselves at the garda station, the Inspectorate was unconvinced that the systems in place would identify this. In the event that a person fails to sign on, the investigating garda should be notified immediately.

A 'signing-on book' is used in each garda station to record the times and dates when people attend. The stations visited by the Inspectorate had separate signing-on books for those on court bail and for those on temporary release from prison. The signing-on books have separate sections for individuals, but have limited space and after two months, a new section needs to be created. This results in multiple books in operation at any one time and is an inefficient process.

The following are key findings in respect of sampling the signing-on books at two garda stations.

Signing-on at Garda Stations

Signing-on Books

- There were multiple books for those on temporary release and those on court bail.
- There was limited space for recording entries in individual sections (62 entries per person per section). As a result there were entries for the same individual in multiple numbers of books.
- One individual had signed on for the last seven years (drugs case).

Details of the case in the signing-on book

- Limited details were included.
- No details of the offence for which they are on bail were recorded.
- No details of the next court appearance were recorded.
- Some entries had no information about the reporting details, e.g. to report daily.
- There was no information on the identity of the investigating garda (no name or contact number).
- No photograph or identifying features were included.

Reporting details

- There was no index to show who was due to sign-on during a particular day.
- The last entries in some sections dated back to January. There was no indication as why the person is no longer reporting.
- Entries were not shown as closed.

Failure to sign on

- The Inspectorate found many examples of gaps in signing-on conditions, but nothing was written on the entry to show that any action was taken.

Supervision

- There was a complete absence of any supervision of the signing-on books.

PULSE

- There is a PULSE tab for entering those who sign-on, but this was not routinely used.

The signing-on books were sparse in details about the person, the crime that they are on bail for, the investigating garda and, in some cases, the details about when they are supposed to sign-on.

There was no process in place for a daily check of the signing-on books to identify anyone that had failed to present themselves. In other policing jurisdictions, a person is nominated to check the signing-on book each day and to initiate immediate action for a person who has failed to sign-on. The paper based system witnessed by the Inspectorate is not pro-active and is not effective or efficient as a system to manage those signing on at garda stations. PULSE was not updated when people came to sign-on.

In other jurisdictions, where paper based systems are used, these include full details of the person signing on and the use of continuation sheets as required. The Inspectorate would question the use of garda stations for those on temporary release and whether these individuals should be meeting with a probation officer instead.

Curfews

Many police services have moved away from signing on at police stations to the use of curfews as a preferred option. This is a pro-active way of managing people on bail. The use of curfews is a good way of managing those who commit certain types of offences and to ensure that they are at their place of residence at particular times, usually during the night. Many curfews include a direction for people to make themselves available for officers calling on an address and this is referred to as 'door step' curfew. The gardaí are also now including the provision of a mobile telephone number in bail conditions to be available so that a person can be contacted directly. Checking compliance with curfews is crucial to ensure that people are at their place of residence.

Good Practice

> **In one district visited, the Inspectorate found that there was a very good system for checking people on curfews and ensuring that checks were completed. All persons subject to a curfew are visited at least once a day to check compliance and high risk individuals are sometimes visited on a second occasion. Those who fail to adhere to their curfew are taken back before the court for breach of their bail conditions. The checks are recorded in a bail management book as well as an intelligence report on PULSE. This is a good example of an effective system to manage people who are on bail and should be used as good practice across all divisions.**

This system was not replicated across the seven divisions and the Inspectorate found that monitoring arrangements were not always in place and curfew checks were not routinely allocated as tasks to be completed.

Breach of Bail

There is no power of arrest for breach of a bail condition. Where a breach of bail occurs, a garda should always bring this to the immediate attention of a court and a warrant can be issued for the arrest of the person. The absence of a direct power of arrest adds a delay in the process of bringing a person back to court. The Inspectorate was informed by senior gardaí that not all breaches of bail conditions are brought to the attention of a court. It was explained that some courts do not want people brought back for a single breach. Section 7 of the Bail Act 1976 in the UK confers a power upon the police to arrest a person if an officer has reasonable grounds for believing that a person is likely to break any of the conditions of bail or has reasonable grounds for suspecting that a person has broken any of those conditions. The Inspectorate believes that provision should be made for a power of arrest for any breaches or a likelihood to breach a bail condition.

The Inspectorate has been advised that a General Scheme of a Bail Bill has been drafted. It is proposed to bring forward a number of amendments to improve the operation of the Bail system.

Committing Offences on Bail

There are a number of prolific offenders who regularly commit offences whilst on bail. During the visits to district stations, examples were provided where an offender had 142 convictions, of which 123 were committed on bail and another offender with 192 convictions of which 148 were committed whilst on bail. In such cases, it is difficult to extract the information from PULSE to present to a court.

The Inspectorate examined a prolific offender's history to establish the problems with obtaining this sort of data. In the PULSE Bail Catalogue, the Inspectorate were unable to read the whole narrative of a case and had to cut and paste the information into a Word document in order to see all the information. PULSE only allows viewing of one case at a time and it is very time consuming to view all records for a prolific offender.

Another difficulty encountered with PULSE is the absence of court results for cases that have been completed. In some cases, the missing court results are for serious offences. Enabling a full picture to be presented to a court requires considerable work by the garda dealing with the offender and in some cases, necessitates the garda having to contact investigating officers in other cases to establish the outcome of those cases. For an offender in custody, this is an impractical situation. Given time constraints, some offenders may be placed before the court without the disclosure of the full offender history. This issue is further discussed in Part 11.

The current management of bail is a high risk area for the Garda Síochána that needs urgent attention. The Inspectorate believes that the Garda Síochána must review the whole approach to bail from dealing with a person in garda custody, to presenting objections at court and to monitoring those persons who present most risk. Bail needs to be managed electronically as, the current paper based system in garda stations is inefficient for offender management.

Recommendation 10.18

The Inspectorate recommends that the Garda Síochána conducts an urgent examination of the use of bail. A national Standard Operating Procedure should be created for the whole process of bail management. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Ensure consistent standards in the use of station bail and cash lodgements;

- Ensure objections for bail are raised in all appropriate cases;

- Review the types of bail conditions imposed on offenders and provide guidance to investigating officers to ensure a consistent approach;

- Ensure that bail conditions are entered onto an person's PULSE intelligence record with a warning marker;

- Provide appropriate legal awareness and other update training for those managing bail;

- Provide protocols and supervisory oversight for effective management of bail conditions that require sign-on at garda stations;

- Promote the use of curfews as a bail condition;

- Ensure that gardaí are tasked to monitor compliance with bail conditions;

- Improve the current monitoring of bail on PULSE and ensure that the IT infrastructure allows electronic monitoring;

- Ensure that breaches are always brought to the attention of a court;

- Ensure that Section 2A of the Bail Act is used in appropriate circumstances;

- Develop a court presenters scheme for High Court applications;

- Promote the use of video-links for court bail applications wherever possible;

- Improve the recording of bail and court convictions on PULSE and create a more efficient system for extracting information for court cases.

Recommendation 10.19

The Inspectorate recommends that the Department of Justice and Equality convene a multi-agency working group to consider the following changes to the operation of bail processes. (Long term).

To achieve the above recommendation, the following key actions need to be taken:

- Provide a power of arrest to gardaí to deal with bail offences;

- Develop a bail notification system from courts to garda divisions;

- Review the effectiveness and rationale for the current system, where those on temporary release are required to sign-on at garda stations.

Prison Release Notifications

In any offender management system, the early notification of the release of a person from prison helps a police service to put plans in place to engage those who may present a high risk to the public and those prolific and often chaotic offenders who have committed high volumes of crime. This process relies heavily on the Prison Service and the Probation Service. Most of the divisions visited had systems in place to monitor releases and lists of those released from prison are sent to them. On occasions, late notifications are received after a person has been released and divisions suddenly notice an increase in crime, clearly linked to a prolific offender.

In the UK, 95% of the police and law enforcement agencies use a system for notifying police services when people are due for release. This can be part of the wider Integrated Offender Management system and also provides other functions, such as running a daily check of the prison population against police warrant registers.

10.7 The Way Forward

The Garda Síochána has a well established system for dealing with young offenders, but could improve its processes for dealing with high risk and prolific adult offenders. Internationally, police services have developed an integrated approach to offender management and co-located resources with key partner agencies.

This report has highlighted two high risk areas of warrant and bail management. Both of these areas require urgent attention and the Inspectorate should review the process made by the Garda Síochána in twelve months time.

CRIME INVESTIGATION REPORT

PART 11 | **DETECTING AND PROSECUTING CRIME**

11.1 INTRODUCTION

Crime detection is about identifying an offender and solving a crime. To enable a police service to show a crime is detected, the evidence available should be of a sufficient standard, which if given in court would have a reasonable probability of resulting in a conviction.

The success of a police service is usually assessed on the ability to reduce crime and solve cases. Many police services refer to solved cases as detections. Detection rates are generally shown as the number of detections recorded in a given year as a percentage of the total number of crimes recorded in the same period. When measuring effectiveness rates, by crime type, there is a clear correlation between both crime levels and detections; with lower recorded crime levels, fewer detections may be required in order to be considered effective. As highlighted in various parts of this report, the Inspectorate has identified poor recording practices and under-recording of crime. This part of the report examines the impact of those practices on Garda Síochána reported detections.

There is no doubt that one of the most vital parts of an investigation process is the identification of an offender. When a crime occurs, a victim has a reasonable expectation that a police service will take all necessary steps to find the offender and bring them to justice. Detecting crime is an important element of policing and influences public confidence in the criminal justice system.

This part of the report also examines the issuing of summonses, delays in getting cases to court and whether the timeliness of an investigation contributes to this delay. Part 11 focuses on the consequences of delays in investigations and how they impact on the prosecution of crimes.

11.2 Crime Counting Rules

The parameters governing the detection of crime are contained in the text of a Garda Síochána HQ Directive which is generally referred to as the Crime Counting Rules. This HQ Directive was referenced previously in Part 4 in respect of recording criminal offences on PULSE. For a crime to be shown as detected, PULSE needs to be updated.

There are three main criteria for considering whether or not a crime should be recorded as detected:

1. Where criminal proceedings have commenced against at least one person for the criminal offence: the commencement must be based on sufficient evidence to charge, which if given in court would have a reasonable probability of resulting in a conviction. When this is not the case, the crime incident will remain undetected;

2. Where approval has been granted for a child to be dealt with in accordance with the Diversion Programme: this process was explained in Part 10 in respect of dealing with young offenders and the use of informal and formal cautions;

3. Where a decision not to prosecute has been taken for one of the following reasons:

   • There would be sufficient admissible evidence to charge, but the victim or an essential witness refuses or is permanently unable to attend court, or if a juvenile, is not permitted by parents or guardians to give evidence;

   • The offender dies before proceedings could be initiated or completed;

   • The offender is ill and is unlikely to recover or is too infirm or too mentally unwell for proceedings to be taken;

   • The complainant or an essential witness is deceased and the proceedings cannot be pursued;

   • The crime was committed by a child under the age of criminal responsibility;

   • There is sufficient evidence to charge the offender, but the DPP or relevant district officer decides that the public interest would not be well served by proceeding with a charge;

   • There is sufficient admissible evidence to charge the offender with a criminal offence in respect of which a time for the commencement of criminal proceedings applies, but that time has expired and the relevant district officer approves of the decision not to prosecute.

The Crime Counting Rules also stipulate that if a person is prosecuted and then subsequently not convicted of the criminal offence, the relevant district officer should conduct a full review of all the circumstances. If satisfied that there was a reasonable probability, based on sufficient evidence, that the person charged committed the criminal offence, then the detection status will remain as detected. During visits to garda divisions, the Inspectorate found that many district officers were not aware of the requirement to review unsuccessful prosecutions, and no evidence was provided that this takes place. Indeed, the general comment was "that once a crime is detected, it stays detected".

Once claimed under one of the above rules, a crime continues to be shown on PULSE as detected. There will be occasions when a single crime is solved but there is more than one offender. These cases should be recorded as one detection.

Crimes Taken into Consideration

A prolific offender may be arrested for one particular crime, but is suspected of many others. Police services will try and detect additional offences through interviews with this type of offender, as on some occasions an offender may wish to admit to a number of crimes. Where the number of offences is extremely high, a police service may not always charge with each individual crime, but may use the process of Taken Into Consideration (TIC).[1]

This process can help:

• The prosecution to gain a better understanding of the offender's behaviour in order to make submissions to court on issues such as bail;

• The court to gain a better picture of the offending behaviour of the offender and in speedy disposal of cases, without additional court hearings;

• The offender to receive credit for a plea of guilty and to avoid further prosecution for these offences;

• The gardaí to increase detection rates, and to dispose of crime cases efficiently;

• The victim and the public to gain more confidence in the criminal justice system.

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1   "A defendant may ask a court passing sentence to take into consideration other offences of a similar nature in accordance with a well established and recognised practice."[Archbold 2006 5-107. See also generally Archbold 2007 5-107 et seq.]

TICs are very useful in order to achieve high detection rates for crimes, such as burglaries and vehicle crimes. During the inspection, there was limited evidence found of the use of TICs.

International Rules

All polices services have rules around how crime should be recorded and when a crime can be shown as detected. Ireland, like most jurisdictions, has its own version of the Crime Counting Rules, which guide the gardaí in how to record and detect a criminal offence. The published guidance notes for many of the countries examined by the Inspectorate are far more detailed. In the United States, the rules around crime recording are governed by the FBI Uniform Crime Reports Programme, with information available on their website. The responsible body in the UK is the Home Office, who publish the relevant guidelines pertaining to crime recording and counting. (User Guide to Home Office Crime Statistics 2011).

The Garda Síochána HQ Directive on crime counting rules is eleven years old and consists of four pages. It does not cover new processes, such as Fixed Charge Notices and informal cautions that are discussed in this part of the report. The Inspectorate believes that new guidance procedures are required to enhance compliance with crime counting rules.

In other jurisdictions, the rules around crime detections are much stricter than those in Ireland, and a crime is usually not detected unless there is a judicial disposal. Such detections are referred to as sanctioned detections and include where a person is or has been;

- Charged or summonsed;
- Cautioned;
- Admits other offences that are taken into consideration (TICs);
- Received a penalty notice;
- Received a formal warning for cannabis possession.

Sanctioned detections are the measure commonly used to determine the investigative performance of a police service. A sanctioned detection in the UK is only claimed when an offender is charged or another criminal justice disposal has taken place. The result is a determined approach by an investigator to ensure that an offender is charged or other formal action is taken.

Prior to 2007, the UK used a process of non-sanctioned detections, which were very similar to the criteria used by the Garda Síochána in respect of where a decision is taken not to prosecute. During that time over 70% of all detected crimes were not recorded as a sanctioned detection. In those cases, an investigation identified a suspect, but for a variety of reasons a prosecution had not taken place. A low sanctioned detection rate gave the public the perception that a police service was inefficient. As a result, the UK continues to use sanctioned detection rates, but also produces the following information to show police activity:

- Prosecution not in the public interest;
- Offender is under the criminal age of responsibility;
- Community Resolution;
- Victim declines to support police action;
- Investigation complete, no suspect identified. Crime investigated as far as reasonably possible.

In Scotland, a crime is shown as detected when a case has been reviewed by an internal Criminal Justice Unit and the case is sent to the Procurator Fiscal (Prosecutor). This crime remains detected, irrespective of the decision of the Procurator Fiscal. The standard in Denmark is even higher and a crime is only detected when a person is charged. In the US, a crime is "cleared" (detected) by arrest with criminal charges or an exceptional clearance such as the death of a suspect or charging with a different offence similar to a TIC.

In Ireland, detections are claimed at a much earlier stage and often before formal action has taken place. Once a crime is detected, an investigator is often under less pressure from supervisors as the case is effectively solved. By claiming detections early, there is a danger that the case is not progressed and the Inspectorate has found many examples where detections are claimed without finishing the case and charging or summonsing an offender.

Chart 11.1

Crime Detection Rates In Ireland 2006 -2012
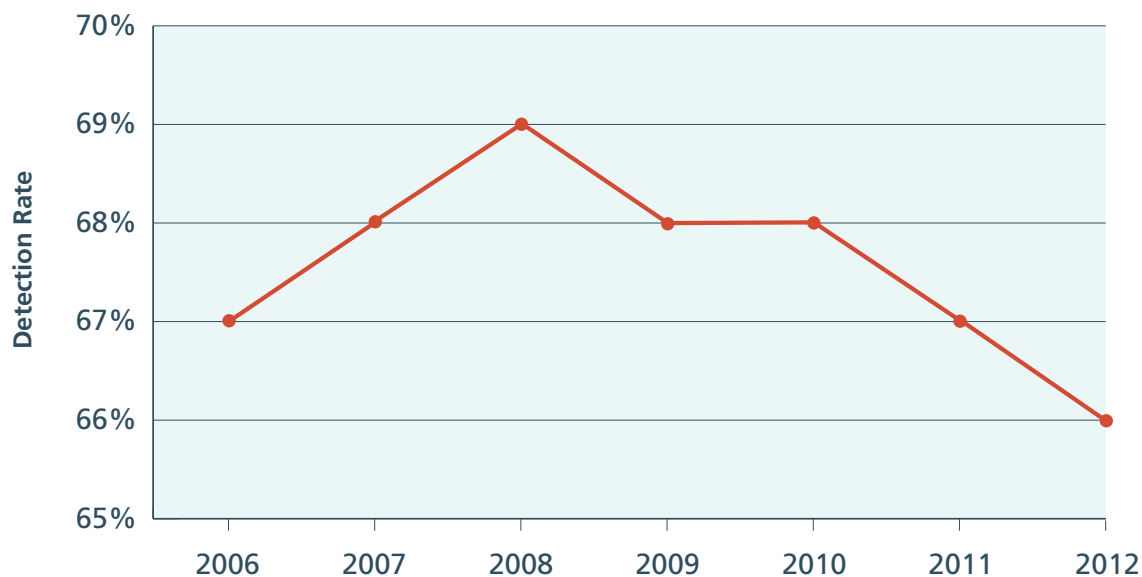
Source: CSO detection data, aggregated by Garda Inspectorate.

Detection Rates

Chart 11.1 shows the annual detection rate in Ireland for all recorded crime during the period 2006-2012. Detection rates reached a peak of 69% in 2008 and have slightly reduced to 66% in 2012. The detection rate includes the majority of detected crimes but excludes traffic offences and some miscellaneous categories as the volume of these incidents distorts the recorded crime detection picture.

Within the total detection rate of 66%, there are crime types which have their own individual detection rate. The following are some of the crime type detection rates in 2012:

- Murder 66%
- Assault harm 74%
- Assault minor 62%
- Robbery from the person 42%
- Burglary (not aggravated) 19%
- Theft from motor vehicle 11%

Appendix 5 shows the burglary detection trend line from 2006 to 2012. The detection rate ranges from 22% to 26%.

There are a number of crime types where police generated activity creates both a crime and an immediate detection. Some of these categories are high volume offences with high detection rates. Examples include public order offences and in 2012, there were 43,087 such offences with a detection rate of 94%. In addition, there were 16,452 drug offences recorded with a detection rate of 99%. The volume of these crime types will have a significant impact on the overall detection rate.

As previously explained in the Introduction, countries use different rules to record a crime as detected. Though the Inspectorate would have liked to have compared Ireland with other policing jurisdictions, the variances in crime definitions and legislation also apply in respect of detection rates. The complexities of comparing jurisdictions are fully articulated in the Introduction.

Recommendation 11.1

The Inspectorate recommends that the Department of Justice and Equality initiate a process, in which the CSO should have a central role, towards the development of new Crime Counting Rules for detections. (Medium term).

11.3 Divisional Detections

Responsibility for crime in Ireland rests at district and divisional levels. The Inspectorate looked at the overall national average for the detection of crime in 2012 and then compared that against the seven divisions visited by the Inspectorate. Charts 11.2 and 11.3 show recorded detection rates in the divisions visited.
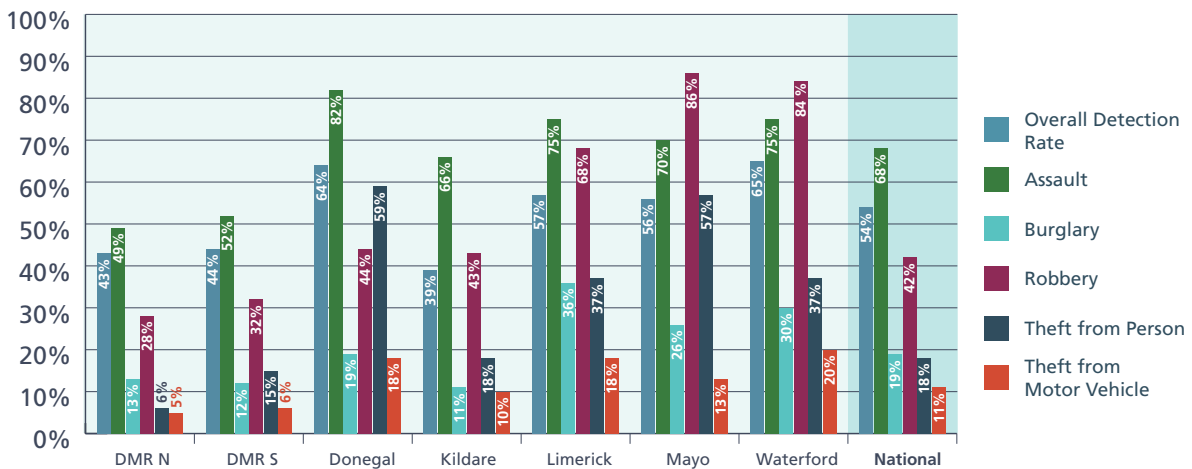
Chart 11.2

**Selected Divisions and National Average
Crime Detection Rates 2012**
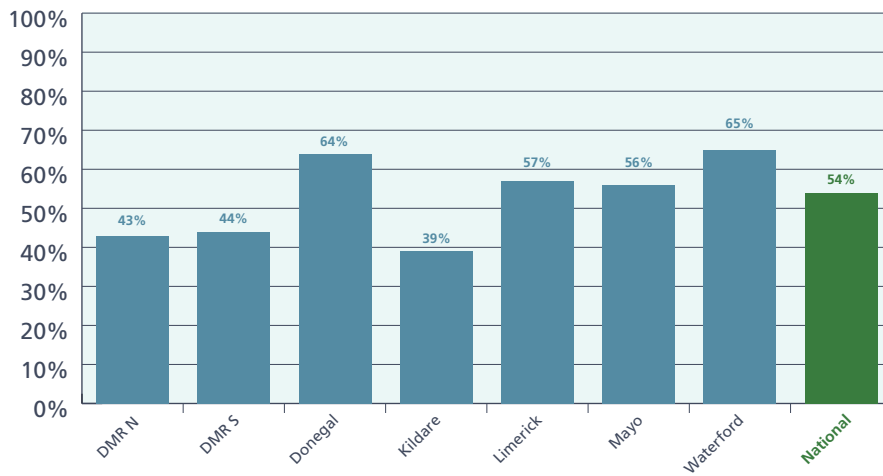
Source: CSO detection data, aggregated by Garda Inspectorate.

Chart 11.3

**Recorded Detection Rates for Seven Divisions and National Average
Assault, Burglary, Robbery and Theft from Motor Vehicle in 2012**

Source: PULSE data supplied by the Garda Síochána.

Chart 11.2 shows the detection rates for all crimes in the selected divisions which range from 39% to 65%. Chart 11.3 shows a breakdown of detection rates in four crime types that are part of the main focus of the inspection. This chart shows a wide variation in detection rates, such as in assaults with the highest detection rate of 82% and the lowest of 49% , and burglary detection rates that ranged from 11% to 36%. Other police services pay particular attention to divisions where detection rates are significantly above or below averages. For those divisions performing significantly better than others, there may be opportunities to share good practice and it is equally important to confirm that recording practices are correct. Conversely, for those performing significantly worse, focus should be on why better detection rates are not achieved as compared to other divisions.

The Inspectorate did not find any evidence of activity at regional or headquarters level of quality assurance to determine if detections are correctly recorded or to share any good practice with those divisions with lower detection rates. This includes the Garda Professional Standards Unit, who did not check detections as part of their examination process.

Detection Status

The mechanism to record a crime as detected requires the insertion of a name into the 'Suspect Offender' field on PULSE and a date to be entered into the relevant 'detected date' field. The insertion into the date field is mandatory and must be completed; otherwise the detection cannot be claimed. This marks the crime as detected and records the date that the crime was solved. There is also a field that contains details of the unit that detected the crime, such as a detective or uniform unit, but not the details of the person who has detected the crime. PULSE also has a field to show a crime as undetected, but the Inspectorate found limited use of this field.

PULSE has detection status codes, which were originally designed to show how the crime was solved and under which Crime Counting Rule. Over time, the codes have been amended to reflect

changes in processes. However, it must be noted that the 'Detection Status Code' field is not a mandatory one and can be omitted when recording a detection.

The current detection status codes are as follows:

- Caution (Informal);
- File to DPP;
- Adult Caution;
- File to DO (District Officer) for Direction;
- Under Investigation;
- Proceedings Complete;
- Proceedings Commenced;
- No Proceedings offender under 12 years of age;
- Committed for Trial;
- DO - No Proceedings;
- DPP - No Proceedings.

The current detection status codes are confusing, as some descriptions, such as 'under investigation', 'proceedings complete' or 'committed for trial' are investigation updates and not detection outcomes. On checking PULSE incident records, the Inspectorate found many cases marked with these types of status codes that were marked as detected.

Another anomaly is the detection status code for a file that is sent to a District Officer or to the DPP for directions, as to whether to charge or summons a person for a crime. In these cases, a crime is sometimes shown as detected, well before any decision as to whether there is sufficient evidence to take proceedings. With some specific crime types, such as sexual assaults, the Garda Síochána is obliged to send a file to the DPP, even in cases where there is clearly no likelihood of a prosecution. In these cases, the crime is often marked as detected.

The Inspectorate found a number of cases where an investigator had entered details of the detection in the PULSE narrative and highlighted that the person has been charged or summonsed. This is good practice, but is not always used. When a file is sent to the DPP or to the District Officer for directions, it would be good practice to record this information on PULSE.

The Inspectorate also found many detected crimes where the status code field on PULSE was left blank. In these cases, the system does not require the completion of the status code field to record a crime as detected.

Where a crime is shown as 'proceedings commenced' or 'proceedings complete' there should be an associated charge or summons. The Inspectorate found many instances of PULSE incidents which recorded these types of detection codes and did not, in fact, have an associated charge, summons or a caution. This will be expanded on later in this part of the report.

Recommendation 11.2

The Inspectorate recommends that the Garda Síochána creates two distinct procedures and data fields for recording the investigation update and the detection status of an incident on PULSE. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Create a mandatory field on PULSE that notes the name, rank and registered number of the person recording a crime as detected;

- Create new Detection Status Codes that reflect the accurate detection outcome;

- Create a new investigation status field which reflects the current status of an investigation;

- Mandate that each Detection Status Code which refers to 'proceedings commenced' or 'proceedings completed' have a charge, summons or caution directly linked to it.

Achieving Detections

Solving a crime and achieving a detection requires the collective effort of a number of different people. This includes front-line patrolling gardaí and those involved in investigative roles. Achieving good detection rates requires the identification of a suspect and action to bring that person to justice. All patrolling gardaí should be contributing to crime detection. There are also a number of gardaí in specialist roles who have opportunities to achieve detections, such as Juvenile Liaison Officers (JLOs) Community Policing and Traffic officers. In addition, some specialist gardaí are crucial to this

process, such as Crime Scene Examiners (CSEs), and Criminal Intelligence Officers (CIOs). In Part 3 of this report, the Inspectorate highlighted the absence of performance data as a major gap in identifying excellent performance of CSEs and identifying those who require additional training. With the implementation of a national DNA Database, the role of the CSE will become more important in helping to solve crime.

Recording of Detections at GISC

As outlined in Part 4, a PULSE record is normally created when a garda contacts the Garda Information Service Centre (GISC) with the details of an incident. The Inspectorate found that on many occasions, a crime is shown as detected on the same day that the PULSE record is created.

GISC perform a key role in respect of creating a PULSE record and ensuring that a crime classification is correct, but have not been assigned any specific responsibilities in relation to detections. Consequently, when a garda contacts GISC to notify that a crime is to be shown as detected, no questions are asked as to the validity of the detection. As outlined in Part 4, there are a number of mandatory fields that GISC examine to ensure that the data entered is correct. In crime classification, GISC can question the appropriateness of the classification and generate a PULSE review (enquiry) to the investigating garda or their district, if a question arises. The Inspectorate was advised that the relevant fields relating to detection are not ones that are automatically reviewed by GISC.

Throughout the sampling of PULSE records, the Inspectorate did not see any evidence of a GISC generated review in connection with the appropriateness of crime detection. The Inspectorate found a large percentage of crimes where there were obvious questions about the validity of the detection of the crime. On checking two HQ Directives issued in 2013,[2] the Inspectorate did not find any mention of detections and specifically who has responsibility for checking the validity of a detection. Whilst the

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2   There were two HQ Directives: (i) A review of PULSE incidents roles and responsibilities of GISC sergeants, garda and district officers and (ii) A review of PULSE incidents supervisory responsibilities.

directive instructs that sergeants take responsibility for PULSE incidents of members on their units, there is no specific mention of who has the responsibility for checking that detections are correctly recorded.

The Inspectorate believes that GISC should have a key role to play in crime detections and a GISC call taker should ask questions, in order to establish if a crime is detected and there is evidence to support it. In order to assist GISC call takers, a drop-down menu or aide memoire should be provided with a list of questions to be asked. Whilst there will be a training requirement, it should not be an onerous task, as GISC staff are already very familiar with most of the crime counting rules. In the future, the completion of detection related fields should automatically form part of the review and validation process of a PULSE incident. As with crime classification, GISC should be designated as the final decision maker in determining if a crime is detected.

Recommendation 11.3

The Inspectorate recommends that the Garda Information Service Centre (GISC) is assigned responsibility for ensuring that detections are authorised and correctly recorded on PULSE. (Short term).

To achieve the above recommendation, the following key actions need to be taken:

- Include detections as part of the mandatory GISC review process;
- Develop a drop-down menu or aide memoire to assist GISC call takers to validate detections;
- Ensure that a review of detection status is conducted in respect of cases where a conviction is not obtained at court.

Detection Decision Making

The Inspectorate found little evidence of any supervision of detected crime on PULSE or in case files. A process must be introduced which ensures that all detections are checked for compliance with crime counting rules.

The ninety-six district superintendents are the ultimate decision makers on whether a crime should be detected in his/her area of responsibility.

Many files for less serious crimes are sent to the district officer for a decision on what action will be taken against a named offender. More serious crime cases should be referred by the district officer to the DPP for a decision on whether to prosecute or not. The decisions made by the DPP and district officers should determine when a detection is suitable to be claimed; but in many cases the detection is already recorded prior to any assessment of the strength of a case.

During the Inspectorate's field visits, when questions were posed to senior gardaí around the crime counting detection rules and in particular, when a crime should be shown as detected on PULSE; the answer invariably was "only on the occasion of an arrest, charge or caution". However, during PULSE and case file examinations, the Inspectorate found that this is not always the case.

Assessing the validity of detections for the first two crime counting rules criteria is relatively straight forward, in so much that a crime is detected if a person is charged, summonsed or approval is granted to deal with a person under the young offender diversion programme. Therefore, in the absence of those outcomes, a case should not be recorded as detected.

The third category for claiming a crime as detected[3] allows considerable scope for a district officer to detect a large percentage of crime when a suspect is identified. The Inspectorate found cases in this category where a crime is shown as detected, but there was no rationale on PULSE to explain the reason why the case was detected.

Detection Decision Making in Other Policing Jurisdictions

Other policing jurisdictions, such as West Yorkshire, have trained inspectors (usually detectives) called 'Dedicated Decision Makers' (DDMs) who operate at divisional level to make decisions relating to detections. These individuals are the only persons who are permitted to show a crime as detected. South Wales police operate a similar system but the decision makers are outside of the operational environment and are based at Headquarters. This

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3   Where a decision not to prosecute has been taken for one of the reasons shown as point 3 of the Crime Counting Rules.

supports the objectivity and independence to the decision making process. Reducing the number of people with authority to detect crimes reduces the opportunity for inconsistencies and poor decision making throughout the process. DDMs in other jurisdictions also have responsibility for crime management units that are recommended in Part 5.

The Inspectorate believes that there should be a small number of authorised DDMs (inspectors) at divisional level with responsibility for deciding if a case is suitable for detection. Before contacting GISC to record a detection, an investigator should first obtain approval from a DDM. Once a detection is approved by a DDM, an investigator should contact GISC to record the detection and the reasons for detecting the crime on PULSE. Once a crime is recorded as detected, a GISC Reviewer (supervisor) should quality assure that the detection is correctly claimed.

In Part 5, the Inspectorate recommended that a Garda Crime Registrar be appointed with responsibility for introducing systems to ensure compliance with detection counting rules and be the final decision maker for any appeals raised about decisions. As highlighted in Part 5, the Crime Registrar needs to be outside of operational line command of crime investigation and detection. Where there is a dispute over the claiming of a detection, it should be referred to the Garda Crime Registrar as the final decision maker.

Recommendation 11.4

The Inspectorate recommends that the Garda Síochána appoints and trains Dedicated Decisions Makers on a divisional basis with responsibility for approving a PULSE record to be recorded as detected. (Short term).

Recommendation 11.5

The Inspectorate recommends that the Garda Crime Registrar as described in Part 5 has responsibility for validating detections and ensuring compliance with the Crime Counting Rules. (Medium term).

11.4 PULSE Sampling of Detections

To check the compliance of crime counting rules for detections, the Inspectorate requested detection data from the Garda Síochána in the form of a PULSE search of the selected seven divisions. The request covered a three month period in 2012 and focused on a number of the key volume crime areas that have featured throughout this inspection: burglary, assault, domestic violence, vehicle crime and robbery from the person. The period was selected to allow a reasonable timeframe for the cases that occurred in 2012 to be detected, with the examination taking place in 2013, some twelve months after the crimes were first recorded on PULSE.

Chart 11.4 outlines the total sample number of crimes and detections recorded by the Garda Síochána across the selected divisions between May and July 2012.

Chart 11.4

Total Number of Crime PULSE Incidents Recorded in the Selected Divisions and the Number of Detections Claimed May - July 2012

Recorded Crime	Number of Detected Crimes	Detection Rate	Detections with a Charge or Summons	Detections without a Charge or Summons
2,195	946	43%	390	556

Source: Data supplied by the Garda Síochána.

In total, out of 2,195 crimes recorded on PULSE, 946 were shown as detected, resulting in a detection rate of 43%. Of the total number of crimes detected, only 390 had a charge or a summons attached to the PULSE incident, leaving 556 crimes that were marked as detected, but without a charge or a summons attached.

As part of this process, the Inspectorate examined in detail 318 of the 556 PULSE incidents, where there was no charge or summons recorded and this sample formed the basis for the analysis of many aspects of the detection process.

The analysis of these PULSE detections followed the same method as the Inspectorate had applied to the examination of crime classification and reclassification incidents earlier in the report as outlined in Parts 4 and 5. Detected crime incident records were sampled to see if the claimed detection was correct based on the available evidence and in accordance with the Crime Counting Rules. The Inspectorate also sampled a number of the detections that were shown as having a charge or summons attached and they were found to be correctly recorded.

Detection Status Codes

Chart 11.5 shows the breakdown of the status codes assigned to the 318 PULSE incidents shown as detected.

Findings

Chart 11.5 highlights that many of the 318 detections had no basis for showing the crime as detected and these included:

- 10% of the detections had a blank status code;
- 20% were shown as still under investigation;
- A further 10% involved case files being sent to either the DPP or the District Officer for directions.

These detection status codes do not satisfy the requirements of the Crime Counting Rules.

Chart 11.5

Detected Incidents without Charge or Summons in Selected Divisions May - July 2012

Detections Status Type	Total Number	% of Total
Adult Caution	8	3%
Blank	32	10%
District Officer - No Proceedings	22	7%
DPP - No Prosecution	1	0.5%
File to DPP	14	4%
JLO Caution*	39	12%
No Proceedings - Under 12	4	1%
Proceedings Commenced	100	31%
Proceedings Complete	16	5%
Under Investigation	63	20%
File to D/O for Direction	19	6.5%
Total	318	100%

*While this is not an official status code, it was the reason why the case was detected.

Source: Data obtained from sampling 318 PULSE incident records by the Garda Inspectorate.

Crime Type vs Status Code Examples

Crime Type	Status Code	Inspectorate Finding
Assault Harm	Blank	No outcome
Assault Harm	File to DPP	No charge or summons
Assault Minor	Adult Caution	This was correctly recorded
Burglary	Investigation	No outcome
Burglary	Proceedings Commenced	Three suspects but no charge or summons
Burglary	Proceedings Commenced	Victim withdrew allegation - no charge or summons
Robbery	File to DPP	No charge or summons
Robbery	Proceedings Commenced	Three suspects charged

Crime Type versus Status Code

The Inspectorate examined the 318 PULSE incidents by specific crime types and the table above shows examples of some of the crimes examined and the status code attached.

Key Findings

- Several cases were correctly recorded with charges and cautions attached as per the crime counting rules;

- A number of cases were shown as proceedings commenced, but there was no charge or summons attached;

- There were many detections for serious crimes such as robbery, burglary and assault where cases were marked as detected on PULSE, but there was no charge or summons or other case disposal information;

- A number of cases were shown as files to the DPP where a detection was claimed in advance of any DPP decision and in the absence of a charge or summons.

Reporting a Crime and Recording a Detection on the Same Day

As previously stated, the mechanism to enter a detection of a crime incident on PULSE is to insert a name into the 'Suspect Offender' field and insert a date in the relevant date field. The date field is mandatory and must be completed, otherwise the detection cannot be claimed.

The Inspectorate examined a number of PULSE records that were shown as detected, well before any proceedings were taken. In the 318 PULSE records examined, the Inspectorate found that in 60% of the detections, the detected date was the same as the reported date for the crime. In addition,

where the crime was reported but not recorded on PULSE until a later date, in two-thirds of the cases, the detection date was shown as the date that it was first reported. This suggests that there is a link between the reported date and the detection date. A comparison was conducted on the date that the incident was actually recorded (some crimes are recorded at a later date) on PULSE and it was found that the detected date was the same as the recorded date in 38% of the cases examined. This suggests that it is more likely that the detected date is linked to the date of the report to the Garda Síochána, rather than the date the incident is recorded on PULSE.

There are no restrictions on PULSE to stop a member from showing a crime as detected. PULSE also allows a retrospective detection date to be entered. This facility should be stopped and only a current date for the entry for a detection should be allowed to be entered on PULSE.

Detection Dates for 318 crimes

The following table shows that many of the 318 crimes were marked as detected on the date that the crime was recorded on PULSE.

Date Crime Recorded on PULSE	Date Detected	Crime Type	Findings
2/7/12	2/7/12	Assault Harm	File to DPP, no charge or summons
15/7/12	15/7/12	Assault Harm	Suspect known, under investigation, no charge or summons
21/7/12	21/7/12	Assault Harm DV	Under investigation, no DV flag, no charge or summons
26/6/12	26/6/12	Assault Minor DV	Under Investigation, no charge or summons
9/5/12	9/5/12	Burglary	Under investigation, no charge or caution
18/5/12	18/5/12	Burglary	File to DPP, no charge or summons
11/5/12	11/5/12	Burglary	Proceedings commenced, but no charge or summons
2/7/12	2/7/12	Robbery	File to DPP, no charge or summons

Key Findings

- Many crimes were detected on the day that they were recorded on PULSE. At the time of the Inspectorate examination, twelve months had passed since the detection was first claimed and no further action had been taken;

- In many cases there was no explanation on PULSE as to why the crimes were shown as detected and in the majority of cases there was no charge, summons or caution included;

- A number of crimes were shown as 'no proceedings authorised by a district officer', but the PULSE record had no rationale to explain why the case was detected e.g. which one of the criteria highlighted on the second page of this part had been satisfied.

These offences took place in 2012, the detection was claimed for that year and the crimes were recorded and reported publicly as detected crimes. At the time of conducting this examination process, divisions were focused on 2013 crimes and senior gardaí would have limited interest in revisiting crimes detected in 2012.

The following are two examples of how detections are sometimes claimed and managed.

Case 1

In July 2012, a burglary took place, where a house was ransacked by five suspects and three vehicles were stolen. The case is shown on PULSE as detected on the same day. A forensic examination of the house was conducted by a crime scene examiner and three weeks later, a fingerprint recovered at the scene identified a potential suspect. Although the case is recorded as a burglary detection, no suspects were ever charged or summonsed.

Case 2

In June 2012, a victim suffered a minor assault and the crime was recorded as detected on the same day. In October, an inspector declined to provide authority to charge or summons. Twelve months later the case is still shown as detected and under investigation.

Recommendation 11. 6

The Inspectorate recommends that the Garda Síochána amends the PULSE system to remove the facility for retrospectively recording a detection date. (Short term).

Prematurely Claiming Detections

The Inspectorate found that many of the detections on PULSE were claimed well in advance of meeting the criteria for detecting a crime. In the 318 cases examined where there was no charge or summons, the Inspectorate found 60 cases that were correctly detected. However, in fifty-three of those cases, the detections were prematurely claimed.

The following are two examples of premature detections:

- Assault minor crime was recorded and detected in June 2012, but the adult offender was not cautioned until May 2013;

- A robbery offence was detected in July 2012, but a suspect was not charged with the crime until July 2013.

A high risk of claiming detections prematurely is the possibility that evidence gathered may not be sufficient to support a charge or other case disposal and a person initially identified as a suspect may not have committed the crime. The Inspectorate found that a significant percentage of detections were claimed prematurely and this was a situation also highlighted in the Guerin Report. This practice could lead to over-counting of detections.

Invalid recording of a detection or the premature claim of a detection, is also unhelpful in respect of the allocation of new crimes for investigation. A supervisor checking PULSE will have a misleading picture about an investigator's current caseload and may well assign new crimes for investigation, based on assumptions that the garda has in fact detected and completed many of the crimes assigned to them.

JLO Cautions

As discussed in Part 10, young offenders accepted onto the Garda Síochána diversion programme are usually cautioned for an offence. Once approval for diversion is granted, the Crime Counting Rule allow the crime to be shown as detected. Within the 318 detections checked by the Inspectorate, 12% of all detections fell into this category. On examination of those detections, the Inspectorate found a similar practice of prematurely detecting a crime before a young offender was deemed suitable for the diversion programme.

As previously mentioned, 20% of all young offender cases sent to the Garda Youth Diversion Office (GYDO) are deemed as unsuitable for entry into the programme and these cases are returned to the originating district to progress the case to court. The Inspectorate found a number of those cases recorded as detected, even though the person was marked on PULSE as unsuitable for the scheme. In these cases, the original investigating garda is required to charge or summons the young person

in order to record a crime as detected; however, the Inspectorate found limited evidence of such actions occurring.

The following are cases that were deemed as unsuitable by GYDO, but are still recorded on PULSE as detected:

- A young offender, who was identified as a suspect in a burglary in June 2012, was deemed as unsuitable by GYDO and the case was returned to the investigating garda. Some twelve months later this case had not been progressed, and the crime is still shown as detected;

- A robbery occurred in July 2012 and was marked as detected on PULSE on the same day. The case was deemed as unsuitable by GYDO and returned to the investigating garda. Some twelve months later this case was not progressed, and the crime is still shown as detected;

- An assault committed in June 2012 was recorded on PULSE as detected on the same day. The case was deemed as unsuitable by GYDO in July 2012 and some twelve months later the case was not progressed, and the crime is still shown as detected.

The response to progressing those cases deemed as unsuitable for a GYDO caution varied across the divisions visited. One division was clearly taking further action and the Inspectorate found evidence where summonses were issued. In other divisions examined, cases were returned from GYDO, but no action had been taken. In cases where there is a statutory time limit, some of these cases are now outside of that timeframe and statute barred.

The Crime Counting Rules are broad, in as much as the young offender only needs to be accepted on the Diversion Programme for the crime to be shown as detected. The Inspectorate believes that a crime should only be marked detected when a caution is delivered to an adult or a young offender.

Recommendation 11.7

The Inspectorate recommends that the Garda Síochána develops Standard Operating Procedure, which stipulate that all detections should only be claimed on the day that a charge, summons or caution is delivered for adults and young offenders. (Short term).

Detections – Final Assessment

Chart 11.6 shows the final determination of the 318 crimes examined and whether the detected crime was correctly recorded.

Chart 11.6
Examination of Detections without Charge or Summons In Selected Divisions May - July 2012

Number Detections Examined	Detections Correctly Recorded	Detections Incorrectly Recorded	Insufficient Information to make a Decision
318	19%	72%	9%

Source: Data obtained from sampling 318 PULSE incident records by the Garda Inspectorate

The chart highlights that 72% of the detections examined were viewed by the Inspectorate as incorrectly recorded (i.e. not in accordance with the Crime Counting Rules) and a further 9% had insufficient information to confirm if the detection was correct or not. From this examination the Inspectorate believes that the Crime Counting Rules were not always followed in these cases.

Application of findings to overall sample of detections

Chart 11.7 compares the PULSE detection rate to the detection findings of the Inspectorate.

Chart 11.7
Comparison of PULSE Detection Rate in Selected Divisions with Garda Inspectorate Findings on Detection Rate in May – June 2012

Recorded Crime Incidents on PULSE	Number of Detections Claimed on PULSE	Detections Correct per Garda Inspectorate	Detection Rate Claimed on PULSE	Correct Detection Rate per Garda Inspectorate
2,195	946	575	43%	26%[4]

Source: Data obtained from sampling 318 PULSE incident records by the Garda Inspectorate and data supplied by the Garda Síochána.

Within the sample of detections reviewed, the Inspectorate's view is that the correct detection rate, with respect to the 2,195 reported crimes is 26%, and not 43% as recorded by the Garda Síochána on PULSE. This does not include the cases where there were insufficient details to determine if the case was correctly detected or not. In these cases, the Inspectorate accepted the detection decision.

Examinations by Crime Types and by divisions

Chart 11.8 shows an analysis of the impact of the Inspectorate's findings on the detection rates for 2,195 recorded crimes across the five crime types in chart 11.6 in the selected divisions.

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4   Detection rate is the number of detections as a percentage of the number of reported crimes PULSE determined 946/2195 *100 = 43% whereas Garda Inspectorate determined 575/2195*100=26%

Chart 11.8

Impact of Inspectorate's Findings on Detections of Certain Crime Types
In Selected Divisions May - July 2012

Crime Type	Recorded Crime Incidents on PULSE	Detection Rate Claimed on PULSE	Correct Detection Rate per Garda Inspectorate
Assault Harm	152	79%	55%
Assault Minor	523	66%	39%
Burglary	1281	22%	14%
Crime Incident with Domestic Violence MO Feature	171	90%	47%
Robbery	68	59%	37%

Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate and data supplied by the Garda Síochána.

Findings on Analysis of Crime Types

The data in Chart 11.8 highlights some significant differences between the recorded detection rate and the detection rate following the application of the Crime Counting Rules.

In this sample the recorded detection rates on PULSE are significantly above the detection rate viewed by the Inspectorate as correct. Of particular note are incidents of domestic violence where the Inspectorate identified the actual detection rate is almost half of the rate shown.

The detection rate for burglary offences was found to be 8% less than the 22% originally claimed on PULSE. This parallels the analysis in other parts of this report into inaccurate crime recording and classification.

During focus groups, senior gardaí highlighted that the current system for managing the investigation of serious crimes has an impact on detection rates. For those divisions which regularly deal with serious crimes, a key number of detectives, including supervisors, are taken from their 'day jobs' to run the investigation of a serious offence. This approach is impacting on the other cases that they are assigned to investigate and on the subsequent detection rates for those crimes.

Some of the detected crimes examined by the Inspectorate were for more serious types of offences, such as robberies and burglaries, which are often harder to solve. Overall detection rates for police services are usually increased by crimes that are much easier to solve, such as possession of drugs, traffic offences and public order offences.

For these types of offences, a crime is usually only recorded once an offender is detected. In practice, these cases are often less closely supervised and are not routinely tracked by district officers. Many of the cases highlighted in the Guerin Report are in connection with less serious crimes, such as licensing and traffic offences and the report highlighted examples where detections were recorded but no prosecutions had taken place.

Inspectorate Findings on Detections from Other Data Sets

During the analysis of crime classification in Part 4, the Inspectorate also captured details on the recording of detections. In this dataset of 393 PULSE incidents the Inspectorate found higher recorded detection rates on PULSE than those viewed to be correct by the Inspectorate.

Chart 11.9 shows the results of the Inspectorate's analysis of the detection rate on that database.

Chart 11.9

Analysis of Crime Classification Data Set for Detections in Selected Divisions May – July 2012

Recorded Crime Incidents on PULSE Sampled by the Inspectorate	Detection Rate Claimed on PULSE	Correct Detection Rate per Garda Inspectorate
393	34%	22%

Source: Data obtained from sampling 393 PULSE incident records by the Garda Inspectorate

In this analysis, the detection rate recorded on PULSE is 34%. The Inspectorate's view is that the correct detection rate is 22%.

Non-convictions at Court and Review of Detections

A criminal offence may be classified as detected when criminal proceedings have commenced against a person, but if the person is subsequently not convicted of the criminal offence, the relevant district officer should conduct a full review of all the circumstances (per Crime Counting Rules in Garda Síochána HQ Directive). If he/she is satisfied that there was reasonable probability, based on sufficient evidence, that the person charged committed the criminal offence, then the detection status will remain, despite the non-conviction. As mentioned earlier, the Inspectorate found no evidence that district officers are reviewing any such cases.

To ensure the robust nature of the detection statistics, the Inspectorate recommends that the reasons for retaining a detection after a non-conviction must be recorded on PULSE. Otherwise, the PULSE record should be amended to change the incident as undetected. Other policing jurisdictions have systems where detections are claimed once the person is charged. In circumstances where a case is lost at court, a review may take place to ascertain why the prosecution was not achieved, but not in respect of the detection status.

Possession of Drugs

During the course of this inspection, issues about the recording and detecting of cases of 'simple drug possession' came to light. This was usually possession of a small amount of cannabis for personal use. Although drug possession was not one of the categories originally designated by the Inspectorate for detailed examination, it was decided to review the detection levels of this type of offence for any potential anomalies. Detection rates for possession of drugs should be high, as in most cases drugs are found in a person's possession. In addition, high detection rates for drugs cases usually have a positive impact on the overall detection rate for a police service.

One of the features of this type of case is that there is no facility available to the Garda Síochána to issue an adult offender with a caution in drug possession cases. For young offenders under eighteen, a caution can be given as part of the diversion programme. An adult caution is an official reprimand issued by a superintendent to a person over eighteen, accused of a less serious crime, who admits the offence. A decision was taken at the time of introducing adult cautions to specifically not include drug possession cases in this process. The Inspectorate understands the concerns that were raised at the time, but the exclusion has created a number of difficulties.

In the absence of an ability to caution a person, a garda has no discretion and all cases with sufficient evidence should be brought to court. When a person is stopped and found in possession of a small amount of cannabis, a garda should seize the drugs and either arrest the person or, if satisfied that details are verified, proceed by way of a summons. In cases of simple possession, there is a six month time limit for initiating a charge or a summons. With the availability of drug testing at a garda station, a person should be prosecuted in a short period of time.

During focus groups with members, it was evident that not all persons stopped and found in possession of drugs are charged or summonsed. In some cases, drugs are seized and a PULSE record is created and detected for the crime, the drugs are placed in a drugs register and no further action is taken. Some members expressed strong feelings about taking a young person to court for a small amount of cannabis. A court conviction for drugs can have enormous consequences and in some cases, members are not issuing a summons. Many supervisors shared the view articulated by members.

The Inspectorate is aware that some districts and divisions have conducted audits of drug cases and that a significant number of cases have been found where drugs have been seized and no proceedings have been taken.

There are a number of issues in connection with the failure to take proper action:

- The detection is invalid as no proceedings were ever taken;
- An offender is never brought to justice;
- The crime is recorded as detected against an individual, who may be unaware that the case is shown as detected;
- After six months the case is lapsed;

- The person who was in possession of drugs may at a later date be the subject of a vetting check;
- Gardaí have seized drugs, but the case is not completed.

The Garda Professional Standards Unit is currently conducting examinations of drugs cases. The following are some of the issues found during their examinations:

- Drugs have been seized without a PULSE record;
- Drugs are missing from property stores;
- Not all cases were progressed;
- In some cases, summonses are struck out and not re-issued.

Analysis of Drug Detections

As part of the analysis of detections, the Inspectorate examined seventy-four drugs possession cases, which were recorded on PULSE in June 2012. All bar one case was recorded as detected and most are shown as detected on the day that the drugs were seized.

Chart 11.10 highlights the findings from examination of these PULSE records.

Chart 11.10

Analysis of Detections for Possession of Drugs in Selected Divisions - June 2012

Recorded Possession of Drugs Incidents on PULSE Sampled by the Inspectorate	Detection Rate Claimed on PULSE	Detection Rate Correct per Garda Inspectorate
74	99%	66%

Source: Data obtained from sampling 74 PULSE Possession of drugs incident records by the Garda Inspectorate.

Chart 11.10 shows that there is a recorded detection rate of 99% on PULSE. In the Inspectorate's view the correct detection rate is 66%. In many cases there was no charge, summons or a young offender caution recorded on the PULSE incident record. These cases were by this time over twelve months old. Most of these cases had a detection status code of 'Proceedings Commenced', with two showing 'Proceedings Complete' and a further three

categorised as 'Under Investigation'. There was an absence of evidence of any supervision in these cases.

Other Findings

- In one division, eight out of the nine detections were incorrect and the 9th was claimed prematurely;
- Two of the detected cases had remarks entered on the PULSE incident record saying cautions were delivered at the time of the seizure. There is no caution process for an adult that allows such a detection to be claimed.

Further analysis showed that the practice of prematurely claiming detections, already referred to in this part of the report, was also present in drug cases. In forty-seven out of the forty-nine cases where a detection was correct, the decision to claim a detection was premature.

The findings from this analysis confirmed information received from members and senior gardaí; and the results are similar to other crime areas in that 34% of the detections checked were found to be incorrect.

Drugs and other Lapsed Cases

The Inspectorate has found a number of drugs and other less serious cases, that are subject to a six month window to prosecute, that were not progressed. After this time period, the prospect of a prosecution is lost. The Guerin Report highlighted a number of incidents where cautions were used to deal with a case that was outside of the prosecution time frame. The Garda Síochána has a significant number of cases involving drugs offences and other crimes recorded as detected, dating back many years that are incorrect. These crimes should not be shown as detected and they are incorrectly recorded against individuals who have not been prosecuted.

Recommendation 11.8

The Inspectorate recommends that the Garda Síochána conducts an audit of all lapsed cases and any that are shown as detected must be changed to undetected status. (Medium term).

Adult Cautions

Adult cautions are used by most police services as an alternative way of dealing with an offender who may previously have been of good character. If used properly, adult cautions can remove a lot of less serious crimes from reaching the courts. A number of factors need to be considered, including the views of a victim and the public interest. It is very important to seek the views of victims, but in some cases it may still be appropriate to administer a caution. A person must admit the crime before they can be cautioned. An adult caution is a formal process and an offender is fully aware that the crime is detected against them.

The use of an adult caution for possession of a small amount of drugs is available in all of the police services visited as part of this inspection. In drug cases, a caution can be administered quickly and in many jurisdictions for adult offenders, this is completed at the time of an arrest. This allows a case to be closed and a detection is valid. At present, many people are stopped by a garda member, searched, drugs seized, but no formal action taken. An adult caution is a formal process and provides an opportunity for a person to change their behaviour or face the consequences of a prosecution.

Police services in the UK are able to provide a cannabis warning on the street for those who are first time offenders and other jurisdictions have access to a caution facility for the possession of drugs. In the US, it is common to issue a citation (summons) in such cases.

Recommendation 11.9

The Inspectorate recommends that the Department of Justice and Equality convene a working group to consider extending the legislation governing the adult cautioning scheme to include possession of drugs and other suitable offences. (Medium term).

Conditional Cautions

Since 2003, other police services have had the facility to deliver conditional cautions, designed to improve a person's behaviour, which supports the restorative justice approach. The experience of other police services is that a caution with a condition is more likely to have a positive longer term outcome than a once-off unconditional caution. In the UK, there is an 83% positive outcome rate with conditional cautioning. Police services in Birmingham are using contracts with offenders to try and change lifestyle and offending behaviour. Criminal justice partners have a role to play in providing support and treatment, including anger management courses, in order to assist the offender.

Recommendation 11.10

The Inspectorate recommends that the Department of Justice and Equality convene a working group to consider extending the legislation governing the adult cautioning scheme to include conditional cautioning. (Medium term).

Informal Cautions

Under common law, members of the Garda Síochána have a power of discretion when considering whether to instigate an investigation against a person found to be committing an offence. This power is usually exercised in the case of minor crimes such as traffic or public order incidents.

A practice was noted by the Inspectorate, whereby the Garda Síochána are recording some of these incidents as crimes on PULSE and showing a detected crime under the category of 'Informal Caution'. This process creates a crime and creates a detection. This is usually for less serious offences, but such a detection adds to the overall detection rates.

The Inspectorate has a number of concerns with this practice of detecting recorded crimes. This process was operating for some time prior to 2011, when a decision was taken to stop issuing informal cautions. At the time of the inspection visits, the process had just been re-introduced, and at that time it was estimated that 'Informal Cautions' could account for 2 to 5% of the total number of garda detections. Approximately one-third of the informal cautions are issued for traffic offences.

In cases examined by the Inspectorate, no explanation was provided by the investigating garda as to why the decision was made to exercise discretion. Nor is anything recorded to show that the 'suspected offender' was informed that an

informal caution was issued. There is a possibility that a person will only discover such a detection is recorded if they are subject to vetting, or in court on a separate matter, at some stage in the future.

The Inspectorate believes that the recording and detecting of crimes where informal cautions are issued, may distort the analysis and interpretation of crime trends and detections.

Other police services deal with minor offences by way of verbal warnings, advising motorists about the manner of driving; but are not recording this as a crime. Western Australia police use informal warnings/cautions, but these are not recorded as crimes and are only retained as intelligence and a record that the warning was given. In the US, citations are given for traffic offences, but many departments also give 'warning' tickets in traffic matters that are not recorded as offences.

Recommendation 11.11

The Inspectorate recommends that the Garda Síochána ceases the practice of issuing informal cautions as a detection option and expunges PULSE records that contain this detection status. (Medium term).

Fixed Charge Penalty Notices (FCPN)

The Inspectorate recently completed an inspection into the Fixed Charge Penalty System (FCPS) that was published in February of this year.[5] The use of notices is outlined in that report as a good way of reducing the number of people in custody suites and courts, thereby reducing the number of gardaí required to attend court. Gardaí can already issue penalty notices for intoxication and public order offences.

Other police services have extended the use of notices to offences such as minor shoplifting, without the need to arrest. During the inspection, garda members also raised the possibility of extending the current scheme to other traffic offences, such as defective tyres, no NCT and non-conforming number plates.

An issue of concern was raised with the Inspectorate in connection with non-payment of fixed charge notices for non-traffic matters, such as public order incidents. Where a person does not pay the fine, the case is referred back to the investigating garda to take action. Supervising gardaí explained that, on occasions, action is not taken within the time limits of the legislation and the case is lost. The Inspectorate believes that all notices should be managed through one central point for tickets and that individual cases should not be returned to members.

Recommendation 11.12

The Inspectorate recommends that the Department of Justice and Equality convene a working group to consider extending the use of fixed charge penalty notices to include other minor crimes and to cease the practice of sending unpaid FCPNs to gardaí to issue summonses. (Medium term).

Detecting Crime – The Look Back Process

During a number of visits to garda divisions, the Inspectorate noted a review process introduced to examine open and unsolved investigations and to look for detection opportunities. The process was called 'Operation Look Back' and involved detective supervisors, on a quarterly basis, checking crimes reported during the previous three months. This is good practice and ensures a review of cases where there may be opportunities to solve a crime.

The Inspectorate examined a number of crime categories from the divisions that were using the principles of 'Look Back'. The crimes under review were committed in January 2013, but were subsequently detected after that time. Chart 11.11 shows the full results of this analysis.

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5   Report of the Garda Síochána Inspectorate, The Fixed Charge
     Processing System, A 21st Century Strategy, February 2014

Chart 11.11

Crimes Recorded in January 2013 in Selected Divisions Detected as part of Operation Lock-Back

Recorded Look Back Incidents on PULSE Sampled by the Inspectorate	Detection Rate Claimed on PULSE	Detection Rate Correct per Garda Inspectorate
92	100%	47%

Source: Data obtained from sampling 92 Look-Back PULSE incident records by the Garda Inspectorate.

Findings of "Look-Back" Analysis

The Inspectorate found that less than 50% of detections were correctly recorded. Across the seven divisions, there was a consistent approach of claiming detections without meeting any of the requirements of the counting rules.

The following are examples of some of the PULSE records that were examined:

- A case of criminal damage reported and recorded in January 2013 and detected in April 2013. A suspect was identified but not arrested. There is no charge, summons or other proceedings;

- A theft from a car occurred in January 2013 and was detected in April 2013. The PULSE narrative states: "Suspect interviewed and admissions made". There is no charge, summons or other proceedings and the detection status is blank;

- An assault causing harm was committed in January 2013 and detected in April 2013. No suspected offender details are on PULSE, the detection status code is blank and there are no details on PULSE to explain how the crime meets the counting rules.

As highlighted in Part 5, the Inspectorate also found crimes that were reclassified as part of 'Operation Look-Back' and in most cases to a less serious crime. For these crimes, there were no suspects and they were undetected. In many of the cases examined, the Inspectorate did not agree with the change in category. Examples of a category change included burglaries that were changed to less serious offences of trespass, criminal damage and theft.

In one division, the Inspectorate found that the district officer, the detective superintendent and a detective sergeant made decisions to change burglary offences to a less serious crime. In these cases, the Inspectorate did not agree with the changes and there was no rationale to explain why a crime was moved to another category. A reduction in the number of recorded crimes such as these burglary offences mentioned above, will automatically improve an existing detection rate for that particular crime category, without solving any more crimes.

Reclassification of Crime Resulting in Improved Detection Rates

Whilst examining reclassification of crimes the Inspectorate noticed a number of trends connected to detections.

Trend 1:

Some crimes were not recorded on PULSE at the time of first notification to the Garda Síochána, but were subsequently created on PULSE when a suspect was identified for the initial crime or a subsequent crime.

For some crimes, there was a long gap between the crime and the creation of PULSE. The creation of the PULSE crime had clear links to the identification of a suspect and the detection of a crime.

Trend 2:

The Inspectorate found examples of crimes initially categorised as one crime, then at some point reclassified to a lesser crime and, subsequently at a later date, reclassified back to the initial crime. In PULSE records examined, there was a linked arrest of an offender after the first classification was changed. Two examples are included below:

- An offence of burglary in July 2012 reclassified almost immediately to a less serious offence. In October, the district officer reclassified it back to a burglary and the crime was shown as detected.

- A burglary was recorded in May 2012 and was reclassified almost immediately. A detection was shown on PULSE, six days later, and the crime was reclassified back to burglary.

Trend 3:

The Inspectorate found examples of incidents initially recorded on PULSE in a non-crime category such as Attention and Complaints, where the identification of a suspect and a detection resulted in a reclassification to a crime. The non-crime categories on PULSE are used to record certain items of information and incidents, but should not include any crimes. Examples include:

- An Attention and Complaints incident recorded on PULSE in July 2012. In October, a suspect was arrested and the incident was reclassified to a crime of assault.

- An incident was recorded as a 'domestic dispute - no offences disclosed' in June 2012. In February 2013, this was changed to a minor assault and a supervisor directed that the case be shown as detected. There was no reason given for why this was changed or why it was suitable for detection.

In all of the previous examples viewed by the Inspectorate, the PULSE incidents and the initial classification of the crime appeared to be correct. When reclassified, there was no rationale as to why it was changed to a less serious crime or why an incident that was not recorded as a crime later became a criminal offence.

The absence of explanation for the changing of crime categories raises many questions. Crime classifications should never be based on whether there is an opportunity to detect a crime or not. The moving of a crime to a lesser category will reduce reported numbers of serious crimes. Conversely, a crime that is moved back to a more serious category when an offender is identified, will improve the detection rate for the more serious crime.

Furthermore, the initial classification of a crime into a non-crime category that is later changed into a crime category suggests that evidence existed at the time of the incident that a crime was committed, but a decision was made to not record it as a crime at the time.

Lost Opportunities for Detecting Crime

The Inspectorate found many examples where a crime was shown in a less serious category than the PULSE record and the victim's statement and the case file suggested. In these cases, a detection was achieved for a lesser crime or not claimed as the crime was recorded in a non-crime category. This was particularly found in cases of more serious assault, which were categorised as a minor assault. The following two examples show where a detection was lost for a serious crime and for a crime recorded in Attention and Complaints:

- A criminal damage case that was reclassified to Attention and Complaints. A suspect later admitted to the crime of criminal damage;

- An assault harm case reclassified incorrectly into assault minor. A suspect was later charged with assault harm.

In Part 5, the Inspectorate has made a number of recommendations to address the issues around recording practices.

Notifying a Victim and Informing a Suspect about a Detection

A significant development in a crime investigation is the arrest, charge or other action with an offender. As mentioned in Part 7, notifying victims that a person has been arrested and charged can often remove or reduce their concern that the offender is still at large. It is also important that a suspected offender knows that a crime has been recorded against them.

There is a gap in cases of informal cautions and detections where no formal action has been taken. In many cases, a person involved may not have committed the alleged crime and they will almost certainly not know that a record of a crime exists and a detection has been recorded against them.

Recommendation 11.13

The Inspectorate recommends that the Garda Síochána ensures that suspected offenders are formally notified about any crime shown as detected against them. (Short term).

Chart 11.12

Volume Crime Case Reviews – 158 Cases Detections

Number of Cases	Number Cases Investigated	Number Cases with a Suspect	Number Cases Suspect Arrested	Number of Detections Claimed on PULSE	Number Detected Correctly
158	90	37	24	29	22 (6 were premature)

Source: Data obtained from sampling PULSE incident records by the Garda Inspectorate and data supplied by the Garda Síochána.

Volume Crime Case Reviews – Analysis of Detections

Of the original total of 158 cases the Inspectorate examined from start to finish, Chart 11.12 shows that ninety were actually investigated as crimes.

The findings of the Volume Crime Case Reviews support the other analysis around detections conducted by the Inspectorate. In this sample 29 crimes were recorded on PULSE as detected but only 22 were viewed by the Inspectorate as correctly detected. Of the correctly recorded detections, 27% were claimed early.

The Future of Detections

There are many common themes in the examination of detections, which include:

- Not complying with the Crime Counting Rules;
- Not explaining decisions to detect an incident in the PULSE narrative;
- Incorrect use of the 'Detection Status' field;
- Prematurely claiming detections.

The analysis by the Inspectorate indicates that the Garda Síochána detection rates are incorrect. As highlighted earlier, there are links between detection rates and poor crime recording practices. The Inspectorate has found that in the areas examined, detection rates are lower than those claimed and this does not take into account crimes that are never recorded on PULSE or crimes that are shown in the wrong category. Crime must be recorded accurately, so that claimed detections are correct. (See Parts 4 and 5.)

The Garda Síochána has recently introduced a new inspection and review process that requires senior gardaí from within the same operational environment to audit crime recording practices and compliance on crime counting rules. This is not good practice and at present, there is an absence of any central scrutiny around the recording of crime and the recording of detections. The Inspectorate would not advocate an internal auditing process, as this should be conducted by the recommended Garda Crime Registrar, who must be outside of the operational command and without responsibility for crime recording or crime detecting.

The Inspectorate recommends that an annual inspection of detections is conducted by an independent body.

Recommendation 11.14

The Inspectorate recommends that the Department of Justice and Equality convene a working group to consider the implementation of an annual audit of detections by an independent body. (Medium Term).

11.5 Investigation Outcomes

Bringing a Case to Court

This part of the report will look at some of the systems in place to bring a case to court. It is important for any criminal justice system to ensure that only cases with evidence reasonably likely to secure a conviction are brought to court. Throughout this inspection, the Inspectorate has received feedback from all parts of the Garda Síochána, partner agencies, victims and witnesses about time delays in getting cases to court and the vast amount of resources involved in the prosecution processes. This part of the report will examine those processes and some of the inefficiencies currently in the system.

Summonses

An option for bringing offenders and witnesses to court, without the need for a warrant or an arrest, is to issue a person with a summons. Summonses are also issued in connection with non-payment of fines, such as fixed charge penalty notices. In many cases this is an effective way of bringing a person to court and releases garda time from arresting and charging people for less serious crimes. It is also the case that for many offences where summonses are used, an investigating garda has six months from the date of the offence to apply for a summons.

There are some disadvantages in using a summons process, including:

- Investigations can be delayed as a garda has six months to complete an investigation and apply for a summons;
- Once a summons is issued, a court case will not take place for at least another three months;
- A summons needs to be served on the offender. This can be expensive if recorded delivery is used and time consuming if a garda personally serves the summons;
- If a summons is not served in time for the court date, a case will not always proceed and the whole process needs to be recommenced.

In many cases, prosecutions may well proceed by summons, rather than by arrest and charging. Many gardaí prefer this system as it provides more time to prepare case files for court. A major disadvantage with issuing summonses is the additional time taken to apply for a summons and allocate a court date. The longer it takes an investigating gardaí to complete an investigation, the more time it takes to get a case to court. From examination of case files and PULSE records, the Inspectorate found that many less serious cases go very close to the six month time limit before an application is made for a summons. In these cases a member is placing themselves and the courts under pressure to commence proceedings, before the case becomes statute barred. Additionally, when a three to four month period for a summons and a court date is added, a case has already reached the ten month stage before the first court appearance. During visits to courts, the Inspectorate found that there are also significant delays in many non-time statute barred cases, often taking over twelve months to reach summons application stage.

Numbers of Prosecution Summonses Issued

The numbers of summonses issued by the courts in 2013 is outlined in Chart 11.13. These figures are for offenders and not for court witnesses.

Chart 11.13
Summons Details - 2013

Summons Type	Numbers Issued
Electronic Summonses issued (SA1)	122,474
Manual summonses Issued (SA1)	6,087
Re-Issues (SA2)	11,861

Source: Circuit Court and District Court data 2013.

Chart 11.13 shows that 140,422 summonses were issued or re-issued in 2013. Approximately 2,700 summonses are issued each week with the majority for less serious cases, such as traffic offences or thefts. Where an application for a summons is not made in time, the case lapses and proceedings cannot be instigated.

How a Summons is Prepared and Issued

The process for applying for a summons lies with the investigating member who can apply for a summons on PULSE by entering the details of the case (shown as SA1 in the chart) and the district court details. Once the request for a summons has been marked on PULSE, supervisors at GISC are able to track it and will send a reminder to the member to finalise the process before the 180 day limit expires. Those summons requests started, but not sent at 170 days, will be forwarded to the relevant court by GISC as a 'fail safe' unless the investigating member records a reason not to do so.

A problem arises however, where the investigating member fails to take any steps to generate the offence summons. Supervisors informed the Inspectorate that there are many occasions when a garda is aware that an offender needs to be summonsed, but they fail to start the process within the six month time limit. Administrative support from GISC is only possible where the investigating garda has started the summons process. In cases where no action has been taken to apply for a summons, the local supervisor is required to ensure the process is started. Due to a lack of available data, the Inspectorate was unable to determine the scale of this problem, but the Inspectorate was advised by court officers that this happens in all the divisions visited.

There are some occasions where investigating gardaí are awaiting directions from the district officer or DPP to determine the seriousness of a charge. The nature of the charge is important, as it may determine whether there is a six month time limit for a summons. This is a regular occurrence in assault cases, where a minor assault would require the issue of a summons within six months. Some gardaí are creating a summons in anticipation, but do not send it off until directions are received.

Once the details are recorded on PULSE, the request goes to a central point in Dublin. The process is managed through the Criminal Justice Inter-operability Programme (CJIP). This unit liaises with the local court to nominate a time for a hearing and should take into account the working shift roster of the members and any dates that witnesses would like to avoid. A summons is issued back to the district station and a court date is usually set for three to four months in advance. Once the summons process is commenced, a crime can be recorded as detected on PULSE.

The Inspectorate received the findings of an internal study of 500 summonses, which focused on the date the crime incident took place to the date of the first hearing at court. The sample looked at a comparison of the incident date and the court hearing date taken from 1,247 cases scheduled in February 2013, with the following findings:

- Most cases were traffic offences and were listed within 180 days of receipt;
- Some traffic offences took considerably longer to list ranging from eight months to eleven months to arrange the first hearing.

There is a service level agreement between the Garda Síochána and the Courts Service under which the Garda Síochána has to provide twelve week's notice of a hearing and the courts have five months to schedule cases. This snapshot shows that cases are extending beyond that time period. Whilst the majority of summonses are for less serious crimes, there are also a significant number of crimes which are considered serious, such as burglary, that are also processed in this way. In some of these cases, there are delays in issuing summonses and examples were provided to the Inspectorate where applications for a summons in more serious drug cases took longer than twelve months.

A witness summons for a court case is also generated by PULSE, but it can be printed locally by an investigating garda with certification from the local court. No data is available to show how many witness summonses are generated each year.

Late Application for a Summons

After five months and one week, a garda is unable to apply electronically for a summons and members have to make the application manually to the Courts Service. Any application after that time must be made directly to the court. The previous chart (11.13) shows that there were over 6,000 late applications in 2013. The current level of late applications is above the service level agreement, and some courts reported that this is a regular occurrence with a noticeable trend of late applications in assault cases.

Serving Summonses

There are a number of different ways of serving summonses and there are differences in how divisions take action. Examples of summons serving practices include:

- Dedicated garda summons servers;
- Regular post or recorded delivery;
- Personal service by individual gardaí.

It costs €5.25 per summons to send a summons by recorded delivery and the Inspectorate found one busy division that posted approximately 1,000 summonses per month. However in this division, 50% of the postal summonses are returned as un-served. This ultimately results in a visit from a garda to follow up with personal service. Another area reported an 81% success rate for serving summonses. The Ministry of Justice in England and Wales estimates that charging suspects by post saves two hours per police time per suspect and some 300,000 officer hours per year.

Some districts used dedicated summons servers whose sole role is to try and serve summonses. A large amount of garda time is spent on summons serving and it is not unusual to make several visits to a defendant to effect personal service of a summons. During the sampling of PULSE incidents, the Inspectorate found an absence of supervision to ensure that cases were progressed or that cases about to lapse were progressed in time. Once a summons is served, gardaí take a summons to a Peace Commissioner and the service of the summons is endorsed.

Tracking of Summonses

In most divisions visited, there was no tracking process in place to monitor the numbers of suspect and witness summonses generated and what happens to them. The Inspectorate found one district where progress is monitored to ensure that action is taken to serve a summons. The tracking of summonses by this district has identified that some gardaí are not taking any action to serve summonses and some are never returned. The failure to serve a summons results in court cases that are unable to proceed on the arranged court date and a delay in the time to get a case to court.

Summonses Not Served

Where a summons is not served, it needs to be re-issued (shown as SA2 in chart 11.13), and in 2013 there were 11,861 such instances. The Inspectorate was informed that where summonses are not served, in some cases there can be up to five re-issues. This is due to difficulties finding an offender and where there is no action to serve them. The Inspectorate was informed of cases where summonses are not served, even though the offender has been arrested on more than one occasion since the summonses were generated. This links very closely to issues found with warrants, where they were not executed when a person was in custody (see Part 10). The Inspectorate was unable to determine how many summonses were not served and were not re-issued.

On PULSE, the outcome of many court cases is shown as 'case struck out'; but further examination shows in some cases this appeared to be because a summons was not served. In such circumstances, it should be recorded on PULSE as 'summons not served' and not 'case struck out'. The Inspectorate was informed by a number of different sources that investigating gardaí unnecessarily attend court for some cases, when a summons is not served. This is a waste of garda time as the case will not go ahead without a summons being served.

Summons Courts

A large number of traffic and other less serious offences are dealt with at a summons court. Courts often allocate specific days to hear these cases. Summons courts are often high in volume, but each case hearing is usually relatively short. The Garda Síochána operates a court presenter scheme in the District Court that will be fully explored later in this part of the report. In essence, the scheme allows for a sergeant, as court presenter, to tender evidence of arrest, charge and caution and to manage each appearance in the case up to, but not including, the final hearing date. The court presenting scheme does not routinely operate in summons courts and the Inspectorate believes that far too many gardaí are unnecessarily attending court for cases that may well result in a plea of guilty, where a summons

was never served or where a case is not heard on that occasion. Some good practice was found by the Inspectorate, whereby some Traffic Units are operating a court presenter scheme to reduce the number of traffic gardaí that were previously attending court. In the DMR, traffic cases are assigned to court days based on the unit that is due to be working on particular days. Whilst this ensures that cases are heard on days when gardaí are due at work, on some occasions this can remove half of the members of a regular unit from their usual duties to attend court at the same time.

Witnesses Summonses

A warning is a notice given to a witness of the date and time of a court case. The Garda Síochána also has responsibility for serving witness summonses and in more serious cases, the numbers of witnesses can extend to 100 people that need to be warned for court. National Units manage their own summonses and it is not unusual to have to personally warn 75-100 people for a court case.

Circuit court case listings often contain far more cases than court time permits. A state solicitor highlighted that in some circuit court sessions, they may warn in excess of 400 witnesses for cases that are unlikely to go ahead. On many occasions, cases will be remanded to another date and some witnesses are receiving three to four summonses. DPP guidance to state solicitors is to re-issue the initial witnesses summonses for the next court session. This is duplicating the first summons process and the Inspectorate believes that the whole process of witness summonses needs to be reviewed and inefficiencies removed.

In circuit court cases, state solicitors are often dealing with individual investigating gardaí and not a district station unit. In deciding on circuit court case lists, state solicitors have to ensure that cases are ready and that all witnesses are warned. Examples were provided to state solicitors, where information was provided that witnesses were warned, only to discover immediately before a trial or on the day of a trial, that a key witness summons was not in fact served.

Future of Dealing with Summons

Across Ireland, a significant proportion of garda time is spent trying to serve summonses. In the PSNI and Greater Manchester Police, where a person is stopped for an offence and provides an address, that address is considered as suitable for a postal summons to be shown as served. In Ireland, many people who have provided addresses to gardaí later claim that summonses are not received at these addresses. Judges take different views on summonses serving, with some preferring personal service.

Many people have e-mail addresses and there are opportunities to use e-mail for serving summonses. This could significantly reduce the time and cost of the current systems to serve summonses.

The Inspectorate's Report on fixed charge penalty notices provided recommendations to reduce the number of summons issued.

Recommendation 11.15

The Inspectorate recommends that the Department of Justice and Equality convene a working group to ensure a more efficient summons process system. (Medium term).

To achieve the above recommendation, the following key actions need to be taken:

- Examine the issue of summons service and explore new ways to deal with summonses such as E-Service;
- Introduce a court and garda tracking system to monitor actions taken;
- Reduce the time taken from the date of the offence to the first court date;
- Introduce a performance management system for all stages of the process;
- Remove the need to routinely re-issue witness summonses for cases that are remanded to another date;
- Ensure court outcomes are correctly recorded on PULSE (See page 37);
- Extend the court presenter scheme to cover summons courts.

11.6 Court and Prosecution Processes

As part of the Inspection process, the Inspectorate met with key partner agencies including the Director of Public Prosecutions (DPP), state solicitors, courts and probation service representatives. The Inspectorate also visited several courts to view the court in operation. This section of the report will look at some of the inefficient processes that currently operate, which impact on the efficiency and effectiveness of the Garda Síochána and offer some solutions to improve the way that criminal cases are managed.

Timeliness

A very important part of any criminal justice system is the length of time it takes to bring an offender to justice. This is important for all parties and particularly for a victim of crime.

Other policing jurisdictions have invested a significant amount of effort in reducing the amount of time taken from the initial arrest of an offender to the final outcome of the court case. As previously highlighted, this includes removing low level offences that could be dealt with through restorative justice and other disposals, which will allow courts to concentrate on more serious offences.

Other areas connected to this aspect of the process are:

- The management of victims and witnesses;
- Examining why cases do not result in a conviction at court;
- Examining why trials are remanded to another date.

As highlighted in previous parts of this report, there are extensive delays in many investigations, which add a considerable amount of time to the summons process.

Once a crime is detected and a person is charged or summonsed, the prosecution process begins in earnest. For more serious crimes such as a murder or complex fraud cases, the case file preparation required for a court case can be significant. The early stages of a serious but straightforward case may require an intensive investment of resources, whereas a complex investigation will require long term staffing to prepare a case for trial.

In Ireland, the vast majority of prosecution cases that the Garda Síochána deals with are volume crime, public order and traffic incidents. In these cases, less preparation is required for a court case. Prosecution files often consist of victim and witness statements, CCTV and some scenes of crime evidence. The Inspectorate would therefore expect that the vast majority of files for prosecution cases could be dealt with in a timely manner.

In other parts of this report, the Inspectorate has identified a number of unnecessary delays in completed tasks, submitting files and finalising investigations of offences. When this is added to delays in charging and summonsing offenders, the overall delays are significant.

Criminal Justice Performance Data

Other policing jurisdictions track cases from the date of the crime to the date of the court trial and the final outcome of the case. This data identifies where there are delays and obstacles and allows criminal justice partners to take action to reduce delays in cases. The Inspectorate found an absence of good data that is created and shared between the Court Service, the DPP, the Garda Síochána and other agencies involved in the prosecution process. The Courts Service measures timeliness in cases once it reaches the court stage, however no partnership data is produced to monitor performance across all agencies. This is common practice is some other jurisdictions.

There are a number of other areas where joint performance data would be useful, including management of warrants, case attrition[6] rates, timeliness of probation reports and why trials do not result in convictions. The Inspectorate is aware that the DPP has looked at some attrition rates for particular crimes. The Inspectorate believes that the development of good partnership data will enable criminal justice partners to take action to address obstacles in bringing cases to an earlier conclusion.

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6 Attrition is a term used to describe the process of cases not proceeding to the completion of the criminal justice process, i.e. falling out of the process at various stages e.g. not being investigated, or not being prosecuted.

Recommendation 11.16

The Inspectorate recommends that the Department of Justice and Equality convene a working group to develop, design and implement a system which provides joint criminal justice performance data on case management. (Medium term).

Volume Crime Case Review - Outcomes of Cases

This is the final part of the tracking of the 158 cases that mostly started with a telephone call to the Garda Síochána. Of the total of 158 calls, ninety cases were recorded as crimes for investigation. Of the ninety cases, twenty-nine were recorded as detected. Of those twenty-nine cases, the Inspectorate found twenty-two were correctly detected. Chart 11.14 shows the outcomes of those detected cases.

Chart 11.4

Volume Crime Case Reviews – 158 Cases Case Outcomes

Date of Offence	Offence	Case Comment	Court or Outcome Date	Court or Case Outcome
May 2012	DV Barring Order	September 2012 file to State Solicitor	February 2013	Case struck out, liberty to reapply
May 2012	Intoxication	Domestic Violence call but suspect arrested for intoxication No case file available.	September 2012	Taken into consideration
May 2012	Assault	PULSE created July 2012	N/A	Adult caution
June 2012	Robbery	5 month delay in obtaining CCTV evidence Nov 2012 file to District Officer No date shown for file to DPP	Awaits	Bench warrant issued
April 2012	Assault	PULSE created 84 days after the crime was reported	November 2012	Sentenced to 11 months Imprisonment
April 2012	Burglary	Investigating garda on extended sick leave	April 2013	Case struck out at court. Gary Doyle Order[8] not complied with.
May 2012	Domestic Violence	Suspect arrested for public order offence	July 2012	Offence taken into consideration
July 2012	Burglary	Young offenders identified	September 2012	JLO cautions administered
April 2012	Assault	Victim withdrew complaint	December 2012	Case struck out at court
April 2012	Burglary	Two suspects arrested July 2012	December 2012	Case withdrawn as a defendant had passed away. Insufficient evidence to proceed against 2nd offender
April 2012	Assault	Offender arrested and charged on the same day	October 2012	Sentenced to five months imprisonment
May 2012	Three Cases of Burglary	Offender arrested at the time of one of the offences	July 2012	Sentenced to nine months imprisonment
May 2012	Assault	PULSE created September 2012. File to district officer October 2012 Directions to proceed Nov 2012	Awaits	Summonses not served
May 2012	Domestic Violence	Offender arrested for intoxication	May 2012	Fixed charge penalty notice issued
June 2012	Aggravated Burglary	Number of arrests and charges	Awaits	Awaiting trial
July 2012	Robbery	Six charges	Awaits	Plea taken – case remanded April 2013
May 2012	Assault	File to district officer October 2012 Case moved from district court to circuit court May 2013	Awaits	Summons not served case struck out at court. Awaits re-issue of summons.
May 2012	Assault	Suspect admitted the offence	November 2012	Sentenced to 180 community service
December 2011	Criminal Damage to a Car	File to district officer February 2012 Summons issued March 2012	Awaits	Bench warrant issued March 2013
June 2012	Burglary	Summons issued in September	June 2013	Sentenced to six months imprisonment

Source: Data obtained from sampling summonses by the Garda Inspectorate

7   Director of Public Prosecutions v. Gary Doyle [1994] 2 IR 286.

Findings

- There are some excellent outcomes and particularly, several burglary cases where suspects were quickly identified and the cases were progressed promptly;

- There are a number of cases where there were long delays in progressing cases to summons stage and getting a case to court.

In a number of cases there were unnecessary delays in dealing with a prosecution, such as a case of assault where it took four months to create a PULSE record, five months to submit a file to the district officer and six months to obtain directions for proceedings. This case proceeded by a summons and the case is shown as summons not served.

Chart 11.15 shows the case disposal outcomes for the twenty-two cases.

Chart 11.15
Volume Crime Case Review Case Disposal

Case Disposal	Percentage of Outcomes
Imprisonment	26%
Community Service	5%
Withdrawn	5%
Caution (adult/young offender)	9%
Bench Warrant Issued	9%
Fixed Charge Penalty Notice	5%
Struck Out	18%
Awaiting Trial or Sentence	9%
Summons Not Served	5%
Taken into Consideration	9%
Total	100%

Source: Data supplied by the Garda Síochána.

Findings

- Out of the original 158 cases and ninety that were investigated, only a small percentage of crimes had a positive case outcome;

- Out of the twenty-two correctly detected cases, just over 50% achieved a judicial outcome;

- There were a number of cases where summonses were not served or disclosure was not completed and cases were struck out. In these cases there was no indication on PULSE or in the case files that any further action was taking place to progress the case.

Possession of Drugs Cases – Outcomes

As previously outlined, the Inspectorate examined PULSE data from seventy-four possession of drug cases where a detection was recorded. The initial examination showed that the Inspectorate agreed with the detection claimed in forty-nine of those cases. A further analysis of these forty-nine cases revealed that five cases were dispensed by a JLO caution, one had insufficient details and another had no proceedings. This left forty-two cases where there was a charge or summons issued and where the cases had progressed to court proceedings.

Chart 11.16 displays the findings from the analysis of those forty-two cases through to a court outcome.

Chart 11.16
Court Outcomes for Possession of Drugs In Selected Divisions June 2012

In Court Outcome	Percentage of Outcomes
Probation Order	10%
Withdrawn	7%
Fined	14%
Adjourned	5%
Bench Warrant Issued	2%
Remanded	2%
Struck Out	50%
Donation to Poor Box	7%
Taken into Consideration	3%
Total	100%

Source: Data obtained from sampling 42 PULSE Drugs possession incident type records by the Garda Inspectorate.

Findings

- There was a case disposal in only 26% of the cases;

- In 50% of the cases a summonses was not served and the cases are shown as 'struck out'. There was no evidence on PULSE that the summonses were re-issued in these cases;

- 7% resulted in a poor box donation.

Detection Rates Compared to Case Disposal Outcomes

The published Garda Síochána detection rates convey a positive message about the way that crime is investigated and solved. However, the Inspectorate found examples of detections recorded on PULSE that were incorrectly claimed and when cases are followed through the entire crime investigation process, many cases do not result in a judicial outcome.

Throughout all of the detection analysis, a significant number of court cases, in all crime categories were shown on PULSE as 'struck out'. In many cases, this means that the summons was never served. At the time of examining these cases, many were twelve months old and were not resolved.

As previously highlighted, district officers are not reviewing cases that are lost at court and making decisions on whether detections should remain or not. The Garda Professional Standards Unit are tasked to review certain cases lost at court that are deemed as 'critical', but overall, the Garda Síochána are not looking at the quality of case outcomes.

11.7 Court Processes

Courts and Jurisdictions

During this inspection, the Inspectorate encountered a variety of criminal justice system issues that have significant impact on the criminal investigation processes in Ireland. The following sections identify some of the barriers and inefficiencies which contribute to delays in criminal investigations.

District Courts

A person charged or summonsed for an offence will, at the first hearing, appear at the local district court; in the area where the offence took place. Certain offences may be tried on indictment or summarily in the district court, providing that a judge accepts jurisdiction, the accused consents to the case being tried summarily and the consent of the DPP is obtained.

Any garda division will have a number of different district courts operating within their divisional boundaries. One division reported sending cases to four different courts within their geographical area. There are variations in the number of days that courts sit. Some district courts sit everyday, others do not sit on Mondays and Fridays and in more rural areas, the court will sit even less frequently. Unlike other jurisdictions, district courts do not routinely sit on a Saturday and if required on a Saturday, a special court must be arranged. This is an expensive and time consuming process. At present, courts and garda divisions are not aligned and this creates difficulties for both the Courts Service and the garda divisions. Many court areas are reducing the number of district courts e.g. in Donegal district courts have reduced from ten to three.

With the recommendation in Part 2 to move to a divisional model, the Inspectorate recommends a review of district court structures to ensure the best possible alignment with the changes to the Garda Síochána structures.

Circuit Courts

The country is divided into eight circuits, each circuit court being a court of local and limited jurisdiction. The Circuit Court has jurisdiction to try all indictable offences with the exception

of those which can only be tried by the Central Criminal Court (murder, treason and other serious offences). The Circuit Court also has appellate jurisdiction over decisions made by a district court. Circuit Court term and sittings are defined at the start of each year.

Many of those interviewed by the Inspectorate involved in cases at circuit courts raised the following issues:

- Some courts do not sit on a full time basis;
- Cases coming to this court can be often two to three years old. This can be dependent upon not guilty pleas and the number of judges available to hear cases;
- There are court breaks throughout the year. (There are courts for warrant and custody cases as required during August and September);
- Prosecutors often have a large number of cases and are struggling to arrange court lists during the court sittings. This is dependant on the stage of preparation of the case on first listing in court;
- There are no fixed dates for trials;
- The first day of a circuit court session is usually spent deciding which cases will be heard as cases are at different stages of preparation, e.g. witnesses may not be available. This dictates whether a case can go ahead on a scheduled date;
- Some courts do not sit on a Monday and Friday is not always a full day;
- Courts often start late (11am) and finish around 4pm.

The Inspectorate was informed that some circuit court sittings could have a list of over 100 cases to manage. Usually, 60% of those cases are remanded from the last sitting. Circuit court equivalents, in other jurisdictions, sit all year round without breaks. This allows prosecutors to fix dates for trials well in advance. Most prosecutors felt that circuit courts could better manage lists without sitting during the breaks, but by ensuring that they sit Monday to Friday and for longer days.

Delays in Getting Cases to Court

A key theme throughout the inspection is the link between conducting an investigation and getting a case to court. In other parts of this report, the Inspectorate has highlighted delays in the various stages of an investigation which impact on the time from the date of the incident to the court hearing.

The Inspectorate is aware of cases that are dismissed where there were unacceptable and undue delays in investigations. At district court level, it appears that some judges find two year delays in less serious cases to be unacceptable.

During visits to courts and garda divisions, the Inspectorate was informed about the following cases and trends:

- An example was provided of a crime that occurred in August 2012, the summons was applied for in December 2012 and the first court date was May 2013. The delay in this case was due to obtaining CCTV and witness statements;
- A case of burglary which took four years to bring to court. By the time of the court case the elderly victim was deceased;
- National units reported delays of three to five years to bring cases to court;
- Circuit court cases can be two and three years old;
- Cases involving computer analysis that are now four years old;
- Intoxicated driving cases taking twelve months to come to court.

Disclosure of Evidence

At a first court appearance, the issue of disclosure known as 'Gary Doyle Orders' may be considered. Many defence solicitors will request copies of all cases papers and evidence that is available. This is an element of case management that is slowing down court outcomes. Disclosure is a very important part of any prosecution case to ensure that the defendant is provided with details of evidence that will be presented in a court hearing.

Unlike other police services, gardaí are generally untrained in disclosure issues, particularly in presenting evidence that is disclosable or non-disclosable and in preparing disclosure schedules for court. In Ireland the process is dealt with by prosecutors while the investigator's role is to supply a list of exhibits. Many court cases are adjourned, often for three month intervals, as disclosure is not completed. The Inspectorate was informed that cases may be dismissed because of failure to properly disclose evidence. The provision of disclosure training would greatly assist an investigator at the early stages of an investigation when gathering evidence, as well as preparing a case file. The training requirement for disclosure was highlighted as a recommendation in Part 9.

Pre-Trial Hearings

Pre-trial hearings commenced as a pilot in January 2013 and are operating for cases heard in the circuit courts. The hearings are aimed at reducing delays in cases which do not proceed on the trial date. They are usually held four weeks before the trial date and involve both defence and prosecution. At the hearing, the defendant is required to enter a formal plea to the offences charged. The prosecution can bring attention to witnesses where there is an opportunity to tender statements instead of a personal appearance and whether any video link or CCTV evidence will be used. A most important element is ensuring that disclosure has been completed.

During examinations of PULSE and case files, the Inspectorate found that court cases are often remanded on several occasions and in some cases for long periods of time. The Inspectorate found examples where cases were remanded for 6-9 months and in one case of sexual assault, it was remanded for 10 months. One of the district courts visited estimated that 80% of cases are adjourned.

The Inspectorate welcomes the use of pre-trial hearings, which operate in most other similar policing jurisdictions and the Inspectorate would recommend that the hearings are extended to district court cases listed for trial.

Presenting Case at Court

The Garda Síochána currently prosecutes cases in the district courts, while in the circuit and higher courts, state solicitors and the DPP prosecute cases. There are thirty-two state solicitors contracted to prosecute more serious cases on behalf of the DPP. For the most part, state solicitors operate on a county basis and are aligned to garda divisions.

The responsibility for prosecuting cases in the district courts outside the DMR still rests with the local district superintendent. Many senior gardaí support the use of the district officer, who in many cases is the decision maker on whether to prosecute less serious crime in a local garda district. The Inspectorate found a wide variation in who actually presents cases in court and the abilities of those performing this role. The Inspectorate observed several members in courts and while most were very proficient, some lacked the skills to perform this role. Most other jurisdictions have a clear line of separation between investigators and prosecutors.

Some superintendents prosecute cases, but in most districts this role was delegated to inspectors. This situation is often complicated when a district officer is posted to a garda district a long way from their homes. The Inspectorate was informed that the officers in this situation are even less available to perform the prosecution function. The change in continuity of superintendents was highlighted by courts staff, with many courts reporting that there are frequent changes of superintendents in local districts.

The Inspectorate is aware of a division where four inspectors share the role of presenting cases. Before this district court sits, an inspector may have to prepare to present 70-100 cases at court. This requires an individual to spend a lot of time in preparation for those cases, as some will be contested, even though others may result in a plea of guilty. For the next occasion at court, one of the other inspectors will present the cases and will have to go through a similar process to the previous inspector. Many of the cases will be remanded from the last occasion to the next session and this system results in the second inspector reading the same files. This inspector is also disadvantaged without prior knowledge

of cases that are coming back to the court from the previous hearing. The duplication of case file reading and familiarisation is not best use of garda resources. It is also important to note that the superintendents and inspectors have other important roles and the prosecution of cases can result in the loss of three days for preparation, presenting cases and completing notes on outcomes. No formal training is provided and the Inspectorate is aware of newly promoted inspectors assigned directly into this role.

Court Presenting Scheme

In the Dublin Metropolitan Region (DMR), sergeants are used as court presenters in district court cases. A pilot scheme using court presenters outside the DMR commenced in September 2013 in the divisions of Tipperary, Wexford and Limerick and was due to be reviewed in September 2014. A court presenter will deal with all cases at the first hearing to reduce the number of gardaí attending court. A large percentage of cases are dealt with in this fashion. Where there is a guilty plea at first hearing, court presenters outline the facts of the case only, removing the need for individual gardaí to attend court and ensuring consistency in case presentation.

In most cases that move to a trial, the original investigating garda takes on the role of prosecuting that case at district court level only. In more complex cases, such as driving while intoxicated, a request can be made for the DPP to present that case in court. It is always open to the Garda Síochána to ask the DPP to prosecute a case in court.

Within the DMR, a member who is the investigating officer prosecutes a contested case in the district court, but outside of the DMR, it may be a superintendent who presents the same type of case. The process of police officers prosecuting cases existed in most other policing jurisdictions at sometime in the past, but today, none of the police services visited operates a similar scheme.

The Inspectorate visited the Criminal Courts of Justice in Dublin, and viewed two courts in operation. Firstly, a district court where a court presenting scheme was in operation and secondly, a mentions court for circuit court cases where a court presenting scheme was not in operation.

The first court was almost empty with one court presenter dealing with all the cases. In the Circuit Court dealing with case mentions, there were approximately thirty gardaí in court at that time. This is a daily occurrence across the courts in Ireland and is taking a significant number of gardaí away from policing duties. In the absence of an alternative system, the court presenting scheme should be operating in all divisions and across all courts.

The Inspectorate was told of a large variance of skills of those presenting cases at court, with the main complaint being the constant changing of court presenters. The Inspectorate found that across the divisions visited, court presenting was managed in many different ways; including a variety of different ranks from sergeant to superintendent. The Inspectorate does not view this as a rank dependant position; but it requires a person with the skills to present criminal cases in court.

Without any performance data available on individuals prosecuting cases, there is no evidential basis to identify those that are very good at securing convictions and those who have training needs.

The Inspectorate supports the use of the court presenters and this confirms a previous recommendation in the Inspectorate's report on 'Front-Line Supervision' (2012). The Inspectorate advocates that this scheme should, in the absence of a state prosecution scheme for district courts, not only deal with first hearings but also present all not guilty cases at district court level.

The use of district superintendents and inspectors as prosecutors is not seen as best use of their time, as it takes them away from other key responsibilities. In the absence of a state prosecution scheme for district courts, the Inspectorate views court presenting as a better system. The Inspectorate believes that the court presenting system should be extended and rolled out across all divisions and that presenters are selected on skill levels.

The subject of prosecuting case in district courts will be considered as part of the Haddington Road Review.

The Inspectorate recommends that in the interim, the Garda Síochána extends the role of the court presenters scheme to include all the prosecution role in courts, across all divisions. (Medium term).

11.8 Inefficiencies in Criminal Justice Processes

Charge Sheets and Court Orders

The current process for sending charge sheets from garda station to courts is inefficient. This process is managed on paper by the investigating garda and is then transferred to the courts, who have to manually enter all charges onto the court computer system. Where an overnight case is submitted the court may receive the charge sheet about an hour before the court is due to sit. With complex fraud cases, multiple charges may need to be inputted and this places court staff under considerable pressure.

Where a person is charged and released on garda station bail to go to court at a later date, the courts are sometimes not provided with the charge sheet in advance. This is unnecessarily putting the court under undue pressure when the charge sheet should have been sent much earlier. The Inspectorate was informed that charge sheets have sometimes not been provided and enquiries revealed that they were sometimes placed in members' lockers and not sent to the court.

Once within the court system, a district court is unable to electronically send charge sheets to a circuit court. In Part 9, the Inspectorate has already recommended an electronic custody system that would allow charges sheets to be sent electronically and directly to court staff.

There is further inefficiency in the inability of a court to be able to enter family law orders directly onto PULSE. In these cases, the person who is subject to a protection order has to physically take the order to their local garda station.

Witnesses in Court Cases

Prosecution cases usually rely heavily on witness testimony and particularly those cases dealt with at Circuit and Central Criminal Courts. Cases will often be struck out when witnesses do not attend. The Inspectorate was informed that arranging court dates around garda rosters and annual/sick leave often provides enormous challenges and cases are sometimes listed on dates when key garda witnesses are unavailable. Data is not collected on cases that are struck out due to the absence of victims or witnesses. It is important to collect such data for analysis and to identify trends. The Inspectorate believes that this data should be part of criminal justice data as recommended later in this part.

Trials in the criminal courts often require the attendance of large numbers of witnesses. As highlighted in other parts of this report, this also includes gardaí and support staff that had contact with persons relevant to the court case, those who had contact with exhibits and specialists who may have attended a crime scene; such as photographers. Some of these witnesses are experts and provide evidence that has been captured or analysed. These experts complete a witness statement explaining their action on the case. Large numbers of expert members and support staff are attending trials throughout the country on a daily basis. As specialist units are based in Dublin, this often requires travelling long distances to the court where the case will be heard. Even though the experts are in attendance at court, they are often not required to give evidence or the evidence given is limited to an explanation of what was found and the exhibit that is produced. In essence, this is the evidence contained in their statement, which can often be non-controversial. Attendance at court is taking those experts away from their daily tasks and over a period of time amounts to a considerable abstraction from their main roles, causing further delays in the examination of exhibits.

As previously highlighted, a considerable number of gardaí have contact with people who are arrested and a large number of gardaí and Garda Síochána support staff have contact with evidence and exhibits. All people involved in these processes are completing statements and in many cases they are warned for court. Again, much or all of their evidence is non-controversial and although attending court, they are often not required to give testimony.

With property crimes, victims often provide statements explaining that they were not present when a crime took place and simply that they did not give anyone permission to commit the crime. In many of these cases, victims are warned to attend court, which is an avoidable inconvenience. In addition, there will always be occasions when witnesses are warned to attend court for a not-guilty hearing and on the day of the trial a defendant changes their plea to guilty.

Other policing jurisdictions, such as Western Australia, have tried to remove the need for non-controversial witnesses to attend court cases. In the UK, an evaluation of witnesses showed that 58% that attended court, were not required to give any evidence.

In Ireland, Section 21 of the Criminal Justice Act 1984 allows for a written witness statement to be admissible in evidence as to the extent of oral evidence. There are a number of conditions that must prevail to allow this to take place. The Inspectorate believes that through increased use of this provision, there is great potential to significantly reduce the numbers of professional and private witnesses that are called to court.

Special Measures

Where a victim is young, vulnerable or intimidated, special measures can be requested by prosecutors. This may include providing evidence from behind a screen or via video link. Most district courts visited did not have the ability to deal with those who require special measures and in such cases the trial needed to be moved to a court that had the facilities in place.

Breach of Suspended Sentence

The issue of dealing with breaches of suspended prison sentences was raised by a number of criminal justice agencies. Where a person breaches a suspended sentence, they are required to be dealt with by the judge and the court where the sentence was imposed. Where the subsequent offence is committed in a different court area, the new case cannot be dealt with until the breach of the suspended sentence is concluded. The Inspectorate was informed that there is a timeframe within which the breach must be addressed, which

sometimes expires before the case is brought back to the original court. The referral back to the original court is then impacting on the timeliness of the most recent offence. The Inspectorate was also informed that breaches of suspended sentences are not always brought to the attention of a court.

Pleading Guilty at an Early Stage

An offender can plead guilty to the offence at any stage in a prosecution. An early plea can be acknowledged by a judge and credit applied to that case. This can result in a lesser penalty. There are many occasions where an early plea saves a lot of time and removes the need for victims and witnesses to attend court. The Inspectorate was informed by those involved in prosecutions that sometimes offenders enter a very late plea, such as on the day of trial, and are given credit for doing so. On other occasions, people enter an early plea and are not given any credit for doing so.

Charging Advice and Case Feedback

Access to pre-charging advice is not as developed in Ireland as in many other jurisdictions. Many investigators do not have direct access to the DPP or state solicitors for pre-charge advice and must go through their district officer. Some national unit investigators dealing with more serious crimes or complex investigations reported that they have access to DPP advice. In serious crimes, senior gardaí said that they have an excellent relationship with the DPP and had ready access to advice. For volume crime investigations, the access is less available. In the case of a charging decision outside of office hours, the DPP operate an on-call DPP Direct service.

In most cases, garda investigators complete a full case file and submit the file to the DPP for directions. This is a formal process and involves a considerable amount of work on a case that may never reach a standard of evidence that is suitable for prosecution. As previously mentioned, a move to electronic files would speed up the process of submitting files for advice or for charging decisions.

Early advice could assist an investigator to identify further actions required to progress the case to prosecution. Other police services visited have more access to prosecutors for early advice in

criminal investigations. The Inspectorate believes that the provision of pre-charge advice should be reviewed by the DPP and the Garda Síochána.

In discussions on the circumstances where the DPP directs 'no prosecution', there was mixed feedback on the information provided by the DPP. National unit senior gardaí again reported that they have more access to the DPP and are usually told why a case has not reached the evidential threshold. In volume crime investigations, an investigator is usually told that there was insufficient evidence to prosecute, but they are not routinely provided with feedback on the points that were needed to allow a prosecution to proceed. The forthcoming EU Victims Rights Directive provides that victims have a right to certain information about their case throughout the criminal process. Of particular note is that on request, a victim should be provided with brief details about why a case was not prosecuted. Whilst it is important for victims to know why a case will not be prosecuted, it is also important information for an investigator and their supervisor.

Whilst respecting the independent position of the DPP, the Inspectorate believes that the efficiency and effectiveness of the Garda Síochána would be assisted through the provision of pre-charge advice to investigators. This would also assist the Office of the DPP as it would reduce the number of full case files that are currently submitted.

Recommendation 11.18

The Inspectorate recommends that the Department of Justice and Equality convene a working group to examine the current process for providing pre-charge advice and feedback to investigators on why a case is unsuitable for prosecution. (Medium term).

Court Security

Throughout this crime inspection, the Inspectorate found gardaí performing a host of court roles such as general security and outside of the DMR, looking after jurors. Court escorts for remand prisoners was previously highlighted as an inefficient process. An example was provided to the Inspectorate where gardaí from outside a court area collected and brought a remand prisoner to court. The security of the prisoner was handed over to gardaí at the

local court and once the case was finished, the prisoner was handed back to the original gardaí to return the person to prison. On a daily basis, the Irish Prison Service and the Garda Síochána are transporting prisoners to and from courts. In other policing jurisdictions, prisoner escorts are managed by private companies, rather than using police or prison officers in this role. This issue will the subject of a more detailed examination as part of the Haddington Road Review.

Court Convictions on PULSE

Many gardaí raised the recording of court convictions on PULSE as an area that needs improvement. Since 2008, the responsibility for putting circuit court case results onto PULSE moved from the Courts Service to the investigating garda. The Inspectorate was provided with many examples where gardaí found that court convictions are not recorded on PULSE. This is usually discovered when a person re-offends and the investigating garda for that offence searches PULSE to obtain an updated version of a person's Record of Previous Convictions. On checking PULSE, gardaí have found cases that are shown as complete, but the court result is not recorded.

The following are examples of cases where it was found that court convictions were not recorded on PULSE:

- An offender who was sentenced to seven years imprisonment for endangerment of a child;
- A murder conviction;
- A case of false imprisonment of a ten year old child.

It was also highlighted to the Inspectorate that suspended sentences are not always recorded on PULSE.

Non-recording of Other Agency Convictions on PULSE

Convictions for non-garda incidents are not currently recorded on PULSE. This includes persons who may have been arrested and taken to garda stations for offences, such as cigarette smuggling and evasion of excise duty. Often these offenders can be part of serious and organised

criminal networks. As the arrest is not always linked to a garda incident and may be investigated by Customs or another agency, any conviction at court is not recorded on PULSE.

Some of these offenders are sentenced to terms of imprisonment. This is an intelligence gap and conviction history should be available to all gardaí who come into contact with offenders. It would be particularly useful information for gardaí based at ports of entry and Garda Interpol for enquiries that are made from abroad.

Court User Groups

In many areas, the Courts Service hosts a multi-agency Court User Group consisting of the various agencies and persons that use the courts. These Groups meet regularly to try and improve court processes such as the timelines of cases, better partnership working and how to provide a better service to victims and witnesses. The Inspectorate found one court user group that appeared to be dynamic, met on a regular basis and there was good feedback from those who attended. In other places the meetings were ad hoc or rarely happened. There is value in holding a court user group as it brings together all the agencies that use the court, to identify and address efficiencies in the criminal justice process, including crime investigation.

11.9 The Way forward

The remainder of this part identifies some opportunities to improve the efficiencies of prosecutions and court cases.

Video-Linking

Video-linking is now used in some courts to allow evidence to be given remotely. The Inspectorate welcomes the use of video-linking by the Courts Service, the Prison Service and by the Garda Síochána. Use of video-linking reduces the number of offenders and witnesses having to physically attend court. This is primarily used for prisoners on remand and removes the need to arrange garda escorts to bring a person to court. This reduces unnecessary movements of high risk prisoners, which are resource intensive; and it can also prevent conflict at court between associates and family members.

Video-linking was not available in the majority of district courts visited by the Inspectorate. In the UK, 50% of the equivalent courts to district courts and all equivalent circuit courts have facilities for video linking. It allows officers to give evidence at court via video camera without having to leave the police station, saving time and costs. West Midlands Police have monitored its use and stated that the system potentially saves 14,416 police hours with a cost saving of €396,000 per year from using this facility. Video-link is also used for witness evidence from abroad and to allow witnesses such as doctors to give evidence from their places of work.

The Inspectorate is aware that there is a Department of Justice and Equality Efficiencies Working Group looking at this issue as part of wider criminal justice reform and the Group is trying to develop video-linking between the main criminal justice partners. This would assist efficiency in the Garda Síochána as it would reduce unnecessary attendance at court.

Criminal Justice Units

The Garda Síochána does not operate a formal post-charge unit that manages criminal prosecutions. In many of the police services visited, the Inspectorate found that a post-prosecution administrative unit in operation which are usually called Criminal Justice Units (CJUs). Post-charging and issuing of summonses are part of the remit of CJUs which takes responsibility away from investigators for the management of case files and the movements of files to and from prosecutors. In Scotland, CJUs quality assure all case files before any submission is made to the Procurator Fiscal (public prosecutor).

Within the Garda Síochána, case files are left with individual investigators and it can often be difficult to access a case file. Those difficulties are compounded when gardaí are on long term absence or where they transfer to another part of the country. CJUs manage all issues surrounding disclosures and cases that move towards trial. CJUs usually operate on a divisional basis and provide a single point of contact for all prosecutions. CJUs operate one case file and manage that file.

State solicitors often have to contact individual investigators to obtain missing statements in connection with an appeal or to confirm if

witnesses are warned for court cases. A single point of contact in a CJU would remove a lot of the burden currently resting with state prosecutors. CJUs will, on behalf of prosecutors, arrange for officers to complete tasks for cases. CJUs deal with administrative issues and are predominately run by police support staff with minimal police officer involvement.

During the inspection process, gardaí raised issues regarding the management of dates in court cases. It is important to be clear on dates when witnesses are unavailable for a whole host of acceptable reasons. Courts have said it is often difficult to arrange adjourned cases to dates when witnesses are available. A move to a CJU would allow the court to contact one specific unit to discuss problems with witness availability.

With the implementation of a CJU, there are opportunities to co-locate other units such as those currently managing warrants and summonses.

Witness Care Units

CJUs usually incorporate a section called Witness Care Units and this was the subject of a recommendation in Part 7. These units are in operation in other policing jurisdictions and were recently introduced in the PSNI. Witness Care Units take on the role of warning police officers, victims and other witnesses for court cases. The units also take on the role of keeping witnesses up to date on case developments and ensuring that witnesses have a central contact point if they want to speak to someone about their case. Much of their contact is by telephone and e-mail.

Recommendation 11.19

The Inspectorate recommends that the Garda Síochána introduces Criminal Justice Units. (Medium term).

Changes in the Criminal Justice Process
Criminal Justice Board

Several jurisdictions have established multi-agency groups containing senior operational representatives of all organisations involved in criminal justice. The remit of these groups is to take a holistic approach to tackling issues across the criminal justice system, to overcome operational barriers and to solve problems. Examples include the Criminal Justice Co-ordinating Committee in Minnesota, a Justice Sector Leadership Board in New Zealand and the Criminal Justice Board in the UK.

Local Criminal Justice Groups

Many police services have introduced local criminal justice groups to support criminal justice activity at a local level. These are convened on the equivalent of a divisional basis. This group brings together key partners such as:

- Divisional chief superintendent;
- Chief Clerk of the Court;
- Senior Probation Officer;
- Head of the Youth Offending Service;
- Senior representative from the local authority;
- Head of the victim support;
- Head of a divisional criminal justice unit.

This is a very different group to a court user group. This group has responsibility for all issues concerning the delivery of local justice. The strength of the group is the level of decision maker that attends and successful groups have members that can make operational decisions and assign resources. The responsibilities of the group include all elements relevant to the agencies such as:

- Probation orders;
- Warrant management;
- Ineffective trials;
- Victim and witness care;
- Timeliness of cases.

At present, there is no such process for bringing key partners together to walk through criminal justice processes and resolve obstacles to better working practices.

Recommendation 11.20

The Inspectorate recommends that the Garda Síochána, along with key partner agencies introduces criminal justice groups at a divisional level. (Medium Term).

Changes in Criminal Justice Processes

Throughout this report, the Inspectorate has identified inefficiencies in systems resulting in poor victim service, challenges in the timely processing of suspects and lengthy prosecution processes which contribute to poor outcomes.

The Inspectorate has identified areas for review, including court processes, information co-ordination among criminal justice sector partners and legislative issues. Acknowledging the complexities of the criminal justice system, the following areas need to be addressed on a multi-agency basis.

Recommendation 11.21

The Inspectorate recommends that the Department of Justice and Equality consider the establishment of a Criminal Justice Board equivalent to deliver a more effective criminal justice service. (Medium term).

The following matters need to be considered:

- Ensure that criminal cases do not lapse;

- Consider the extension of pre-trial hearings;

- Address inefficiencies with charge sheet processes and court orders;

- Reduce unnecessary and repeated court appearances by witnesses;

- Ensure specialist measures are available for victims and witnesses;

- Develop joint agency data on case timeliness and factors affecting the outcome of criminal cases;

- Accurately capture court conviction information in all courts;

- Develop video-linking to create efficiencies for garda and other witnesses;

- Review the use of gardaí in court security roles and escorting of remand prisoners;

- Review the management and process for dealing with those offenders who commit offences whilst on suspended sentences.

ADDENDUM TO CRIME INVESTIGATION REPORT: GUERIN REPORT

1. INTRODUCTION

On 26th May 2014, following a report by Mr Seán Guerin S.C. (Guerin Report), the Minister for Justice and Equality, Ms. Frances Fitzgerald T.D., requested the Garda Síochána Inspectorate, pursuant to Section 117 of the Garda Síochána Act 2005, to:

"carry out an inquiry into all of the crime investigation and other Garda management, operational and procedural issues identified in the Guerin report relevant to your statutory remit, and report to me as soon as possible."

This addendum is the result of the Inspectorate's examination of the Guerin Report.

2. Methodology

It was not within the Inspectorate's remit to duplicate Mr Guerin's work by examining the action taken by the Garda Síochána in response to the relevant complaints, but rather to review the process issues raised in Mr. Guerin's report relevant to Garda Síochána practices and procedures. This was in the context of the Inspectorate's statutory remit to ensure that the resources available to the Garda Síochána are used so as to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration.

The contents of the Guerin Report were considered against the backdrop of the Inspectorate's ongoing and comprehensive inspection of crime investigation and crime prevention by the Garda Síochána. Throughout the various parts of the Crime Investigation Report, references are made to certain issues which are raised in the Guerin Report. This Addendum brings together the findings of the Inspectorate's report with the issues raised in the Guerin Report.

3. Overview of the Guerin Report

The Guerin Report is a review of the action taken by the Garda Síochána pertaining to certain allegations made by Sergeant Maurice McCabe. Sixteen individual incidents, events or matters were included under the terms of reference given to Mr. Guerin. Ten of these cases involved the investigation of a crime, three concerned the subject of internal matters, two related to allegations of misconduct and the other case was a report submitted by Sergeant McCabe.

Mr Guerin stated in his report "that it is understood that the purpose of this review is not to make findings of fact or to determine any disputed question either of fact or law. Insofar as any views are expressed on factual matters, those are only facts as they appear from a review of the files that I have received."

Having regard to the importance of the issues reviewed Mr Guerin recommended in the public interest, that a Commission of Investigation be established to investigate the individual issues that remain unresolved arising from the complaints examined in his report. In recommending this, Mr Guerin suggested the inclusion of defined terms of reference on these matters of urgent public importance. Additionally, Mr Guerin recommended specific and procedural issues that should be the subject of further review by an appropriate body.

While the issues identified in the Guerin Report relate to one specific district, the Inspectorate's findings are the result of a much broader two year national review of crime investigation within the Garda Síochána.

The following is a summary of the issues identified in the Guerin Report that were relevant to the remit of the Garda Inspectorate. While the Guerin Report is not explicitly organised in themes, the

Inspectorate has identified common issues from its own inspection. The Inspectorate considers that arranging a response in a themed manner, best fulfils the Minister's requested inquiry.

Consideration of each theme in the following Sections 4-12 first sets out Mr. Guerin's observations and, thereafter, the Inspectorate's own findings on the same theme. The reference to parts shown in brackets, identifies where the issues highlighted in the Guerin Report is covered in the Crime Investigation Report.

4. First Steps at a Crime Scene and Incident Recording

The Guerin Report highlighted concerns in respect of gathering evidence at a crime scene and inaccurate entries on PULSE including:

- Unaccountable delays in retrieving evidence such as CCTV (Part 9);

- Many incidents for which no entries were made in garda notebooks (Parts 3, 4 and 9);

- Missing reports (Part 3);

- No records entered either on the garda recording system (PULSE) or in incident books at stations (Parts 3 and 4);

- Sparse detail, inaccurate and incorrect entries on PULSE (Part 4);

- Delays in creating and updating PULSE records (Part 4);

- Alteration to the narrative record on PULSE (Part 4).

The Inspectorate identified the following issues within the Guerin Report that deal with gathering evidence and incident recording on PULSE:

Incident Recording

Issues concerning the use of PULSE and incident recording are made throughout the Crime Investigation Report, but those that specifically relate to issues raised in the Guerin Report are referred to in Parts 3, 4, 5, 8 and 9. The Inspectorate found these issues identified during the course of its inspection and a number of other related significant issues, such as the changing of a crime classification from one crime to another and the invalidation of PULSE records.

Gathering Evidence

In the course of the inspection, the Inspectorate came across a number of examples where there were delays in gathering evidence and progressing investigations. In Part 9, there are examples of cases where CCTV or other evidence was either not gathered or there were delays in the collection of such evidence that impacted negatively on an investigation. The Crime Investigation Report generally makes a number of references to CCTV in different sections, and recommends improvements to the gathering of CCTV evidence and the creation of a national CCTV database, containing details of all systems that are operating.

PULSE Narrative

The Inspectorate found that PULSE narratives were often short in length, sometimes lacked detail about the crime or incident, and the action taken by the first responder. A poor narrative often made it difficult to determine the level of offence that had taken place.

The Inspectorate found examples where PULSE narratives were changed and cases where it was accompanied by a reclassification of a crime to a less serious offence. For example, in one indecent assault case, the word "indecency" was removed from the narrative and the crime classification was changed to a minor assault.

Part 9 of the Inspectorate's report contains examples where the PULSE narrative and classification of an incident does not correspond with the information provided by a victim which was recorded by the garda call taker.

As identified in the Guerin Report, the Inspectorate also found examples where the PULSE incident classification and the narrative did not reflect the gravity of the crime that was actually committed.

Recording Incidents on PULSE

The Inspectorate spoke to victims of crime who reported that they had later discovered that a crime, reported to the Garda Síochána was not recorded on PULSE. Garda members who spoke to the Inspectorate, highlighted crimes that were not always recorded on PULSE or crimes that were recorded in a non-crime category.

In addition, the Inspectorate found delays in creating PULSE incidents after crimes are reported. Sometimes this was completed on the next tour of a member's duty, but on some occasions crimes were not recorded on PULSE for weeks or months later.

Through analysis of 158 calls for service, referred to in the Crime Investigation Report as the Volume Crime Case Reviews (outlined in Part 3), the Inspectorate followed these calls from the first contact with the Garda Síochána to the outcome of the investigation. The 158 people that made contact with the Garda Síochána all reported that a crime had taken place. With regard to the recording of PULSE incidents, the Inspectorate found that 28% of those calls for service were not recorded as PULSE incidents, 15% were recorded as non-crimes and 9% were recorded after the request was made by the Inspectorate for details of the case.

Recommendations

A number of recommendations have been made throughout the Crime Investigation Report to address the issues relating to PULSE and incident recording. In particular, Recommendation 4.10 removes the ability to change the narrative on PULSE. The recommendations extend to a new crime investigation and case management system. In the interim, PULSE must to be re-designed, with the removal of access to conduct certain activities. The Inspectorate has made many recommendations to improve the recording of calls, such as the introduction of a national electronic recording system to log all calls received from the public.

5. Crime Investigation

The Guerin Report highlighted poor standards in crime investigation from the first instance, including:

- Lengthy delays in taking statements (Parts 6, 7 and 9);
- Related absence of notebook entries (Parts 4 and 9);
- Flaws in the maintenance of the chain of evidence (Part 9);
- Evidence of assisting gardaí was not always recorded in notebooks or in statements (Part 6);

- Delays in investigations (Parts 6 and 9);
- Late summonses (Part 11);
- Poor standards in identification parade management and interviewing (Part 9).

The Inspectorate identified the following issues within the Guerin Report that deal with standards in crime investigation:

Delays in Taking Statements

The Inspectorate encountered many examples of delays in taking statements from victims, witnesses and suspects, as identified in the Guerin Report. Part 7 of the Inspectorate's report highlights the victim's perception of this matter. The report includes many examples of significant delays in the taking of victim and witness statements (Part 9) and shows the negative impact it can have on a victim's willingness to make a statement of complaint. The Inspectorate found many examples where the reluctance of a victim to make a statement of complaint was accompanied by a change in the classification of a crime to a less serious crime or to a non-crime category.

Delays in Investigations

Throughout the inspection, the Inspectorate found many cases where there were unnecessary delays in progressing an investigation of a crime (Parts 6 and 9). In Part 6, the Inspectorate highlights the current system for crime investigation with the vast majority of day-to-day investigations remaining with regular unit gardaí. Many of these officers are investigating high volumes of crimes without any investigation time built into their working roster. The pilot roster also causes delays to investigations, as members are away from work for extended periods of time.

There are a number of examination processes that are contributing to delays and these include examination of computers and obtaining telephone call data (Part 6). The need for timely forensic examination of computers is significantly impacting on crime investigations.

The Inspectorate found many issues that impact on the timeliness of investigations. Part 6 outlines that investigations are generally progressed more slowly in Ireland than in other policing jurisdictions. With

most investigations, garda investigators have three months to complete investigations and in many cases this is extending to a six month time limit for issuing a summons in certain minor cases. With more serious offences, this often extends to over a year. This is particularly worrying in cases where there are named suspects at large who may well re-offend during this period. Other policing services endeavour to make an early arrest and where possible, to charge a person on the day that the crime was first reported. In Ireland, the Inspectorate found some cases with unnecessary delays in this regard.

In some other policing jurisdictions, many crimes are progressed by dedicated investigation units that have time allocated to investigate crime; and as a result, cases are generally progressed much quicker.

Inexperienced Investigators

The Guerin Report highlighted that inexperienced gardaí were investigating serious crimes. The Inspectorate found a similar situation, in that some inexperienced gardaí and non-appointed detectives are investigating serious crimes. One of the main differences between the two reports, is the fact that Mr. Guerin looked at incidents primarily in 2007 and 2008, and the Inspectorate looked at crime investigated in 2012 and 2013. Prior to the recent intake of new gardaí, there had not been any recruitment since 2009 and the gardaí investigating crime at this time are no longer probationer gardaí and in fact, most have five or more years experience.

Garda Notebooks

Inspectorate findings as to the use of garda notebooks matched issues identified in the Guerin Report. During field visits, the notebook entries viewed by the Inspectorate did not appear to follow any rules for completing entries and the details of incidents were sometimes short in content. Issues relating to notebook entries are mentioned in a number of areas in the Inspectorate's report, but the most relevant recommendation is 9.12. This recommendation includes key actions to improve skills in gathering evidence and the use of notebooks in that regard.

Chain of Evidence/Exhibit Management

The Inspectorate identified a number of issues relating to the chain of evidence in respect of managing exhibits (Part 9). The Inspectorate found that exhibits were not always kept in secure property stores and are sometimes kept in other places, such as garda lockers. This situation was found during all field visits. Recommendation 9.16 makes a specific recommendation with key actions to improve exhibit and property management.

Identification Processes

The examination of the identification parade system highlighted the need to improve the current processes. Recommendation 9.15 advocates examining the effectiveness of the current system and developing the use of photo fit identification and electronic identification parades.

Inspectorate Recommendations

The Inspectorate recommends many changes to crime investigation practices, including the adoption of minimum standards of investigation and the introduction of dedicated investigation units. The Inspectorate also believes that most crime investigations should be completed within a twenty-eight day period. The Inspectorate believes that this needs to be supported by enhanced technology, to allow for crime investigations to be accurately recorded and cases tracked through an electronic case management system.

6. Crime Management

The Guerin Report highlighted issues in relation to the late submission of case files and undated statements, including:

- Submission of files (Part 8). One case was statute barred before the investigation began and in another the investigation file was never completed (Part 9);
- Undated statements (Part 9);
- Files not being reassigned when the investigating officer was on long term leave (Parts 6 and 9) or stored in personal lockers; inaccessible to other members;
- Investigative actions not progressed (Part 9).

The Inspectorate identified the following issues within the Guerin Report that deal with crime management:

Case Files

The Guerin Report identified a number of issues relating to the completion and availability of cases files. In particular, concerns about inaccessibity of case files due to members being on leave; whether due to sickness or otherwise. The Inspectorate found similar examples where investigating gardaí had retired or were on extended leave and cases were not always reallocated.

Undated Statements

Part 9 of the Crime Investigation Report specifically refers to undated statements. The Inspectorate examined a number of case files and found a consistent trend of undated statements and other memoranda. This was also found by the Garda Professional Standards Unit during divisional examinations.

Completing Actions

The Inspectorate found many examples where investigators did not complete investigative actions. This included obtaining medical records and statements with regard to assault victims. In some cases, this followed instructions from a supervisor. Examples of these are documented in Part 9.

Recommendations

The Inspectorate has recommended that the Garda Síochána move to a more modern crime investigation and case management system that captures all information relating to a crime. This will allow 24/7 access to cases and remove the need to rely on paper based case files. The Inspectorate has also recommended the introduction of Crime Management Units at a divisional level, that will act as a single point of contact for investigations and will perform a role of allocating and monitoring investigations. This unit will have responsibility for reallocating crimes in the event that an investigator is unable to complete a case.

7. Supervision

The Guerin Report identified issues in respect of senior garda visibility, front-line supervision and performance monitoring, including:

- Abstractions, i.e. the re-tasking of personnel from planned work to unplanned work and lack of supervision of probationary gardaí (Parts 4, 6 and 7);
- Crime investigation and management affected by the impact of the turnover of superintendents (Part 2);
- The absence of an assigned inspector with consequences for the supervision of the large number of probationary gardaí assigned to the area (Part 6);
- Indication that failure to comply with directions from superior officers went without action (Parts 6 and 9);
- The use of PULSE to monitor officer performance did not occur (Parts 2 and 6).

The Inspectorate identified the following issues within the Guerin Report that dealt with supervision:

Availability of Front-Line Supervisors

The issue of supervision features in most parts of the Crime Investigation Report. In particular, Part 2 highlights findings which were also an issue identified in the Guerin Report on the impact of the lack of front-line supervisors to provide guidance to in-experienced gardaí. The absence of a patrol sergeant 24/7 on all divisions is seen as a key factor in many of the concerns identified in incident recording and actions at a crime scene.

Role of Inspectors

With reductions in the allocation of inspectors across divisions, the responsibilities of those who have retired or re-assigned are shared amongst the remaining inspectors. During field visits, it was clear that as the breadth of responsibilities expands, an inspector's crime responsibilities do not always receive the attention required. In one division visited, an inspector had twenty-nine specific responsibilities, including domestic violence.

Other policing jurisdictions always have an inspector on duty 24/7 in an area equivalent to a division. This is vital in ensuring that serious incidents are well managed from the outset, that garda policies are implemented and that leadership and visibility is provided to operational members and police staff.

District Officers

'Travelling superintendents' was a term frequently mentioned during field visits. This refers to a superintendent, usually posted on promotion to a district that is a long way from home. The constant churn of superintendents and other supervisors affects leadership, management of the district, crime management and building relationships with the local community and key partners. Recommendation 2.4 addresses this issue.

PULSE Supervision

Throughout the sampling of PULSE incidents, the Inspectorate found limited evidence of supervision of initial crime investigations; both at the crime scene and the recording of an incident on PULSE. Recommendation 4.13 in Part 4, recommends that the Garda Síochána develops and circulates policy, clearly defining the roles and responsibilities of the Garda Information Services Centre (GISC) and front-line supervisors; in respect of classification of crimes and supervision of the initial investigation of a crime or other incident.

Inspectorate Recommendations

Many parts of the Crime Investigation Report include recommendations to enhance supervision of crime investigation. This includes call handling (Part 3), incident recording and crime management (Parts 4 and 5), crime investigation (Part 6), victim feedback (Part 7) and detections (Part 11). Part 2 recommends a new divisional structure, with enhanced supervision and clear roles of responsibility for supervisors.

Following the Guerin Report, the Garda Síochána has introduced a new inspection and review process with a new PULSE tab for sergeants to monitor crime investigations. They are also developing a new case file template that will be adopted nationally. The Crime Investigation Report makes many recommendations to increase the number of front-line supervisors and to ensure that they are supportive and intrusive; so that crime is effectively investigated.

8. Training

The Guerin Report highlighted issues in respect of gathering evidence at a crime scene and inaccurate entries on PULSE, including:

- Monitoring arrangements for probationary gardaí (Part 6);
- Inexperienced gardaí investigating crime (Part 6).

The Inspectorate identified the following issues within the Guerin Report that dealt with training:

Foundation Training

Training is an area that features in the Guerin Report and in the Crime Investigation Report. In Part 6, the Inspectorate examined the training provided to probationer gardaí between 2000 and 2009, to assess the initial investigation training provided to them. It is clear that accelerated recruitment in 2005 to 2009, impacted on the style and quality of training provided, both at the Garda College and during phases where student gardaí were assigned operationally to districts. Many of these gardaí did not receive adequate training in core skills, such as statement taking and interviewing of suspects. In total, the Inspectorate estimated that only 25% of the available time was spent on operational policing and criminal investigation. This was less than the time spent on Irish language skills, physical exercise and studying.

Inspectorate Recommendations

The Inspectorate has recommended that the Garda Síochána conducts a Training Needs Analysis of front-line gardaí to identify gaps in skills and to provide training to address priority areas (Recommendation 6.7 in Part 6).

9. Victims

The Guerin Report highlighted issues in relation to the initial contact with victims at the time of reporting a crime, and also the follow-up contact with victims and witnesses, including:

- The unsatisfactory treatment of victims (Parts 3, 7 and 9);
- Discouragement of victims proceeding with an investigation (Parts 3 and 10);
- Victims misled that files were sent to the DPP (Part 7), were not updated, otherwise contacted or no impact statement taken (Parts 6, 7 and 8);
- Instances of passive treatment of victims, contrasting with occasions when victims were brought face to face with a suspected offender by gardaí (Part 7).

The Inspectorate identified the following issues within the Guerin Report that deal with victims of crime:

First Contact

The Inspectorate was informed by garda members and victims that it can often be the approach of the first officer that determines how a victim will proceed. The Inspectorate spoke to some victims who had a very good service from the first officer that initially responded to the call, and other victims who perceived that the members were disinterested and not always empathetic. The Inspectorate found higher levels of satisfaction with victims of property crimes than with victims of assault and domestic violence.

Follow-Up

The Inspectorate found that good initial action by a member is often spoilt by poor follow-up action with a victim. Many victims reported difficulties in contacting investigating officers for updates on their cases (Part 7).

The Inspectorate's report is very much victim centred, with the position of the victim taken into account throughout it's findings. On many different occasions, victims were unhappy with the service provided. Part 7 of the Crime Investigation Report examines garda follow up

contact with a victim. By dip sampling PULSE records, checking case files and by contacting victims of crime, the Inspectorate identified cases where no updates were recorded on PULSE or in case files. For many crimes, no updates were recorded on PULSE since the date that the original crime was recorded. In the majority of these cases, the crimes were at least twelve months old when the Inspectorate viewed the PULSE record and the case files. The Inspectorate chose this period of time to allow for the proper investigative course of action to have occurred. The Inspectorate believes that there is an absence of robust supervision of victim contact.

The Garda Síochána are currently rolling out Victims Offices across all twenty-eight divisions and these will provide a single point of contact for victims of crime.

Inspectorate Recommendations

Parts 6 and 7 of the Crime Investigation Report include a number of recommendations to improve the service provided to victims of crime. This specifically includes a process of contacting victims, establishing the service provided and obtaining customer feedback.

10. Detections and Monitoring of Suspects

The Guerin Report identified issues in the management of suspects involved in crime and the recording of detections. The report also highlights issues with the management of bail at garda stations, including:

- Garda recording of detections prematurely and in the absence of recorded evidence (Part 11);
- Statute barred cases (Parts 6 and 11);
- Discrepancies in custody (Part 10) and bail records, and in a serious case, the bail book was lost and there was no garda action when the accused failed to sign on (Part 9).

The Inspectorate identified the following issues within the Guerin Report that deal with detections and suspects in crime:

Premature Detections

The Inspectorate found that many cases are detected (solved) on the day that the crime is first reported to the Garda Síochána and without complying with the Crime Counting Rules. The Inspectorate has examined the practice of prematurely detecting crime incidents in Part 11 of the Crime Investigation Report and found that many crimes are detected well in advance of any action, such as the charging or summonsing of an identified suspect. Examples of premature detections can be found in Part 11 of the Inspectorate's report and is addressed in Recommendation 11.7.

Dealing with Suspects

Part 9 provides many examples of cases with a named suspect or a lead suspect that were not progressed; or there are delays in dealing with that suspect. This is a high risk area, as that suspect may commit a further offence in the interim period prior to any garda action. The Inspectorate found an absence of supervision of crimes that are shown as detected on PULSE (Parts 4, 5 and 11). Many crimes are shown as detected, without any charge, summons or other action to validate this decision. In many cases, a person shown on PULSE as a suspected offender, may be unaware that a crime is recorded as detected against them.

Examination of Detection Rates

From the analysis of 318 PULSE incidents, recorded as detected, the Inspectorate found that 72% were incorrectly claimed (Part 11). Other data sets checked also showed a higher detection rate on PULSE than the detection rate assessed as correct by the Inspectorate. The Guerin Report also highlighted some less serious crimes where detections were incorrectly recorded.

Lapsed Cases

Another area identified in the Guerin Report was the inappropriate use of cautions. It highlighted a number of cases where cautions were used to deal with a case that was outside of the prosecution time frame. The Garda Síochána has a significant number of cases and crimes recorded as detected, dating back many years, that are now invalid for prosecution proposes. As a result, the Inspectorate have recommended (11.8) that the Garda Síochána

conducts an audit of all lapsed cases that are shown as detected; and any cases that are lapsed and marked detected, must be changed to undetected status.

Suspension of Detention

Part 2 of the Criminal Justice Act 2011, provides a new system to make more effective use of detention periods for persons brought to a garda station. This provision allows the period of detention to be suspended and the person released. This requires a person to return to a garda station on no more than two occasions and the period between the first and subsequent detention must not exceed four months. During field visits, the Inspectorate did not find any evidence of this power being used and many investigators did not appear to be aware of the provision.

Station Bail

Garda objection to bail was examined in Part 10. Whilst the Garda Síochána do not grant bail, they make the first decision in respect of whether to keep a person in garda custody prior to court or to release a person under their own recognisance on station bail to attend court. The Inspectorate was informed that persons who should be kept in custody are sometimes released on station bail, when the local court is not sitting on the next day. In such cases, according to the law, the person should be taken to another court with jurisdiction. The Inspectorate was also informed that the majority of people are released from garda detention on station bail.

Objections to Bail

The Inspectorate found that there was a general perception among gardaí that there is little point in objecting to bail. An example was given where a person was arrested for shoplifting, charged and sent to court. The person was released from court and went straight out and committed a further shoplifting offence. The same process was followed and the person was charged and sent to court, but was again released on court bail. Complacency in objecting to bail presents a high risk.

The Inspectorate found an inconsistent understanding about objecting to bail and when to use Section 2 of the Bail Act and when to use the

O'Callaghan Rules. An example of the knowledge gap included an understanding of the definition of a serious offence under the Bail Act, which is different from the usual definition with serious crimes. Under the Bail Act, this would include offences such as shoplifting, which would not usually be defined as a serious offence. In Dublin, a knowledge gap was identified in respect of bail and its application; and a sergeant, who is a qualified barrister, has been assigned to deliver bail training across the city.

Signing on at Garda Stations

The Inspectorate visited district stations to examine the management of persons signing on at garda stations (Part 10). The process is managed in paper 'signing on' books and the Inspectorate found multiple books in operation. Whilst PULSE had the facility to record those signing on, it was not used at the two stations visited. At the places visited, there were a significant number of people signing on and there appeared to be no system in place to monitor compliance or to take action when a person fails to sign on. The Inspectorate was unconvinced that a failure to sign on would be quickly identified and actioned.

Warrant Management

Part 10 of the Crime Investigation Report refers to the management of warrants and highlights cases where warrants are not executed for persons dealt with by gardaí. The Garda Síochána is introducing a new system that requires a sergeant or a member in charge of detained persons at garda stations to cover five key points before a person is released from custody. This includes ensuring that the person is not wanted on warrant.

In Part 10, the Inspectorate recommends a new policy and approach to warrant management. The Inspectorate views warrants as a high risk area for any police service and at present, there are vulnerabilities in the way that the Garda Síochána manages warrants. Consequently, Recommendation 10.16 advocates that the Garda Síochána develops a standard operating procedure for the management of warrants.

Inspectorate Recommendations

Overall, the Inspectorate found that the current management of named suspects in a crime is an area that requires immediate improvement. Bail and warrant management are two other areas that the Inspectorate has identified as high risk and require urgent attention.

The Inspectorate believes that the Garda Síochána must review the approach to bail; from dealing with a person in garda custody, to presenting objections at court and to monitoring those persons who present most risk. Bail needs to be managed electronically, as the current paper based system in garda stations is neither efficient nor effective for offender management.

Recommendations 11.7 and 11.8 address the issues in the PULSE system relating to recording detections.

11. Communication and Use of Intelligence

The Guerin Report highlighted issues with the sharing of information and contact between senior gardaí and members, including:

- Poor communication between ranks and divisions, within stations and with external organisations (Part 2);
- Important information was not shared across divisions (Parts 6 and 8);
- The inclusion of children within PULSE records (Part 8).

The Inspectorate identified the following issues within the Guerin Report that deal with internal communications and intelligence:

Senior Garda Visibility

Throughout this inspection, the Inspectorate was informed that there is limited contact between front-line staff and some senior gardaí. In Part 2, the Inspectorate makes recommendations to improve senior gardaí visibility with meaningful engagement with their staff.

Policy Compliance

In many crime investigation areas, the Inspectorate found a garda policy or directive instructing certain actions to be taken. The Inspection has identified a disconnect between the creation of a garda policy and the implementation at service delivery level. The issuing of an instruction needs to be accompanied by training, guidance and/or an explanation to those expected to implement the policy. Policies also require monitoring by supervisors to ensure compliance.

Tasking of Garda Resources

The Garda Síochána does not convene a national, regional or divisional tasking and co-ordinating meeting to inform and direct the activity of resources. The Inspectorate believes that the Garda Síochána must develop a tasking and co-ordinating process at all levels that reviews intelligence and crime trends, identifies priorities and allocates appropriate resources. In particular, tasking meetings should focus on high risk offenders and those that operate across divisional and regional boundaries.

Use of Intelligence

The Inspectorate is aware that the Garda Síochána has a large number of children recorded on PULSE intelligence records and Recommendation 8.17 in Part 8 addresses this issue.

Inspectorate Recommendations

Operation Fiacla is a national Garda Síochána initiative against individuals and gangs committing burglary offences. This is a good example of how the Garda Síochána can effectively task resources at a national and local level towards a particular crime issue and co-ordinate activity across all regions and divisions. The Inspectorate believes that this approach needs to be adopted in respect of other priority crimes.

Effective communication, both internally and externally with partner agencies, is vital to modern policing. Conscious of this, the Inspectorate makes recommendations at various points in its report, oriented towards improving how the Garda Síochána facilitates good information sharing internally across the organisation and externally with partners to tackle crime and disorder.

12. Discipline

The Guerin Report highlighted issues with the disciplinary process for dealing with neglect of duty including:

- No cases led to the institution of disciplinary proceedings for supervisors or management (Part 9).

The Inspectorate identified the following issues within the Guerin Report that deal with disciplinary matters:

Neglect of Duty

During this inspection, the Inspectorate identified a number of cases where investigations were not conducted in a prompt and efficient manner. In particular in the Volume Crime Case Reviews, the Inspectorate found a number of cases where crimes were not recorded and investigations were not conducted. The response to the failure to record a crime was dealt with across the seven divisions in many different ways. However, as indicated in Part 9 of the Crime Investigation Report, no action was taken to address any lack of supervision in these cases and the focus appears to be solely on the individual garda that dealt with the original response to the call.

Underperformance

In Parts 2 and 6 of the Crime Investigation Report, the Inspectorate highlights that the Garda Síochána does not have a robust system for dealing with underperformance. This is an area that will be further examined as part of the Inspectorate's Haddington Road Review.

Recommendation

The one theme in the Guerin Report which was not examined in the Crime Investigation Report, is the process for dealing with internal disciplinary investigations and the roles of the Garda Síochána and the Garda Ombudsman Commission. These are not matters within the remit of the Crime Investigation Report and the Inspectorate proposes that the efficiency of the internal disciplinary process be further considered by the Department of Justice and Equality in conjunction with the Garda Síochána and the Garda Síochána Ombudsman Commission.

13. Bailieboro Examination 2010

The Guerin Report made reference to an examination undertaken by the Garda Professional Standards Unit (GPSU) of the Bailieboro district and highlighted that the report included a strength for the district in that "there are clear guidelines in place in relation to policing processes".

The Inspectorate sought and examined the papers relating to this examination. In addition to requesting the examination report, the Inspectorate also sought copies of the GPSU interview notes and a follow- up review that was conducted in 2011.

Prior to receiving the Bailieboro examination report, the Inspectorate was informed that the GPSU staff who conducted the examination in 2010, may not have been fully briefed about the previous events at Bailieboro; and in particular about the incidents that were highlighted in the 2014 Guerin Report. However, there is a mention in the report that personnel in Bailieboro "have been through a difficult period arising from a number of internal investigations". The examination report does not include any details about incident recording practices, crime investigations or other themes raised in the Guerin Report. The examination in Bailieboro appeared to follow a similar format to other GPSU examinations conducted around that time and the areas of focus for the examination appeared to be the same as those examined in other districts. The examination report concludes that Bailieboro "is performing well and is displaying significant commitment to ensuring that An Garda Síochána's strategic goals are being achieved."

Interview Questions

During the examination visit to Bailieboro in June 2010, the GPSU held interviews with support staff, gardaí, sergeants and senior managers; using templates with pre-formatted questions on the various subjects to be examined. The question templates and the notes made during the visit include a process area entitled 'Incident/Crime files in the district'. This process area is not mentioned in the published examination report. In the notes made by GPSU staff at the time, the interviewees were asked a series of questions in relation to incident recording and case file management. Of particular

interest to the Inspectorate, was the question marked ADTF 5; "Are there some incidents which are not being captured and not being fully dealt with?" Of the 20 responses from gardaí, six raised concerns about recording practices. These included the non-recording of minor crimes/incidents such as assaults and cases involving victims who were intoxicated.

The Inspectorate was not provided with any evidence to show that the GPSU checked calls received from victims in respect of minor crimes to see if they were accurately recorded on PULSE. The questions on incident recording were not asked by the GPSU in an interview with the district officer.

The style of questions asked throughout the examination was very much focused on awareness of policies and if the person knew where to find them. There was limited probing of understanding of policies and practices and no dip sampling to substantiate the material gathered at interviews. The persons interviewed, generally had poor knowledge of policies and procedures in areas such as monitoring of sexual offenders, dealing with diversity and child trafficking. Many of those interviewed highlighted that no training was received in the key areas inspected.

Staffing Levels and Supervision

One of the issues highlighted in the Guerin Report was inexperienced gardaí investigating crime and a lack of supervision around investigations. The GPSU examination report provides details of staffing levels across the whole district and in 2008, there was one inspector, twelve sergeants, fifty-four gardaí and six civilian staff members. Of the total number of sergeants, seven were actually assigned to Bailieboro. These numbers did not change significantly over a three year period up to 2010 when the examination took place. A ratio of one to four (sergeants to gardaí) is very good, and there appeared to be sufficient supervisors on that district. Crime levels were relatively low and serious crime accounted for a very small percentage of overall recorded crime. In 2008, this included eight sexual offences, five robberies, 151 assaults, and 109 burglaries. Of particular note was the fact that there were no detective officers assigned to Bailieboro at the

time of the GPSU examination in 2010; and that situation remained when the GPSU returned a year later to conduct a review of the examination.

The examination conducted in Bailieboro in 2010 was superficial. It did not include checking incident and crime recording on PULSE, it did not examine case files looking at how crime was investigated and there is no evidence of checking the supervision of crime investigations. The Inspectorate did not find any reference to any of the cases highlighted in the Guerin Report and in particular, there was no examination of how the district investigated sexual assaults, rape, or other serious crime. The examination conducted was not evidence-based and lacked probing to see what was happening with crime investigation on the street.

The examination report does not comment on the levels of confidence expressed by some gardaí in the confidential reporting process. The report mentions that people did not fully understand it, but it does not deal with the issue of confidence raised by some members; which included concerns about confidentiality.

It is difficult to understand why the GPSU report highlighted that the district was performing well, when there was evidence provided at that time about the way that crime was recorded, investigated and managed. Of most concern was the fact that the process entitled 'Incident/Crime files in Bailieboro district' did not become part of the examination report, particularly when the Garda Síochána was aware of the concerns raised that crimes were not properly investigated.

The Inspectorate enquired (i) the reason why the results of interviews relating to incident recording and crime files were not included in the main GPSU report; and (ii) if a separate report on this matter was written for internal purposes.

In response to this enquiry, the Garda Síochána informed the Inspectorate that the questions on incidents and crime files were included in the examination of four other divisions and the results of the questions do not appear to have been included in any of the GPSU examination reports. The reply further states that the questions were discontinued post June 2010.

In response to the second enquiry, the Garda Síochána reported that the GPSU have conducted presentations on crime recording issues and case files, and that these issues have been included in training and development course for senior managers. The Inspectorate remains unclear as to whether an internal report was ever completed.

In 2011, a follow-up review was conducted in Bailieboro by the GPSU. This is standard practice following a GPSU examination. This review focused solely on checking implementation of the areas for improvement identified in the 2010 examination.

There is a significant difference between the quality of the GPSU examination conducted in Bailieboro in 2010 and the new GPSU examination process that started in 2013. The Inspectorate commends the new approach which is far more evidence based, and examinations now include checking calls for service, PULSE classifications and case files.

14. Conclusion

The Guerin Report identified a number of issues relating to crime and incident investigation, dating back to incidents from 2007, with a number of highlighted cases investigated by relatively inexperienced gardaí. The Inspectorate has for the most part, concentrated on crime reported and investigated in 2012 and 2013; some five years after the first incidents examined in the Guerin Report. Notwithstanding the passage of time, the majority of issues raised in the Guerin Report in connection with crime investigation are consistent with the findings of the Inspectorate.

While the Guerin Report identified issues in the investigation and prosecution of crimes in one district, extending to a division, the Inspectorate's report found these same issues across seven divisions in all regions.

The findings of the Crime Investigation inspection has resulted in a significant number of recommendations, designed to improve the initial actions taken during the investigation of a crime, to ensure accurate recording of incidents and to ensure that crimes are investigated promptly and to a good standard. The Inspectorate has also made a number of recommendations to improve the quality of service provided to victims of crime

and witnesses. As the matters raised in the Guerin Report are comprehensively covered in the Crime Investigation Report, the Garda Inspectorate has determined that no supplemental recommendations in respect of crime investigation are required here. However, the issue of dealing with breaches of internal garda discipline is an issue that needs further examination.

The Inspectorate acknowledges that the Garda Síochána has already created action plans and delivered initiatives to address several of the issues raised in the Guerin Report.

The two reports recognise that good investigations are key to maintaining public confidence in the ability of the Garda Síochána to investigate crime and to bring offenders to justice.

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APPENDIX 1

Stakeholders List

External agencies

- Central Statistics Office
- Cosc
- Courts Service
- Crime Victims Helpline
- Data Protection Commissioner
- Department of Justice and Equality
- Director of Public Prosecutions
- Forensic Science Laboratory
- Garda Síochána Ombudsman Commission
- HSE
- Irish Prisons Service
- Joint Policing Committees
- Local Authorities
- NGOs concerned with crime victims issues
- Probation Service
- State Solicitors
- Victims of Crime Office

International Police Services and Inspectorates

- Association of Chief Police Officers - Sir Hugh Orde
- Criminal Justice Inspection Northern Ireland
- Denmark - National Centre of Investigations & National Crime Prevention Office
- Greater Manchester Police Service
- Hertfordshire Constabulary
- Her Majesty's Inspectorate Constabulary, England and Wales
- Her Majesty's Inspectorate Constabulary Scotland
- Metropolitan Police Service, London
- New Zealand Police Service
- Police Scotland
- Police Service of Northern Ireland
- South Wales Police
- Surrey Police
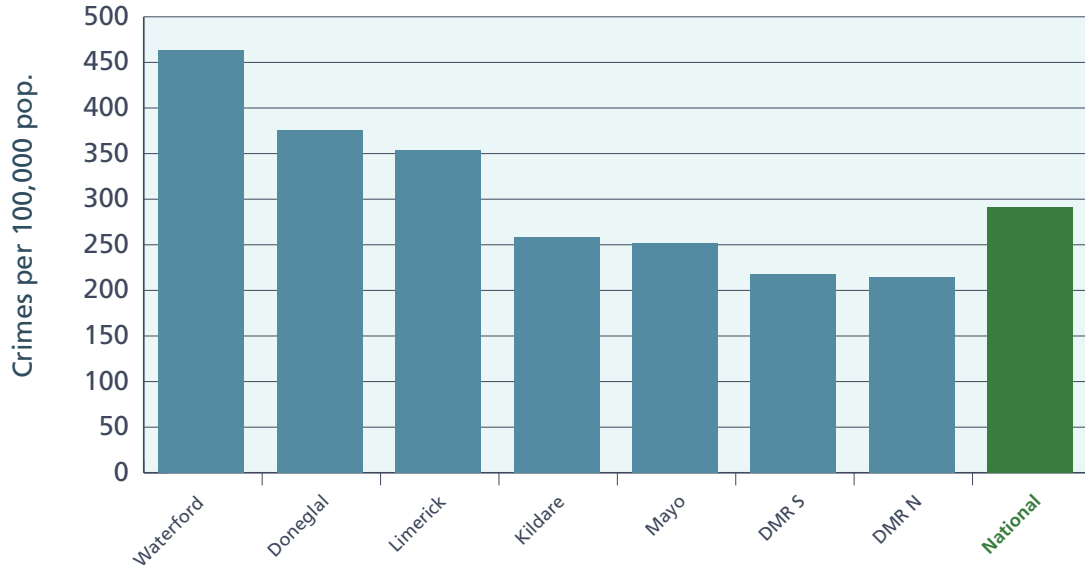- West Yorkshire Police
- Western Australia Police Service

An Garda Síochána

- Commissioner – M. Callinan & N. O'Sullivan (interim)
- Deputy Commissioner Strategy and Change Management – N. Rice
- Deputy Commissioner Operations – N. O'Sullivan
- Assistant Commissioners – J. O'Mahony, J. Twomey, D. Byrne, J. Nolan, T. Quilter, D. Ó Cualáin, K. Kenny, G. Phillips, F. Fanning
- Garda Representative Association
- Association of Garda Sergeants and Inspectors
- Superintendents Association
- Chief Superintendents Association
- Garda Response to a Changing Environment (GRACE) Advisory Board
- Divisions & Districts
  o DMR North - Ballymun, Balbriggan & Santry
  o Donegal – Ballyshannon, Donegal Town, Letterkenny & Milford
  o Mayo – Castlebar & Claremorris
  o Kildare – Naas & Leixlip
  o DMR South – Tallaght & Crumlin
  o Limerick – Henry Street & Roxboro
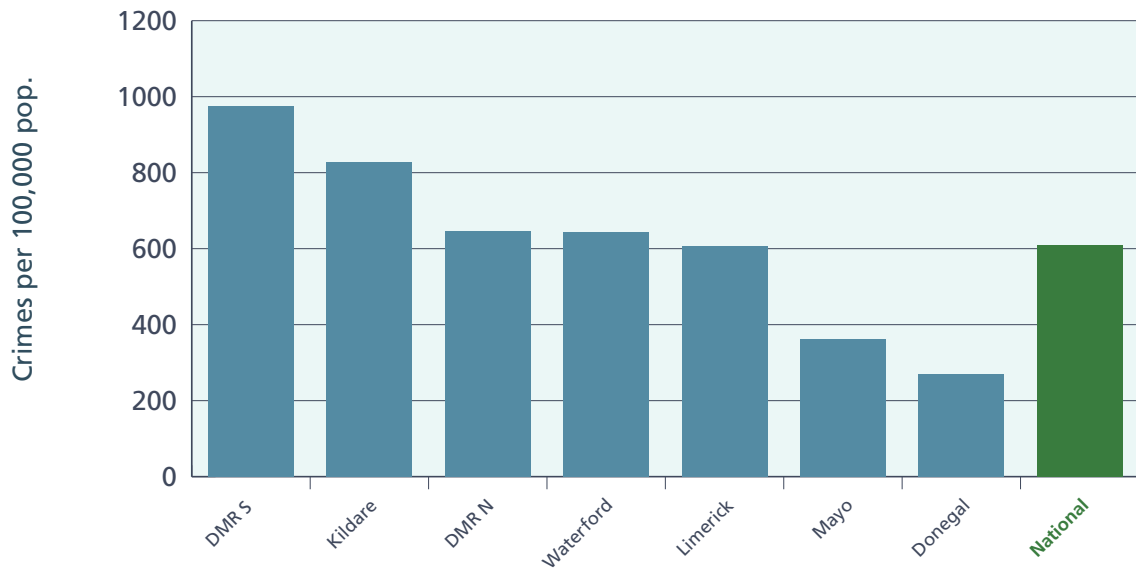 o Waterford – Waterford City & Dungarvan

APPENDIX 2
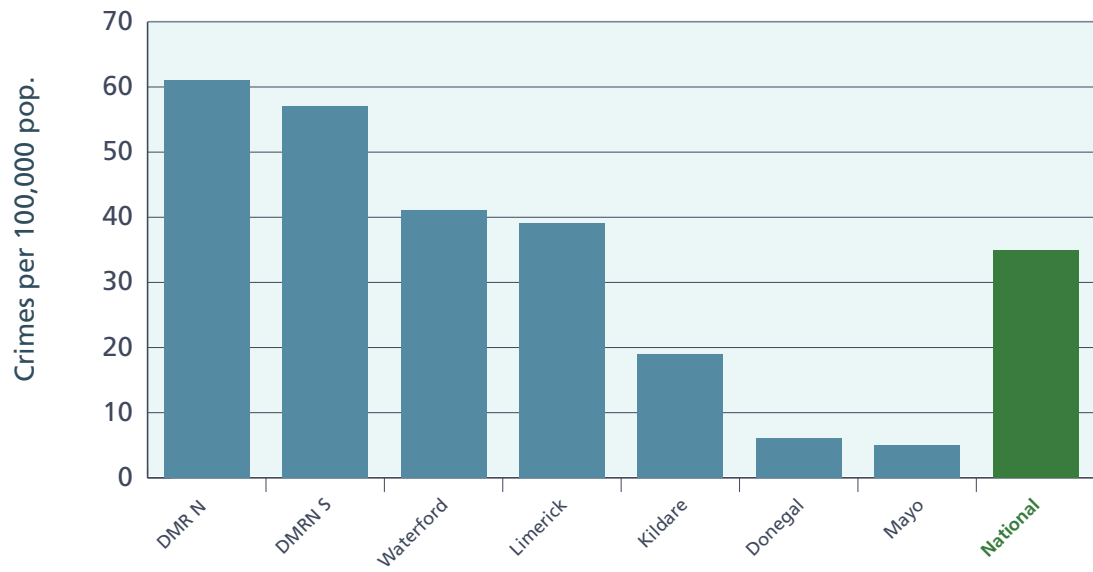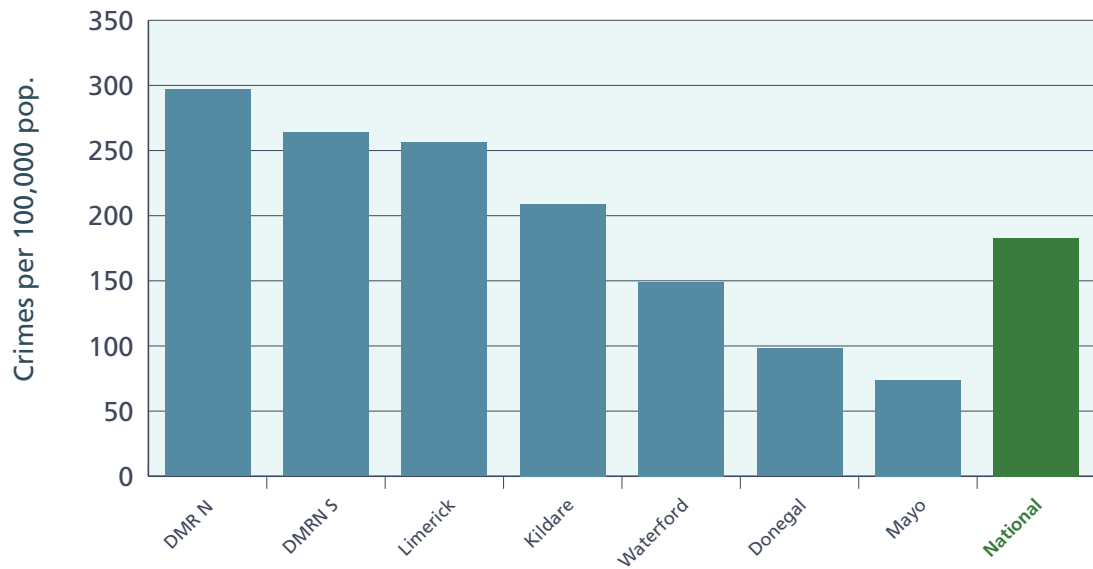
Divisional Crime Levels of Volume Crimes

Assault

Burglary

Robbery

Crimes per 100,000 pop.

DMR N	61
DMRN S	57
Waterford	41
Limerick	39
Kildare	19
Donegal	6
Mayo	5
National	35

Vehicle

Crimes per 100,000 pop.

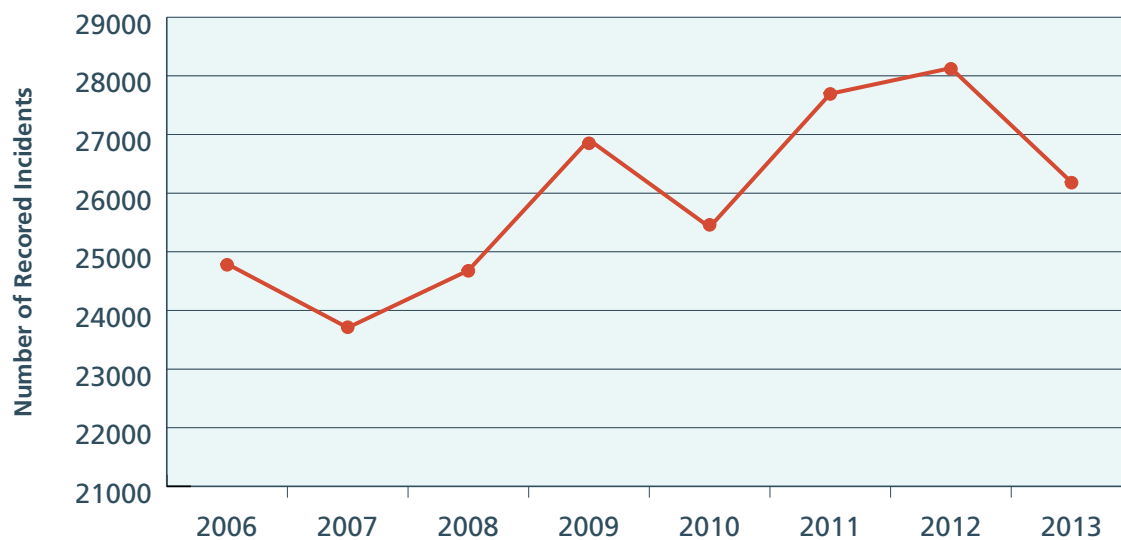|	
DMR N	298
DMRN S	263
Limerick	256
Kildare	208
Waterford	150
Donegal	99
Mayo	74
National	182

Source: CSO crime data and CSO polulation data

APPENDIX 3

All Recorded Burglary Incidents in Ireland 2006 to 2013

Source: CSO crime data, aggregated by the Garda Inspectorate

APPENDIX 4
PULSE Letters to Victims of Crime

An Garda Síochána,
District Office,
Garda Station,
Dublin .

01 666XXXX

10/02/2010

Firstname Surname
12 Main Street
Dublin

Re: Incident, which occurred on 01/02/2010 at Main Street Dublin

Dear Mr Surname,

I am sorry to learn that you were victim of crime recently. This crime is currently under investigation by Garda _____, at _____ **Garda Station – Tel: 01 666____**. An Garda Síochána will endeavour to assist you with any queries in relation to this matter. The Garda **PULSE incident number is XXXXXX**. Please quote this number in any queries or correspondence to An Garda Síochána relating to the matter at hand.

The case will be fully investigated, but you should be aware that delays might be experienced during the course of this investigation. The investigating Garda will keep you informed of relevant developments.

Should you wish to avail of confidential services for the support of victims of crime, volunteers at the Crime Victims Helpline 116 006 will provide information and support by telephone and / or refer you to relevant confidential support services for victims of crime.

Please find enclosed contact details of all organisations recognised by the Department of Justice and Equality to support victims of crime. If you require any further assistance, please do not hesitate to contact Garda _____, or any garda at _____ Garda Station.

Yours Sincerely,

_____

SUPERINTENDENT,

at _____ Garda Station.

GARDA CONFIDENTIAL LINE – 1800 666 111

An Garda Síochána,
District Office,
Garda Station,
Dublin.

01 666XXXX

10/02/2010

Firstname Surname
12 Main Street
Dublin

Re: Incident, which occurred on 01/02/2010 at Main Street Dublin

Dear Mr Surname,

I wish to advise you that progress has been made in this investigation and a person has been made amenable. You are invited to contact the investigating Garda, Garda _____ _____, _____ Garda Station at Tel: 01 666_____ if you wish to discuss this development.

Please be advised that delays might be experienced during the investigation / prosecution. As part of this process you may be required to attend court, if this happens you will be contacted and given appropriate information and support.

The Garda **PULSE incident number is XXXXXXX.** Please quote this number in any queries or correspondence to An Garda Síochána relating to the matter at hand. Please find enclosed contact details of all organisations recognised by the Department of Justice and Equality to support victims of crime.

Should you wish to avail of confidential services for the support of victims of crime, volunteers at the Crime Victims Helpline 116 006 will provide information and support by telephone and / or refer you to relevant confidential support services for victims of crime.
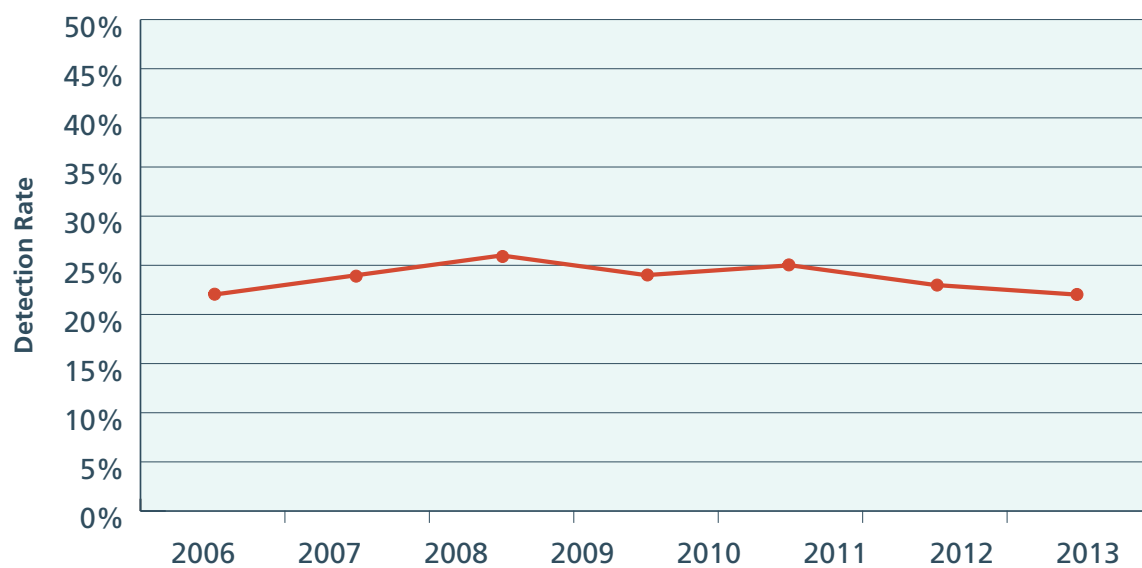
Yours Sincerely,

_____

SUPERINTENDENT,

at _____ Garda Station.

GARDA CONFIDENTIAL LINE – 1800 666 111

APPENDIX 5

Recorded Burglary Detection Rates in Ireland 2006 to 2012

Source: CSO crime data, aggregated by the Garda Inspectorate