

# Criminal Justice Notes

In this month's edition of KLS Criminal Justice Notes:

- **The Garda Commissioner has announced a major operational reorganisation of police service delivery in Ireland. Despite the media fanfare over the announcement, it is questionable whether the plan will deliver fully on its promises.**
- **The UK Home Affairs Committee has published a stark and hard-hitting critique of the Government's failure to provide coherent leadership, resources and joined-up thinking to address the complex issues driving the current spike in knife crime and serious youth violence.**

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## Garda Operational Reorganisation

### Announcement

The Garda Commissioner has announced a major reorganisation of the Garda Síochána's operational framework. The overall objective would appear to be to reduce top-heavy, centralised, bureaucratic structures in order to release extra resources to frontline policing, provide more operational flexibility on the ground and achieve greater alignment with the policing needs of diverse local communities. It has been described by the Policing Authority as "the most significant change in the Garda Síochána since its inception". That is a big claim given the several major structural changes that have been introduced at intervals since 2005 in response to the seemingly endless series of scandals associated with the force. It may also seem a surprising claim as the reorganisation seems, at face value, to be aimed at achieving little more than what one would expect to be the norm already in a national police service of an advanced

European democracy approaching the third decade of the 21<sup>st</sup> century.

Inevitably, questions must be asked whether the reorganisation is really as momentous as it is presented to be, why has it taken so long for such seemingly basic reforms to be announced and will they actually be delivered in a manner that makes a substantive difference on the ground?

### Existing structures

The Garda Síochána has been the sole police force in Ireland since 1925. It currently comprises about 14,000 sworn members and about 2,500 civilian staff. Organised on a conventional pyramidal rank structure from Garda (equivalent of constable) at the base to Commissioner at the apex, it has always been highly centralised in its organisation and subject to close central government control. As a primary national public service, it is funded from the national exchequer. It is also subject to the regulatory and directive authority of the Minister for Justice. The Garda Commissioner is answerable to the

Government and the Minister through the Secretary General of the Department of Justice (top civil servant in the Department). Until recently, appointments to (and removals from) the top and middle management ranks were entrusted exclusively to the central Government.

Over the past two decades, there have been attempts to inject a degree of external input into the governance and accountability of policing in the State, most notably with the establishment of an independent complaints body (Garda Síochána Ombudsman Commission), the independent Garda Inspectorate (broadly similar to HMIC) and the independent (civilian) Policing Authority. While it may still be too early to assess the impact of the Policing Authority (already scheduled for replacement pursuant to the 2018 recommendations of the Commission on the Future of Policing in Ireland), these developments do not seem to have impacted significantly on the traditionally close relationship between the Garda and central Government (especially the Department of Justice).

The centralised and bureaucratic character of the Garda is reinforced by its national organisational structure. For policing purposes, the country is divided into six Regions, each of which is overseen by an Assistant Commissioner based in the central HQ. Each Region is further divided into Divisions, of which there are 28 in total. Each Division, in turn, is subdivided into local Districts, of which there are 96 in total (incorporating 570 police stations).

These Regions, Divisions and Districts have never succeeded in developing as dynamic and semi-autonomous hubs responding to the distinctive policing needs of their areas. Their operational potential has been severely undermined by demographics, the

proliferation of national and specialist services based at central HQ, and the overbearing size and importance of that HQ in determining resource allocations, policies, procedures, priorities and practices nationwide. However, the institutional and bureaucratic infrastructures associated with the Regions, Divisions and Districts have become established as important material assets that are jealously protected locally by influential political and policing interests. All of this comes at a cost to the delivery of an efficient, flexible, professional, transparent and accountable police service capable of responding effectively and creatively to the distinctive and changing needs of the communities it serves.

The exceptionally broad scope of Garda functions has also fed into the concentration of political and administrative control over policing at the centre. In addition to the conventional responsibilities associated with the prevention and detection of crime, public order maintenance, road traffic and public safety, the Garda fulfils the domestic State security function (like M15) and prosecutes minor offences in the District Court. For most of its history, it has also shouldered heavy regulatory and administrative duties in areas such as: immigration, passport applications, social welfare, firearms licences, weights and measures and even the collection of agricultural statistics. The official authority and physical presence of gardaí on the ground throughout the State made the Garda organisation the ideal tool to discharge a wide range of public functions nationwide for a highly centralised State with weak and undeveloped structures of local government.

A consequence of these features is that the Garda has been poorly equipped to respond rapidly and flexibly to the needs

of a society and communities which are wrestling with the negative effects of profound social, economic and technological changes, and experiencing a dramatically increased fear of crime against the person and property. A centralised, top-down, control mentality and bureaucracy has sapped local initiative in taking the decisions necessary to respond to new developments and to address the distinctive needs of diverse communities on the ground. Even where initiative is present, it is frequently frustrated by institutional or political opposition from above, or simply because of a lack of personnel resources to sustain local frontline and community policing. Part of the problem here is that too many trained Garda personnel are sucked into civilian-type desk jobs in Headquarters and other administrative divisions to service the bloated bureaucracy.

The Garda Commissioner's announcement of a major operational reorganisation is an attempt to respond to some of these issues by swinging the balance away from the current top-heavy bureaucracy and top-down mentality to a flatter, less hierarchical and more agile structure.

### **The reorganisation**

At the core of the reorganisation is a reconfiguration of Divisions with a view to developing them as "mini-police forces" with the personnel, resources, skills and autonomy to deliver an efficient, flexible and responsive police service for the changing needs of the communities they serve. Accordingly, the number of Divisions is to be reduced from 28 to 19 (with each having about 600 – 800 gardai), while the six Regions will be reduced to four. Each of the enhanced Divisions will be granted more power, responsibility and resources to prevent and detect crime; including their

own teams to deal with sex crimes, economic crimes, cybercrime and other serious crimes, instead of having to rely on such supports from Dublin. National units will focus on complex, sensitive and high-profile crimes, while specialist units dealing with drugs, organised crime, armed incidents, sieges etc will continue to be based in Dublin and be made available to Divisions as required. The current regional armed support units will be expanded, but it is not entirely clear whether this refers to an increase in personnel and/or their bases. A new investigations management system will also provide support to Divisions.

An associated core aim of the changes is a substantive and visible increase in frontline and community policing. Critically, it is envisaged that this will be achieved partly through a significant reassignment of gardai from desk jobs that do not require the skills of trained gardai. The Garda has always displayed a reluctance to employ civilians for roles that do not require policing skills. This might be interpreted as evidence of an inward-looking and insular mentality harbouring suspicion of the outsider, and a preference to keep Garda business within the Garda brotherhood. Currently, civilians account for about 17 percent of the Garda establishment, compared with an international average of 25 percent (almost 70 percent in the Surrey Constabulary). The planned changes should bring the Garda up to the international average by 2021. This, in turn, should allow a significant reallocation of trained gardai for frontline and community policing.

The changes envisage dispensing with some non-core Garda functions, most notably immigration processing and prosecuting minor offences in the District Court. This will also free up trained Garda personnel for

deployment on frontline and community policing.

Governance, transparency and accountability have long been problems for the Garda. Surprising as it may seem for a large centralised public body discharging a vital function at the heart of government, the Garda still lacks basic management tools such as a comprehensive workplan based on a clear operating model, and clear job specifications for all positions so that everyone knows what they are expected to achieve, what discretion they have and the standards to which they are expected to exercise that discretion. Without such tools, effective and meaningful accountability will remain an aspiration without substance.

The reorganisation plan does make a nod in their direction. It promises the designation of key leadership roles with clear accountability, and a clarification of roles, responsibilities and associated performance metrics. It also includes the appointment of a new Deputy Commissioner for Transformation and Performance, dedicated Divisional Superintendents for performance assurance and an Expert Director for Learning and Development. The lack of detail on all of these, however, means that it is not clear whether they will address the serious weaknesses in governance and performance accountability processes identified by both the Garda Inspectorate in 2015 and the Commission on the Future of Policing in Ireland in 2018.

When fully rolled out over the next three years, it is anticipated that the reorganisation plan will deliver greater devolution of policing resources, responsibility and autonomy from the centre to the locality. Each of the 19 Garda Divisions should have the capacity

to respond creatively, flexibly, efficiently and effectively to the policing needs of their respective communities, without having to look constantly over their shoulders for central approval and/or technical supports. A leaner central bureaucracy, coupled with the dropping of some non-core policing duties, should free up trained Garda personnel to enhance frontline policing and more sustained community policing teams. Local communities should experience a more visible, responsive and consistent policing service committed to keeping people safe.

### **Will it be delivered?**

The fanfare accompanying the announcement of the Garda Commissioner's planned reorganisation belies the fact that, when fully implemented, the changes will do little more than bring some aspects of the management and delivery of the civil policing service into line with what has been the norm in neighbouring police forces for many years. It is not as if Ireland has been blind to developments elsewhere, or to the urgent need for such reforms at home. The voluminous reports of the Morris Tribunal (2004-2008) provided a detailed and reasoned body of essential reforms much more extensive than those in the reorganisation plan. Similar recommendations have been repeated relentlessly since then by numerous judicial inquiries, the Garda Inspectorate, NGOs, politicians and other commentators. In particular, the Garda Inspectorate's 2015 Report, *Changing Policing in Ireland*, offered a comprehensive analysis of the structural and management weaknesses, together with the actions that needed to be taken to address them.

It was not until the scale and frequency of Garda crises were threatening to bring

down the government in 2017, that the political will was found to embark on a process that resulted in the Commissioner's announcement last week. This entailed the establishment of the Commission on the Future of Policing in Ireland whose report in 2018 encompassed much of the substance of the Inspectorate's analysis and recommendations. The government moved quickly to commit to the implementation of the Commission's recommendations (See <https://blogs.kent.ac.uk/criminaljusticenotes/2019/01/09/implementing-police-reform-in-ireland/>).

There must be a fear that the forces impeding change in the Garda for so long will frustrate even the comparatively modest changes envisaged. The Garda as an organisation has a long record of publicly purporting to welcome reform recommendations only to allow them to fall by the wayside unimplemented when the crisis that inspired them has passed. In the case of the Morris Report findings and recommendations, the Garda even went so far as to establish an elaborate series of working parties to act on the reforms, without actually delivering much in the way of substantive change. The Garda Inspectorate has also drawn attention to the large gap between Garda acceptance and actual implementation of its recommendations (See also, <https://blogs.kent.ac.uk/criminaljusticenotes/2019/05/03/oversight-of-police-reform-in-ireland/>). It cannot be assumed, therefore, that a Garda public announcement of reform plans will translate fully into substantive change on the ground. Even if the planned structural changes to established Garda Division boundaries are introduced, it does not necessarily follow that the associated substantive benefits will follow.

Internal forces of opposition are already apparent. They include vested interests within the Garda concerned about losing cosy sinecures and promotion opportunities as a result of increased civilianisation and greater emphasis on community policing. There will also be external opposition on the ground from local communities and political representatives in areas that will lose the status of having a Divisional HQ. Although the Garda is a national police force, it is subject to intense parochial political interests, the influence of which can be felt acutely at national level.

It may be that there have already been compromises, with the result that the plan is less ambitious than it otherwise should have been. Interestingly, the Commissioner's plan is not fully in accord with the recommendations of the report of the Commission on the Future of Policing in Ireland, even though it is meant to be an integral part of the implementation of those recommendations. The plan retains the regional structure, merely reducing the Regions from six to four, and without offering any compelling justification for their retention. The Plan also foregrounds the Division as the vital focal point in the revised structure, while the Commission seems to prioritise the smaller District, with the Divisions playing a supporting role.

Questions must also be asked about the relatively large number of Divisions envisaged in the Plan (reduced from 28 to 19). Nineteen "mini-police forces" seem a very large number for a small country like Ireland, with a population of less than 5 million (almost one third of which is based in the Dublin Metropolitan Area). Inevitably, many of these Divisions will be serving large rural areas with low density populations. This must raise questions over their long-term viability and comparability with Divisions based in or encompassing

each of the cities. It is submitted that dividing the country up into eight “mini-police forces” would be more consistent with the devolution of sustainable and viable police services from centre to the locality.

The planned cutting back on non-core policing duties also seems timid and disappointing. It does little more than promise changes that are already in train. In particular, there is a notable silence on the State security function. Will the dedicated community police officers engaging with their communities on a daily basis continue be State security agents? Will they still have the responsibility of gathering intelligence and reporting to the centre on perceived threats to State security and on “any event of an unusual or sensational nature of which it is desirable that the Government or the Commissioner should be speedily informed”? This aspect is not mentioned in the reorganisation plan. It would appear, therefore, that the tensions between the Garda as a civil police service and a State security agency will remain, albeit partially hidden behind the projected image of a community police service focused on meeting the policing needs of diverse local communities.

Finally, it is worth noting that the reorganisation plan was presented by the Garda Commissioner, rather than the Minister for Justice. It can be expected, of course, that it was discussed with, and secured the backing of, the Minister and the Policing Authority in advance. Nevertheless, the fact that the Commissioner took authorship of it suggests that he may be set to take a more prominent role in the discharge of his statutory function over the direction and control of the Garda. It remains to be seen whether he will be equally authoritative in driving forward urgently needed progress

on mainstreaming human rights and transparency in all aspects of the Garda and policing in Ireland.

## Tackling Serious Youth Violence

### The Context

The UK House of Commons’ Home Affairs Committee published a report on Serious Youth Violence a few weeks ago. It says that the recent rises in serious youth violence are a social emergency which must be addressed through much more concerted government action at national and local levels.

Although violent crime figures have followed a downward trajectory over the long term in England and Wales, the most serious forms of violent crime have risen sharply in the past few years. In particular, there has been a sharp rise in the murder rate and enormous increases in police recorded knife crime. While the growth has been concentrated in London and the large metropolitan areas, it is being felt increasingly in other smaller communities across the country. Most alarming is the rapid increases in youth victims of knife crime and homicide. Black, Asian and ethnic minority people are over-represented as both victims and suspects of serious violence.

The Committee identifies the primary drivers of these increases as ‘county lines’ drug trafficking and related activities, gang activity, a proliferation in knife-carrying among the youth and poverty. The predatory behaviour of ‘county lines’ drugs groups is a potent factor. They exploit and



abuse vulnerable children (as young as 12 years of age) many of whom would otherwise be perfectly safe in their own home. Once sucked into the 'county lines' groups, they are effectively imprisoned in an environment of knives and gang violence. These children are let down by a combination of safeguarding systems which are focused too narrowly on risks within the family home, and the ongoing failure of agencies to work effectively together to build a package of support around them. Fragmented governance and funding structures, and poor coordination of resources, have hampered government and law enforcement efforts to tackle 'county lines' criminality, and allowed the groups to stay ahead of efforts to curb their criminal exploitative activities.

In particular, the Committee highlights: failures in the Government's Serious Violence Strategy, a national leadership deficit in the implementation of a 'public health' approach to the problem, funding cutbacks in policing and a lack of sustained preventative interventions.

### **Serious Violence Strategy**

The Government's "Serious Violence Strategy", published in April 2018, is criticised by the Committee as "completely inadequate" for the challenge. While the Committee acknowledges that the Strategy offers a coherent analysis of the scale and causes of the problem, it finds that the analysis of the 'risk-factors' for youth involvement in violence is based largely on readily available evidence. It is not underpinned by any attempt to collect new data or gain a clear understanding of the numbers and location of the populations most at risk of serious violence. While the Strategy (commendably) prioritises a 'public health approach', it contains "no targets or milestones, few new actions and

no clear mechanisms for driving forward activity at a national and regional level." Overall, the Committee feels that the Strategy does not reflect a clear government focus on keeping young people safe from rising levels of violence. There is a serious mismatch between the government's diagnosis of the problem and its proposed solutions. The Committee considers that this is "symptomatic of wider dysfunctions within the Government's response to this issue, and its approach to crime and disorder more broadly."

### **National Leadership Deficit**

The Government's proclaimed 'public health approach' to tackling serious violence requires coordinated action across a range of services such as education, health and business, as well as police and justice. This is reflected in the re-branding of the Inter-Ministerial Group on Gangs, chaired by the Home Secretary, to an Inter-Ministerial Group on Serious Violence Strategy. It brings together "key representatives from a range of national, local and delivery partner agencies" to oversee delivery and "challenge the impact of delivery of the Serious Violence Strategy." It is complemented by a new, cross-sector 'Serious Violence Taskforce', chaired by the Home Secretary, to oversee the Strategy's programme of work and to "provide a route for challenge and support on local progress in tackling serious violence." Earlier this year, in response to intense media coverage of a number of youth murders in quick succession, the Prime Minister established and chaired a new Ministerial Taskforce to "coordinate government activity and ensure all departments are playing their part in reducing serious violence". It is supported by a new Serious Violence Team in the Cabinet Office.

While central government ownership of the response to the challenges presented by serious violence is necessary and welcome, there must be a concern that these 'initiatives' will confuse and obscure clear lines of responsibility and accountability. There must also be a suspicion that they are motivated primarily by the need to convey a public image of the Government being on top of the problem, at the expense of delivering concrete remedial action on the ground. Certainly, the Committee is not persuaded that the Government's rhetoric is matched by leadership and coordinated action. It considers that the Home Office's contribution has been limited to "the production of a limited strategy and convening of a few roundtable discussions." Moreover, the Government's approach is considered to be "not fit for the task at hand", and its lack of national leadership is "evidence beyond doubt of the need for a change in direction." Similarly, the Committee is not persuaded that the Prime Minister and Home Secretary are treating serious violence with the urgency and focus it requires. In particular, they are not ensuring that the Prime Minister's Taskforce has the resources it needs in order to function effectively and target resources in the right places.

Critically, the national leadership deficit is also reflected in the Government's failure to identify the number of children at risk of involvement in serious youth violence. As the Committee observes, it is extremely difficult to target public health interventions in the absence of such data which should be driving and informing local action to tackle serious youth violence. The Ministerial Task Force and the Serious Violence Taskforce should be monitoring progress across a common dataset collected consistently across the country.

The Committee pick up on the accountability deficit. This is compounded by the complex network of local stakeholders in policing, local government, education and civil society. Despite the government's high-profile coordinating initiatives, the Committee finds that it has failed to establish clear lines of communication and accountability for progress in delivery on the ground. Closely associated with this is the Committee's view that the explosive growth in drug gangs exploiting young people and 'county lines' criminality offers damning evidence of systemic failures within current structures and processes for law enforcement and child protection. This includes the failure of safeguarding and law enforcement agencies to operate effectively across borders and to share data on at-risk children.

The leadership deficit is also evident in the failure of the Home Office's Drugs Strategy, with drug deaths in England and Wales running at three times the European average and ten times the average in Scotland. Not surprisingly, the Committee concludes that there is a need to take urgent action to reduce demand by improving the provision of treatment for drug users.

## **Policing**

The value of police 'stop and search' as an effective response to knife crime and serious youth violence is keenly contested. While the Committee acknowledges that intelligence-led stop and search can make a contribution to keeping communities safe, it also emphasises that the manner in which stop and search has been used generally has alienated the most heavily policed communities and undermined trust in the police. There remains significant disproportionality in the use of the powers



on race and ethnicity lines that is not explained or justified by the increased likelihood of becoming a victim of knife crime.

The Committee indicates that it will explore stop and search in further detail later in the year when it reports on its inquiry to mark the twentieth anniversary of the publication of the Macpherson report into the murder of Stephen Lawrence. It is clear, however, that the Committee sees more value in preventative measures such as enhanced investment in neighbourhood policing and safer schools' officers. It recommends that by April 2020 all schools in areas with an above-average risk of serious youth violence should have a dedicated school police officer.

Sustained funding cutbacks in policing continue to be a key issue. In its 2018 report, *Policing for the Future* (See <https://blogs.kent.ac.uk/criminaljusticenotes/2018/11/06/the-future-of-policing/>), the Committee highlighted the damage that cutbacks were causing for the delivery of an adequate and effective police service. It now feels compelled to make the same observation with respect to tackling serious youth violence. Accordingly, it repeats its call for the Home Office to move to a long-term funding settlement for policing, to allow for much-needed investment in frontline policing. In particular, it advocates enhanced investment in preventative measures such as neighbourhood policing and safer schools' officers. By April 2020, it would like to see a dedicated school police officer in all schools in areas with an above-average risk of serious youth violence. It also emphasises the need for ringfenced resources for partners working on safeguarding vulnerable children (police, local authorities and the NHS). Significantly these partners should be required to produce local plans, complete

with clear targets and milestones, to reduce the number of children at risk locally from 'county lines' exploitation

## Prevention

Citing strong evidence linking knife crime and serious youth violence with deprivation and vulnerability, the Committee considers that the cure lies in prevention. Diagnosing and treating the root causes of the problem need to be prioritised over dealing with the acute outcomes through the criminal justice system and the accident and emergency departments. While the Government superficially accepts that logic, the Committee criticises it severely for its rhetoric not matching the reality of its decisions and actions in the community:

“The current epidemic of youth violence has been exacerbated by a perfect storm emerging from cuts to youth services, heavily reduced police budgets, a growing number of children being excluded from school and taken into care, and a failure of statutory agencies to keep young people safe from exploitation and violence. Young people have been failed in the most devastating way, and they are losing their lives as a result.”

Current Government investment in tackling serious violence is considered to be completely inadequate and does not even begin to match the scale of the problem.

Accordingly, the Committee argues that the Government needs to give greater thought to what sustained and preventative interventions should look like, and how to ensure that public funding is diverted

towards the most effective approaches using data on the populations most at risk. This should encompass a fully-funded statutory minimum of provision for youth outreach workers and community youth projects on all areas, co-designed with local people. Enhanced provision should apply in areas with higher-than-average risk factors linked to serious youth violence. Proper mental health services also need to be provided for young people, informed by an understanding of the impact of trauma and other adverse childhood experiences. Children at risk of school exclusion (a potent factor in rendering children vulnerable to exploitation) should be provided with more social, educational and emotional supports, and further action is needed specifically to close the racial disproportionality in school exclusions.

Ultimately, there needs to be much more sustained investment and joined-up thinking in addressing the factors that propel children into exploitation and risky behaviour, and in the provision of youth services and supports to divert them into safe outlets and activities.

## **Conclusion**

The Committee's hard-hitting report is a stark and timely reminder of the complex issues lying behind the lurid headlines associated with the spike in knife crime and serious youth violence. For all its grandstanding on the subject, it would appear that the Government is not even managing to take the most basic steps needed to understand and address the driving forces behind the problem, let alone provide coherent leadership and resources to get on top of it. The analysis and recommendations in the report should be welcomed as vital resource to spur the Government into action and to hold it to account for its performance.