

ADDRESS BY AIDAN O'DONNELL

PRESIDENT

OF THE

ASSOCIATION

OF GARDA SERGEANTS AND INSPECTORS

TO THE

THIRTY-THIRD ANNUAL DELEGATE

CONFERENCE

IN THE STRAND HOTEL, LIMERICKCITY

ON

MONDAY, 18th APRIL, 2011

STRICT EMBARGO: 6pm MONDAY, 18th APRIL 2011

Colleagues, before I commence my address I wish to extend our sincere sympathy to our colleagues in DMR North Central and to the family of our late colleague Bryan Mc Glinn of Store Street on his untimely death. Bryan was an excellent police officer and a much respected colleague whose sudden passing has been felt in many quarters. We send our thoughts and prayers to Bryan's family at this difficult time.

Ar deis Dē go raibha h'anam.

May I also take the opportunity to mention the late Constable Ronan Kerr of the Police Service of Northern Ireland who was murdered recently. No different from any other member of the PSNI or indeed An Garda Síochána, Ronan Kerr was a honourable young man who chose to work as a police officer, serving his community. He wanted to play his part in providing the people of Northern Ireland with a unified policing service, reflecting the new reality in 'Northern Ireland'. While there are risks associated with policing in any community, there remains, in Northern Ireland particularly, the very real threat of terrorist attack, a threat which has been so graphically realised by the brutal murder of Ronan.

I want to assure our colleagues in the Police Service of Northern Ireland that we in An Garda Síochána stand shoulder to shoulder with them in their efforts to bring peace and justice to the people of all of this island and we are committed to working with you to bring to justice, the killers of Constable Ronan Kerr . To Ronan's family we extend a warm hand of sympathy and we hope and pray that in time you will be comforted by the memory of Ronan as someone who committed himself to the needs of others.

It is regrettable that the Minister for Justice and Equality and for Defence could not be here tonight for the reasons which the vice-president has already outlined. While I consider it important to deliver my address tonight, in the Minister's absence, he will be afforded an opportunity to respond when he attends on Wednesday morning.

Pay

Colleagues, I want to emphasise that our primary focus at this conference, as with all others, is pay. We have not lost sight of that primary function and a full debate on pay will be

accommodated first thing tomorrow morning when delegates will be given the opportunity to express their concerns and outline how the reductions in pay are affecting members. We will have a comprehensive report from the General Secretary, plus an update from the chairmen of all our working sub-committees, on all aspects of the Croke Park Agreement. You will have an opportunity to question the speakers about any aspect of presentations and we will also be debating the two major motions on the Clár in relation to pay.

We remind the Minister in the strongest possible terms that our earnings have been subjected to a sustained, unprecedented and destructive attack. We have suffered excessive reductions in our living standards and now face very real challenges in meeting financial commitments. I have noted the recent comments of Minister for Public Sector Reform Brendan Howlin and Minister for Communications, Energy and Natural Resources, Pat Rabbitte, in relation to possible further reductions in the salaries of public servants and I will remind them that we have already suffered two reductions totalling 20%, all things considered.

As if the serious reduction in our income wasn't bad enough, we have had to endure the unbalanced criticism of some commentators who regard dedicated workers in the public service as fair game for unfair comment. Amongst other things we are told we should consider ourselves 'lucky' for being in public service employment.

Yes, we are lucky Minister. We are lucky if we go to work and return home uninjured. We are lucky if, during the day, someone does not verbally abuse us. We are lucky if we don't get spat at, bitten or otherwise assaulted. We are lucky if we don't have a spurious complaint made to the Garda Síochána Ombudsman Commission, or end up subject to disciplinary investigation for some minor breach of procedure as we try to go about our work and provide a service to the public.

All the criticisms of the public service were of course a smoke screen designed to distract from the reality of what happened in this country and who was responsible for it. It is a tragedy that good, honest, hardworking members of the public service who do their very best on behalf of the people of this country for a modest salary were so unjustly targeted.

Police officers are a unique group of public sector workers. While professional qualities of motivation, dedication, commitment and loyalty can prevail across all work sectors, it is these very qualities which expose us in particular to an ever-growing level of risk and attack. Our vocation is being well tested by growing levels of challenges, levels of complaints, increased levels of assaults and attack and increased oppressive levels of accountability and scrutiny.

It seems to be overlooked that members of An Garda Síochána – indeed all public servants pay more than their fair share of tax and levies. As such we have a valid interest in what the Government does with our money. I am referring to the report by the Department of Finance dated 3rd March 2011 on the subject of the Bank of Ireland's provision of incomplete information to the Minister following the tabling of a Dáil question. This report makes for disturbing reading. It states that since September 2008 and December 2010 a total of €66m has been paid out in bonuses by that bank. It states that – and I quote: ‘ *The information supplied by the bank for the diligence report was incomplete and misleading in some respects* ’ (3.4) It continues, ‘ *... details in respect*

of two Senior Executives were omitted from the due diligence disclosures. One of these received a payment of €300,000 which was not disclosed. The second individual has received payments totalling almost €600,000 for 2009-10 and is due a further €125,000 in 2011. (7.4). End of quote.

The Department concludes that it – and I quote again: ‘*is as satisfied as it can be that the bank did not disclose all bonuses to the SET (Senior Executive Team) for.....However, **this may not have been a deliberate omission**.....’ End of quote.*

They don't say this may have been a deliberate omission. They say it may not have been ! Are we seriously expected to believe that Bank of Ireland inadvertently overlooked two single bonus payments totalling nearly one million Euro ?? Minister, are you satisfied with the findings of this report ? The €66m referred to earlier was paid out during a time when our members sustained a most destructive attack on their earnings. In addition, this bank was receiving support from the state. How much of our members' tax, income levies, pensions levies and salary reductions went towards the funding of these greedy bonuses? I want to assure the Minister that if any member of An Garda Síochána provided

information that was 'inaccurate' or 'incomplete' or which 'misled the Minister' or was an 'incomplete picture' they would be subject to disciplinary action and face severe consequences. The Bank itself has been unable to establish how this inaccurate and misleading information was provided to the Dáil. Was there a breach Minister of any governing legislation or regulations? We believe this matter should be referred to an independent regulatory authority for re-examination and if there is evidence of any irregularity the matter should be re-investigated and the findings referred to the appropriate authority.

The €66m mentioned is on top of the €40m recently paid out in AIB. That's over €100m! We want to tell the Minister and the Government that part of that €100 million would go a long way towards assisting An Garda Síochána to provide a better service to the public.

It could go towards the purchase of new patrol cars to replace those we are currently driving with up to 300,000km on the clock! We could fund the agreed Information and Communications Technology– ICT – strategy, which without sufficient finance, is

merely a document of aspirations. ICT has the potential to transform police work in this country.

The money would enable the Commissioner to deploy more supervisory ranks at operational level, considering the reductions in the grades over recent years. It could go towards the housing budget to enable some of the outstanding projects to be completed. It could go towards maintaining the budget to fight serious crime, a budget which was halved some months ago, and to fight the very serious and real threat posed by terrorist elements as recently realised.

The last Government had no problem introducing emergency provisions to allow for the deduction of income levies, pension levies and implementation of pay cuts in the Public Service. If necessary, similar emergency legislation should be introduced to prohibit these institutions that **we are funding**, from paying out bonuses. Never mind the proposal to tax bonuses at 90%, the payment of bonuses in these institutions should cease completely.

One final comment in respect of financial institutions Minister.

These banks have been supported to the tune of tens of billions of Euros of taxpayers' money but what are these institutions now doing? They are increasing interest rates unilaterally and passing on further costs to our already hard hit membership. This too has to stop. The Tanaiste, Mr Eamonn Gilmore referred to the need for a 'quid pro quo' in this regard. If some form of legislative intervention is required then that is what should happen. These institutions that have been so generously supported by us should not be permitted to increase interest rates on a unilateral basis. Many of our members have loan and mortgage commitments. On top of the penalising levies and pay cuts that have been imposed on us, we now have to face the continuing greed and arrogance of institutions who want our members to pay further for their wrongdoing.

Training

The theme for conference this year is training. Despite financial constraints, training of Garda personnel remains critical to the maintenance of an effective policing service. The selection of this theme reflects the value that our members place on the training

function, which goes far beyond initial training at the Garda College. The need for continuous training in the use of defensive equipment, driver training, CPD (Continuous Professional Development), Children First guidelines, legislative and procedural training, public order training, firearms training and other areas, all give rise to the need for a structured continuous training process. We have carried out a properly structured survey of our members on the subject of training and have identified our training needs. Minister, it is vital that sufficient funding be made available for the ongoing training of An Garda Síochána. Given the level of exposure we have to litigation, complaint and assault, we need to be fully trained and equipped to deal with all the risks that face us on a daily basis.

Ombudsman for the Garda Síochána

Minister, a review of the Bullying and Harassment Policy is at an advanced stage. An Garda Síochána is a very small organisation. We work in a very small network within which many members of the organisation are known to each other. This raises genuine concerns on the part of some as to the effectiveness and integrity

of the process. There is a fear that the informal information network can influence the implementation and outcome of the procedures. This is about perception. Invariably, members who find themselves engaged in the Bullying and Harassment investigative process are already in a vulnerable position. They should not have the added concern that their complaint may not be investigated fully and objectively and, more importantly, that there isn't an independent appeal mechanism. The Ombudsman for the Defence Forces in Ireland was established in 2005. That office has worked effectively and is independent of the Department of Defence and military authorities. There is no reason why such a mechanism could not be extended to An Garda Síochána. We respect the right of the Commissioner in the first instance to investigate issues of bullying, harassment and grievance. We also, however, respect the doctrine of independence in a review mechanism. Despite the undoubted best intentions of investigators, there is a continuous criticism of time limits not being adhered to in the course of investigations. There is a view that some investigations have been let drift in the expectation that some individuals involved may move on or retire, negating the need for a decision. An independent appeal mechanism would, amongst other things, help focus the mind of investigators, it would

give both sides to the process, a defined structure within which they can operate, in the knowledge that the proceedings will be open to independent review. It would also serve as a reassurance for those concerned that the spirit as well as the rule of governing regulations would be honoured. In addition, it would serve as an endorsement by the Commissioner as to his commitment to the process and as a recognition of the concerns that our members have.

Coroners' Juries

Colleagues, the statutory provisions governing the assembly of Coroners' Juries lies in the Coroner's Act 1962 at Section 43 which states: ' Whenever a jury is required for an inquest at any time and place, the coroner shall so inform a member of the Garda Síochána and the member shall assemble not less than six and not more than twelve persons qualified to be jurors at the inquest at such time and place and may, if he thinks it necessary, serve summonses in the prescribed form to ensure their attendance.

'The Juries Act 1927 addresses the issue of persons disqualified and those who are exempt from serving on juries.

Unlike the system which operates in the criminal courts where there is a system in place which facilitates the assembling of persons from the voters' register, no such scheme exists in respect of Coroner's Juries. The requirement for a member of An Garda Síochána to 'assemble' a jury invariably falls to a member of Sergeant rank. He or she exercises whatever ingenuity they can in assembling the requisite numbers.

In addition to the general principle in itself, Sergeants tasked with this responsibility are already overburdened, trying to manage an ever-increasing workload, growing levels of responsibility and at a time when numbers of Garda personnel are set to be reduced significantly.

The people so drawn are usually other public servants, perhaps working in Garda stations, retired gardaí, bank officials, local authority officials and personal friends. While I would not for one moment question the integrity of persons so selected there is a significant deficit in the selection process. What is required is a selection process that is open, transparent and independent of An Garda Síochána.

Barricade Incidents

Colleagues, it is extremely disappointing to note that the Garda Síochána still does not have an established panel of mental health experts available to us to assist in dealing with barricade incidents. This news is contained in the most recent Implementation Update issued by the Garda Inspectorate last month which identified the implementation date for the establishment of the panel as the end of 2008.

This recommendation stems from highly publicised incidents including Abbeylara and the subsequent Barr Report. It is ironic that tomorrow, 19th April, is the 11th anniversary of the commencement of that incident. We are now 11 years on from the incident and over two years since that that panel was to have been established. Yet colleagues, nothing has happened.

The Inspectorate report states that 'the target date for implementation is dependent on the outcome of discussions with cross sectional [Departments of] Health [and] Justice team'. We read also that the responsibility lies with the Assistant Commissioner, Crime and Security, and the Health Services Executive – the HSE. Protocols have still not been agreed between the Garda organisation and the HSE on the structured

response for the provision of psychiatric services to the Garda Síochána. In the interim however, informal arrangements apply !

As you well know colleagues, we are encountering a growing level of such incidents. Despite all the agreements that have been reached and protocols put in place, the support of a 'mental health professional' is critical to the effective management of these types of incidents. Of the 84 recommendations which are reported on, only two have not been implemented and this is one of them.

While 'informal arrangements' are in place, this is not sufficient.

Why Minister, have we not been afforded the support as recommended by the Garda Inspectorate ? It is stated that discussions are ongoing with the HSE in respect of the formulation of a protocol between them and An Garda Síochána ! These discussions have gone on for too long. The protocols were meant to be in place over two years ago! How long more are these discussions going to take place before an agreement is reached ? Is it a resource issue within the HSE Minister ? Will it take another critical incident resulting in a fatality before this matter is properly concluded ?

Colleagues. We recognise that many of these individuals involved in barricade-type incidents can be labouring under some form of psychiatric condition and consequently they need to be managed sensitively and appropriately. We also recognise that these individuals can represent a very real and significant threat to our members and others. It is for these reasons that we require the support of mental health professionals and that support should be provided in accordance with the recommendations of the Garda Inspectorate by way of a formal protocol.

Commission for Public Service Appointments

Colleagues, for many years there has been a strongly held view that promotions and appointments in An Garda Síochána are more a matter of who you know rather than what you know. A significant development in this area has been the publication of the Codes of Practice for Appointment to positions in the Civil Service and Public Service which are administered by the Commission for Public Service Appointments. These codes represent a genuine attempt to introduce a higher level of openness and accountability to the processes of recruitment, promotion and appointments in the public service which includes An Garda Síochána. However

there are two major weaknesses in the code arrangements in so far as the Garda Síochána is concerned. The first is that members who wish to lodge a complaint must do so individually; they cannot enlist the aid of their representative association in presenting their case. The second is that the Commission for Public Service Appointments does not have the authority to impose sanctions. Their voice is very much one of moral persuasion. In certain cases the Commission can amend the terms of recruitment licences or indeed withdraw the licence, but they cannot alter a recruitment decision once made. To bring an appropriate degree of strength to this body and to enhance their position as an objective arbiter, they should have the power to intervene and set aside decisions that have been found to have breached the Code of Practice. A few of our members in recent years have taken complaints under the code and have been successful. They have strengthened our hand in seeking adherence to the Commission's Code as it applies to the advertising of positions and selection of candidates. We will continue to ask Government to give the Commission more power in the enforcement of fair and open practices throughout the Garda Síochána.

ENDS

For more information contact

Austin Kenny 087 2418155 or Aidan O'Donnell on 086 8282457