



Garda
Ombudsman
INQUIRY INDEPENDENCE IMPARTIALITY

**GARDA SÍOCHÁNA OMBUDSMAN COMMISSION
FIRST ANNUAL REPORT**

30th March 2007

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Mr. Michael McDowell SC
Tánaiste and Minister for Justice, Equality and Law Reform,
St Stephen's Green
Dublin 2

Dear Tánaiste,

We have the pleasure to forward to you the first report of the Garda Síochána Ombudsman Commission, to be laid before each house of the Oireachtas, as required by Section 80 of the Garda Síochána Act 2005.

At this time, the Commission is recruiting and inducting staff, finalising procedures, preparing to occupy its permanent offices and working towards an operational start-date. Training programmes are in hand and procurement of equipment, including information technology, is under way. It is hoped to become operational on May 9th of this year.

By definition, many of the processes involved in the establishment of a body such as this will take some time to complete. It might be noted that the Police Ombudsman of Northern Ireland and the Independent Police Complaints Commission in England and Wales, each required about a year to become fully operational.

The Commissioners would wish to acknowledge the support, co-operation, enthusiasm and sense of urgency of many individuals and bodies across the public service in helping to us to get to our present position. Nonetheless, we feel it necessary to state that our progress would have been very much faster if these attitudes had prevailed universally.

We believe that the organisation, structures and personnel now being put in place will meet the objectives, set down in the Act, of providing an efficient, effective and fair system of dealing with complaints against members of the Garda Síochána and of building confidence in that system.

We furthermore believe that with a continuing adherence to the principles and the recommendations of the report of the implementation advisory committee, chaired by Senator Maurice Hayes, this State can set a high standard in the accountability and oversight of civil policing.

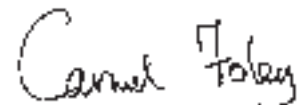
Yours faithfully



Judge Kevin Haugh, Chairman



Conor Brady, Commissioner



Carmel Foley, Commissioner

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EXECUTIVE SUMMARY

This is the first annual report by the Garda Síochána Ombudsman Commission (the Commission). The Commission was appointed by the President of Ireland, Mary McAleese in February 2006 following the nominations of Judge Kevin Haugh, Conor Brady and Carmel Foley by the Oireachtas arising out of the terms of the Garda Síochána Act 2005. Its mission is to provide the Republic of Ireland with civilian oversight of policing, in particular by handling complaints against members of the Garda Síochána. The outline plan for its establishment was drawn up by a committee under the chairmanship of Senator Maurice Hayes, the proposals of which were accepted by government in October 2005.

The Garda Síochána Act 2005 sets down twin objectives for the Commission. One is to establish a system for the investigation of complaints against Gardaí that is effective, efficient and fair to all concerned. The other is to promote confidence in that system. As well as receiving complaints, the Commission is empowered to act where it considers it to be in the public interest to do so or in response to a request from the Minister for it to act even where no complaint has been made. It has powers e.g. to search and arrest, in certain circumstances, similar to those of the Gardaí.

The Commission anticipates a level of complaints in the region of between four and five thousand a year. This would be in line with statistics from England and Wales and Northern Ireland. Access to the complaint-making process is accommodated in a variety of ways, including “walk-in” facilities at the Commission offices in Abbey Street, Dublin 1 and plans for similar arrangements in Roscrea and Longford. Admissible complaints, depending on the content, will be investigated either by the Commission itself or by the Garda Síochána or by the Garda Síochána under supervision by the Commission. The Act also allows for informal resolution and mediation. This, it is envisaged, may be appropriate in less serious cases. Participants in such a process may opt out at any time and seek a more formal investigation. However, the Commission is hopeful that this process will be successful and has spent considerable time and energy drawing up agreements with the Garda Síochána as to how it might work in practice. The Commissioners have made staffing provision for discharge of their duty to promote of public confidence. They have planned the establishment of a library and research facility as part of the core Communications and Research Team.

In approaching the task of designing the structure of the organisation, the Commissioners sought and found advice from practitioners of police oversight in other jurisdictions. As well as attending some international conferences, the Commissioners travelled to the Office of the Police Ombudsman for Northern Ireland and the Independent Police Complaints Commission for England and Wales. The Commissioners wish to acknowledge publicly the assistance they received from both these bodies.

The Commissioners have planned and established two broad divisions within the organisation. Administration will manage Human Resources, Case-work, IT, Corporate Services, Communications and Research and Legal Services. Investigations will manage four Investigation teams and an Intelligence Unit. Senior and some core staff have been recruited to all of these sections except IT which has been out-sourced to date. It is highly unlikely that the Commission will have its full complement of staff on the planned day of commencement of operations May 9th, 2007.

Recruitment is ongoing across all sections of the Commission at the time of writing. In overall terms sanctioned staffing is at a depleted staffing level to that which was sought. The Commissioners sought one hundred and two persons. To date, there is agreement for eighty-one. It may be necessary to re-allocate from the reduced number so as to provide for an intelligence unit.

The Commissioners intend to have attained the sanctioned staffing levels as soon as possible. Gaining the necessary consent and clearance has been time-consuming. The Commissioners believe that the expedition of this process is critically important to the successful fulfillment of the Commission mandate.

Training commenced in March 2007. The University of Portsmouth, which has had prior experience in providing training for both OPONI and IPCC, was awarded the training contract, having formed local partnerships in Ireland, including one with the Law School of the Honourable Society of the King's Inns in Dublin.

Section 108 of the Garda Síochána Act 2005 requires the Commission to agree with the Commissioner of the Garda Síochána written protocols in regard to four areas.

These are:

1. The use of detention facilities at Garda Stations by the Commission
2. Application of the Criminal Justice Act 1984 (Treatment of Persons in Custody)
3. Investigations that coincide
4. Sharing of information, including evidence of offences

A Working Group was established to process this matter and it formed the view that memorandum of understanding on a variety of matters would be beneficial. The Protocols and memorandum of Understanding have been presented to the Garda Commissioner and his response is awaited at the time of writing.

The Commission undertook consultation on a number of issues with a wide range of interested parties. The Commissioners would like to thank all those who took part in the consultative process.

In the first quarter of 2006, a team of eight people was seconded largely from the Department of Justice Equality and Law Reform to help set up an organisation which would be able to discharge the Commission's duties. Operating from temporary accommodation in Bow Street, Dublin 7, this team assisted the Commissioners in establishing the new organisation and in developing strategies and business cases for staffing, premises and information and communications technology (ICT), negotiating necessary approvals and developing implementation plans aimed at bringing the Commission to start-up. The Commissioners are grateful for this valuable assistance.

Offices have been leased, following a lengthy process, at 150, Upper Abbey Street, Dublin 1. Work is being carried out to render it suitable for the Commission's needs and it is planned to take possession of the building in April 2007. A contract has been awarded to Eircom for installation of the ICT infrastructure, desktop and telephony systems.

Given that the Commission was in a preparatory phase in 2006 and its staff began to come on stream at the end of that year, expenditure at €1.077 million was considerably less than the Estimate. In addition, negotiations relating to the leasing of the Commission's Headquarters took longer than anticipated and as a result costs associated with the lease and with fit-out, security, furniture and equipment were not incurred in 2006. The provision for the Ombudsman Commission in the 2007 Revised Estimates is €17.027 million. This includes an estimate of €6.284 million for costs associated with the acquisition and fitting out of the Commission's Dublin Headquarters.



The Garda Síochána Ombudsman Commission appointees Conor Brady, Carmel Foley, Judge Kevin Haugh (president of the Commission), Uachtarán na hÉireann, Mary McAleese, An Taoiseach, Bertie Ahern TD, Mr. Michael McDowell SC, Tánaiste and Minister for Justice, Equality and Law Reform

CHRONOLOGY

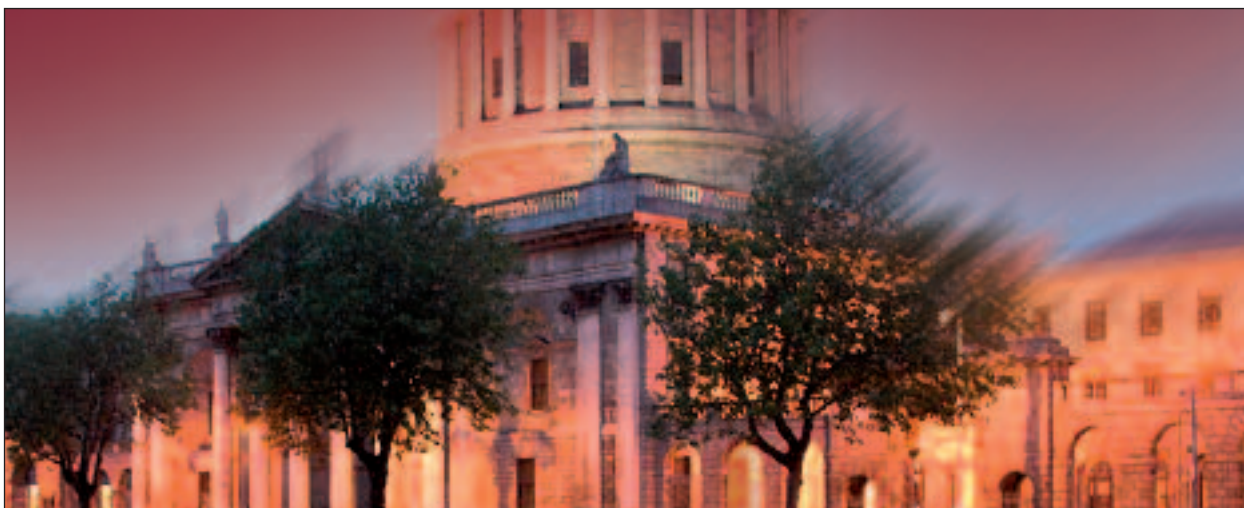
2005-2006	
October 2005	Garda Síochána Act 2005 signed into law by the President of Ireland, Mary McAleese
November 2005	Publication of report of Implementation Committee, chaired by Senator Maurice Hayes
January 2006	Nomination of Commissioners by Government and endorsement of nominations by Oireachtas
February 2006	Appointment of Commissioners by the President of Ireland, Mary McAleese
January 2006	Setting up of transition team of civil servants at temporary offices in Bow Street, Dublin 7
March 2006	Fact-finding visits by Commissioners and secretariat to relevant institutions including the Office of the Police Ombudsman for Northern Ireland (Belfast), to the Independent Police Complaints Commission for England and Wales.
March 2006	Opening of negotiations with Office of Public Works re selection of Dublin premises for Commission staff
April 2006	Commissioners seek approval and consent from relevant Departments for proposed staffing structure.
June 2006	Establishment of Consultative Group
June 2006	Advertisements placed for first executive position
June 2006	Identification by Commissioners of suitable premises for Dublin offices at 150, Upper Abbey Street, Dublin 1
August 2006	Advertisements placed for investigations staff
September 2006	Interviewing/selection for Director of Investigations
October 2006	Commissioners are made aware of Office of Public Works report regarding remedial work to the offices at 150, Upper Abbey Street, Dublin 1

2006-2007	
November/ December 2006	Interviewing/selection for Director of Administration
November 2006	Lease signed for 150 Upper Abbey Street Interviewing/selection for support staff
December 2006	Interviewing/selection for investigations staff
January 2007	Interviewing/selection for case officers
February 2007	Fit out of offices at 150 Abbey Street Operational equipment identified and ordered
March 2007	Training commences for investigators and case officers
April 2007	Planned occupancy of 150, Upper Abbey Street, Dublin 1
May 2007	Commission planned to become operational

List of abbreviations

GS	The Garda Síochána
The Commission	Garda Síochána Ombudsman Commission
OPONI	Office of the Police Ombudsman for Northern Ireland
IPCC	Independent Police Complaints Commission for England and Wales
DJELR	Department of Justice Equality and Law Reform
The Act	Garda Síochána Act 2005
PAS	Public Appointments Service

APPOINTMENT OF COMMISSIONERS



1.1 Background

The outline plan for the establishment of the Garda Síochána Ombudsman Commission (the Commission) was drawn up by a committee under the chairmanship of Senator Maurice Hayes. Senator Hayes is a former Ombudsman for Northern Ireland and he was a member of the Patten Commission on policing in Northern Ireland. In October 2005, the Government said that it had accepted the proposals put forward by the Hayes Committee.

1.2 Appointment

The Commission was brought into existence under the terms of the Garda Síochána Act 2005 (the Act) which passed into law in July 2005.

Section 63 of the 2005 Act provides for the establishment of a body to be known as the Garda Síochána Ombudsman Commission for the purposes of ensuring openness, transparency and accountability in the process by which complaints against the Garda Síochána are investigated. The Commission will replace the current mechanism of investigating complaints – the Garda Síochána Complaints Board.

The President of Ireland, Mary McAleese, on 10th February 2006, following nomination by the Government and approval by the Dáil and the Seanad, appointed the following persons to form the new Garda Síochána Ombudsman Commission:

- Mr. Justice Kevin Haugh, Judge of the High Court, Chairman
- Mr. Conor Brady, former Editor of The Irish Times
- Ms. Carmel Foley, former Director of Consumer Affairs

The Commissioners, who are fully independent in their operations within the terms of the Act, are appointed for a term of six years, which is renewable.

THE GARDA SÍOCHÁNA OMBUDSMAN COMMISSION TRANSITION TEAM

The Commission wishes to acknowledge the hard work and dedication of its transition staff, under the leadership of Mr. Tom Maguire, formerly deputy Commissioner in the Office of the Data Protection Commissioner.

2.1 Formation and Task

The Transition Team of eight full time staff was formed between January and March 2006. These staff were seconded largely from the Department of Justice Equality and Law Reform (DJELR).

The task of the Transition Team has been to assist the Commissioners in establishing this new organisation and in developing strategies and business cases for staffing, premises and information and communications technology (ICT), negotiating necessary approvals and developing implementation plans aimed at bringing the Commission to start-up. The Transition Team engaged the support of a HR Consultant, an IT Project Manager, a Senior Garda Advisor/Consultant and a Programme Manager to assist with the implementation of the Programme.

2.2 Achievements

The Transition Team have been responsible for the following programme of work

- Obtaining temporary accommodation for the Commissioners and Transition Team at Bow Street, and later, obtaining other temporary accommodation for the initial cohort of Commission staff at the Irish Life Centre, pending availability of the permanent HQ
- Developing an overall strategy and roadmap for the Commission aimed at achieving start-up as soon as possible in 2007
- Identifying, in conjunction with the Office of Public Works, a suitable building in Dublin City Centre, for use as a HQ, negotiating the lease and arranging for the internal fit-out and security, to include all internal building work, wiring and furnishing
- Developing a business case for and procurement and delivery of ICT Infrastructure, Desktop and Telephony system including a Call Centre for the HQ

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- Developing business case for and procurement and delivery of a suite of Business Applications to support the Commission's business, including the development of a Case Management solution
- Obtaining sanction for and recruitment of an initial staff of 81 at all levels across the following areas, Case Officers, Investigators, Legal Staff, Communications and Research, HR, IT and Corporate services
- Identifying training requirements for all staff and engaging a Training Provider for highly specific training for Investigators and Case Officers
- Documentation of the internal business processes around Complaints Handling/Investigations/Mediation
- Setting up of a Corporate Services/ Management function to include Financial Management, HR Management, Management of third party vendors
- Preparatory work related to setting up of regional offices in Roscrea and Longford

The Team developed a programme plan which included identification of the associated issues and risks and mitigation strategies.

2.3 Current status

At the time of this Report, the fitting out of the HQ is due to be completed at the end of March and installation of the ICT infrastructure is due to be completed in late April 2007. A total of 44 Commission staff has been appointed (at 5 March 2007) and the Team is working with these staff to achieve commencement of operations in May 2007.

OBJECTIVES AND MISSION

3.1 The Garda Síochána Act 2005

The Garda Síochána Act 2005 sets down two objectives for the Commission. One: to establish a system for the investigation of complaints against Gardaí that is effective, efficient and fair to all concerned. Two: to promote confidence in that system.

The Ombudsman Commission, under the Act, will be required and empowered to:

- Directly and independently investigate complaints from members of the public against members of the Garda Síochána;
- Investigate any matter, even where no complaint has been made but where it appears to the Commission to be in the public interest to do so, where it appears that a Garda may have committed a criminal offence or behaved in a way that would justify disciplinary proceedings;
- Investigate, when requested by the Minister, possibly in response to a recommendation from the Commission, any practice, policy or procedure of the Garda Síochána with a view to reducing the incidence of related complaints.

3.2 Volume of Complaints

The Commission can make no firm estimate at this time of the volume of complaints that are likely to be recorded once it becomes operational. Comparisons with nearby jurisdictions and anecdotal evidence here suggest that the Commission should be prepared to react to a higher volume than the figure of 1,350 per annum, currently recorded by the Garda Síochána Complaints Board.

Were complaints against Gardaí to be proportionate in numbers to complaints lodged against police officers in England and Wales, and in Northern Ireland, the Commission could expect between 4,000 and 5,000 complaints per annum.

Not all of these would be admissible. About 25 – 30 per cent of complaints in adjoining jurisdictions turn out to be inadmissible.

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3.3 Objective 1: How Complaints will be investigated

3.3.1 Accessibility to the public

At appointment, the Commissioners agreed that the organisation should aim to attain the highest levels of independence and transparency, compatible with the stated objectives.

The Commissioners were faced with a choice between creating a 'walk-in' system for receiving complaints (as in Northern Ireland) and a system in which investigations and inquiry staff will not deal directly with complainants at the office (as in England and Wales).

The Commissioners decided that the Commission will operate a 'walk-in' system at its Dublin office and at the proposed office at Roscrea, Co Tipperary.

The Commission will be accessible to the public by letter, email, telephone, fax, online, through any Garda Station, through a Chief Superintendent or higher rank officer of the Garda Síochána in a place other than at a Garda Station.

3.3.2 Informal resolution

The Commission has placed a high priority on the development of a model for the local resolution or mediation of complaints, as provided for in Section 90 of the Act.

It is hoped that the guidelines to be issued by the Commission, providing for the operation of this model, will be worked to their maximum potential.

If this proves to be case, the Commission believes that many complaints will be resolved without the necessity for more formal investigation.

3.3.3 Supervision of Garda investigations

Section 94 of the Act provides for certain complaints to be investigated by the Gardaí, with or without the supervision of the Commission. The Commissioners anticipate the use of this process. Even if admissible complaints against Gardaí were to remain around the present recorded level, it is clear that the Commission could not investigate all of these fully with its current authorised staffing level. Even at an increased staffing level, the Commissioners would envisage continued use of this process.

3.3.4 Investigations by the Commission

The Commission is confident that, when it becomes operational, it will require its full complement of investigations staff and some secondments, as requested, from the Garda Síochána, to undertake investigations of alleged serious offences, as provided for by Section 98 of the Act. These would include cases of death or serious harm arising from allegedly as a result of the actions of a Garda.

The Commission sees the need for four investigative teams and an intelligence unit. To date, the Department of Finance has consented to a staffing level which will allow for two investigative teams and an intelligence unit.

Were it to be confronted with multiple, concurrent cases of the kind provided for by Section 98 of the Act, however, the Commission would not have adequate 'in-house' resources to meet its obligations. In such circumstances, the Commission would be obliged to seek special assistance as provided for by Section 74 of the Act.

3.4 Objective 2: Promotion of Public Confidence

The Commissioners take the view that the promulgation of its services, the raising of awareness of these services and the promotion of confidence in the complaints system are matters that will require active and ongoing input with an appropriate commitment of resources.

A Communications and Research division has been established within the Commission to provide a first-class service internally and externally. It has as its core principles the twin objectives of assisting in the provision of a fair complaints system and promoting confidence in that system. Internally, it will seek to ensure that channels and content of communication are such as to promote efficiency, harmony and improved service to the public. Externally, it will seek to inform the public about the Commission's activities and to consult with the public regarding improvements to the Commission's service. It will provide information where appropriate with due regard and respect for human rights and the rule of law.

AMENDMENTS TO ACT



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The Minister for Justice Equality and Law Reform, following discussions with interested parties including the Commissioners, decided to incorporate some amendments to the Garda Síochána Act 2005, into legislation to be put before the Houses of the Oireachtas early in 2007. That process is ongoing at the time of writing.

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Upon appointment in February 2006, the Commissioners embarked upon a programme of meetings and fact-finding visits with comparable bodies in other jurisdictions. The aim was to learn from their experiences and to see what might usefully be adapted from their operational models.

The Commissioners would like to record their gratitude in particular to the Police Ombudsman for Northern Ireland, Mrs. Nuala O'Loan and her staff for giving generously of their time and knowledge. Similarly, the Commissioners received generous co-operation and assistance from Mr. Nick Hardwick, Chairman of the Independent Police Complaints Commission in London and from his staff.

Later, members of the Commission visited Canada and the United States to meet and to draw on the experiences of senior figures there involved in the civil oversight of law enforcement. One Commissioner attended the conference of European Union Partners Against Corruption in Budapest in November to meet and exchange views with other EU police oversight personnel.

The Commission has not followed any one model in structuring the organisation. Rather, it has drawn from best practices across the various jurisdictions, adapting them to Irish needs.

Recruitment is ongoing across all sections of the Commission at the time of writing.

In overall terms sanctioned staffing is at a depleted staffing level to that which was sought. The Commissioners sought one hundred and two persons. To date, there is agreement for eighty-one. It may be necessary to re-allocate from the reduced number so as to provide for an intelligence unit and IT.

The Commissioners intend to have attained the sanctioned staffing levels as soon as possible. The Commissioners believe that the expedition of this process is critically important to the successful fulfillment of the Commission mandate.

6.1 Senior Staff

In order to ensure the appropriate levels of independence in its investigations, the Commission decided that the investigative function and the administrative function within the organisation should be separate. Accordingly, it was decided to appoint a Director of Investigations and a Director of Administration. They will report separately to the Commissioners. It was decided that proven experience of investigations management in a force other than the Garda Síochána should be a condition for appointment as Director of Investigations.

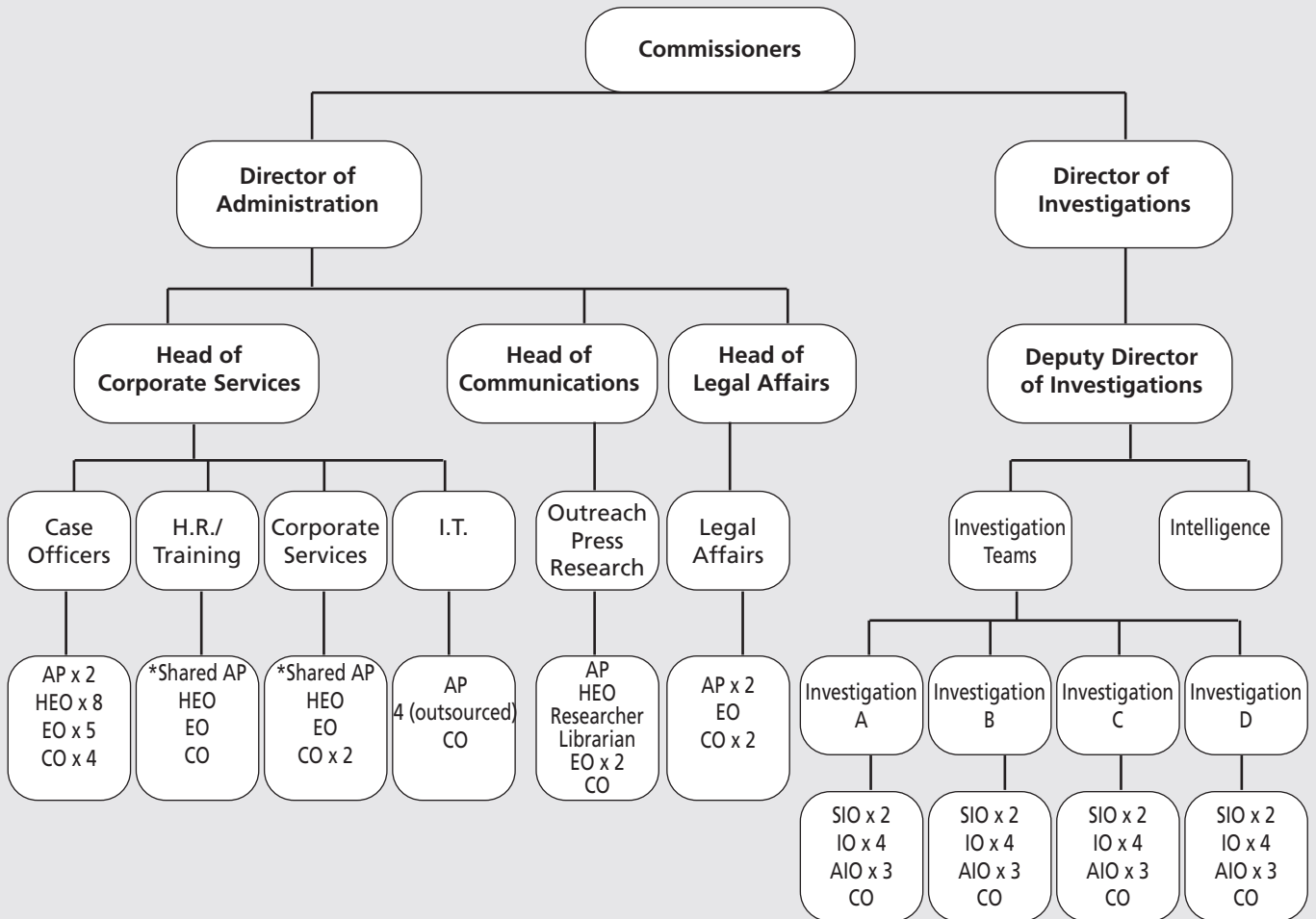
The Commission's Director of Investigations is Mr. Paul Buschini, a former senior police officer from Lancashire. Mr. Buschini served as a detective superintendent and has extensive experience in serious crimes investigation. He was formerly attached to the Lancashire Constabulary Professional Standards Department and he has led death-in-custody investigations on behalf of the Independent Police Complaints Commission for England and Wales.

Mr. Anthony Duggan is the Commission's Director of Administration. He served with Customs and Excise from 1979 to 2000 and with the Revenue Commissioners from 2000 to 2004 holding a range of senior investigative and administrative posts. He was appointed as Chief Executive of the Garda Síochána Complaints Board in 2004, where he has been overseeing preparations for the transfer of authority to the Garda Síochána Ombudsman Commission.

6.2 Divisional Structure

The divisional structure, as envisaged and sought by the Commission, is represented below. At the time of writing, several positions remain vacant, including two investigation teams, pending consent from the Department of Finance.

DIVISIONAL STRUCTURE



6.3 Investigators

It is planned to operate four teams of investigators. Each team will comprise 8 – 12 investigations officers. Three teams will operate in Dublin and one from Roscrea.

It is also intended to form an Intelligence Unit. It is hoped that consent will be forthcoming from the Department of Finance to allow for the necessary recruitment.

A decision was taken that all investigations posts should be advertised both within Ireland and abroad. The aim is to acquire a mix of professional experience from other Common Law jurisdictions.

It is important to note that, at this time, staff for three teams has been recruited. In discussions with the Department of Finance tacit agreement was received to the setting up of an Intelligence Unit. It is now the intention of the Commissioners to advance planning in this regard. In the absence of formal consent by the Department of Finance to the recruitment of staff necessary for the Intelligence Unit, the establishment of that Unit may have operational impact on the existing investigation teams.

The Deputy Director of Investigations is Mr. Ray Leonard. Mr. Leonard has served as manager of the Competition Authority Cartel Division.

Investigations staff have been recruited to three grades; Senior Investigations Officer (SIO); Investigations Officer (IO); and Assistant Investigations Officer (AIO).

Investigations staff recruited so far include experienced personnel, with the relevant skills and competence, from UK, Australia, New Zealand, South Africa, Malta as well as some former Gardaí and personnel from other supervisory/enforcement bodies within this jurisdiction.

The profile of the investigations staff appointed through this process of competitive interview has given the Commission a good mix of Irish expertise (including Northern Irish) as well as expertise from overseas. A number of secondments from the Garda Síochána are also under consideration as described in section 6.5.

6.4 Case Officers

Approximately 20 Case Officers are being recruited from elsewhere in the Public Service. Case Officers will receive complaints and will consider whether they are admissible. If complaints are admissible, case officers will further consider whether they are suitable for resolution by mediation or informal resolution, as provided for under the Act.

They will also make an initial evaluation as to whether cases should be investigated by the Commission's investigations staff or referred for investigation by the Garda Síochána, with or without supervision from the Commission.

6.5 Gardaí Seconded to the Commission

Section 74 of the Act provides that the Commissioner of the Garda Síochána may second to the Commission members of the Garda in certain circumstances.

A number of such secondments are under consideration at the time of writing.

6.6 Communications and Research

The Commissioners are conscious of the duty to promote public confidence. The Commissioners take the view that it is essential that every effort is made to ensure that the goals and objectives of the Commission are disseminated as widely as possible and that there is ongoing development of public awareness of the functions and role of the office.

Mr. Kieran FitzGerald, formerly a producer in RTE, is head of Communications and Research. The Commissioners have included in the staffing arrangements for the unit a librarian and a researcher. It is the intention of the Commissioners that this unit should be a repository of knowledge, built and maintained over time, which will provide an active learning resource for the organisation.

6.7 Legal Affairs

Mr. Michael O’Neill is Head of Legal Affairs for the Commission. He joined from the Health and Safety Authority. Two legal assistants have been appointed. Both assistants have extensive knowledge of policing services through their respective experiences in the practice of criminal law.

6.8 Administrative Staff

Recruitment is ongoing for the areas of Human Resources and Corporate Affairs. Recruitment is taking place through the Public Appointments Service (PAS). The Commissioners are hopeful that the PAS will have processed the appropriate number of staff by the date of commencement of receipt of complaints and other operations.





Tenders were invited from third-level institutions and other agencies for training of staff including Investigators and Case Officers. As a result of this process, a training contract was awarded to the University of Portsmouth.

The University of Portsmouth has had prior experience in providing training for both OPONI and IPCC.

The University of Portsmouth formed a number of local partnerships in this State in order to prepare its training schemes. The Commissioners would like to record their particular thanks to the Law School of the King's Inns in Dublin and to the Garda College at Templemore, Co Tipperary.

Training commenced in March 2007 in Dublin. In-service and refresher training will be an ongoing feature in the work of the Commission.

7

CONSULTATION, PROTOCOLS AND MEMORANDUM OF UNDERSTANDING

8.1 Consultative Group

After initial contacts with the Garda Commissioner, the Garda staff associations and other stakeholders, the Commissioners decided to set up a Consultative Group to assist in the formation of the new body.

The Consultative Group has met at regular intervals (approximately monthly) and a very fruitful dialogue has resulted. The Commissioners have used the Consultative Group to brief stakeholders on progress and developments, to sound out opinions and to receive advice.

In addition to the Commission, the following have participated or been represented in the Consultative Group.

- The Commissioner of the Garda Síochána
- The Irish Human Rights Commission
- Faculty of Law, NUI Galway
- The Garda Síochána Inspectorate
- Department of Justice, Equality and Law Reform
- The Garda Síochána Complaints Board
- Association of Chief Superintendents
- Association of Superintendents
- Association of Garda Sergeants and Inspectors
- Garda Representative Association

The Commissioners would like to express their thanks to those who participated in this process and to record their indebtedness to them.



8.2 Consultation

In addition, the Commissioners and the Transitional Staff have consulted with or met the following individuals and/or bodies.

- The Minister for Justice, Equality and Law Reform
- The Secretary General of the Department of DJELR and other officials
- The Garda Commissioner and Senior Garda Management
- Garda Síochána Staff Associations
- Garda Síochána Inspectorate
- Director of Public Prosecutions
- Garda Síochána Complaints Board
- Mr Sean Hurley (formerly chief executive, GSCB)
- Garda Human Resources Management
- Police Ombudsman for Northern Ireland
- Independent Police Complaints Commission (England & Wales)
- North American Association for Civil Oversight of Law Enforcement
- Canadian Association for Civil Oversight of Law Enforcement
- European Partnership against Corruption (EPAC)
- The Office of the Ombudsman
- Defense Forces Ombudsman
- The Equality Tribunal
- Irish Human Rights Commission
- State Forensic Science Laboratory
- The Morris Tribunal
- Fianna Fáil Annual Policy Conference
- Labour Party Conference
- Mr Aengus Ó Snodaigh TD

Many of these have made themselves available to the Commission on successive occasions and gave generously of their time and knowledge. This is deeply appreciated.

8.3 Protocols and Memorandum of Understanding

Section 108 of the Garda Síochána Act 2005 requires the Commission to agree with the Commissioner of the Garda Síochána written protocols in regard to four areas.

These are:

1. The use of detention facilities at Garda Stations by the Commission
2. Application of the Criminal Justice Act 1984 (Treatment of Persons in Custody)
3. Investigations that coincide
4. Sharing of information, including evidence of offences

Upon the appointment of the Commissioners, discussions were opened with the Commissioner of the Garda Síochána on these matters and a working party was established. The Working Party came to the view that in addition to having written protocols on the matters set out in the Act, it would also be necessary to have a more detailed Memorandum of Understanding between the Commission and the Garda Síochána. This is to cover a range of administrative/operational interactions that will take place between the two organisations.

The Working Party met on eight occasions with drafting work taking place on both sides between meetings.

The Commissioners have briefed the Commissioner of the Garda Síochána on the final draft of the Protocols and MOU and are awaiting his response at the time of writing.

The Commissioners would like to express their thanks to the members of the Working Party, in particular the staff of the Garda Síochána Human Resources Management section, for their input into the completion of this process.



9.1 Premises

Premises at 150 Abbey Street, measuring 30,000 sq feet, were identified by the Commission in May 2006 as being suitable for the Commission's needs. The Office of Public Works was consulted and they agreed that the building would be suitable. The Department of Finance gave sanction in July 2006 for the Commission to proceed with the lease.

The Agreement for Lease was signed on 22 December 2006. It had been anticipated that this would have been signed earlier but a number of technical issues had to be addressed. The Agreement for Lease provides that the fit-out and security works will be completed by 31 March 2007. A provision of 6.284 million has been included in the 2007 Revised Estimates to cover accommodation.

9.2 Information Technology

The Commission engaged a Project Manager in May 2006 to assess and develop the Commission's Information and Communications requirements. Requests for Tenders were issued to the market in August 2006 for proposals for Infrastructure, Desktop and Telephony requirements and separately for a Case Management System. A contract has been awarded to Eircom for installation of the ICT infrastructure, desktop and telephony systems. A preferred supplier has been selected for the Case Management System. Both projects are subject to the Peer Review Process run by the Department of Finance under which a group of selected IT experts review the development, procurement and management processes around the projects.



The Commissioners are required to submit a report to the Comptroller and Auditor General in accordance with section 77 of the Garda Síochána Act 2005.

A provision of €10.01m was made in the 2006 Estimates for the expenses of the Commission. This reflected the view expressed in the Report of the Garda Síochána Act 2005 Implementation Group, which was chaired by Senator Maurice Hayes that a budget of €10 million should be adequate to meet foreseeable staffing levels.

10.1 2006

Given that the Commission was in a preparatory phase in 2006 and its staff began to come on stream at the end of that year, expenditure at €1.077 million was considerably less than the Estimate. In addition, negotiations relating to the leasing of the Commission's Headquarters took longer than anticipated and as a result costs associated with the lease and with fit-out, security, furniture and equipment were not incurred in 2006. The following is an itemised breakdown of expenditure in 2006:

SUBHEAD REPORTS 2006		
A01	Salaries, Wages & Allowances	€611,307.00
A02	Travel & Subsistence	€15,399.44
A03	Incidental Expenses	€106,026.30
A04	Postal & Telecommunication Services	€18,246.39
A05	Office machinery & other Office Supplies	€261,864.61
A06	Office & Premises Expenses	€42,956.07
A07	Consultancy Services	€16,093.00
	Sundry	€5,012.37
		€1,076,905.18

The salary costs shown relate to the Commissioners and Transition Team.

10.2 2007

The provision for the Ombudsman Commission in the 2007 Revised Estimates is €17.027 million. This includes an estimate of €6.284 million for costs associated with the acquisition and fitting out of the Commission's Dublin Headquarters.



COMMISSIONERS



JUDGE KEVIN HAUGH
Chairperson of Commission



CONOR BRADY
Commissioner



CARMEL FOLEY
Commissioner

SENIOR MANAGEMENT TEAM



PAUL BUSCHINI
Director of Investigations



ANTHONY DUGGAN
Director of Administration



KIERAN FITZGERALD
Head of Communications
and Research



MICHAEL O'NEILL
Head of Legal Affairs



RAY LEONARD
Deputy Director of



