

Index Submission – John O’Brien PAC June 19th 2014

Introduction – Abbreviated Profile John O’Brien MSc	2
Comment	2
Discretion	3
Road Deaths Reduction and Road Safety Enhancement Measures	4
Financial Cost RSA 2011	5
Garda Síochána Ombudsman Commission Examination of Practice, Policy and Procedure in regard to the Fixed Charge Processing System as operated by the Garda Síochána	6
Similar Conclusions – GSOC (2007) & CAG (2011, 2012)	7
Statistical Comparables between GSOC and CAG Reviews	8
GSOC - Negative factors identified in this examination in regard to the FCPS	8
FCPS 2007 Caseload	9
CAG 850,000 Notices over Two Years 2011, 2012	10
Recommendations GSOC	11
Focus of CAG Examination	12

Commentary on the Report of The Garda Síochána Inspectorate Fixed Charge Processing System February 2014 (FCPS) 15

Chapter 4 Garda Inspectorate Report (GIR) – Wasted garda resources	15
Recommendation 1.1 GIR – Criminal Justice Working Group	16
Recommendation 2.4 GIR – Fixed Charge Processing office	17
Recommendation 2.6 GIR – Time Frame Compliance	17
Recommendation 2.9 GIR – Legislative Deficiency	17
Recommendation 2.11 GIR - Redeployment Garda Detection Vans	18
Recommendation 2.16 GIR – Adjudication -v- Criminal process	19
Recommendation 3.8 GIR – Centralised Cancellation Authority	20
Recommendation 5.1 GIR – Future Vision	20

Figure A Road Deaths 1988 – 2013 & Goodbody Formula21

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Submission on the FCPS Review conducted by the Comptroller & Auditor General Years 2011 – 2012 & Commentary on the Examination conducted by the Garda Inspectorate

I wish to make an oral submission to the Committee and I provide hereunder an abbreviated outline of my remarks.

Introduction – Abbreviated Profile John O’Brien MSc

I now provide professional services as a Security and Police Analyst.

I was formerly Head of the International Liaison and Protection Office of the Garda Síochána with the rank of Detective Chief Superintendent. I was responsible for the protection of leading Political and Commercial figures, including protection of the Irish President.

I led the seminal work, which resulted in the agreement of a Voluntary Code of Security Practice (VCOP) for the Financial Services, Banks, An Post, Cash in Transit Companies (CIT).

I was the initial Head of Garda National Traffic Policy Bureau, making a major contribution to fatality and injury reduction.

Other responsibilities and competencies;

- Responsible for Protection of all Key Commercial and Political Targets,
- Responsible for security of visiting VIPs including POTUS
- Extensive Operational & Command Experience,
- Contacts in almost every Country in the World
- National Head Interpol and Europol
- Expert on Policing Systems and Practices

I retired from the police service in 2006. This was followed by two years as a special advisor to the Garda Síochána Ombudsman Commission. I conducted a review of the FCPS for the Ombudsman’s Office in 2008.

I have been involved in many commercial contracts since then.

Comment

I’m exercised by the fact that we – collectively – the Irish People have achieved an enormous improvement in road safety through implementing and supporting the policies which produced the reduction in Deaths and Injuries. This was achieved by the application of the Victoria Model with a systematic interlocking of systems and strategies designed to make the necessary impact.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

The benefit has been in Human Lives saved and in Economic benefits. As a country we have now surpassed Victoria in terms of death reduction. Clearly we have been doing something right.

However it is frankly depressing to see that systems, which have provided such improvements have not been reformed in the light of overwhelming evidence requiring change. The FCPS system is leaking badly because the worst offenders can easily escape capture.

Also debate on discretion has been characterized by confusion and misinformation.

Discretion

Over the past year we have been treated to various dissertations on the use of discretion by gardai on the penalty points issue. As the original Chief Superintendent responsible for the Garda National Traffic Policy Bureau I feel much of the commentary has been misleading and inaccurate.

Notwithstanding the Road Safety actions of the Garda Siochana has been an overwhelming success evidenced by a progressive decrease in road deaths and injuries over the past decade.

This success is predicated on a systems approach to Enforcement which is characterised by robust enforcement of Speeding, Drunk Driving and Seat Belt wearing. The speeding detection system is largely an automatic process with detections being electronically made by GATSO or the civilian contractor. This approach is the Victoria model, which I researched and recommended in 1997. It is based on a simple premise, which is that, we will alter our driving behaviour only when the sanctions are immediate, relevant and fair. The desired systems outcome is that there is a strong probability of detection rather than a possibility and of course the system should apply to all.

It is supported by a strong IT system with seamless connection to the Courts and the RSA.

I carried out an examination of this system for the Garda Ombudsman in 2008 and many of the issues now current were highlighted in that report but remained shelved. Specifically issues of discretion were also examined.

The idea that 13,000 Gardai can somehow operate individual discretion is not tenable. The Garda Siochana has formulated a prescriptive policy. It is contained in the FCPS Manual. It should be updated and stress tested to meet current fairness requirements. This policy should be debated, published and adhered to.

There is long history of the exercise of discretion by individual police officers but increasingly this facility is incorporated into policy directives and defined prosecution strategies. There were no fewer than 24 separate garda internal directives on policy since 2005. This movement is counterbalanced by adherence to human rights principles in the formulation of policy.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Ultimately police officers must know that policing is something they do for people, not to people, it is a noble service.

The political debate is disturbing and there is danger that public confidence will be shaken in the Garda Síochána's enforcement policy. This should not be permitted to happen as much has been achieved in preserving life. It would be grossly unfair to the members of the force who have implemented the sea change in enforcement with such positive life changing results. More importantly it would be tragic for families who might lose loved ones if the enforcement efforts were to falter.

Road Deaths Reduction and Road Safety Enhancement Measures

Road deaths had been a very serious and sometimes little understood phenomenon in Ireland for a long number of years. Indeed the popular description of a Road Traffic Collision as an "Accident" served to describe the occurrence in the public mind as unavoidable occurrence. Probably as a result of the improved situation in Northern Ireland the Garda Síochána began to explore a major strategic approach to the problem together with other state actors. The numerical context was the long history of deaths and injuries.

ROAD DEATHS 1968 - 2012														
1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982
447	462	540	576	640	592	594	586	525	583	628	614	564	572	533
1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
535	465	410	387	462	463	460	478	445	415	431	404	437	453	472
1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

The total killed was 20,133, men women and children.

The key year for strategic change was 1997 with the introduction of Operation Lifesaver in the Garda Division of Louth Meath, which was a notorious black spot area. I had conducted research with colleagues for about 12 months before the launch.

The operational model on which this was based can be best described as the Victoria Model. The State of Victoria, Australia had developed and extraordinary successful model of Road Safety. This model was based on some key characteristics, High Enforcement by the Police, Graphic Road Safety advertising, incisive Academic Research, a robust Legal System and finally an

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

automatic offence detection system with computerized back office processes. Good road engineering was also a factor in this equation.

The challenge facing Ireland was to adapt this approach to our needs while understanding the importance of high volume detection and fairness. It was absolutely essential to maintain public confidence in the new tough initiatives.

This approach was ultimately to produce dramatic improvements overtime and indeed is very good news for the enforcers of the law, the Garda Síochána but never forgetting the indispensable need for public confidence in the system.

Financial Cost RSA 2011

One can easily extrapolate the financial benefit to be gained from crash reduction.

1.11 Collision Costs

The cost of collisions was based on those as outlined in the 2004 Goodbody Economic Consultants' report entitled 'Cost Benefit Parameters and Application Rules for Transport Project Appraisal' which was commissioned by the Department of Transport. Using the updating mechanism as set out in the Goodbody Economic Consultants' report which is to inflate the year 2002 cost values to 2011 values using the growth in Gross National Product (GNP) per person employed, the estimated cost of all fatal and injury road collisions reported to and recorded by An Garda Síochána in 2011 is €792 million. There is a decrease in the cost of collisions of €60 million when compared to the 2010 figure.

(Source of GNP per person employed growth rate: CSO)

Table A2: Total Cost of Road Collisions in 2011

Type	Number of collisions	Cost per collision	Total cost (€)
Fatal	172	2,612,420	449,336,240
Serious	348	349,010	121,455,480
Minor	4,710	34,374	161,901,540
Material Damage	21,863	2,750	60,123,250
Total	27,093	N/A	792,816,510

Road safety makes good economic sense as well as providing a lifesaving dividend.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Garda Síochána Ombudsman Commission Examination of Practice, Policy and Procedure in regard to the Fixed Charge Processing System as operated by the Garda Síochána

In October 2007, the Garda Síochána Ombudsman Commission (GSOC), with a view to undertaking an examination of practice, policy and procedure in the Fixed Charge Processing System (FCPS), conveyed its concerns over complaints about the system to the Minister for

Justice, Equality and Law Reform. On the December 20th 2007, the Minister requested GSOC to carry out the examination.

The background to the examination was the experience of GSOC, in the immediate period following its commencement, that a body of complaint was being recorded in relation to the public's interface with the FCPS and the general negativity which was being expressed by complainants as a consequence of these experiences.

Many complaints to GSOC relate to the serving of summonses at addresses no longer in use. Others relate to the escalation of penalties, in spite of genuine efforts by clients to deal with the FCPS.

At the time of this writing (April 2009), in excess of 50 complaints, related directly or indirectly to the FCPS, had been received. Perhaps three times this number of queries had been received but were not processed as complaints.

The Commission recognises that when set against the overall volume of complaints it receives these numbers may not be considered to be statistically significant. Nonetheless, many complaints in this area may stem from systemic issues and as such may be preventable. The Commission is concerned to ensure that the volume of such complaints should not grow.

The Commission is also cognisant that many if not all of the complaints that have been received in regard to the FCPS appear to emanate from persons who, in other circumstances, would be unlikely to come into dispute with the gardaí.

The purpose of the examination was to identify through an examination of the systemic elements of the FCPS, the presence or absence of factors in the operation of the system that would give rise to ongoing complaints. It is hoped that GSOC's intervention in this way would ultimately provide foundational research which would assist in 'preventing complaints arising in relation to a practice, policy or procedure of the Garda Síochána or reducing the incidence of such complaints' (section 106(1)).

The examination has yielded a total of 18 Recommendations.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Similar Conclusions – GSOC (2007) & CAG (2011, 2012)

Both reviews provide remarkably similar conclusions despite the fact that they were undertaken several years apart.

Scope

GSOC and CAG both examined the statistical information underpinning the FCPS system. GSOC took a wider reference frame, looking at International Best Practice and also consulting with external players particularly the Court Services and the President of the District Court. CAG expressly limited its examination to the Garda systems and processes. CAG also analysed the return from the privatized GoSafe cameras.

Purpose

GSOC's remit was to provide a public interest report to the Minister of Justice examining Fairness and obviously Road Safety imperatives. CAG was directly concerned with loss of revenue from the FCPS and identifying the operational factors which gave rise to this.

Methodology

The methodology adopted in both reports is very similar but the GSOC review also considered factors outside garda operations.

The key findings are summarised below.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Statistical Comparables between GSOC and CAG Reviews.

Sample sizes seem similar, 459,000 GSOC and 425,000 per annum for CAG.
Payment Rate 70% approx. for both.

	GSOC 2007	CAG 2011 / 2012
NOTICES ISSUED	459,037	425,000 PER YEAR*
PAYMENT OVERALL	71.3%	70%
OTHERWISE DISPOSED		
<i>CASE TERMINATED</i>	<i>Not available</i>	5%
<i>COMPANY SUMMONS</i>	<i>Not available</i>	1.2%
<i>STATUTE BARRED</i>	<i>Not available</i>	0.4%
SUMMONSES ISSUED	125,946	89,250 (21%)
SUMMONSES UNSERVED	47,861	46,750 (11%)
COURT CONVICTION	10,932 (14%)	Not Supplied
COURT HEARING	78,085	42,5000 (10%)

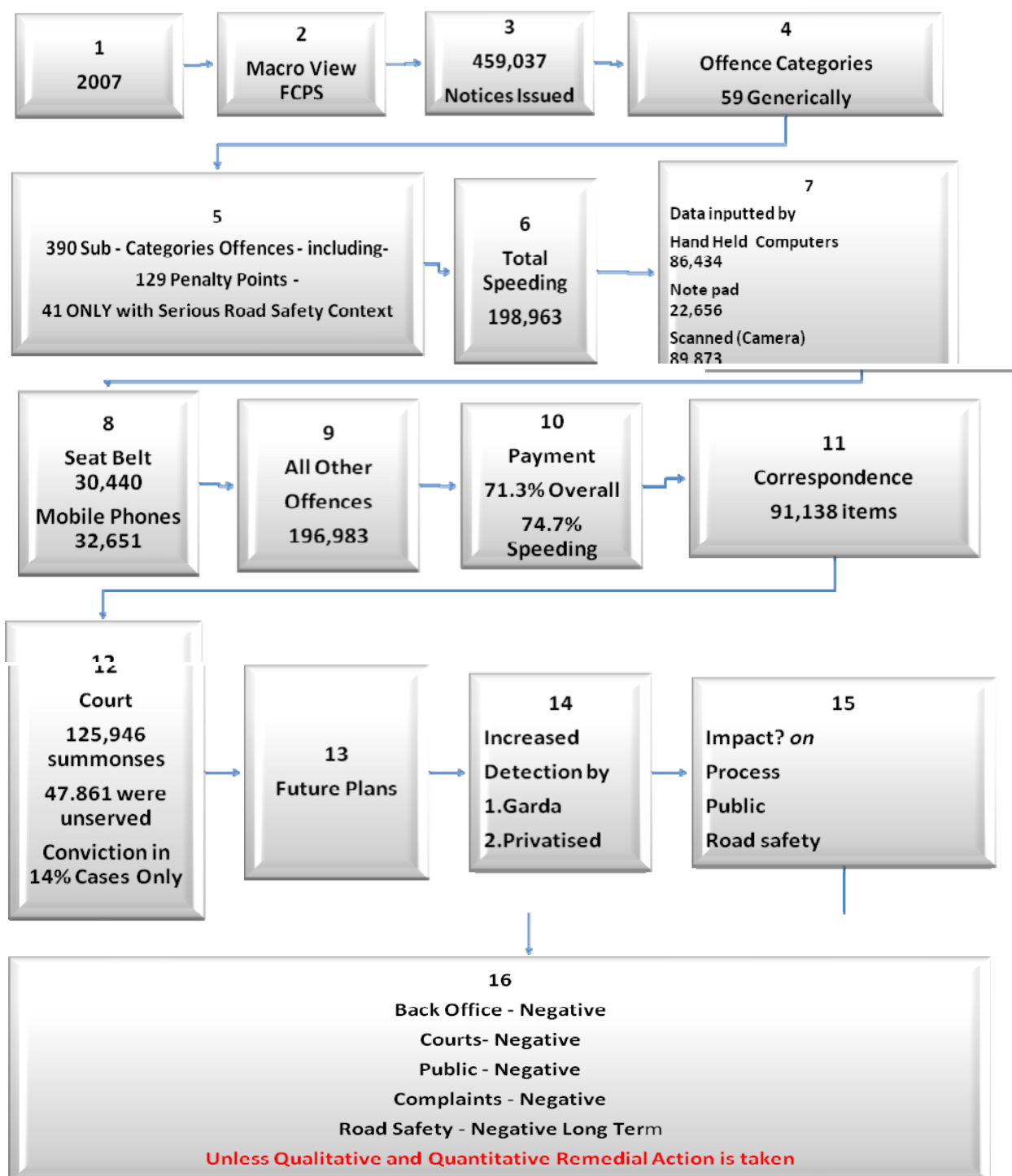
* Total is approximate

1.1 GSOC - Negative factors identified in this examination in regard to the FCPS

1. The original focus of the FCPS was on offences that are considered to have a direct bearing on road deaths and injuries. However, this has been extended to cover a total of 59 generic categories, which create 390 specific offences including 129 Penalty Point Offences. This means that the initial focus on offences relating to safety has been significantly diluted;
2. The FCPS is under considerable pressure in terms of clients/customers relations;
3. The volume of summonses now issuing has seriously overloaded the Courts system at District level;
4. The summons system resulted in just 14% of summonses issued being resolved in court in 2007;
5. Measurable leakage or loss from the processing system is now apparent at the FCPS. This will be further exacerbated when the product of privatised speed cameras is added to the workload;
6. The worst offenders can easily circumvent the FCPS;
7. There is a lack of transparency at the FCPS and it is less accessible to the public than comparable systems elsewhere; and
8. There is a likelihood that the level of justifiable complaints will increase significantly.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

FCPS 2007 Caseload

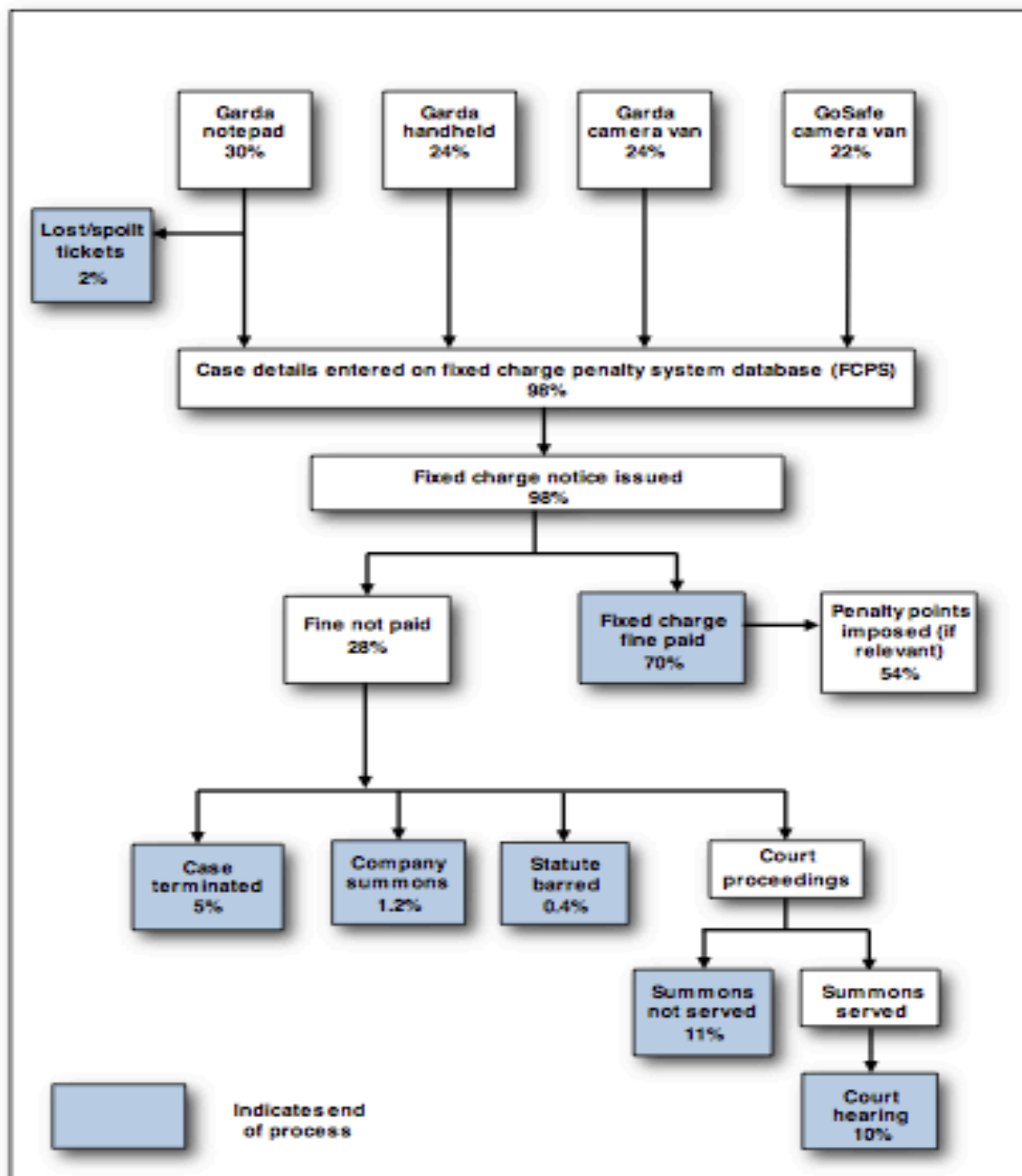


Footnote: 2007 was the baseline year for this report. 454,312 notices were issued in 2008 and this is comparable to 2007. It is reasonable to assume that the same issues arise in respect of 2008, in the absence of a major reform of the system.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

CAG 850,000 Notices over Two Years 2011, 2012
 425,000 per annum (estimated)

Figure 7.11 Overview of the Fixed Charge Notice System



1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Recommendations GSOC

The following recommendations are being made in the context of this examination of the FCPS, which was initiated in order to reduce or eliminate complaints emanating from members of the public:

1. The legislation governing the FCPS should be amended to provide for payment for a continuous period up to 10 days before a Court hearing may be due. This type of system is currently in place in some local authority areas and was formerly operated by the Garda Síochána in respect of 'Fines on the Spot', typically for parking and road tax;
2. The legislation should be amended to provide for a complaints resolution period of 28 days during which the 'clock should be paused' and the Garda Síochána should make a determination on the complaint made;
3. Consideration should be given to a further series of legal reforms in regard to the FCPS-type offences. The aim of such reforms should be to convert the processes, insofar as possible, from a Criminal Law system to an Administrative System;
4. Garda Síochána policy, practices and procedures should be human rights - proofed in order to comply with international best practice;
5. The FCPS centre at Thurles should be enabled to deal comprehensively with complaints and queries. Initially this requires a major policy change from the current practice of limited response and it also requires that staff be given training (as well as the technology) to equip them for this changed emphasis;
6. The current client-handling process should be changed to allow for client-specific responses to complaints and queries;
7. The Fixed Charge Processing Office should be empowered, equipped, resourced, trained and mandated to accept ownership of complaints made to it;
8. In all Garda detections, the alleged offender should be provided with a written notice of the detection, set out in ordinary, non-legal language. The current practice is potentially damaging to good relations between the community and the Garda Síochána;
9. Informed discretion should be employed by gardaí when the issue of Fixed Charge Process Notices is being considered. Consideration should be given to practices in other jurisdictions which are described in this examination;
10. The current low rate of summons service is unacceptable. It is unreliable and inefficient. Many complaints and queries received by GSOC relate to the service of summonses at addresses that are no longer in use. The system should be reformed by changing the mode

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

of service to some form of recorded delivery or other guaranteed system;

11. A study should be undertaken to determine the technical efficiency of combined driver and number plate recognition system as a means of identifying a vehicle user at the earliest possible opportunity and thus eliminating a number of process steps, where possible;
12. Targeting and prosecution of non-compliant and non-cooperative clients is essential if the system is to be seen as fair and equitable;
13. Policies of prioritisation in road traffic enforcement should be clearly expressed and these should be freely available;
14. The Garda Síochána should publish a clear code of practice setting out its policies in relation to its prosecution and detection strategy;
15. There should be an increased focus by the Garda Síochána on 'intelligence led' enforcement of road traffic legislation. Enforcement priorities should be guided by statistically-supported knowledge;
16. Consideration should be given to the execution of a research-based study to determine the levels of confidence, or otherwise, of the community in the FCPS process;
17. Either the inputting of offences into the FCPS should be reduced to cover only core road safety offences, or the FCPS should be resourced and reformed to meet the present and future demands. This would appear to be a key strategic issue; and
18. The FCPS should be enabled to issue summonses for entities such as companies on the grounds of fairness and proportionality.

Focus of CAG Examination

On three occasions in the past, the Office of the Comptroller and Auditor General has examined and reported on the system of control applied by An Garda Síochána in relation to the fixed charge notice system or its predecessor 'fine-on-the-spot' system.

Key findings from those reports were failure to implement penalties in relation to a significant number of fixed charge notices, including cancellation of 3% to 8% of the notices issued.

Inadequate specification of the criteria for situations in which it would be appropriate for An Garda Síochána to cancel fixed charge notices, and failure to record the reasons for cancellations.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

An inability to take appropriate action against drivers of company vehicles who commit offences where the company does not nominate the driver, and a lack of information as to why penalties become statute barred

Significant levels of non-payment of fines and of cases being sent for court proceedings.

In the circumstances, I had a concern that the controls in place in relation to the operation of the fixed charge notice system might be inadequate, or might not be operated as intended.

The information presented to the Office in July and August 2012 appeared to indicate that matters reported in previous reports had not resulted in improved (or sufficiently improved) control systems within An Garda Síochána.

For this reason, I initiated an examination of the fixed charge notice system by staff of my Office, to address the following questions.

What is the extent to which fixed charge notices are cancelled, or otherwise do not result in enforcement of the penalties associated with detected fixed charge notice offences?

Are the controls in place in relation to processing of fixed charge notice cases adequate, and are they enforced effectively?

Is there a material financial loss to the Exchequer as a result of non-enforcement of fixed charge notices?

The examination was confined to the operation of the system within An Garda Síochána. This included review of the rate of service of summonses in relation to unpaid fixed charge notice cases where legal proceedings were commenced, but did not include examination of the outcome of unpaid fixed charge notices in the courts.

Examinations by my Office focus on the adequacy of systems, procedures and practices implemented by the bodies I audit.

Other than to record relevant facts about the actions of individuals, I do not have a remit to investigate or report on the behavior or motivations of individuals.

CAG dealt specifically with the Go-Safe camera operation.

The original premise for establishing the outsourced project was examined by an expert group in 2003;

Some of the Key Assumptions made by the group were not valid at the time and others have been disproved over time.

Traditional traffic law enforcement is based on an ‘intercept’. A police officer detects a road traffic offence, stops the vehicle and either issues a fixed charge notice (previously known as a

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

fine on the spot) or instigates a criminal proceeding by issuing a summons to the driver.

Incorrect because by then the GS were employing highly efficient GATSO detection vans with a enormous capacity for data capture and process at that time.

Initially, when the outsourced service is fully functional, the revenue from speeding fixed charges will be considerable - prospectively €70 million per annum. However, as driver compliance increases, this will decrease, but it is anticipated that it will continue to exceed the cost of operating the system. Having obtained the views of the Garda Síochána, it is the view of the working group that payments to the private provider and increased Garda costs should be met from an appropriate increase in the Garda Vote (section 6.6).

These estimates have been grossly overstated and the CAG reports that the return has been;

The cost of the operation of the GoSafe system inclusive of VAT was €0.2 million in 2010, €15.8 million in 2011 and €15.6 million in 2012. The estimated cost for 2013 is €16.6 million.

The €13.5 million, excluding VAT. It also stated that the operational cost of the system was to be met from "speeding fines issued as a result of the system" and that the Justice Vote Group would have to carry any shortfall in revenue over the costs of operation from within the provision allocated to the Group.

Receipts collected in 2012 from fixed charge notices issued on foot of detections by the GoSafe safety cameras amounted to €4.6 million. As a result, there was a shortfall of €11 million relative to the cost of the service. An Garda Síochána financed the shortfall through the retention of receipts from fixed charge notices issued on foot of other enforcement activities such as intercepts and Garda camera vans.

So the GS was subventing the GoSafe project from its own collected fees. Clearly something is extremely wrong with this equation.

It is arguable that the GoSafe project has not made an appreciable difference to Road Safety and it is costing millions per annum to keep it in place?

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Commentary on the Report of The Garda Síochána Inspectorate Fixed Charge Processing System February 2014 (FCPS)

This report makes for thoughtful reading and the purpose of this commentary is to acknowledge the obvious strengths of the Report and to highlight issues with some of its recommendations.

It is readily agreed that its analysis of the problems relating to the cancellation policy of the Garda Síochána is accurate and to the point.

It is not agreed that some of the substantive recommendations are well founded and typical examples are highlighted in this document.

It is important to recognize that the FCPS is a process system, which inputs data (Fixed Charge Notices) at one end and arrives with a determined outcome or not at the other end. Historically the figures vary between 400,000 and 500,000 per annum. A proportion of these notices impact directly on road safety and subset of this group has given rise to controversy i.e. notices relating to speeding.

The primary purpose of the FCPS system is to make a major impact on the incidences of road deaths and injuries and it has succeeded in accomplishing this goal.

The GSOC report made 18 key recommendations, which were ignored. The current problems were identified in these recommendations

The key negatives and the recommendations identified in the GSOC Report have been detailed above. Had the identified issues been systematically remedied in the intervening time much of the difficulties, which have now arisen would have been avoided

Chapter 4 Garda Inspectorate Report (GIR) – Wasted garda resources

*...As currently structured, significant amounts of garda resources are wasted unnecessarily with time consuming administrative processing and operational inefficiencies dedicated **to a relatively minor part of the Garda Síochána's law enforcement responsibility**, albeit, an important aspect of road safety. As detailed earlier, millions of euro unnecessarily expended annually on administrative and personnel costs of the FCPS could be diverted to other operational activities.....Authors emphasis*

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Comment

It does not seem to be understood by the Inspectorate that Road Safety is a core function of the gardai and has been so for many years. It has also been a good news story with a very significant reduction in road deaths and injuries over the past decade. These welcome reductions were caused in very significant part by the strong enforcement policies adopted. Therefore the remarks at Chapter 4 clearly represent a different philosophical view, which is at variance with this key responsibility.

Driver behavior is positively altered by a credible enforcement regime and the core element of speeding is directly impacted by automated mass speed detections and not by labour intensive individual detections and processing. This is a very important principle.

Recommendation 1.1 GIR – Criminal Justice Working Group

The Inspectorate recommends that the Department of Justice and Equality immediately convene and chair a Criminal Justice Working Group consisting of the Department of Justice and Equality, Courts Service, the Department of Transport, Tourism and Sport, the Garda Síochána and the Road Safety Authority to oversee and facilitate the implementation of the recommendations in this report.

Comment

This core proposal brings together all stakeholders who formerly had joint and unequal responsibility for administering the road safety initiative. This previous coalition has presided over many of the deficiencies, which have been identified. Road safety needs to be owned and driven by One Ministry. Currently the Department of Justice and the Department of Transport exercise key roles, Justice for the Gardai and Transport for Road Safety policy. In effect no one is really in charge it is a coalition of the willing or the unwilling depending on the vagaries of the moment. This Group has no capacity to exercise executive authority or dispense and allocate funding. While no disrespect is intended it is by virtue of its construction at best a recommending group and not an executive group. Therefore it cannot execute any of the recommendations made by the Inspectorate on substantive matters even if they were the right ones.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Recommendation 2.4 GIR – Fixed Charge Processing office

The Inspectorate recommends that the Fixed Charge Processing Office be given full responsibility for the administration of the National Tracking Allocation System, immediately.

Comment

The current staffing levels of the Office is almost the same as in 2008 and that office was under considerable pressure then. It is difficult to see how this office could cope with an enhanced role in the short to medium term.

Recommendation 2.6 GIR – Time Frame Compliance

The Inspectorate recommends that the Garda Síochána ensure full compliance with the timeframes laid down in the Fixed Charge Processing System policy manual.

Comment

Currently time frames are a product of the administrative system and there is no provision to “stop the clock”. Also the law requires that summary cases be commenced within six months and this also can provide serious problems with recalcitrant drivers. So adhering to inflexible time limits can be a significant problem.

Recommendation 2.9 GIR – Legislative Deficiency

The Inspectorate recommends that the Department of Transport, Tourism and Sport address the legislative deficiency noted, where the driver of:

a commercial company vehicle;

hire agency vehicle or;

an unregistered vehicle avoids fines and penalty point application.

Consideration should be given to legislate to impose heavy penalties on companies who do not nominate the offending driver or those who fail to register their vehicle.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Comment

This problem does not require a legislative change because it is already provided in law. However it is relatively cumbersome to operate because it requires a protracted process to identify the driver of the particular vehicle. There is a much simpler option and this recognizes the fact when a speeder is detected, the number plate is captured but so also is the photograph of the driver. Using this photographic identifying information could greatly improve the early identification of the driver. It would be particularly useful in identifying repeat offenders.

Recommendation 2.11 GIR - Redeployment Garda Detection Vans

The Inspectorate recommends that with the redeployment of garda robot vans the non- intercept detection of road traffic offences should be fully outsourced.

Comment

This recommendation is poorly grounded because on the basis of information in the CAG report the privatized cameras cost the taxpayer €11 Million Euro in 2012. When the case was being made for privatized cameras it was predicated on cost being met from penalty revenue. This assumption has been proved wrong. Any additional privitisation will cost the taxpayer even more money. Also fundamentally speed detection and road traffic enforcement is a core garda function because it involves saving lives, reducing injuries and collaterally saving money. **The RSA in its report for 2011 estimated that the financial cost of Road Traffic Collisions for that year was €792,816,510 by reference to the Goodbody formula.**

(see table overleaf)

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

1.11 Collision Costs

The cost of collisions was based on those as outlined in the 2004 Goodbody Economic Consultants' report entitled 'Cost Benefit Parameters and Application Rules for Transport Project Appraisal' which was commissioned by the Department of Transport. Using the updating mechanism as set out in the Goodbody Economic Consultants' report which is to inflate the year 2002 cost values to 2011 values using the growth in Gross National Product (GNP) per person employed, the estimated cost of all fatal and injury road collisions reported to and recorded by An Garda Síochána in 2011 is €792 million. There is a decrease in the cost of collisions of €60 million when compared to the 2010 figure.

(Source of GNP per person employed growth rate: CSO)

Table A2: Total Cost of Road Collisions in 2011

Type	Number of collisions	Cost per collision	Total cost (€)
Fatal	172	2,612,420	449,336,240
Serious	348	349,010	121,455,480
Minor	4,710	34,374	161,901,540
Material Damage	21,863	2,750	60,123,250
Total	27,093	N/A	792,816,510

The Inspectorate also claims that it is not possible to differentiate between detections by Privatised Vans and Garda Vans. This is also wrong, see diagram 7.11 extracted from the CAG report where this information is provided. This shows detections of 22% for Privatised and 24% for Garda. Clearly the Garda detections are outperforming the Privatised and at a fraction of the cost.

Recommendation 2.16 GIR – Adjudication -v- Criminal process

The Inspectorate recommends that the Criminal Justice Working Group should review the 454 fixed charge offences currently listed and make recommendations on whether certain offences should be designated for adjudication through an administrative process, rather than further congest the local district courts.

Comment

This recommendation has merit in a number of respects. It should be possible to achieve two important discriminatory functions to the advantage of the overall system. It should be possible to identify the worst offenders and to deal with these on a focused basis. It should also be possible to identify the key road safety offences and prioritise enforcement of these. This would allow for adjudication on the other offences on an administrative basis.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

Recommendation 3.8 GIR – Centralised Cancellation Authority

The Inspectorate recommends that the cancellation authority for Fixed Charge Notices be centralised immediately in the Fixed Charge Processing Office only.

Comment

This is an excellent recommendation but it is extremely unlikely that it can be achieved without radical reform of this process and empowerment of the cancelling authority.

Recommendation 5.1 GIR – Future Vision

The Inspectorate recommends that the Criminal Justice Working Group facilitate the subsequent development of the proposed future vision of the Fixed Charge Processing System, as set out in Chapter 5 of this report.

The good intentions of the Inspectorate are freely recognized but Chapter 5 of their report is contestable on many levels..

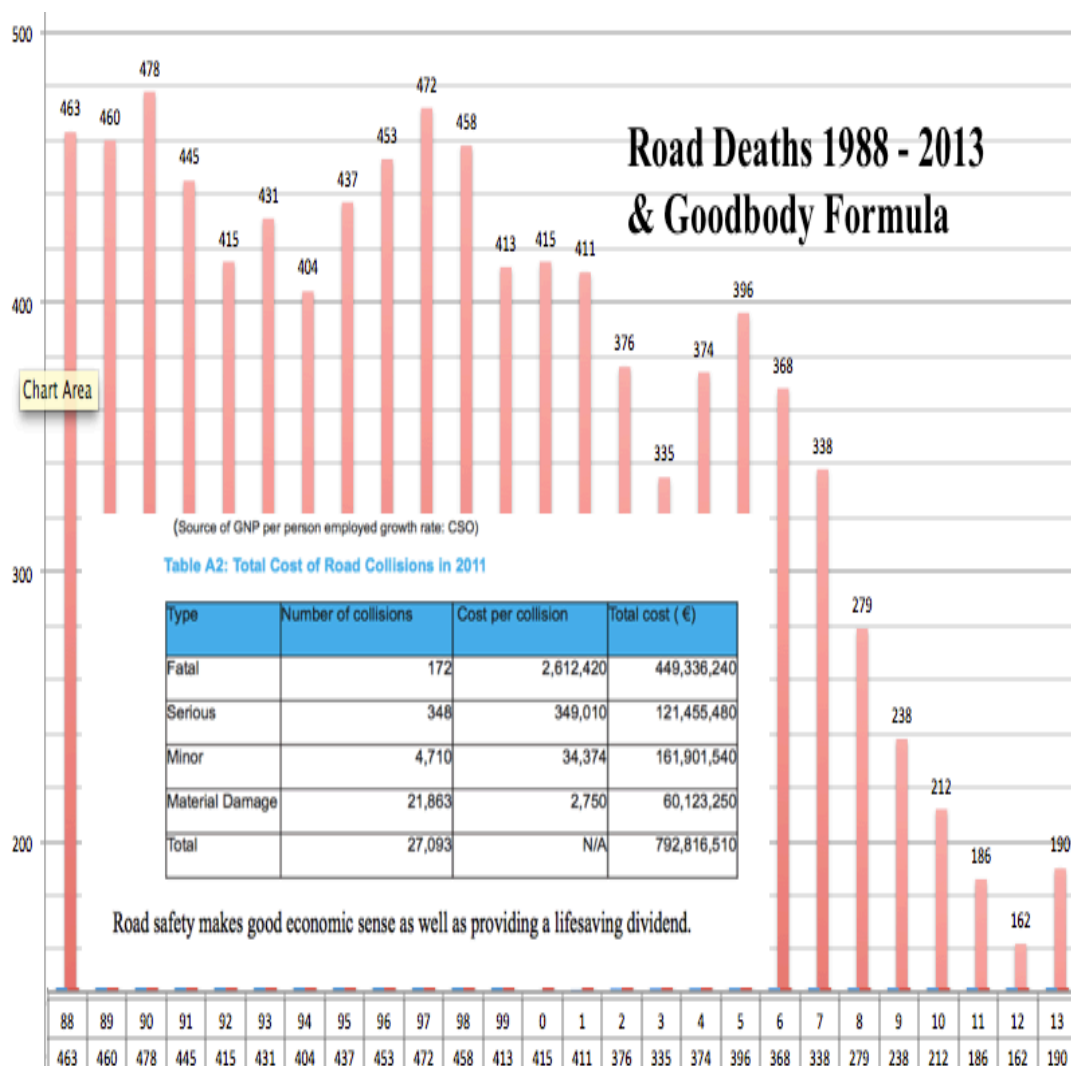
Conclusion

It is appreciated that the task of the Garda Inspectorate was a difficult one. The criticisms offered in relation to some of its recommendations are offered in the context of informing the national discourse in a positive way.

This commentary is not intended as an exhaustive commentary on all of the issues involved but hopefully it will inform the debate on these important matters.

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162

A. Road Deaths 1988 – 2013 & Goodbody Formula



1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
458	413	415	411	376	335	374	396	368	338	279	238	211	186	162