Policing the Police: How is the Operation of the Garda Síochána Ombudsman Commission Perceived by Frontline Members of An Garda Síochána?

Noel Barry
Technological University Dublin

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Policing the Police:
How is the operation of the Garda Síochána Ombudsman Commission perceived by frontline members of An Garda Síochána?

A thesis submitted to the Dublin Institute of Technology in part fulfilment of the requirements for award of Master (M.A.) in Criminology.

By

Mr. Noel Barry

30th September, 2014

Supervisor: Dr. Nicola Hughes

School of Languages, Law and Society, Dublin Institute of Technology
DECLARATION

I hereby declare that the material which is submitted in this thesis towards the award of Masters (M.A.) in Criminology is entirely my own work and has not been submitted for any academic assessment other than part fulfilment of the award named above.

Signature of Candidate: ________________________________

Date: 30th September, 2014
ABSTRACT

The Garda Síochána Ombudsman Commission (GSOC) became operational in 2007. The establishment of GSOC was a new departure in the area of police complaints in Ireland and was only one part in a series of wide ranging reforms in the area of policing introduced at the same time. Since 2007 there has been limited research conducted on the operation of GSOC. Members of An Garda have never been given an opportunity to give a detailed account of how they perceive the operation of GSOC. This study offered members of An Garda Síochána, of Garda and Sergeant rank, an opportunity to express their views on the operation of GSOC, specifically with reference to GSOC’s effect on the legitimacy and accountability of An Garda Síochána. Participants were also asked if they perceived GSOC as operating in a procedurally fair manner. A survey was chosen as the most appropriate research method and 150 participants were surveyed in one Garda Division. Ninety four responded (63 percent) to the survey. The survey results demonstrate that while the majority of Gardaí welcomed the establishment of GSOC, members of An Garda Síochána have some concerns about its operation. Participants felt that GSOC had served to increase the accountability of An Garda Síochána but at the same time reduced it legitimacy. Participants further raised concerns about how GSOC conducts investigations and engages with the media. Recommendations arising from the study include the need for a review of the operation of GSOC, both in terms of policy and procedure. The study also recommends further research in the area, both of members of An Garda Síochána and other stakeholders in the police complaints process.
ACKNOWLEDGEMENTS

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I would also like to thank the academic staff at Dublin Institute of Technology for their help and support in completing the Criminology programme. I have found the two years interesting, informative and extremely enjoyable.

This study would not have been possible without the input of all the participants that completed the survey. I appreciate that participants have busy professional and personal lives, and I am very appreciative that so many took the time to complete and return the surveys.

I would also like to thank my fellow classmates for making the last two years an enjoyable and practical experience. Their real life accounts helped ground the course topics.

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<tr>
<td>AGS</td>
<td>An Garda Síochána</td>
</tr>
<tr>
<td>DJE</td>
<td>Department of Justice &amp; Equality</td>
</tr>
<tr>
<td>DPP</td>
<td>Director of Public Prosecutions</td>
</tr>
<tr>
<td>GSCB</td>
<td>Garda Síochána Complaints Board</td>
</tr>
<tr>
<td>GSOC</td>
<td>Garda Síochána Ombudsman Commission</td>
</tr>
<tr>
<td>IPCA</td>
<td>Independent Police Conduct Authority</td>
</tr>
<tr>
<td>IPCC</td>
<td>Independent Police Complaints Commission</td>
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<tr>
<td>PONI</td>
<td>Police Ombudsman for Northern Ireland</td>
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<tr>
<td>PSNI</td>
<td>Police Service of Northern Ireland</td>
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CHAPTER ONE: INTRODUCTION

We who alone see reality and the whole of recorded crime should not be reluctant to speak about it (Mark, 1977: 118)

1.1 Introduction

This chapter sets out the overall basis for this study. The first section will briefly outline the substantive aims of this research. This section will be followed by Section Three which will detail the main theoretical and literature frameworks within which the study is based. In section four the operational rational behind the study is outlined by examining the short, yet turbulent, relationship between An Garda Síochána and GSOC. The final section provides a brief roadmap and summary of the following chapters in this study.

1.2 Aim of Study

The aim of this study is to establish how the operation of GSOC is perceived by frontline members of An Garda Síochána. Frontline members of An Garda Síochána have not, prior to this study, been canvassed in depth in relation to their views on the operation of GSOC. As pivotal stakeholders in the police accountability mechanism it is considered appropriate that frontline members of An Garda Síochána are afforded the opportunity to comment on the operation of GSOC. The same right can of course be equally expressed on behalf of other stakeholders in the process; such as GSOC officials, complainants and the general public. However given the scope of this research, the study was confined to frontline members of An Garda Síochána.

1.3 Theoretical Context of Study

In order to conduct this research, it was necessary to put the study in a theoretical framework which enabled members of An Garda Síochána to be surveyed on specific areas. Given that the topic being examined was the police complaints process, three theoretical areas were identified which apply equally to An Garda Síochána as they do to GSOC. The topics identified were accountability, legitimacy and procedural
justice. Police oversight bodies are established to ensure accountability of police forces, which in turn serves to strengthen the legitimacy of policing institutions. In recent years the principles of fairness and trustworthiness have been promoted by academics and criminologists such as Tyler (2004). These principles fall under the term of procedural justice. In turn agencies that are perceived to be procedurally just, are seen as accountable and more legitimate. There is much academic commentary in these areas, and same will be examined in Chapter Two.

1.4 Operational Context for Study

Police accountability mechanisms in Ireland have grown broadly in line with those in other modern comparable societies. GSOC is the watchdog of An Garda Síochána and therefore it is not surprising that robust exchanges and disagreements occur between both organisations.

In Ireland the relationship between An Garda Síochána and GSOC has not been without difficulty. The first major public conflict between the two bodies occurred in October 2007 when Conor Brady, a Commissioner from GSOC, attempted to halt proceedings in the Dublin City Coroner’s Court in relation to the shooting dead of two armed men by the Garda Emergency Response Unit in an attempted Post Office raid in Lusk in 2005. In this case the Coroner, Dr. Brian Farrell, called the attempt to adjourn the inquest at such a late stage as “manifestly unfair” on Gardaí and civilian witnesses (O’Keefe, 2007: 1). The president of the Garda Representative Association (GRA), John Healy, called GSOC’s application “surreal, spurious and ill-judged” (O’Keefe, 2007: 1).

In more recent years tensions have risen further between GSOC and An Garda Síochána over the use of force. In February 2011, a Dublin Garda was acquitted of using excessive force in affecting an arrest. Following the trial the GRA president, Damien McCarthy, accused GSOC of conducting their investigation in an “excessive and oppressive” manner (O’Keefe, 2011: 1). GSOC denied the accusation stating that the investigation and prosecution of the Garda was “the essence of Garda accountability in a modern policing environment” (Irish Examiner, 2011: 1). Damien
McCarthy noted that concerns about this incident and others had “dealt a serious blow” to the confidence of Gardaí in the ombudsman (Tighe, 2011: 2).

A similar difference in opinion occurred in January 2014 at the trial of two Gardaí charged with using excessive force in pepper spraying a suspect on arrest. The prosecution withdrew the charges mid-trial. Following acquittal, Garda Brendan Dowling, speaking in a personal capacity, stated that he believed the case sent out the wrong message to Gardaí.

*if we had been convicted for using equipment issued to us to help incapacitate someone who was at risk to themselves and to others, it would have had serious implications for every guard trying to do their job* (Roach, 2014: 1).

Former district court Judge Michael Pattwell said he was “amazed” the case was ever brought to court and that he believed “GSOC to be a filter……They should have seen it was a non-starter. I would expect the DPP (Director of Public Prosecutions) to be an even finer filter” (O’Riordan, 2014: 1). Following the withdrawal of criminal proceedings, GSOC instigated disciplinary proceedings against the Gardaí prompting accusations of “double-jeopardy” from Garda representative associations. GRA Central Executive Committee member Michael Corcoran stated that frontline Gardaí were considering handing back their pepper spray in protest at the action (O’Riordan, 2014: 1). Following this case, O’Keefe stated that “being a Garda in 2014 means not just getting assaulted by the criminal community but by the DPP, the GSOC and seriously questionable internal disciplinary processes” (O’Keefe, 2014: 1).

The issues in the relationship between GSOC and An Garda Síochána are not just evident from the Garda point of view. In the GSOC 2012 Annual Report, concerns were highlighted in relation to time delays. The Ombudsman’s office noted how minor complaints were dealt with by An Garda Síochána and that there were major delays in the investigation same. The report highlighted non-adherence to agreed protocols under which information should be furnished within 30 days (GSOC, 2014).

In May 2013, GSOC published the Boylan Report which highlighted major concerns in relation to time delays in Gardaí handing over documents. GSOC described the
actions of Gardaí as “unsatisfactory and detrimental” (Williams & McQuinn, 2013: 1). The subsequent publishing of the report findings without offering An Garda Síochána an opportunity to respond was publicly criticised by the Garda Commissioner, Martin Callanan. The public disagreement resulted in a second “Memorandum of Understanding, Protocols and Agreement on Operational Matters, between the Garda Síochána Ombudsman Commission and An Garda Síochána” (An Garda Síochána, 2013).

The most recent public rift to occur between the two bodies occurred in February 2014 when GSOC revealed that it suspected its offices were being bugged. The office had no definitive evidence of bugging or of suspects. Speculation surrounded the incident, much suggesting that An Garda Síochána was the most likely suspect. The level of subsequent suspicion on An Garda Síochána led Garda Commissioner Callanan to publicly announce that “no Garda was involved in any surveillance of the GSOC offices in Dublin or any member of the commission” (RTE, 2014: 1). Two separate enquiries were carried out in relation to the matter in an effort to undercover if ‘bugging’ actually occurred and to establish the source of leaked information to the Sunday Times newspaper. The resultant Cooke Report and Connaughton Reports concluded that there was no evidence of ‘bugging’ at the GSOC offices (Government of Ireland, 2014). The reports also failed to establish the source of the leak of information from GSOC offices.

GRA President, Dermot O’Brien, expressed concerns at the result of the report stating that “GSOC hasn’t identified who leaked the information, so we remain concerned about the security of data held by GSOC on our members” (O’Keefe, 2014a: 1). GRA President Dermot O’Brien also commented on the accountability of GSOC: “we also want to know who is accountable for GSOC” (Brady, 2014: 1). Minister for Justice, Frances Fitzgerald, noted that following recent events “GSOC had a lot of work to do to build a relationship with An Garda Síochána” (Brady, 2014: 1).

1.5 Organisation of the Dissertation

There are five chapters in total in this study. Following on from this chapter, Chapter Two contains the Literature Review. Chapter two addresses the main reasons for the
existence of police complaints mechanisms namely; police accountability and police legitimacy. The chapter also examines the police complaints mechanisms as they currently exist in other jurisdictions, and examines why the public demand for police complaints mechanisms has grown over time in Ireland. Chapter two also examines Garda Síochána Complaints Board (GSCB) and Garda Síochána Ombudsman Commission (GSOC).

Chapter Three is the Methodology Chapter. This chapter outlines the origins of the research question and the adoption of the research methods employed in this study. The rationale for the research topic and chosen research methods will be outlined and the research process explained. Issues in relation to access, ethical issues, validity and limitations will also be addressed.

Chapter Four is the Findings Chapter. The results of the survey disseminated to frontline members of An Garda Síochána are outlined using written description, charts and tables.

Chapter Five is the Discussion, Conclusion and Recommendations Chapter. This chapter addresses the main findings of the survey and interprets the findings in the context of the principles of accountability, legitimacy and procedural justice. This chapter also makes recommendations for future changes to the police complaints process, along with recommendations for future research.
Chapter Two: Literature review

That which separates the police from other members of society is the powers they are afforded (Conway, 2010: 1)

2.1 Introduction

This chapter outlines the context and in turn the rationale for this study. To do this the chapter has been divided into a number of sections. The first section focuses on the main reasons for the existence of police complaints mechanisms namely; police legitimacy and police accountability. The importance of both principles will be examined. This section will also explore the concept of procedural justice, a widely accepted process adopted by police forces and agencies involved in the administration of justice worldwide, which helps ensure the principles of fairness and transparency.

The second section of this chapter examines the police complaints mechanisms as they currently exist in common wealth countries such as Northern Ireland, the UK and New Zealand. It is hoped that these complaints mechanisms will help to put a review of the Irish mechanisms in context.

In the third section, the rational behind why public demand for police complaints mechanisms has grown over time will be examined. To do this a brief history of An Garda Síochána will be outlined, focusing on the initial sacrilisation and subsequent de-sacrilisation of the force.

This chapter concludes by examining the Garda Síochána Complaints Board (GSCB) which regulated police complaints until 2007 before the establishment of the Garda Síochána Ombudsman Commission (GSOC). An outline of the main differences between both bodies will be provided.

2.2 Police Legitimacy

The concept of legitimacy is one of the most important principles for any democratic state. Through its legitimacy, a states authority is accepted by its citizens (Weber, 1978). Weber’s theory holds that “obedience is due not to the person who holds the
authority but to the impersonal social orders that granted him or her that position” (Hawdon, 2008: 185). Legitimacy is the right to govern and the recognition by those who are governed of that right (Beetham, 1991; Tankebe, 2008).

In relation to policing specifically, Newburn and Neyroud state “legitimacy is the rightful exercise of authority or the rightful use of power” (2008: 157). Jackson and Bradford (2010) note that legitimacy is key to securing public feelings of obligation and responsibility towards the law. In practical terms, Tyler notes “decisions made by police officers and judges mean little if people fail to take them seriously, and laws lack importance if they do not affect public behaviour” (2008: 803).

The legitimacy of state institutions, and particularly that of policing institutions, is of paramount importance for the operation and authority of those institutions. Herbert notes “the dilemma of legitimacy plagues no state institution more doggedly than the police” (2006: 481). He remarks that the police represent the “majesty and potential tyranny of state authority” (2006: 481). If policing institutions are not perceived to have a high level of legitimacy, then they will not be respected and obeyed.

To counter images of poor legitimacy, policing institutions must adapt accordingly. They can attempt to increase public perceptions of their legitimacy or they can employ coercive and authoritarian techniques to secure compliance. The option of increasing coercive measures can be seen worldwide as repressive, ill-effective and highly unstable (Alemika, 1992). O’Rawe & Moore when referring to Northern Ireland, stress that the drafting of laws, their implementation and impartial review of police actions are vital for the police to maintain legitimacy; “If laws are, or appear, unjust, certain police actions – whatever their legality – will be perceived and experienced by many of those policed as illegitimate” (1997: 96).

### 2.3 Police Accountability

Mawby states “the legitimacy of the public police is potentially held up for scrutiny when any policing activity is engaged in” (2002: 53). It goes without saying that every police officer should act legitimately and therefore be accountable to the public. While this should always have been the case, it is of increased importance in modern
society. Communication is much freer and technology allows police interactions to be subjected to even greater scrutiny.

Herbert (2006) argues that in democratic states policing institutions must be, to some extent, subservient to the citizens. He gives examples of efficient police dispatch systems, community policing and public forums which allow citizen input into policing. It is argued that this direct citizen interaction serves to take policing from the narrow control of police officers and makes policing more open and accountable to the public.

Goldsmith noted “the failure of police to be answerable for their acts and to act responsively to the concerns of the community at large… is disastrous for public trust in police” (2005: 445). In Ireland the establishment of Joint Policing Committees in 2005 encouraged community involvement in policing. Another increased area of civilian involvement is in the area of neighbourhood watch committee members and Garda Reserves.

It is widely accepted that Police officers need to be accountable for their actions to citizens through trustworthy and transparent complaints mechanisms. The type of complaints procedure varies across jurisdictions. Mulcahy (2006) noted the robust nature of the first Police Ombudsman for Northern Ireland. Citizen’s complaints were received and investigated fully regardless of any politically sensitive outcomes. The setup and operation of the Northern Ireland Ombudsman office helped increase accountability and in turn legitimacy for the newly founded Police Service of Northern Ireland (Ellison, 2007).

2.4 The Principles of Procedural Justice

Tyler (2004) suggests that citizens have a strong desire to see the police as caring and benevolent. The level to which police live up to these expectations varies dramatically across policing institutions and is influenced by officer interaction and policing policy. Tyler states that police legitimacy “is a product of how the police treat people and make decisions when they are exercising their regulatory authority” (2011: 257).
A common theme among current academics in the field of policing is the endorsement of what is termed “procedural justice” (Tyler, 1990; Tyler and Huo, 2002; Tyler and Waksalak, 2004; Herbert, 2006). Procedural justice argues that the “legitimacy of justice officials like judges and police officers is best enhanced through practices that maximize fairness and trustworthiness” (Herbert, 2006: 497).

Hough suggests that policing in a fair and respectful manner can “offer a possibility of achieving more with less” (Hough, 2013: 195). In these austere times, perhaps policing institutions should consider the long term benefits of pursuing the procedural justice model.

The premise behind procedural justice is basic; police officers should act fairly in dealing with citizens and in turn increase their legitimacy and that of the police force. This principle was proven in a study carried out among Jamaican adolescents in 2008. The study found that students who rated police practices more favourably in terms of procedural justice also reported a greater willingness to help the police fight crime in their community (Reisig & Lloyd, 2009).

2.5 International Police Accountability

According to Goldsmith complaints about policing are “normal and democratic” (1991: 18). He argues that a healthy and trustworthy complaints mechanism will encourage complaints and that this is normal. In this section, three separate complaints mechanisms in three different jurisdictions are examined in order to provide a suitable context for the current system in operation in Ireland. Briefly the composition, structure and remit of the bodies will be examined.

2.5.1 Police Ombudsman of Northern Ireland

The Royal Ulster Constabulary (RUC) was created following the formation of the Irish Freestate in 1922. As the new force was not supported by up to 40 percent of the population of Northern Ireland, namely Catholics, “the legitimacy and impartiality of the police were questioned almost from birth” (O’Rawe & Moore, 1997: 268). The
RUC was seen “as a partisan force and a key weapon in Stormont’s discriminatory regime” (Governor of Northern Ireland, 1969: 11). O’Rawe & Moore notes that contentious issues such as alleged ‘shoot to kill’ policies, allegations of collusion between the police and paramilitary groupings, the use of plastic bullets, the use of stop and search, and widespread powers of detention (1997: 270-271) had led to a massive de-sacrilisation of the RUC.

Under the Good Friday Agreement of 1998 and The Patten Report on Policing of 1999, the Police Ombudsman for Northern Ireland (PONI) was established. The Ombudsman’s office replaced the old Independent Commission for Police Complaints. The report was promoted as “a model for reform in the future” (Newburn, 2003: 99) due to its “extensive focus on accountability and on community involvement in policing in its broadest sense” (Bowling & Foster, 2002: 1019; Reiner, 2000: 198). Mulcahy describes the Patten reforms as “perhaps the most progressive and extensive model of oversight yet established” (2006: 193).

The PONI consists of one ombudsman appointed by the Queen for seven years. The PONI can investigate the mainstream police as well as a number of other police services such as Larne and Belfast Harbour police, Belfast International Airport Police and Military police. The PONI receives complaints from members of the public, however can also initiate its own investigations if it deems necessary. Complaints are investigated similarly to those in GSOC. PONI investigators can conduct their own investigations or they can send complaints back to the PSNI for investigations. These investigations can be supervised by the PONI. The sanctions available to the PONI range from caution to dismissal to prosecution. PONI can investigate up to and including the Chief Constable.

In a review report in 2003, and yearly from 2008 onwards, the PONI has undertaken research into Police officers attitudes to the Police Ombudsman and the new complaints system. These surveys have given police officers an opportunity to comment on the PONI and on its operation. Officers are also asked on how they feel the PONI affects police accountability (See Appendix B). The results of the surveys between 2008 and 2012 are broadly similar. In the 2012 survey 72 percent of officers were satisfied with the service provided, while 18 percent were dissatisfied.
biggest issues among officers were the length of time to investigate and the frequency of updates with 26 percent and 20 percent, respectfully, dissatisfied. PSNI Officers were questioned on their perception of the PONI staff. The vast majority of officers found the staff to be polite, patient, professional, impartial and knowledgeable (92-98 percent). A minority (3-4 percent) found the staff to be rude, not interested and in a hurry. Eighty three percent of Officers felt that they were treated fairly by PONI staff, while 79 percent were confident that the PONI would deal impartially with complaints. Of the officers surveyed, 69 percent felt that the police complaints system makes policing more accountable. (PONI, 2012: 21-22).

2.5.2 Independent Police Complaints Commission – UK

The Police Complaints Board was formed in the UK in 1977 following a number of scandals in the Metropolitan Police. Glass notes the new body was “born with no power other than to scrutinise a police report and direct disciplinary proceedings to a tribunal composed wholly of police” (2014: 4). The Board became the Police Complaints Authority in 1985, however its powers and functions changed little. According to Waddington, the Police Federation of England and Wales in 1984 stated that a “system in which the police investigate themselves lacks credibility and recognize a general public demand for a wholly independent system” (1999: 162).

Following the recommendations of the Macpherson report in 1999, the Independent Police Complaints Commission was established in 2004. The IPCC consists of 13 Commissioners and has similar investigative powers as that of GSOC and PONI. It primarily independently investigates complaints of a serious matter. All other complaints are investigated by the Professional Standards Units of individual police services. Complainants who are not satisfied with how their complaint is dealt with by a police service may appeal the complaint to the IPCC.

Commentators such as Glass, an outgoing Commissioner, notes that “there was a mismatch between expectations and reality” (2014: 6) in the establishment of the IPCC. Glass points out that it was envisaged that the new Commission would independently investigate 1000 complaints a year. In the first year it independently
investigated 30 (IPCC, 2005), raising to 130 in 2012 (IPCC, 2012). This was mainly due to resource restrictions.

In recent years there have been calls for changes to the operation of the IPCC. The IPCC has come in for much criticism in the way it has handled a number of high profile cases in the UK such as the deaths of Jean Charles de Menezes (2005), Sean Rigg (2008) and Mark Duggan (2011). There has also been a perception of a cosy relationship between the police and the IPCC. The IPCC Chairwoman Dame Anne Owers has called for greater powers to compel police officers to cooperate with and answer questions to the IPCC (Peachy, 2012). Shaw warns however that “the IPCC must be careful …, as it recalibrates itself to remove the appearance of treating police "more favourably", … that it doesn't give the impression that it's the cheerleader for campaigners or complainants. That would be just as damaging” (2014: 1).

When contacted the IPCC Analytical Services confirmed that they previously did issue police officers with surveys following complaint, however due to a very poor response rate, this practice has ceased. The IPCC is considering how to address this issue in the future. The IPPC does however commission Public Confidence Surveys, the most recent of which was in 2014. That survey found that 75 percent had confidence in the police, 77 percent were confident that IPCC was impartial, while 53 percent felt the IPCC improves how police deal with complaints (IPCC, 2014: 7-8).

2.5.3 Independent Police Conduct Authority of New Zealand

The Independent Police Conduct Authority (IPCA) is a civilian oversight body concerned with misconduct or neglect of duty by police, which was established under the Police Complaints Authority Act 1988. Prior to its establishment a Police Complaints Authority existed but it lacked the ability to conduct independent investigations and was perceived as not impartial and biased against minority communities.

The authority compromises of five members whom are appointed by the Governor-General on the recommendation of the House of Representatives. The chairperson must be a judge. The IPCA has processes of investigation available to it which are
similar to those of the PONI and IPCC. The authority can refer a complaint back to the police for investigation. It can supervise police investigations or it can perform its own independent investigations. On completion of investigations, the authority can made recommendations to the Police Commissioner, ranging from discipline to criminal recommendations. Should the Police Commissioner refuse to implement the IPCA recommendations, the IPCA can send its recommendations to the Commissioner, Attorney-General and to the Minister for Police.

In New Zealand the IPCA conducts random telephone surveys with individual Police officers who have been subject to the complaint process (See Appendix C). The survey is quite short and participants are surveyed in relation to IPCA investigators, the investigation process and police officers overall perception of how fair the process was. Police officers are further asked for any suggestions in how to improve the police complaints process. The results of these surveys are not readily available.

In New Zealand, the police itself operate an innovative survey of officers on police related issues in the New Zealand Police Workplace Survey; however this survey does not include any questions on the IPCA or police complaints. The police do commission Citizen Satisfaction Surveys. The most recent survey from 2013 shows that 79 percent of participants have trust and confidence in the police force (New Zealand Police, 2013: 8).

2.6 Sacrilisation and De-sacrilisation of An Garda Síochána

2.6.1 Sacrilisation of An Garda Síochána

Following the war of independence and signing of the Anglo Irish Treaty in 1921, the new Irish Freestate found itself in need of a new police force. Initially founded as two forces, The Civic Guard and the Dublin Metropolitan Police, both were amalgamated in 1925 to form An Garda Síochána.

It is widely accepted that An Garda Síochána faced enormous challenges in post civil war Ireland (Allen, 1999; Brady, 2000; Conway, 2010). An Garda Síochána was seen as enforcing the laws of the new Freestate and was viewed with suspicion by anti-
treaty supporters and the Irish Republican Army (IRA). On the foundation of An Garda Síochána the first Commissioner, Michael Staines, stated “we will succeed not by force of arms, but on our moral authority as servants of the people” (Walsh, 1998: 10). The unarming of the new police force was key in helping it to gain widespread acceptance by the public. Garvin notes that there was a “taboo on killing unarmed men and women” (2005: 111) which helped protect the new force from becoming targets of aggression like the previous RIC.

As the new police force stabilised it became more accepted by the Irish people. They became seen as defenders of the new state. Commissioners such as Eoin O’Duffy promoted nationalist ideologies in the force. Conway notes that “the men were pioneers who disrupted the poitin trade, spoke Irish, played national sports and were devote Catholics” (2010: 6). The physical prowess and welfare approach to policing adopted by An Garda Síochána was considered a pragmatic approach to policing, and the Gardaí were “very highly thought of” (MacGréil, 1996: 3). Their status in society increases up until the late 1970’s. Brady (2000) and Conway (2010) draw the comparison between the position of the local Guard as similar to that of the local priest.

2.6.2 De-sacrilisation of An Garda Síochána

Mulcahy (2006) argues that social change resulted in the ethos and effectiveness of the police being increasingly questioned. Urbanisation, individualism, consumerism and secularisation all contributed to social change. The public perception of physical abuse and some high profile cases of police misconduct served to severely damage the standing of An Garda Síochána.

From the 1980’s onwards, questions begun to be asked about some police tactics and investigations. Kilcommons et al (2004) note that concerns arose surrounding the tactics employed by the ‘Heavy Gang’, a team of police investigators in the 1970 and early 1980’s. Conway (2010) lists a number of scandals which occurred over the next 20 years which served to tarnish the standing of An Garda Síochána. These include the Kerry Babies case (1984), the Frank Shortt case (1995), the Dean Lyons case
(2000), and a number of other high profile cases where police misconduct was called into question.

The 1990’s onward saw a number of high profile inquiries into police misconduct. The most famous of these is the Morris Tribunal in Co. Donegal where a number of incidents of misconduct were uncovered between 1993 and 2000. The level of misconduct uncovered led Justice Morris to state that:

*The Tribunal has been staggered by the amount of indiscipline and insubordination it has found in the Garda force. There is a small, but disproportionately influential, core of mischief-making members who will not obey orders, who will not follow procedures, who will not tell the truth and who have no respect for their officers* (Department of Justice & Equality, 2006: 254).

The most recent report to be completed, which draws attention to police misconduct, is the Smithwick Tribunal of inquiry into the murders of two senior RUC officers in 1989. When published in December 2013 Justice Smithwick found that there was collusion between a member or members of An Garda Síochána prior to the murder of the two RUC officers (Department of Justice and Equality, 2013). The report also notes a “misguided sense of loyalty to the force or to its members”. (Department of Justice and Equality, 2013: 431)

At time of completion of this study a number of enquiries are on-going in relation to alleged malpractice in An Garda Síochána, surround the cancelling of penalty points, the recording of calls to Garda Stations, the alleged bugging of GSOC offices, the handling of police whistleblowers and the investigation of a number of incidents.

An interesting point to note is the fact that despite these high profile controversies, public support for An Garda Síochána has remained high. The Garda Public Attitudes Survey 2002 shows overall support at 87 percent (An Garda Síochána, 2002: vi), while the Garda Public Attitudes Survey 2008 shows overall support at 81 percent (An Garda Síochána, 2008: 3). While a decrease in support is evident, it appears that An Garda Síochána still has strong support. No public attitudes figures are available since the last study in 2008. A proposal for a 2014 survey is currently on tender. No survey has ever been carried out by An Garda Síochána on the views or opinions of
any staff members until recently, when in April 2014 Acting Commissioner O’Sullivan issued a survey to all staff members with five basic questions on the organisations strengths, challenges and opportunities (Brady, 2014). This is the first survey, albeit limited, of its kind. The results of same are not available at this time.

2.7 Police Accountability in Ireland

2.7.1 Garda Síochána Complaints Board

The Garda Síochána Complaints Board (GSCB) was established under the Garda Síochána Complaints Act 1986. At the time, this new complaints board was seen as a major change from the previous system, of only being able to make a complaint directly to the Garda Commissioner. The board formally stopped receiving complaints from May 2007. The purpose of GSCB was set out in the founding act.

The board consisted of eight members appointed by the government, to include one Assistant Commissioner. The area of complaints open to investigation by the board was restricted to ten areas, ranging from discourtesy to abuse of authority. The board could only launch an investigation following receipt of a complaint. The last GSCB Chairman, Gordon Holmes, stated that “in the absence of a complaint, the board has no authority to move or act” (GSCB Annual Report, 2006: 5). Any complaints deemed admissible and requiring investigation were assigned to a member of An Garda Síochána not below the rank of Inspector. On a finding of misconduct the board could impose a list of set sanctions ranging from caution to dismissal.

Many criticism shave been levelled at GSCB, primarily the lack of independence of the board in the investigation of complaints. The Irish Council of Civil Liberties (ICCL) noted that “the principal difficulty with the existing method of investigating complaints against members of the force, … is that it is not sufficiently independent and hence does not enjoy the support of the confidence of the public” (2003: 3.7) Walsh (1998) also makes this point noting that the board contained a representative of the commissioner and the remainder of the board are government appointees. He further notes that the board also only worked on a part time basis.
Two other criticisms levelled at the GSCB are the limited powers of the Board and the delay in investigating complaints. Justice Morris in investigating allegations of police misconduct in the Donegal Division notably did not lay blame at the GSCB for the lack of investigation of complaints but noted that it was more so the limited resources and the “shortcomings in the legislative framework established by the Garda Síochána (Complaints) Act, 1986” (Government of Ireland, 2008: 365). He further noted that GSCB was “particularly limited in its investigatory powers” (Government of Ireland, 2008: 365).

2.7.2 Garda Síochána Ombudsman Commission

The Garda Síochána Ombudsman Commission (GSOC) was established under the Garda Síochána Act 2005 and came into operation on the 8th May 2007. The main objectives of the newly formed GSOC were:

- To establish a system for dealing with complaints against Gardaí that is efficient and fair to all concerned
- To promote public confidence in that system

(GSOC, 2007: 1)

GSOC comprises of three Commissioners, at least one woman and one man, appointed by the President following nomination by the government and a vote in the Oireachtas. GSOC investigates complaints received from members of the public but can also instigate investigations where it appears police may have committed a criminal offence or breached discipline. Under Section 94 of the Garda Síochána Act 2005, GSOC may send complaints to An Garda Síochána for investigation. GSOC may also opt to supervise the Garda investigation. Under Section 98 of the Act, GSOC may instigate its own independent investigation. For the purposes of these investigations, GSOC Officers have “for the purposes of the investigation all powers, immunities and privileges preferred and all duties imposed on any member of the Garda Síochána by or under any enactment or common law” (Government of Ireland, 2005: s.98). GSOC can recommend disciplinary action to the Garda Commissioner or may refer evidence of criminal wrongdoing to the Director of Public Prosecutions (DPP) for consideration.
The main impetus for a change from the GSCB, and the introduction of the Garda Síochána Act 2005, came from the Morris Tribunal findings in Co. Donegal. There was a strong perception among the general public and in political circles that the GSCB was not adequate for proper oversight of An Garda Síochána. Also introduced under the Act was the establishment of the Garda inspectorate, Garda Reserve, local policing committees, a whistleblowers charter, a new Deputy Garda Commissioner position to lead a dedicated change management team, new discipline regulations, new promotions regulations and the development of human resource management (Government of Ireland, 2005).

GSOC carries out regular Public Attitudes Survey among members of the public. The most recent is contained in the 2013 Annual Report. In that survey 69 percent of the public felt GSOC was independent, 61 percent perceived GSOC as having made An Garda Síochána more accountable, while 53 percent agreed GSOC was impartial and 61 percent had confidence in the fairness of GSOC (GSOC, 2013: 25). In 2008 the Public Attitudes Survey found that 83 percent believed GSOC was independent, while 81 percent believed that GSOC’s existence will improve Garda handling of complaints. In relation to the operation of GSOC, 50 percent believed it was effective and 48 percent felt it was efficient (GSOC, 2008: 30).

GSOC has also carried out some surveys among Garda Members, the most recent in 2010. In that survey 66 percent of Gardaí found GSOC staff to be impartial, 70 percent found GSOC staff to be polite, knowledgeable and understanding, while 41 percent of Gardaí found the time taken to investigate a their complaint was sufficient. In its 2008 survey of Gardaí, 48 percent believe complaints are best handled by an independent body, 50 percent believed GSOC was independent and 27 percent believed GSOC to be fair to all parties. Twenty three percent of Gardaí felt that GSOC’s existence impeded them from doing their job properly (GSOC: 2008). Prior to it establishment in 2007, 27 percent of Gardaí surveyed believed GSOC to be independent and 30 percent believed GSOC to be fair to all parties. This survey had a response rate of 30 percent.

In 2012 GSOC introduced a new customer satisfaction survey which seeks to obtain the views of both complaints and members of An Garda Síochána involved in the
complaint process (See Appendix D). The survey is disseminated on the completion of the complaint process. As of yet no results, have been published in relation to this survey.

2.8 Chapter Conclusion

In the first part of this chapter the importance of police accountability and legitimacy was explored, as well as the concept of procedural justice. For a police force to be respected and accepted by citizens, it must be perceived as accountable and legitimate. For police investigations to be perceived as fair they must be seen to be procedurally just. This same principle applies also to those who police the police. The chapter then examined the police accountability mechanisms in place in Northern Ireland, the UK and New Zealand. It is clear that the absolute independence and scope of the PONI helps to set it a step above the rest. The penultimate section in this chapter has outlined the sacrilisation and de-sacrilisation of An Garda Síochána from the foundation of the force to-date. This section served to explain the changing policing environment and helps set the context for the current state of police accountability in Ireland. Finally the GSCB and GSOC were examined. The main differences in the composition and operation of same were outlined. Similar limitations can be seen in the systems in Ireland, the UK and New Zealand, namely the need for the facility of full, objective and independent investigation for the vast majority of complaints.
CHAPTER THREE: METHODOLOGY

Social Research: the construction of theory, the collection of data and, no less important, the design of methods for gathering data. All of them have to be right if the research is to yield interesting results (Gilbert, 1993, 18)

3.1 Introduction

The Garda Síochána Ombudsman Commission (GSOC) has been in operation since 2007. The primary available sources of information on its operation are in the form of GSOC Annual Reports. To date the only studies carried out among the stakeholders have been in the form of Public Attitude Surveys by GSOC. Surveys already carried out among the public and members of An Garda Síochána have not allowed for in dept comment. The primary aim of this study is to examine the perceptions of frontline Gardaí of Garda and Sergeant rank. It is only by speaking to those involved in, and directly affected by, the process that one can learn how the process is actually operating. It is envisaged that a study of this sort can be utilised by policy makers to extend knowledge in refining procedures or addressing the concerns, if any, of frontline Gardaí. Doing so can improve the service provision of both An Garda Síochána and GSOC, and consequentially the accountability and legitimacy of both organisations.

This chapter outlines the origins of the research question and the adoption of the research methods employed in this study. The rationale for the research topic and research methods chosen, are outlined and the research process explained. Issues in relation to access, ethical issues, validity and limitations are also addressed.

3.2 Research Aim, Objectives and Research Questions

Little research has been carried out on the operation of GSOC. While it has canvassed the views of some complainants and Gardaí, the scope for in-dept and independent feedback has not existed. Recent media attention has also highlighted disagreements between GSOC and An Garda Síochána regarding a number of matters, such as the alleged bugging of GSOC offices (RTE, 2014), the high profile prosecution of Gardaí (O’Keefe, 2011; O’Riordan, 2014) and concerns over cooperation between both
organisations in the investigation of complaints (GSOC, 2012; Williams and McQuinn, 2013).

This study seeks to establish the views of one group of stakeholders. The study focuses on the view point of frontline members of An Garda Síochána, as to focus on multiple stakeholders would be too broad for a study of this size. By establishing the views of Garda members, it is hoped that any concerns highlighted can be addressed in any future reviews in the operation of GSOC. As stated by Button and Payne, “understanding the perceptions of different stakeholders provides policy makers with the opportunity to develop culturally relevant response policies” (2009: 522). This study examines the perceptions of Garda members regarding the operation of GSOC, in particular police accountability, police legitimacy and the investigation of complaints in a procedural just manner which promotes fairness and trustworthiness.

The main research question in this study is to establish how the operation of GSOC is perceived by front line members of An Garda Síochána. In order to measure the perception of members of the Gardaí the main research question was broken down into three sub-questions, namely:

- How do Gardaí perceive the affect of GSOC on police accountability?
- How do Gardaí perceive the affect of GSOC on the legitimacy of An Garda Síochána?
- Do Gardaí perceive that GSOC operates along the principles of procedural justice?

Breaking down the main research question into a number of sub-questions follows what Punch (2009: 33) calls the ‘hierarchy of concepts’. By employing this straightforward concept the approach to the research question is simplified. The research area is identified followed by the research topic, general and specific research questions, and ultimately specific data collection questions in the form of a survey.
3.3 Research Design and Research Methods

Prior to undertaking this study, much time was given to considering and adopting an appropriate research design and suitable research methods. King and Wincup use a military analogy to help explain both terms, “research design is akin to military strategy determined at Headquarters, research methods are the military tactics to be used in the field” (2008: 23).

This study employed a quantitative approach to data collection. The primary research method used was that of a survey. Bachman and Schutt describe a survey as “an efficient method for systematically collecting data from a broad spectrum of individuals and social settings” (2012: 164). The use of a survey in this study was deemed justified as it allowed the views of a larger number of participants to be efficiently incorporated into the study. Bachman and Schutt also note the three most popular features of a survey being “versatility, efficiency and generalizability” (2012: 164). These features also weighed heavily in choosing a suitable research method in this study. A well drafted survey allows for a variety of questions, enabling participants to express their views. The results can be efficiently coded, recorded and analysed.

A number of different research methods were considered in preparing for this study. The main alternative available was that of interview. Punch describes the interview as “a very good way of accessing people’s perceptions, meanings, definitions of situations and constructions of reality” (2005: 168). Two issues arose when considering the use of interviews. Firstly, a large number of interviews would have to be conducted in order to achieve any results which may be reflective of a broader population. A large number of interviews would not have been feasible for a study of this kind. Secondly, two types of participants would have been identified through interview, those who had been subject to the complaints process and those who had not. Getting access to records of Garda members who had been subject to complaints from An Garda Síochána or GSOC would have proved extremely difficult, if not impossible, due to privacy and data protection concerns. Also given that police complaints are made in relation to very specific and unique events and incidents,
there would have been a danger that participants or members of the public may have been identifiable through the details provided in interviews.

Observation and participant observation methods were also considered but were deemed unsuitable for the purposes of this study. Given the nature of the area being examined, observation would not have been practical or appropriate. Punch notes how “documents, both historical and contemporary, are a rich source of data for social research” (2005: 184). This is true in many areas however as outlined above there was a dearth of documentary data and research in the area of the police complaints process under GSOC, making the use of documentary data extremely limited and ineffective.

The use of mixed methods methodology in future studies of this kind is worth considering. Tashakkori and Teddlie describe the mixed methods approach as “one that resolves all of the conflicts and differences” (2003: p.ix) between quantitative and qualitative approaches. Mixed methods allow the researcher to utilise a mix of methods, such as interview and survey, which allows for a greater variety of data collected. The use of a survey in this study has highlighted some interesting results. Perhaps in the future, interviews could be carried out with participants in order to gain even greater insight into the perceptions highlighted in this study.

3.4 Survey

3.4.1 Survey Design

Designing a survey is no simple task. Diaz de Rada (2005) and Dillman (1983) highlight how every aspect of a survey down to the type of paper and layout, can affect the results returned. The aim when designing the survey is to maximise the possibility of receiving rich, uninfluenced data, in order to answer the research question and sub questions.

Given that the research question was based on participant’s perceptions, it was important to utilise multiple styles of questions in order to allow for participants to fully express themselves. In this regard the survey utilised both closed and open
ended questions, with a primary focus on the former (See Appendix A). The survey was designed to utilise Likert scale questions to gauge participant’s perceptions of accountability, legitimacy and procedural justice. The majority of questions were closed, Likert and multiple choice. According to Bachman and Schutt (2012) closed questions have a number of positives, such as ensuring participants answer the questions the researcher wants them to answer, they reduce ambiguity and they are much easier to process and analyse. The survey did include some open ended questions in order to allow participants to express themselves fully and to cater for options not on the survey. This allowed for the researcher to ‘obtain participants’ interpretations in greater detail’ (Bachman and Schutt, 2012: 168). Hall and Hall (1996) suggest that open ended questions also help to insure the validity of a survey. This according to Hall and Hall “allows the informants to speak for themselves, without being forced into the interviewers predetermined categories” (1996: 98).

The survey also included a number of check questions in order to improve the reliability and validity of the date. These questions asked participants the same questions but worded differently. The survey was laid out according to what May describes as the best “social-psychological sequence” as opposed to the best “logical sequence” (May, 2011: 114).

3.4.2 Survey Layout

Following Denscombe’s (2007) philosophy, the survey began with basic demographic questions in Section One. Given the nature of participants in this case and the fact that GSOC has only been in operation since 2007, participants were asked a further question in this section regarding the participant’s length of service in An Garda Síochána. This allowed for the views of more senior Gardaí to be compared with those of junior Gardaí who have only ever served under the GSOC complaints mechanism. This first section also included questions regarding participant’s interaction with complaint bodies. Section Two focused on legitimacy, that of An Garda Síochána and of GSOC. Section Three examined the area of accountability, again within An Garda Síochána and GSOC. Section Four focused on the area of procedural justice. Participants were asked about procedural justice before being asked about procedural justice within An Garda Síochána and GSOC. Section Five
was the longest section in the survey and examined participant’s perception of GSOC. This section focused on how GSOC operates, recent public disagreements between GSOC and An Garda Síochána, new powers recently afforded to GSOC and on any areas that participants felt may require change or improvement. Each section employed open ended, closed ended, multiple choice and likert scale questions.

Given the different topics covered in the survey, a brief definition was included at the beginning of the legitimacy, accountability and procedural justice sections. By including these definitions, it was made clear to each participant exactly how each term was being interpreted in this study and the scope for personal interpretations of terms was reduced. This was important to help ensure “standardization” (Fowler and Mangione, 1990: 14; Oppenheim, 1992: 67). This insures that any variance in answers provided were due to the individual participants and not the survey design.

As the topic being studied is an emotive topic for some Garda members, careful consideration was given to the question wording in order to ensure they were phrased in a neutral, unbiased and clear manner, which allowed participants to provide the most honest answers possible. Where possible question wording was kept similar to that used in surveys disseminated by GSOC, PONI and IPCA to police officers involved in the complaints process (See Appendix B, C and D).

3.4.3 Pilot

Dawson notes that “piloting a survey is a must” (2009: 98). By piloting the survey one can ensure that the survey is designed to provide the data required and to ensure that the data required is usable. In designing this survey, it was piloted on two occasions; one occasion with two members of Garda rank and one with four individual members of Garda rank. The two pilots highlighted issues such as overly complicated question wording, limited scope to answer and difficulties with coding. The feedback from both pilots helped finalise the final draft of the survey which was distributed to participants.
3.5 Sampling

As stated previously a sample population of 150 Gardaí of Garda and Sergeant rank was selected across one Garda Division in the Dublin Metropolitan Region, namely the Dublin Metropolitan Northern Region. This region contains 691 members of Garda and sergeant rank. The sample selected represents 21.7 percent of the total population. This was the maximum sample feasible under a study of this nature. The process of selection was by stratified random sampling. This was enabled by the use of Garda district policing lists of Garda members where 150 participants were systematically selected according to gender, rank and length of service. There are four Garda Districts within the Dublin Metropolitan Northern Region, each under the control of a Garda Superintendent (See Appendix E). In selecting the sample, the total population was divided according to the gender, rank and service break down in the region. Eligible members were listed and were selected by systemic random sampling according to the tables below. Where deemed necessary, percentages were rounded up. Participants were divided into blocks of seven years service. Consideration was given to smaller blocks but was not considered necessary as there has been no recruitment to An Garda Síochána since 2009.

An undisclosed number of the total population would have been unavailable for participation due to illness, maternity leave, temporary transfer or career breaks. It also must be noted that the most up to-date Garda District lists available were from the beginning of June 2014. In June and July 2014 approximately 180 Gardaí were promoted to the rank of Sergeant countrywide. This change in rank profile is not yet reflected in the Garda District lists and therefore is not reflected in the total and sample populations.

The break down of the population and sample participants can be seen in Table 3.1.
Table 3.1: Service Break Down of Total and Sample Population

<table>
<thead>
<tr>
<th>Years Service</th>
<th>No. of total Population</th>
<th>%*</th>
<th>No. in Sample Population</th>
<th>%*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-7 yrs</td>
<td>315</td>
<td>45</td>
<td>70</td>
<td>46</td>
</tr>
<tr>
<td>8-14 yrs</td>
<td>187</td>
<td>27</td>
<td>40</td>
<td>27</td>
</tr>
<tr>
<td>15-21 yrs</td>
<td>109</td>
<td>16</td>
<td>20</td>
<td>13</td>
</tr>
<tr>
<td>22-28 yrs</td>
<td>34</td>
<td>5</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>29+ yrs</td>
<td>46</td>
<td>7</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>Total:</td>
<td>691</td>
<td>100</td>
<td>150</td>
<td>100</td>
</tr>
</tbody>
</table>

* Percentages rounded to nearest whole number

The gender break down of total population and participants selected can be seen in Table 3.2 below.

Table 3.2: Gender Break Down of Total and Sample Population

<table>
<thead>
<tr>
<th>Years Service</th>
<th>Gender of Population</th>
<th>Gender of Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>1-7 yrs</td>
<td>212</td>
<td>(67%)</td>
</tr>
<tr>
<td>8-14 yrs</td>
<td>137</td>
<td>(73%)</td>
</tr>
<tr>
<td>15-21 yrs</td>
<td>82</td>
<td>(75%)</td>
</tr>
<tr>
<td>22-28 yrs</td>
<td>29</td>
<td>(85%)</td>
</tr>
<tr>
<td>29+ yrs</td>
<td>45</td>
<td>(98%)</td>
</tr>
<tr>
<td>Total:</td>
<td>505</td>
<td>(73%)</td>
</tr>
</tbody>
</table>

* Percentages rounded to nearest whole number

The rank break down of total population and participants can be seen in Table 3.3 below.
Table 3.3: Rank Break Down of Total and Sample Population

<table>
<thead>
<tr>
<th>Years Service</th>
<th>Rank of Population</th>
<th>Rank of Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Garda (Rank)</td>
<td>Sergeant (Rank)</td>
</tr>
<tr>
<td>1-7 yrs</td>
<td>315 (100%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>8-14 yrs</td>
<td>176 (94%)</td>
<td>11 (6%)</td>
</tr>
<tr>
<td>15-21 yrs</td>
<td>69 (63%)</td>
<td>40 (37%)</td>
</tr>
<tr>
<td>22-28 yrs</td>
<td>23 (68%)</td>
<td>11 (32%)</td>
</tr>
<tr>
<td>29+ yrs</td>
<td>26 (57%)</td>
<td>20 (43%)</td>
</tr>
<tr>
<td>Total:</td>
<td>609 (88%)</td>
<td>82 (12%)</td>
</tr>
</tbody>
</table>

* Percentages rounded to nearest whole number

Of the 150 surveys distributed, 94 were returned giving a response rate of 63 percent.

3.6 Administration of Survey

The survey was designed to be self administered among front line Garda members of Garda and Sergeant rank. The survey was accompanied by a cover letter detailing the researcher’s details, the purpose of the survey, detailed instructions on completion, assurances of anonymity and detailing the return address. Surveys were personally delivered to Garda Stations in the Dublin Metropolitan Northern Region by the researcher. Each survey had attached a self-addressed envelope for ease of return.

Referring to the benefit of self administered survey, May notes that “in researching an organisation in times of rapid change where feelings run high, this method provided an outlet for the anonymous expression of strongly held views” (May, 1991: 75). Wellings et al also noted that questions on “sensitive or controversial issues….may be more truthfully answered by self-completion rather than by interview” (1994: 16-17). As the police complaints process can be a sensitive topic for many Garda members, it was felt that a self administered survey would allow participants time to respond in an anonymous and therefore more open manner.

This study adopted a cross sectional design and as such surveys were distributed on the 8th August 2014 and the researcher initially set aside two weeks for the return of surveys. The return of surveys was slower than expected and so an additional period
of one week was set aside up to 29th August 2014 for outstanding surveys to be returned. During this period there were no issues of note in relation to GSOC which would have affected the area of study.

3.7 Access and Ethical Issues

One of the first practical steps necessary in undertaking this study was to ensure that ethical clearance was applied for and approved by the relevant bodies. The researcher firstly applied for ethical clearance from the Dublin Institute of Technology. Clearance for the study was granted following submission of a detailed research proposal and ethical clearance application.

Given that the study involved surveying front line Garda members, research and ethical clearance were also sought from An Garda Síochána to carry out the study. Garda authorities required a detailed research proposal to be submitted prior to sanctioning the research. Access was granted by An Garda Síochána to utilize Garda district lists of Garda members from the Dublin Metropolitan Northern Division. These lists compromised names, ranks and registration numbers of Garda members. Access was granted on the basis that all data would be stored securely and independently of other research material. The district lists were available from the Dublin Metropolitan Northern Divisional office based at Ballymun Garda Station.

The surveys were conducted on the basis of informed consent. Informed consent was ensured by attaching an information sheet (see Appendix A) to each survey outlining the researcher’s details, study purpose and guaranteeing the anonymity of the participants. Participants were informed that participation in the study was entirely voluntary. The information sheet emphasised that the research was being conducted in a private capacity and not on behalf of An Garda Síochána. The confidentiality of all survey participants was ensured through anonymous surveys.

Luders (2004) notes the importance of securely storing data. As such, all data collected was stored on encrypted memory sticks by the researcher. All memory sticks were stored in secure accommodation by the researcher. Following consultation with the Garda Síochána Analysis Unit, it was decided that details and selection of
survey participants would be stored on a separate encrypted memory stick. All electronic analysis of the results was password protected.

At all stages in this study the researcher’s position as a member of An Garda Síochána was made clear to participants. This according to Dawson (2009) is important in ensuring openness in the research process. Brown (1996) describes the position of a police officer carrying out police research as an “inside insider”. Brown (1996) notes how researchers of this type may sometimes be viewed with suspicion as a tool of management.

During the course of this study the researcher endeavoured to ensure that any personal bias would not influence or affect the data collected and presented. Bryman notes that research cannot be value free in the way Durkheim had promoted, and that “there is growing recognition that it is not feasible to keep the values that a researcher holds totally in check” (Bryman, 2012: 39). This researcher employed two of Bryman’s suggestions in order to attempt to control any bias. Firstly, there were “no untrammelled incursions of values in the research process” (2012: 39), and secondly, the researcher ensured adherence to ethical principles and standards.

This study was undertaken in accordance with the British Society of Criminology Ethics Code (www.britsoccrim.org). The researcher also had due regard to the principles of research ethics as identified by Schnell and Heinritz (Flick, 2011: 216).

3.8 Analysis of Survey Data

The surveys used in this study were primarily pre-coded. These open ended questions were coded following collection in terms of themes or topics raised by participants. Common themes, topics or suggestions were coded for each question.

The Statistical Package for the Social Sciences (SPSS) was utilised for the analysis of data. All data collected was inputted into the programme. Value labels and numeric values were assigned to each possible answer. Missing values were also recorded. Survey data was cleaned prior to enter. Illegible or unclear responses were not
recorded. While entering the data the researcher also vetted the surveys for conflicting response set checks.

The use of SPSS enabled the clear and accurate presentation of data received in an easy to understand format. SPSS also allowed for the cross tabulation of results to highlight any significant correlations. Graphical presentation of results was utilised in order to better present the results received.

3.9 Strengths and Limitations of the Study

A number of strengths and limitations can be highlighted in this study. Firstly, the scope of the study is restricted to the views of members of An Garda Síochána at the rank of Garda and Sergeant. Therefore any findings reflect their views alone. It does not reflect the views of more senior Gardaí who are also subject to GSOC investigations. The operation of GSOC involves many stakeholders and as such the views of GSOC investigators, Garda management, Department of Justice and Equality officials or the general public are not accounted for in this study. While this study is restricted in that it focuses solely on frontline Gardaí, it does however open up the area for further research among other stakeholders in the police complaints process.

A further limitation of the study is the sample size. With a Garda force of approximately 13,159 (An Garda Síochána, 2013), the survey sample of 150 represents only a small proportion of the force (1.14 percent). Within the Dublin Metropolitan Northern Region the survey sample represents 21.7 percent of the total population. Through systematic random sampling, the selected sample is viable as being representative of the views of frontline Garda members in the Dublin Metropolitan Northern Region, but cannot reliably be held to represent the views of the wider Garda population. Constraints on time and resources prevented a more expansive study.

A major strength of this study is that it is the first time frontline Garda members have been canvassed in-dept and independently of GSOC on their views on the operation of GSOC. Considering that Gardaí are a primary stakeholder in the process, it is
important that they are given an opportunity to express their views. There is also limited research carried out to-date on the operation of GSOC. Data available is restricted to Annual Reports and Satisfaction Surveys which provide little in terms of in dept data detail. It is hoped that this research will pave the way for further research in the area, not just among Gardaí, but among all stakeholders.

3.10 Chapter Conclusion

This chapter has outlined the methodological approach taken by the researcher in this study. The initial research design was outlined, as was the rationale for undertaking the study. The lack of research and data in the police complaints field in Ireland was highlighted. A number of research methods were considered prior to undertaking this study however having considered the aims of the study and the research questions devised, it was felt that the use of a survey far out-weighted other research methods in undertaking a study of this nature. Details in relation to the survey design, sample selection, survey administration and analysis were outlined. Through the selection of a representative population, the use of multiple question types, along with check questions, the validity and reliability of the data received was increased. Any possible ethical issues were addressed. Limitations such as the scope of a study of this type was acknowledged and notable strengths such as the fact the study is the first in-dept and GSOC independent study in the police complaints process were noted. This methodological chapter addresses any questions raised in relation to how this research was conducted, and it provides a road map for further future research in the area.
CHAPTER FOUR: FINDINGS

The art of achieving accountability....is to enlist the support of the police in disciplinary activities (Bayley, 1983: 158)

4.1 Introduction

This chapter sets out the principle findings of the survey distributed to frontline members of An Garda Síochána. The survey findings are presented in line with the survey format as presented to participants.

4.2 Participant’s Background Information

Of the participants that responded to the survey 83 percent were male and 17 percent were female. Eighty four percent were of Garda rank while 16 percent were of the rank of Sergeant. The service break down of participants is displayed in Figure 4.1 below. Seventy four of the 94 participants (79 percent) had between one and 14 years service. Seventy two percent of participants served in an urban district and 28 percent served in a mixed urban/rural district.

Figure 4.1: Years Service of Participants
Participants were asked if they ever had been subject to a formal complaint. Seventy-three percent stated they had been, while 26 percent stated they had not. (See Figure 4.2)

Figure 4.2: Participants subject to Formal Complaint

Of those that had been subject to a complaint, 60 percent had been subject to a GSOC complaint and 26 percent had been subject to a Garda Síochána Complaints Board (GSCB) complaint. (See Figure 4.3)

Figure 4.3: Complaint Dealt with by
This section also asked participants how they perceived the establishment of GSOC prior to it becoming operational in 2007. Forty percent welcomed the establishment of GSOC while 41 percent had no opinion (See Figure 4.4).

Figure 4.4: How the establishment of GSOC was perceived prior to becoming operational

A number of reasons were given by participants for their answers. The majority of those who welcomed the establishment of GSOC noted the positives of an independent and impartial investigative body, while some mentioned the fear of biased investigations (See Appendix G):

Need for transparency, impartiality and to improve public perception (Participant 73)

4.3 Legitimacy

In Section Two of the survey participants were asked two Likert type questions on the legitimacy of An Garda Síochána currently and at the time they joined the force. Fifty seven percent felt that current Garda legitimacy was either very strong or strong, while 18 percent felt it was either weak or very weak. Seventy eight percent felt that the legitimacy of An Garda Síochána on joining the force was either very strong or strong, while two percent felt it was weak. (See Figure 4.4).
Fifty five percent of participants surveyed felt that the establishment of GSOC had reduced Garda legitimacy, while 16 percent felt it had improved Garda legitimacy. (See Figure 4.7). Participants gave a number of reasons for their perception of the impact of GSOC on Garda legitimacy, namely; the negative public image that An Garda Síochána has received due to GSOC investigations and GSOC interaction with the media, and the resultant lack of respect and support from the public. Participants mentioned working under the constant fear of receiving a compliant and as a result felt their ability to police is reduced (See Appendix H).

Gardaí are more accountable, but are in fear of complaints hence can’t carry out their work to the full extent (Participant 84)
Participants were asked how they felt the establishment of GSOC affected the legitimacy of An Garda Síochána in three areas. Ninety seven percent of participants felt that since the establishment of GSOC, people were more likely to question the legitimacy of Garda actions or decisions. Eighty five percent of participants felt that since the establishment of GSOC people are less likely to obey Garda actions or decisions. When asked if they felt that people have more or less respect for An Garda Síochána since the establishment of GSOC eighty eight percent felt that people have less respect for An Garda Síochána (See Appendix F).

When asked how they perceived the legitimacy of GSOC to investigate a complaint against them. Fifteen percent felt the legitimacy of GSOC was either very strong or strong, while 47 percent felt it was weak or very weak (See Figure 4.7).

Figure 4.7: How participants perceive the legitimacy of GSOC to investigate complaints against them

<table>
<thead>
<tr>
<th>% of Participants</th>
<th>Very Strong</th>
<th>Strong</th>
<th>Neither Strong nor Weak</th>
<th>Weak</th>
<th>Very Weak</th>
<th>Don't Know / No Opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9</td>
<td>7</td>
<td>30</td>
<td>31</td>
<td>19</td>
<td>0</td>
</tr>
</tbody>
</table>

4.4 Accountability

Section Three of the survey focused on the area of accountability. Participants were asked how they perceived the level of accountability in An Garda Síochána at present and under the previous Garda Síochána Complaints Board (GSCB). Sixty eight participants felt the current level of accountability in An Garda Síochána was strong or very strong. When questioned about accountability under GSCB, 36 percent felt the accountability of An Garda Síochána was either strong or very strong (See Figure 4.8).
Fifty three percent of participants felt that GSOC had improved Garda accountability, while six percent felt that GSOC had reduced Garda accountability. Thirty five percent felt that GSOC has had no impact on Garda accountability (See Figure 4.9).

Participants noted the impact of increased accountability for members of An Garda Síochána. The main effects mentioned related to too much red tape, reduced ability to police, and incentive to do less work due to fear of complaint. Some participants credited GSOC with improving Garda practices (See Appendix I).

You really have to go lightly on everything because they will make a complaint. Even though you’re in the right it’s just not worth the hassle of a complaint which goes on for months (Participant 2)
Participants were questioned on a number of possible effects of GSOC on Garda accountability. Seventy eight percent of participants felt that GSOC reduced the effectiveness of An Garda Síochána to police, while 52 percent felt GSOC has made An Garda Síochána too accountable. Sixty four percent felt GSOC reduced public support for the force. Twenty eight percent felt GSOC has reduced Garda malpractice. One percent selected the other option and stated that GSOC “made the general public, especially the youth constantly question authority” (Participant 38) (See Table 4.1).

Table 4.1: How has the establishment of GSOC affected Garda Accountability?

<table>
<thead>
<tr>
<th>How has GSOC affected Garda Accountability?</th>
<th>% of Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Made An Garda Síochána too accountable</td>
<td>52%</td>
</tr>
<tr>
<td>Reduced the effectiveness of An Garda Síochána to police</td>
<td>78%</td>
</tr>
<tr>
<td>Increased public support for An Garda Síochána</td>
<td>2%</td>
</tr>
<tr>
<td>Reduced public support for An Garda Síochána</td>
<td>64%</td>
</tr>
<tr>
<td>Increased the likelihood of public cooperation with An Garda Síochána</td>
<td>6%</td>
</tr>
<tr>
<td>Reduced Garda Malpractice</td>
<td>28%</td>
</tr>
<tr>
<td>Other (Please Specify):</td>
<td>1%</td>
</tr>
</tbody>
</table>

Participants were afforded an opportunity to explain why they felt GSOC affected Garda Accountability in the ways outlined in Table 4.1. The main concerns mentioned by participants were the fear of receiving a complaint, the reduced ability to police, bad public relations, poor public attitude, lack of public respect, increase in false complaints and incentive to do less work. A number of participants also acknowledged that GSOC has reduced Garda malpractice (See Appendix J).

Guards are reluctant to do as much as before, its just not worth the hassle. Every prisoner shouts and roars about the ‘Omni-bus-man’ (Participant 2)

The final four questions in Section Three centred on the accountability of GSOC. Participants were asked if they felt GSOC was accountable. Ten percent felt GSOC was accountable, while 78 percent felt GSOC was not accountable. (See Figure 4.10).
Participants were further asked if they felt GSOC should be more accountable. Ninety two percent stated that they felt GSOC should be more accountable, while three percent felt that GSOC was sufficiently accountable. (See Figure 4.11). Participants were asked to explain why they felt GSOC should be more or less accountable. Most participants commented on this question. The vast majority stated that GSOC was not accountable. Further issues raised by participants pertained to the need for oversight of GSOC, the lack of appeals process, poor media interaction, and an apparent push to prosecute Gardaí. The recent bugging controversy in the GSOC offices was mentioned by a number of participants as demonstrating how GSOC was not accountable (See Appendix K).

Figure 4.11: Should GSOC be more or less accountable?
Of the participants surveyed, only one percent felt that the accountability of GSOC does not need improvement. Eighty five percent felt that GSOC decisions and investigations should be open to appeal by Garda members, while 72 percent felt that GSOC should be held accountable to an independent board/body. Sixty nine percent felt the need for the establishment of an independent complaints procedure regarding GSOC officials. Three percent nominated other options for improving GSOC accountability. One suggestion was to “appoint an officer / Chief Superintendent to liaise with Gardaí who feel GSOC has treated them unfairly” (See Table 4.2).

Table 4.2: How do participants feel that the accountability of GSOC could be improved?

<table>
<thead>
<tr>
<th>How can Accountability of GSOC be improved?</th>
<th>% of Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>It does not need improvement</td>
<td>1%</td>
</tr>
<tr>
<td>Decisions and investigations should be open to appeal by Garda members</td>
<td>85%</td>
</tr>
<tr>
<td>GSOC should be held accountable to an independent board/body</td>
<td>72%</td>
</tr>
<tr>
<td>An independent complaints procedure regarding GSOC officials should be established</td>
<td>69%</td>
</tr>
<tr>
<td>Other (Please Specify):</td>
<td>3%</td>
</tr>
</tbody>
</table>

4.5 Procedural Justice

Section Four of the survey focused on the area of procedural justice. The principle of procedural justice was defined to ensure standardisation. Participants were asked if they agreed with the definition of procedural justice as provided and if they were previously aware of the concept. Sixty three percent of participants agreed with the definition, while 23 percent stated they agreed to some extent. Twelve percent of participants had been previously aware of the concept/principles of procedural justice, while 43 percent were not aware. Thirty five percent stated that they were aware of the concept/principles to some extent.
In relation to An Garda Síochána, participants were asked if they felt that the organisation operated within the principles of procedural justice. Forty three percent felt that An Garda Síochána did operate within the principles of procedural justice, while thirty seven percent felt it did to some extent. (See Figure 4.12).

**Figure 4.12: Would you agree that An Garda Síochána operates within the principles of procedural justice?**

![Chart showing agreeance with An Garda Síochána operating within principles of procedural justice]

When asked about GSOC and procedural justice, ten percent of participants felt that GSOC did operate within the principles of procedural justice, while 39 percent felt that it did not. Thirty four percent felt that GSOC operated within the principles of procedural justice to some extent (See Figure 4.13).

**Figure 4.13: Would you agree that GSOC operate within the principles of Procedural Justice as outlined?**

![Chart showing agreeance with GSOC operating within principles of procedural justice]
Following the procedural justice questions, participants were asked if they agreed or disagreed with a number of statements. When asked if they felt GSOC investigations are conducted in a fair manner, 70 percent disagreed or strongly disagreed. Fifty percent of participants disagreed that GSOC officials are trustworthy. In relation to the GSOC investigations being conducted promptly, 68 percent disagreed or strongly disagreed. Seventy one percent of participants disagreed or strongly disagreed that GSOC investigations are impartial. Finally participants were asked if GSOC investigations are proportionate to the complaint made. Sixty one percent disagreed or strongly disagreed with the statement. (See Table 4.3).

Twenty one percent of participants stated that their answers regarding GSOC were based on personal experience, while thirty eight percent were based on the experiences or accounts of others. Forty one percent were based on both.

Table 4.3: Participants perception of GSOC Investigations

<table>
<thead>
<tr>
<th>Do you agree or disagree with the following statements?</th>
<th>Agree/Strongly Agree</th>
<th>Neither Agree nor Disagree</th>
<th>Disagree/Strongly Disagree</th>
<th>Don't Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>GSOC Investigations are conducted in a fair manner</td>
<td>3%</td>
<td>17%</td>
<td>75%</td>
<td>5%</td>
</tr>
<tr>
<td>GSOC Officials are trustworthy</td>
<td>5%</td>
<td>31%</td>
<td>53%</td>
<td>11%</td>
</tr>
<tr>
<td>GSOC Investigations are conducted promptly</td>
<td>6%</td>
<td>13%</td>
<td>68%</td>
<td>13%</td>
</tr>
<tr>
<td>GSOC Investigations are impartial</td>
<td>4%</td>
<td>15%</td>
<td>71%</td>
<td>10%</td>
</tr>
<tr>
<td>GSOC Investigations are proportionate to the complaint made</td>
<td>11%</td>
<td>12%</td>
<td>66%</td>
<td>11%</td>
</tr>
</tbody>
</table>
4.6 Garda Síochána Ombudsman Commission

The final section of the survey focused on the Garda Síochána Ombudsman Commission. The section examined the operation of GSOC, how GSOC has affected participants, the effects of recent media attention on GSOC and An Garda Síochána, recent changes to the powers and scope of GSOC, and any recommendations for changes to how GSOC operates.

Participants were given a number of statements asking if they welcomed the establishment of GSOC and if they had concerns around its establishment. Sixty five percent of participants stated that they welcomed the establishment of GSOC but that it has not matched expectations. Twenty three percent of participants stated that they did not welcome the establishment of GSOC and that their concerns have been vindicated (See Figure 4.14).

Figure 4.14: Did participants welcome or not welcome the establishment of GSOC?

Participants were asked if they agreed or disagreed with a number of questions on the affects of GSOC. Fifty seven percent agreed or strongly agreed that the establishment of GSOC made them feel more accountable. Fifteen percent agreed or agreed strongly that the establishment of GSOC changed how they deal with people, while 44 percent disagreed or strongly disagreed. Seventy five percent disagreed or strongly disagreed
with the statement that the establishment of GSOC made they feel more confident of
fair treatment in the event of a complaint. Ninety three percent agreed or strongly
agreed that the establishment of GSOC left them at greater risk of false complaints.
Seventy five percent disagreed or strongly disagreed that the establishment of GSOC
helped the Gardaí regain public trust. (See Table 4.4). The issue of false complaints
was also noted by some participants.

(GSOC) is a tool used by criminals to make false complaints knowing they will
be entertained, therefore believing that it will impact on the Guard in a
negative way

Table 4.4: How has the establishment of GSOC affected participants?

<table>
<thead>
<tr>
<th>Has the establishment of GSOC:</th>
<th>Agree/Strongly Agree %</th>
<th>Neither Agree nor Disagree %</th>
<th>Disagree/Strongly Disagree %</th>
<th>Don't Know %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Made you feel more accountable</td>
<td>57</td>
<td>28</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Changed how you deal with people</td>
<td>39</td>
<td>17</td>
<td>44</td>
<td>0</td>
</tr>
<tr>
<td>Made you confident of fair treatment in event of complaint</td>
<td>9</td>
<td>12</td>
<td>75</td>
<td>4</td>
</tr>
<tr>
<td>Left you at greater risk of false complaints</td>
<td>93</td>
<td>4</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Helped the Gardaí regain public trust</td>
<td>3</td>
<td>18</td>
<td>75</td>
<td>4</td>
</tr>
<tr>
<td>Other (Please specify):</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>97</td>
</tr>
</tbody>
</table>

In relation to complaints made, 44 percent of participants stated that the prospect of
receiving a complaint would affect how they perform their duty, while 37 percent
stated that it would not (See Figure 4.15). Ninety five percent of participants believe
the current complaints procedure is open to abuse and vindictive complaints made by
criminals or members of the public. When asked if they thought the current complaints procedure was open to abuse by criminals or members of the public to frustrate Garda investigations, 93 percent stated yes (See Appendix F).

Figure 4.15: Would the prospect of a complaint affect how participants perform their duty?

Two questions referred to the Police Ombudsman for Northern Ireland (PONI). When asked, 25 percent welcomed the establishment of PONI, while 73 percent didn’t know or had no opinion. Twenty percent felt that PONI compared more favourably to GSOC. Seventy four percent didn’t know or had no opinion.

Referring to recent disagreements between An Garda Síochána and GSOC which had been widely covered in the media, participants were asked if they agreed or disagreed with a number of statements. Eighty three percent of participants either agreed or strongly agreed that recent media coverage damaged the public image of An Garda Síochána. Sixty one percent agreed or strongly agreed that the recent disagreements in the media damaged the public image of GSOC. When asked about legitimacy, 77 percent felt that the legitimacy of An Garda Síochána had been damaged. Finally 61 percent of participants agreed or strongly agreed that the public disagreements had damaged the legitimacy of GSOC. Twenty one percent felt it had not (See Table 4.5).
Table 4.5: Participants perception of effect of recent media coverage of disagreements between An Garda Síochána and GSOC

<table>
<thead>
<tr>
<th>Do you perceive recent media coverage as having:</th>
<th>Agree/Strongly Agree</th>
<th>Neither Agree nor Disagree</th>
<th>Disagree/Strongly Disagree</th>
<th>Don’t Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Damaged the public image of An Garda Síochána</td>
<td>83</td>
<td>7</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Damaged the public image of GSOC</td>
<td>61</td>
<td>17</td>
<td>18</td>
<td>4</td>
</tr>
<tr>
<td>Damaged the legitimacy of An Garda Síochána</td>
<td>77</td>
<td>10</td>
<td>11</td>
<td>2</td>
</tr>
<tr>
<td>Damaged the legitimacy of GSOC</td>
<td>61</td>
<td>14</td>
<td>21</td>
<td>4</td>
</tr>
</tbody>
</table>

Participants were asked how they felt GSOC engaged with the media. In this regard 81 percent disagreed or strongly disagreed that GSOC engages with the media in a fair and transparent manner. Eighty one percent agreed or strongly agreed that GSOC engages with the media in a manner detrimental to An Garda Síochána. Seventy six percent of participants agreed or strongly agreed that GSOC engages with the media in a biased manner.

Sixty eight percent disagreed or strongly disagreed that GSOC engages with the media in a manner which reinforces its impartiality. Finally in relation to trustworthiness, eighty nine percent disagreed or strongly disagreed that GSOC engages with the media in a manner which encourages trust among Garda members. (See Table 4.6).
Table 4.6: How participants feel GSOC engages with the media?

<table>
<thead>
<tr>
<th>Do you feel that GSOC engages with the media:</th>
<th>Agree/Strongly Agree %</th>
<th>Neither Agree nor Disagree %</th>
<th>Disagree/Strongly Disagree %</th>
<th>Don’t Know %</th>
</tr>
</thead>
<tbody>
<tr>
<td>In a fair and transparent manner</td>
<td>2</td>
<td>15</td>
<td>81</td>
<td>2</td>
</tr>
<tr>
<td>In a manner detrimental to An Garda Síochána</td>
<td>81</td>
<td>15</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>In a biased manner</td>
<td>76</td>
<td>17</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>In a manner which reinforces its impartiality</td>
<td>5</td>
<td>17</td>
<td>68</td>
<td>11</td>
</tr>
<tr>
<td>In a manner which encourages trust among Garda members</td>
<td>4</td>
<td>7</td>
<td>89</td>
<td>0</td>
</tr>
</tbody>
</table>

Recently new powers were given to GSOC. Participants were asked if they agreed or disagreed with five recent changes to how GSOC operates. Seventy two percent of participants agreed or strongly agreed with giving GSOC the power to investigate the Garda Commissioner. Seventy nine percent of participants disagreed or strongly disagreed with the power to electronically bug Garda members. Sixty five percent disagreed or strongly disagreed with allowing GSOC access to PULSE (Garda computer system), while 21 percent agreed or strongly agreed.

Fifty four percent agreed that GSOC should be allowed investigate Garda practice and procedure, while 33 percent disagreed or strongly disagreed. Sixty eight percent disagreed or strongly disagreed that time limits for making a complaint should be extended to one year, while 19 percent agreed or strongly agreed. (See Table 4.7).
Table 4.7: How participants perceive new powers recently given to GSOC

<table>
<thead>
<tr>
<th>Please indicate if you agree or disagree with the following changes:</th>
<th>Agree/Strongly Agree</th>
<th>Neither Agree nor Disagree</th>
<th>Disagree/Strongly Disagree</th>
<th>Don’t Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power to investigate the Garda Commissioner</td>
<td>72</td>
<td>18</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Power to electronically bug Garda members</td>
<td>9</td>
<td>9</td>
<td>79</td>
<td>3</td>
</tr>
<tr>
<td>Access PULSE</td>
<td>21</td>
<td>11</td>
<td>65</td>
<td>3</td>
</tr>
<tr>
<td>Investigate Garda Practice and Procedure</td>
<td>54</td>
<td>13</td>
<td>33</td>
<td>0</td>
</tr>
<tr>
<td>Time limit for complaints extended to 1yr</td>
<td>19</td>
<td>11</td>
<td>68</td>
<td>2</td>
</tr>
</tbody>
</table>

Participants were asked to comment on a number of changes, if any, they felt were needed to improve or modify GSOC. One hundred percent of participants agreed there should be more transparency in the complaints process. Ninety six percent felt that the identity of a complaint should be disclosed on receipt of a complaint. Fifty nine percent felt that minor complaints should be dealt with by Gardaí, while 29 percent disagreed. Fifty eight percent disagreed that GSOC should deal with all complaints, while 29 percent agreed. The majority of participants (95 percent) felt there should be greater prosecution of vexatious and frivolous complaints. Eighty five percent disagreed in giving greater powers to GSOC. Eighty eight percent felt that the need to investigate off-duty Gardaí acting in a personal capacity should be removed. Three percent of participants specified other options such as the need to replace the current GSOC commissioners, and need to hire more appropriate GSOC investigators (See Table 4.8).
Table 4.8: What changes, if any, do participants feel are necessary to improve/modify GSOC?

<table>
<thead>
<tr>
<th>What changes, if any, do you think are in order to improve/modify GSOC?</th>
<th>Yes %</th>
<th>No %</th>
<th>Don’t know / No opinion %</th>
</tr>
</thead>
<tbody>
<tr>
<td>More transparency in complaints process</td>
<td>100</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Disclosure of complainant identity on receipt of complaint</td>
<td>96</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Minor complaints to be dealt with by Gardaí</td>
<td>59</td>
<td>29</td>
<td>12</td>
</tr>
<tr>
<td>All complaints to be dealt with by GSOC</td>
<td>29</td>
<td>58</td>
<td>13</td>
</tr>
<tr>
<td>Greater prosecution of vexatious and frivolous complaints</td>
<td>95</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Give greater powers to GSOC</td>
<td>2</td>
<td>85</td>
<td>13</td>
</tr>
<tr>
<td>Remove need for investigation of off-duty Gardaí acting in a personal capacity</td>
<td>88</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Other (Please Specify below):</td>
<td>3</td>
<td>0</td>
<td>97</td>
</tr>
</tbody>
</table>

When asked if they felt that GSOC conducts the investigation of complaints in a fair manner, sixty seven percent disagreed or strongly disagreed, while two percent agreed or strongly agreed (See Figure 4.16). A number of reasons were given for participants answers. The common negative comments were; an apparent push to prosecute Gardaí, treating Gardaí as guilty from the beginning, an anti-Garda agenda, unfair investigations, biased investigations, and the use of tricks and deception (See Appendix L).

*Having experienced the process at first hand I felt that my character rather than my actions were challenged. Overwhelming feeling that I was being treated like an animal having done nothing wrong (Participant 79)*
Participants were further asked if they thought the prosecution of criminal cases against Garda members by GSOC is conducted in a fair manner. Three percent agreed or strongly agreed, while 66 percent disagreed or strongly disagreed (See Figure 4.17). The main reasons given by participants were; biased media coverage, an eagerness to prosecute Gardaí, automatically treating Gardaí as guilty, holding Gardaí to higher standards than ordinary citizens, GSOC seeking media attention, trial by media, and the poor standard of cases brought before the courts (See Appendix M).

*Apparent witch hunt in majority of cases. GSOC appear to seek out the prosecution of a Garda rather than conclude an investigation whatever the conclusion may be (Participant 3)*

The recent high profile prosecution of Gardaí for using pepper spray and subsequent withdrawal of the case during trial was again mention by participants (Roach, 2014; O’Riordan, 2014).
Figure 4.17: Do participants think the prosecution of criminal cases against Garda members by GSOC is conducted in a fair manner

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Neither Agree nor Disagree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
<th>Don't Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>17%</td>
<td>23%</td>
<td>14%</td>
<td>43%</td>
<td>2%</td>
<td>1%</td>
</tr>
</tbody>
</table>

Fifty seven percent of participants felt that An Garda Síochána is over policed, while 23 percent felt that it was not (See Figure 4.18). When asked about their answers, participants gave a number of reasons such as; being too accountable, reduced ability to police, fear of complaints, greater risk of false complaints, and too much bureaucracy. Participants also mentioned the increase in internal accountability (See Appendix N).

*Accountability has been taken to the extreme where it now interferes too much with carrying out our duties effectively (Participant 4)*

Figure 4.18: Do participants think that An Garda Síochána is over policed

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know / No Opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>57%</td>
<td>23%</td>
<td>20%</td>
</tr>
</tbody>
</table>
Finally participants were asked for suggestions or recommendation on how the operation of GSOC could be improved. The primary recommendations were; greater accountability and transparency, greater prosecution of false or vexatious complaints, better communication between GSOC and Garda members under investigation, stop media leaks, and reduce media announcements (See Appendix O).

Some individual suggestions from participants were to better train GSOC officers, GSOC to investigate all complaints, better resource GSOC, set up a dedicated Garda Internal Affairs office to deal with GSOC, and the need for GSOC to acknowledge that policing in Ireland is unique and different to other countries.

4.7 Chapter Conclusion:

This chapter outlined the main findings of the survey distributed to frontline Garda members. Most of the results are quite decisive. The majority of participants (73 percent) have at some stage been subject to a formal complaint. Regarding legitimacy, it is apparent that frontline Gardaí believe the legitimacy of An Garda Síochána has decreased since they joined the organisation and that the establishment of GSOC has served to reduce that legitimacy (55 percent). It is also apparent that only 16 percent of participants perceived the legitimacy of GSOC as strong. In relation to accountability, participants acknowledge that GSOC has improved the accountability of An Garda Síochána (53 percent). The majority of participants also noted however that GSOC was not accountable (78 percent) and 92 percent felt the accountability of GSOC needed to be improved. Ten percent of participants believed GSOC operated within the principles of procedural justice and the majority of participants raised concerns over the manner investigations are conducted (75 percent). Sixty five percent of participants stated they welcomed the establishment of GSOC but it has not matched expectations. The vast majority of participants felt recent media coverage damaged the public image of An Garda Síochána (83 percent) and 81 percent felt
GSOC engages with the media in a manner detrimental to An Garda Síochána (81 percent). All participants surveyed felt that more transparency was needed in the complaint process and a number of suggestions were made to improve the operation of GSOC. The survey findings will be discussed in Chapter five.
CHAPTER FIVE:
DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

An authority’s legitimacy is linked to people’s satisfaction with the procedural justice aspects of their encounter with that authority (Hinds and Murphy, 2007: 28)

5.1 Introduction

This chapter discusses the main findings highlighted by the survey distributed to members of An Garda Síochána of Garda and Sergeant rank. The survey was comprehensive and produced a large amount of data. As such this chapter has been divided into a number of sections in order to aid discussion. The first section of this chapter will examine the results of the survey in relation to legitimacy. The second section will examine the area of accountability, and the third section will address the results in terms of procedural justice. The fourth section will look at GSOC itself, while Section Five will address the area of GSOC and the media. Section Six will examine the recommendations for change as advocated by participants. Section Seven will outline the main conclusions arising from this study. The chapter will conclude by outlining some recommendations for change and for further research.

5.2 Legitimacy

As noted in Chapter Two, legitimacy is the right to be governed and the recognition by those governed of that right (Beetham, 1991; Tankebe, 2008). Tyler (2008) identified the essential elements of a legitimate police force, namely the trustworthiness of the police and the belief that the police authority ought to be accepted by those policed. It can in turn be argued that since GSOC police the police, these principles should also apply to GSOC if it is to be considered legitimate.

Participants were asked about the legitimacy of An Garda Síochána. It was notable that participants felt that the legitimacy of An Garda Síochána had reduced since they joined the organisation. All participants had over five years service. While many factors may affect legitimacy, GSOC was highlighted by over half of participants (55 percent) as having reduced the legitimacy of An Garda Síochána. It was felt that the
establishment of GSOC resulted in the legitimacy of Garda actions and decisions being more likely questioned by members of the public (97 percent). Eighty eight percent of the participants felt that as a result of GSOC people have less respect for An Garda Síochána. It is worth noting that while participants attribute this loss of legitimacy to GSOC, the perceived loss may also be, at least partly, due to fact that since the establishment of GSOC the public are now more aware of the possibilities of malpractice within An Garda Síochána and perhaps complaints are now more publicised and receive greater media attention.

These results are significant as frontline members perceive GSOC as having played a significant part in reducing the legitimacy of An Garda Síochána. This effect is contrary to the theory behind the establishment of police oversight mechanisms. Effective police oversight should lead to more accountable police, which in turn should make the police more acceptable and trusted by the public (Herbert, 2006).

When asked to assess the legitimacy of GSOC, 50 percent perceived its legitimacy as either weak or very weak, while only 16 percent felt it was strong or very strong. This figure does not show confidence among participants in the watchdog’s role. If those policed by GSOC do not consider it legitimate, then the likelihood of them voluntarily deferring to their decisions and directives is reduced (Tyler, 2008).

5.3 Accountability

Seventy two percent of participants considered the accountability in An Garda Síochána at present to be strong or very strong. This compared with 36 percent under GSCB. From these figures alone it is clear that participants believe the level of accountability in An Garda Síochána has increased substantially over time. It is also evident from the results that over half (53 percent) of participants credit GSOC as being at least partly responsible for the improvement in levels of accountability. Goldsmith noted that the failure of police forces to be answerable for their actions ‘is disastrous for public trust in police’ (2005: 445). The fact that An Garda Síochána is now considered more accountable is, therefore, only a positive in terms of public opinion and public perception. It is interesting that while participants believe the
The survey results also highlight some negatives that come with increased accountability. Fifty two percent of participants now consider An Garda Síochána too accountable, while 78 percent feel that the establishment of GSOC has reduced the effectiveness of An Garda Síochána to police. Sixty four percent felt that public support for An Garda Síochána is now reduced. It is apparent that while some participants feel malpractice has reduced (28 percent), the majority feel that increased accountability has come at a cost to the policing service they provide. This effect on policing may be in part be due to the establishment of GSOC, but may also be due to an increased populism in what Reiner and Spencer (1993) call ‘calculative and contractual accountability’. This new form of accountability, above all else, focuses on the economic and efficient delivery of crime control. Under this new system ‘the police are constantly on trial in terms of performance not principle, and trust is always conditional’ (Reiner, 2010: 103). The Garda Síochána Act 2005 introduced wide ranging reforms of policing which all point towards a change in policing operation and accountability, and may also influence participant’s perceptions.

When asked about GSOC, 78 percent felt it was not accountable and 92 percent felt it should be more accountable. These figures show little confidence in the accountability of the body established to ensure the accountability of An Garda Síochána. One participant asked the question “where does the circle stop? – They police the police – who police GSOC?” (Participant 30). This is an interesting point. In a world of increased accountability and public scrutiny, proper accountability mechanisms need to be in place. This is also true for GSOC. GSOC was created to increase public confidence in the accountability of An Garda Síochána, but no such measures were put in place to increase the confidence of Garda members or the public in the accountability of GSOC. As stated by participants, accountability measures need to be put in place for GSOC to appear more legitimate. These measures will be discussed later.
5.4 Procedural Justice

Procedural justice is a concept that has grown in popularity over time. The principles are basic, namely fairness and trustworthiness (Tyler, 2011). As recently as September 2014 US Attorney General, Eric Holder, promoted the principles of procedural justice as a way forward in improving the relationship between the community and the police. This followed the shooting of an unarmed black man by a white police officer in Ferguson, Missouri in August 2014 (Hamilton, 2014). Holder suggested that police needed to “enhance procedural justice” (Hamilton, 2014: 1). Hough (2006) argues that ensuring adherence to procedural justice helps to secure and improve police and justice officials.

When asked to comment on the levels of procedural justice operated within An Garda Síochána and GSOC, there were obvious differences of perception. While 43 percent felt An Garda Síochána operated within the principles, only ten percent felt that GSOC did. The finding in relation to GSOC is worrying given that the perception of procedural justice has a direct influence on the legitimacy of justice organisations.

The results received from participants in relation to the operation of GSOC also serve to highlight concerns among participants, whether actual or perceived, about how procedurally just the organisation is. Seventy five percent of participants felt GSOC investigations were not conducted in a fair manner and 53 percent felt GSOC officials were not trustworthy. Seventy one percent felt GSOC would not deal with complaints impartially. An SPSS analysis of these perceptions showed no significant correlations with rank or service. Participants that had been subject to a formal complaint were slightly more likely to find GSOC officials untrustworthy, however, the difference was not deemed statistically significant. The results show that fairness, trustworthiness and impartiality of GSOC officials are a concern for participants.

These results compare unfavourably with surveys carried out by the PONI. In 2012 92-98 percent of officers surveyed felt that PONI staff were polite, patient, professional, impartial and knowledgeable. A further 83 percent felt they were treated fairly by PONI staff, while seventy nine percent felt that PONI would deal impartially with complaints. These figures show that, by comparison with PONI, GSOC has some
ground to make up in relation to how it operates, and how it is perceived to operate. PONI has been in operation twice as long as GSOC and has had longer to establish itself, however, the police satisfaction surveys carried out by PONI have yielded broadly similar results for the last five years (PONI, 2013).

5.5 Garda Síochána Ombudsman Commission

There is some difference evident in the results when it comes to whether or not participants welcomed the establishment of GSOC. At the beginning of the survey 40 percent stated that they welcomed the establishment of GSOC prior to it becoming operational, while 19 percent did not. Later in the survey when asked, 68 percent indicated they welcomed GSOC to some extent, while 32 percent indicated they did not. The questions were worded differently and the second question also asked about participant’s expectations, but both asked participants if they welcomed GSOC. It is believed that the difference in results may have been as a result of participants focusing on the topics being explored in the survey and making a more considered response later in the survey. As the change in opinion was proportionate to the initial answers given, it is not believed that the survey itself influenced participants in either a positive or negative way.

GSOC was established under the Garda Síochána Act 2005 following a number of high profile enquiries, chiefly the Morris Tribunal into Garda misconduct in Donegal (Government of Ireland, 2008). The main aims of establishing GSOC were, firstly to establish an efficient, effective, independent system of complaint for An Garda Síochána, and secondly ‘to promote confidence in that system’ (GSOC, 2007: 5). On an information video on GSOC website, the commission Chairman also highlights the commission’s aim of gaining confidence from members of An Garda Síochána (www.gardaombudsman.ie). It is evident from the survey findings that participants do not believe GSOC has met these goals. A survey of members of the public may yield different results. Seventy five percent of participants believe that GSOC has not helped An Garda Síochána regain public trust. Eighty eight percent of participants believe that as a result of GSOC people have less respect for An Garda Síochána, while 85 percent believe people are less likely to obey Garda actions and decisions.
As mentioned earlier participants perceptions may also have been influenced by recent wider reforms in the policing environment.

5.6 Garda Síochána Ombudsman Commission and the Media

Over recent years, and specifically over recent months, GSOC has been quite prominent in the media. It has raised issues in relation to difficulties getting cooperation from An Garda Síochána and has investigated a number of high profile cases. How organisations such as GSOC and An Garda Síochána engage with the media effects how the organisations are viewed by the general public and how they are perceived by those directly affected by them.

When asked how they perceived GSOC engaged with the media, 81 percent felt GSOC engaged in a manner detrimental to An Garda Síochána, while 76 percent felt they did so in a biased manner. Examining the wider results, participants perceive GSOC engagement with the media as unfairly prejudiced against An Garda Síochána. Eighty nine percent felt that GSOC engagement with the media did not encourage trust among Garda members, and 81 percent felt it did not engage in a fair and transparent manner. Eighty three percent felt that recent public disagreements between GSOC and An Garda Síochána damaged the public image of the force. The issue of media engagement was highlighted by a number of participants.

Reiner notes that ‘the process of legitimating could never be effective if the media were seen as mere propaganda factories” (2010: 179). Indications from the survey participants suggest that GSOC engages with the media in a manner designed to promote or justify itself, even if this is to the detriment of An Garda Síochána. As long as GSOC are seen to operate with a perceived ‘anti-Garda ‘ agenda by members of the force, it is going to find it extremely difficult to get accepted as legitimate, and not just by members of An Garda Síochána. Perhaps future research or future questions in GSOC’S public attitudes surveys could gain the opinion of members of the public in relation to GSOC’s engagement with the media. One participant noted that ‘GSOC should be less focused on media releases whereby they try to justify their existence” (Participant 55). It can be argued that the concept of GSOC and public investigations is relatively new to An Garda Síochána and as such underlying negative
perceptions may still exist among Garda members. However it must also be acknowledged that 68 percent of participants stated they initially did welcome GSOC to some extent and it appears this initial welcome has been negatively affected by how GSOC operates.

5.7 Participants Recommendations for change

The question about changes necessary to modify or improve GSOC was one which provided the only unanimous result of the survey. All participants felt that more transparency was required in the complaint process. This suggestion was echoed in other questions throughout the survey. Participants felt that greater transparency needs to exist, both in the complaints process and in the wider operation of GSOC. Suggestions for more increased transparency included disclosure of complainant’s identity and a clear independent avenue to complain about, or appeal, GSOC investigations and decisions.

A number of proposals were put to participants, with the disclosure of complaints identity (96 percent) and greater prosecution of vexatious and frivolous complaints (95 percent) proving to be the two most popular responses. The identity of a complainant is not disclosed to members of An Garda Síochána until GSOC have decided to undertake a formal investigation in the matter. Also when complaints are deemed inadmissible, members of An Garda Síochána are notified of this fact but not the details of the complaint or complainant. This has caused concern among some participants. Participants recommended that complaint and complainant details be disclosed to Gardaí on receipt of same.

The prosecution of vexatious and frivolous complaints was also suggested by multiple participants. Perhaps participants feel that the active prosecution of these vexatious or frivolous complaints will deter future complaints of a similar nature. Applying the rational actor theory to the scenario, a complainant might reconsider lodging a vexatious or frivolous complaint if they thought there was a higher probability that they would be prosecuted for it.
As mentioned above the issue of GSOC and the media was also highlighted by participants. One participant put it simply stating ‘the media coverage could be handled better’ (Participant 14). Participants recommended that GSOC conduct media interactions in a more fair, unbiased and impartial manner. Participants also felt GSOC was too eager to seek media attention.

5.8 Research Conclusions

The primary research question in this study was to establish how the operation of GSOC is perceived by front line members of An Garda Síochána, of Garda and Sergeant rank. Participants were asked how they perceived the effect of GSOC on police accountability and the legitimacy of An Garda Síochána. Participants were further asked if they perceived that GSOC operates along the principles of procedural justice. Given the scope of this research, the use of a survey in this study ensured that as broad a sample population as possible was canvassed. A detailed survey was disseminated and the results received were interesting and definite.

The survey findings highlight some significant concerns surrounding the perception of frontline members of An Garda Síochána of the operation of GSOC. Participants have expressed a significant dearth of confidence in the legitimacy and accountability of GSOC, and also in how GSOC carries out its investigations. This lack of confidence seems to have been perpetuated by how participants perceive GSOC engages with the media. The resultant lack of confidence in these areas has also been shown to detrimentally affect the relationship between GSOC and An Garda Síochána. The study has served to highlight many negative perceptions among Gardaí towards GSOC. While some negativity in a relationship of this nature is expected, the level evident is concerning. If it is to succeed, it is clear that GSOC needs to take steps to help improve its relationship with An Garda Síochána. How GSOC achieves this is open to debate.

If the legitimacy of GSOC is maintained at such a low level it can never fully expect to gain the widespread acceptance and confidence of members of An Garda Síochána. At a time when the functions and powers of GSOC are being re-examined, perhaps GSOC should avail of the opportunity to access how it is perceived by members of
An Garda Síochána, as well as other stakeholders in the police complaints process, and consider ways in which it can promote confidence in its operation.

5.9 Recommendations

5.9.1 Recommendations for Reform of Practice and Procedures

In the area of reform to practice and procedures, some recommendations can be drawn from the survey results which would serve to address the concerns of frontline members of An Garda Síochána. While these recommendations primarily come from the survey participants, they are also considered appropriate and best practice in terms of legitimacy, accountability and procedural justice (Beetham, 1991; Goldsmith, 2005; Tyler, 2011).

Consideration should be given to the accountability of GSOC. At the moment there is no obvious complaint mechanism available for members of An Garda Síochána or members of the public to complain about the manner of a GSOC investigation or the conduct of GSOC officials. Since GSOC was established to ensure the accountability of An Garda Síochána it is only appropriate that GSOC be subject to similar standards of accountability. A clear complaints process should be established and an avenue open for independent adjudication of complaints. Perhaps this role could be considered for the proposed new Policing Authority currently being formulated by government. (Department of Justice and Equality, 2014).

It is further recommended that GSOC review its practice and procedures in relation to a number of areas of concern among Garda members. The main areas of concern highlighted were Garda members initially not knowing that a complaint is being investigated and by whom a complaint is made, the lack of prosecution of complaints of a vexatious and frivolous manner, and a perceived bias and lack of impartiality in how GSOC engages with the media.

A review of these practices and procedures may highlight a need for change in how GSOC operates, or if change is not warranted perhaps GSOC needs to be clearer
about the rationale for its policies and better explain their purpose to all stakeholders, not just members of An Garda Síochána.

5.9.2 Recommendations for Future Research

This study has focused solely on the perceptions of frontline members of An Garda Síochána. There is little research carried out on the police complaints mechanisms since GSOC was established. The available research to-date has been in the form of GSOC Public Attitudes Surveys (GSOC, 2008) and Annual Reports. The surveys conducted are brief and do not cater for in-depth opinion on the operation of GSOC. The police complaints process in Ireland has traditionally not attracted much research attention. There is therefore much more scope for further study in this area.

It is recommended that a wider study be carried out among members of An Garda Síochána of all ranks to assess perceptions of GSOC on a wider and larger basis. A study of this nature would show any differences of opinion between frontline members and managerial Gardaí.

It is also recommended that a similar study be carried out among other stakeholders in the police complaints process, namely GSOC officials and members of the public. A study of this type would allow for further input into the operation of GSOC, and also into the operation of An Garda Síochána.
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APPENDIX A:
Research Survey and Information Sheet

Survey Participant Information Sheet

‘Policing the Police: How is the operation of the Garda Síochána Ombudsman Commission perceived by front line members of An Garda Síochána?’

Dear Participant,

I am a student at Dublin Institute of Technology undertaking a Masters of Arts in Criminology programme. As part of that programme I am conducting research into how the operation of the Garda Síochána Ombudsman Commission is perceived by front line members of An Garda Síochána. I am also a member of An Garda Síochána stationed at Santry Garda Station. I am conducting this research entirely in my private capacity.

This study aims to find out how the operation of Garda Síochána Ombudsman Commission is being perceived by front line members of An Garda Síochána by obtaining the views of Gardaí in the areas of accountability, legitimacy & procedural justice. This is the first time members of An Garda Síochána have been surveyed on their opinions and perceptions of the Garda Síochána Ombudsman Commission. It is important that frontline Garda members be given a voice in this area. The success of this survey and study is dependent on participants taking the time to share their opinions and experience in this area. Your participation in this survey is much appreciated.

Participants are systematically selected in order to obtain proportionate and representative results. Participants are selected from the DMR North Division in terms of gender, service length and geographical distribution. The selection of participants is aimed to reflect the wider gender and service length ratios in An Garda Síochána. The results of the survey will not represent all members of An Garda Síochána

No personal details are required from you and all information collected will be completely anonymous. Participation is completely voluntary. All data collected will be stored securely and confidentiality is guaranteed. The survey is divided into a number of sections and should take no longer than 25 minutes to complete.
Completed surveys can be returned in the attached envelope to Noel Barry, C/O Santry Garda Station, Dublin 9.

Should you have any queries or concerns the researcher or research supervisor can be contacted as follows:

- Researcher: Noel Barry  
  Tel:  xxx xxxxxxx
- Supervisor: Dr. Nicola Hughes  
  Tel:  xxxxxxxxxx  
  Email: xxxxxxxxxxxxx

Thank you in advance for your participation,

Regards,

Noel Barry.
SURVEY

‘Policing the Police: How is the operation of the Garda Síochána Ombudsman Commission perceived by front line members of An Garda Síochána?’

Please complete as much of attached survey as possible.

<table>
<thead>
<tr>
<th>Section 1: Background Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.  Gender: ☐ Male ☐ Female</td>
</tr>
<tr>
<td>2.  Rank: ☐ Garda ☐ Sergeant</td>
</tr>
<tr>
<td>3.  Years Service in An Garda Síochána:</td>
</tr>
<tr>
<td>☐ 1-7yrs ☐ 8-14yrs ☐ 15-21yrs ☐ 22-28yrs ☐ 29+ yrs</td>
</tr>
<tr>
<td>4.  How would you describe the area (District) where you currently police?</td>
</tr>
<tr>
<td>☐ Urban ☐ Rural ☐ Mixed Rural/Urban</td>
</tr>
<tr>
<td>5.  Have you previous experience of policing in any of the following areas:</td>
</tr>
<tr>
<td>[Tick all that apply]:</td>
</tr>
<tr>
<td>☐ Urban ☐ Rural ☐ Mixed Rural/Urban ☐ N/A</td>
</tr>
<tr>
<td>6.  Have you ever been subject of a formal complaint?</td>
</tr>
<tr>
<td>☐ Yes ☐ No ☐ Don’t Know</td>
</tr>
<tr>
<td>7.  If you answered No to Q.6 please go to Q.8. If you answered Yes to Q.6; has that complaint been dealt with by?</td>
</tr>
<tr>
<td>☐ Garda Síochána Complaints Board ☐ Garda Síochána Ombudsman Commission</td>
</tr>
<tr>
<td>☐ Other (Please Specify): _____________________________</td>
</tr>
</tbody>
</table>
8. Prior to it becoming operational in 2007 how did you perceive the establishment of Garda Síochána Ombudsman Commission?

☐ Welcomed the establishment of Garda Síochána Ombudsman Commission

☐ Did not welcome the establishment of Garda Síochána Ombudsman Commission

☐ No Opinion

8a. In relation to Q.8, why did you feel this way about the establishment of the Garda Síochána Ombudsman Commission? [Please outline below]

Section 2: Legitimacy

Definition: ‘A legitimate police force demonstrates to citizens why its access to and exercise of power is rightful, and why those subject to its power have a corresponding duty to obey’ (Tyler, 2006, 1).

9. According to the definition above how would you describe the level of legitimacy of An Garda Síochána at present?

☐ Very Strong  ☐ Strong  ☐ Neither strong nor weak  ☐ Weak  ☐ Very Weak

☐ Don’t Know / No Opinion

10. According to the definition above how would you describe the level of legitimacy of An Garda Síochána when you joined An Garda Síochána?

☐ Very Strong  ☐ Strong  ☐ Neither strong nor weak  ☐ Weak  ☐ Very Weak

☐ Don’t Know / No Opinion
11. Do you think that the establishment of Garda Síochána Ombudsman Commission has:

☐ Improved Garda Legitimacy    ☐ Reduced Garda Legitimacy
☐ Had no impact on Garda legitimacy    ☐ Don’t Know / No Opinion

11a. In relation to Q.11 why do you think the establishment of Garda Síochána Ombudsman Commission has affected Garda legitimacy in this way? [Please outline below]

12. Do you think that the establishment of the Garda Síochána Ombudsman Commission has affected Garda Legitimacy in any of the following ways? [Tick as many as apply]

☐ People are more likely to question the legitimacy of Garda actions/decisions
☐ People are less likely to question the legitimacy of Garda actions/decisions

☐ People are more likely to obey Garda actions/decisions
☐ People are less likely to obey Garda actions/decisions

☐ People have more respect for An Garda Síochána
☐ People have less respect for An Garda Síochána

☐ Don’t know / No Opinion
13. As a Garda how would you perceive the legitimacy of the Garda Síochána Ombudsman Commission to investigate a complaint against you?

☐ Very Strong ☐ Strong ☐ Neither strong nor weak ☐ Weak ☐ Very Weak

☐ Don’t Know / No Opinion

Section 3: Accountability

DEFINITION: “Accountability is defined as a system of internal and external checks and balances aimed at ensuring that police carry out their duties properly and are held responsible if they fail to do so. Such a system is meant to uphold police integrity and deter misconduct and to restore or enhance public confidence in policing” (UNODC, 2011, 1)

14. According to the definition above how would you describe the level of accountability of An Garda Síochána at present?

☐ Very Strong ☐ Strong ☐ Neither strong nor weak ☐ Weak ☐ Very Weak

☐ Don’t Know / No Opinion

15. According to the definition above how would you describe the level of accountability of An Garda Síochána under the former Garda Síochána Complaints Board?

☐ Very Strong ☐ Strong ☐ Neither strong nor weak ☐ Weak ☐ Very Weak

☐ Don’t Know / No Opinion

16. Do you think that the establishment of Garda Síochána Ombudsman Commission has:

☐ Improved Garda Accountability ☐ Reduced Garda Accountability

☐ Had no impact on Garda Accountability ☐ Don’t Know / No Opinion
16a. In relation to Q.16 why do you think the establishment of Garda Síochána Ombudsman Commission has affected Garda accountability in this way? [Please outline below]

17. Do you think that the establishment of Garda Síochána Ombudsman Commission has affected Garda Accountability in any of the following ways? [Tick as many as apply]:

☐ Made An Garda Síochána too accountable
☐ Reduced the effectiveness of An Garda Síochána to police
☐ Increased public support for An Garda Síochána
☐ Reduced public support for An Garda Síochána
☐ Increased the likelihood of public cooperation with An Garda Síochána
☐ Reduced Garda Malpractice
☐ Other (Please Specify): ___________________________________________

17a. In relation to Q.17 why do you think the establishment of Garda Síochána Ombudsman Commission has affected Garda accountability in this/these way(s)? [Please outline below]
18. Do you think that Garda Síochána Ombudsman Commission as an investigative body is accountable?

☐ Yes   ☐ No   ☐ Don’t know / No Opinion

19. Do you think that Garda Síochána Ombudsman Commission should be more or less accountable?

☐ More Accountable  ☐ Less Accountable  ☐ Is sufficiently Accountable  
☐ Don’t Know / No Opinion

19a. In relation to Q.19 why do you think the Garda Síochána Ombudsman Commission should be more or less accountable? [Please outline below]

20. How do you feel that the accountability of Garda Síochána Ombudsman Commission could be improved? [Tick as many as apply]:

☐ It does not need improvement

☐ Decisions and investigations should be open to appeal by Garda members

☐ GSOC should be held accountable to an independent board/body

☐ An independent complaints procedure regarding GSOC officials should be established

☐ Other (Please Specify): ___________________________________________
### Section 4: Procedural Justice

**DEFINITION:** Procedural justice argues that the “legitimacy of justice officials like judges and police officers is best enhanced through practices that maximize fairness and trustworthiness” (Herbert, 2006, 497).

<table>
<thead>
<tr>
<th>Question</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>21. Do you agree with the brief definition of procedural justice as outlined above?</td>
<td>Yes</td>
</tr>
<tr>
<td>22. Have you previously been aware of the concept/principles of procedural justice?</td>
<td>Yes</td>
</tr>
<tr>
<td>23. Would you agree that An Garda Síochána operates within the principles of procedural justice as outlined above?</td>
<td>Yes</td>
</tr>
<tr>
<td>24. Would you agree that Garda Síochána Ombudsman Commission operates within the principles of procedural justice as outlined above?</td>
<td>Yes</td>
</tr>
<tr>
<td>25. Please state if you would Agree or Disagree with the following statements:</td>
<td></td>
</tr>
<tr>
<td>➢ GSOC investigations are conducted in a fair manner</td>
<td>Strongly Agree</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
</tr>
<tr>
<td>➢ GSOC officials are trustworthy</td>
<td>Strongly Agree</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
</tr>
</tbody>
</table>
➢ GSOC investigations are conducted promptly

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know

➢ GSOC investigations are impartial

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know

➢ GSOC investigations are proportionate to the complaint made

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know

26. Are your answers to Q.24 and Q.25 based on:

☐ Personal experience  ☐ Experiences/Accounts of others  ☐ Both

Section 5: Garda Síochána Ombudsman Commission

27. Please read the following statements and select one answer:

☐ I did not welcome the establishment of GSOC and my concerns have been vindicated

☐ I did not welcome the establishment of GSOC but my concerns have not been vindicated

☐ I welcomed the establishment of GSOC and it has matched my expectations

☐ I welcomed the establishment of GSOC and it has exceeded my expectations

☐ I welcomed the establishment of GSOC but it has not matched my expectations
28. Has the establishment of the Garda Síochána Ombudsman Commission:

[Tick as many as apply]

- Made you feel more accountable
  
  - □ Strongly Agree  □ Agree  □ Neither agree nor disagree
  - □ Disagree  □ Strongly Disagree  □ Don’t Know

- Changed how you deal with people
  
  - □ Strongly Agree  □ Agree  □ Neither agree nor disagree
  - □ Disagree  □ Strongly Disagree  □ Don’t Know

- Made you more confident of fair treatment in event of complaint
  
  - □ Strongly Agree  □ Agree  □ Neither agree nor disagree
  - □ Disagree  □ Strongly Disagree  □ Don’t Know

- Left you at greater risk of false complaints
  
  - □ Strongly Agree  □ Agree  □ Neither agree nor disagree
  - □ Disagree  □ Strongly Disagree  □ Don’t Know

- Helped the Gardaí regain public trust
  
  - □ Strongly Agree  □ Agree  □ Neither agree nor disagree
  - □ Disagree  □ Strongly Disagree  □ Don’t Know

- Other (Please Specify):


85
29. Would the prospect of receiving a complaint affect how you perform your duty?
   ☐ Yes ☐ No ☐ Maybe ☐ Don’t Know / No Opinion

30. Do you think that the current complaint procedure is open to abuse and vindictive complaints by criminals/members of the public?
   ☐ Yes ☐ No ☐ Maybe ☐ Don’t Know

31. Do you think that the current complaint procedure is open to abuse by criminals/members of the public to frustrate Garda investigations?
   ☐ Yes ☐ No ☐ Maybe ☐ Don’t Know / No Opinion

32. Did you welcome the establishment of the Police Ombudsman of Northern Ireland in 2000?
   ☐ Yes ☐ No ☐ Don’t Know / No Opinion

33. How do you think the Garda Síochána Ombudsman Commission compares with the Police Ombudsman of Northern Ireland?
   ☐ More favourably ☐ Less favourably ☐ Both the same ☐ Don’t Know / No Opinion

34. Recent disagreements between An Garda Síochána and Garda Síochána Ombudsman Commission have been widely covered in the media. Do you perceive this media coverage as having:

   ➢ Damaged the public image of An Garda Síochána
   ☐ Strongly Agree ☐ Agree ☐ Neither agree nor disagree
   ☐ Disagree ☐ Strongly Disagree ☐ Don’t Know/ No Opinion
Damaged the public image of GSOC

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

Damaged the legitimacy of An Garda Síochána

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

Damaged the legitimacy of GSOC

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

35. Do you feel that Garda Síochána Ombudsman Commission engages with the media:

☐ In a fair and transparent manner

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

☐ In a manner detrimental to An Garda Síochána

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

☐ In a biased manner

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion
In a manner which reinforces its impartiality

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

In a manner which encourages trust among Garda Members

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

36. Recently Garda Síochána Ombudsman Commission was given extra powers. Below is a list of the main changes. Please indicate if you agree or disagree with the following changes:

Power to investigate the Garda Commissioner

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

Power to electronically Bug Garda members

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

Access PULSE

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know

Investigate Garda Practice and Procedure

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know
37. What changes, if any, do you think are necessary in order to improve/modify the Garda Síochána Ombudsman Commission: [Tick as many as apply]

- More transparency in complaints process
  - Yes
  - No
  - Don’t Know / No Opinion

-Disclosure of complainant identity on receipt of complaint
  - Yes
  - No
  - Don’t Know / No Opinion

- Minor complaints to be dealt with by Gardaí
  - Yes
  - No
  - Don’t Know / No Opinion

- All complaints to be dealt with by Garda Síochána Ombudsman Commission
  - Yes
  - No
  - Don’t Know / No Opinion

- Greater prosecution of vexatious and frivolous complaints
  - Yes
  - No
  - Don’t Know / No Opinion

- Give greater powers to Garda Síochána Ombudsman Commission
  - Yes
  - No
  - Don’t Know / No Opinion

- Remove need for investigation of off-duty Gardaí acting in a personal capacity
  - Yes
  - No
  - Don’t Know / No Opinion

- Other (Please Specify below):
38.  Do you think the Garda Síochána Ombudsman Commission conduct the investigation of complaints in a fair manner?

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

38a.  In relation to Q.38 why do you think this? [Please outline below]

39.  Do you think the prosecution of criminal cases against Garda members by the Garda Síochána Ombudsman Commission is conducted in a fair manner?

☐ Strongly Agree  ☐ Agree  ☐ Neither agree nor disagree
☐ Disagree  ☐ Strongly Disagree  ☐ Don’t Know / No Opinion

39a.  In relation to Q.39 why do you think this? [Please outline below]
40. Do you think that An Garda Síochána is over-policed?

☐ Yes ☐ No ☐ Don’t Know / No Opinion

40a. In relation to Q.40 why do you think An Garda Síochána is or is not over-policed?

[Please outline below]

41. Is there any suggestions/recommendations you can make to improve the operation of Garda Síochána Ombudsman Commission?

Thank you for taking the time to complete this survey.
APPENDIX B:
PONI Police Officer Satisfaction Survey

POLICE OFFICER SATISFACTION FORM

A Police Ombudsman investigation arising from a complaint by a member of the public (or non-complaint referral), in which you were identified as a member concerned, has recently been closed by this Office. We are now interested in how well you consider this Office dealt with the matter and would be grateful if you would take a few minutes to complete and return the form.

1. DID YOU SPEAK TO AN INVESTIGATING OFFICER FROM THIS OFFICE?
   Yes (Please go to Question 2)  No (Please go to Question 3)

2a. WHEN YOU SPOKE TO THE INVESTIGATING OFFICER FROM THIS OFFICE DID YOU FIND THE OFFICER:
   Please tick the appropriate box.
   Polite?
   Knowledgeable?
   Patient?
   Acted impartially?
   Acted professionally?

2b. DID YOU FIND THE INVESTIGATING OFFICER:
   Not interested?
   Rude?
   Was in a rush?

3. OVERALL, DO YOU THINK YOU WERE TREATED FAIRLY BY THIS OFFICE?
   Yes (Please go to Question 5)  No (Please go to Question 4)

4. IF YOU THINK YOU WERE NOT TREATED FAIRLY BY THIS OFFICE PLEASE SAY IN WHAT WAY YOU WERE TREATED UNFAIRLY

PLEASE TURN OVER

police
ombudsman
FOR NORTHERN IRELAND
5. HOW SATISFIED OR DISSATISFIED WERE YOU WITH EACH OF THE FOLLOWING ASPECTS?

Please tick the appropriate box on each row.

<table>
<thead>
<tr>
<th>Aspect</th>
<th>VERY SATISFIED</th>
<th>NEITHER SATISFIED</th>
<th>NOT SATISFIED</th>
<th>VERY DISSATISFIED</th>
<th>NOT APPLICABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The explanation of the process given to you</td>
<td></td>
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<tr>
<td>The frequency with which you were updated</td>
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<tr>
<td>The manner in which you were received if you visited the Office of the Police Ombudsman</td>
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<tr>
<td>The manner you were dealt with during interview</td>
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<tr>
<td>The time it took to investigate</td>
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<tr>
<td>The outcome of the investigation</td>
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<tr>
<td>The quality of documentation received</td>
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</tbody>
</table>

6. TAKING EVERYTHING INTO ACCOUNT

Please tick the appropriate box.

<table>
<thead>
<tr>
<th>How satisfied or dissatisfied were you with the overall service you received from the Office of the Police Ombudsman?</th>
<th>VERY SATISFIED</th>
<th>NEITHER SATISFIED</th>
<th>NOT SATISFIED</th>
<th>VERY DISSATISFIED</th>
<th>NOT APPLICABLE</th>
</tr>
</thead>
</table>

7. HOW CONFIDENT ARE YOU THAT THE POLICE OMBUDSMAN DEALS WITH COMPLAINTS AGAINST THE POLICE IN AN IMPARTIAL WAY?

Please tick the appropriate box.

<table>
<thead>
<tr>
<th>Very Confident</th>
<th>Slightly Confident</th>
<th>Not Very Confident</th>
<th>Not at All Confident</th>
</tr>
</thead>
</table>

8. DO YOU FEEL THE POLICE COMPLAINTS SYSTEM MAKES THE POLICE MORE ACCOUNTABLE?

Please tick the appropriate box.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

9. IN YOUR OPINION ARE THERE ANY MEASURES THE OFFICE OF THE POLICE OMBUDSMAN COULD TAKE TO IMPROVE ITS SERVICE TO POLICE OFFICERS?

The information contained in this form is strictly confidential and will not be attributed to any individual. It will be used solely for statistical purposes and to contribute to improving the service provided.
Appendix C:
IPCA Police Officer Satisfaction Survey

Hello, may I speak with XXXX

RESPONSE
My name is xxx, I'm calling from the Independent Police Conduct Authority. How are you doing today?

RESPONSE
The Authority recently completed its investigation into XXXX. We would like to ask you a few questions about the service you received. Your participation is entirely voluntary but it would be really helpful if we could get your feedback. Is that okay?

IF YES — PROCEED:
Thanks very much. There are only a few questions so this shouldn't take much of your time. Is now a good time to talk or would you like me to call back at a more convenient time?

IF OK — PROCEED:
We want to know about your views of the Authority rather than the Police. Your answers will be anonymous, and the people in the Authority who handled your case will not be told what you have said.

The first five questions relate to your contact with the staff of the Authority. So on a scale of one to five where one is very unsatisfied and five is very satisfied, how satisfied were you that -
<table>
<thead>
<tr>
<th>Statement</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. You were listened to and taken seriously</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>2. They were easy to understand</td>
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<td>3. They were professional</td>
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<td>4. They were polite</td>
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<td>5. They were impartial</td>
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</tbody>
</table>

Thank you for that. The next six questions relate to your satisfaction with the Authority’s investigation process, so with the same scale (one is very unsatisfied and five is very satisfied), how satisfied were you with:

<table>
<thead>
<tr>
<th>Question</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. How clearly the Authority’s investigation process was explained to you</td>
<td></td>
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<tr>
<td>7. The time it took to complete the investigation</td>
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<td>8. How clear the findings in the Authority’s report were</td>
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<td>9. The fairness of the Authority’s handling of this matter</td>
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<td>10. If you think the Authority handled it unfairly, please say how:</td>
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</table>

The last question is –

11. In your opinion are there any steps the Authority could take to improve its processes for Police officers?

So that’s the end of the survey, thank you very much for your time. Have a good day.
Appendix D:
GSOC Customer Satisfaction Survey

GARDA OMBUDSMAN CUSTOMER SATISFACTION SURVEY

GSOC REF:

GSOC is asking all persons whose matter has been closed to answer the attached questions. This will help GSOC keep track of how it is doing in performing its role. There is no obligation on you to answer any or all of the questions but your assistance is appreciated. According to Data Protection guidelines, GSOC can only use the information for the stated purpose for which it was collected. Any information you provide is supplied in confidence to the Research team in GSOC. It will be destroyed by the Research team three months after submission of its annual report to the Minister for Justice on 31st March of each year.

Any information you provide will not identify you in any way in GSOC publications.

1. What did you expect would happen when you first heard of the complaint?
   (Tick one response)
   a) Complaint would not be upheld
   b) Complaint would be upheld but no sanction applied
   c) Complaint would be upheld and sanction would be applied
   d) Other
   e) Don’t Know

2. Please tick one response to each of the statements below

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Undecided</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information on the Garda Ombudsman was easy to find</td>
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<tr>
<td>I was promptly after the complaint was made</td>
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<tr>
<td>Correspondence received was always easy to understand</td>
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<tr>
<td>It was clearly explained to me what I could expect to happen at all stages up to closure of the complaint</td>
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<tr>
<td>The frequency of updates regarding progress of the complaint was appropriate</td>
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<tr>
<td>The content of updates regarding progress of the complaint was useful</td>
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</tbody>
</table>
3. Please select one response to each of the statements below by ticking the appropriate box.

Whenever I dealt with GSOC staff they:

<table>
<thead>
<tr>
<th></th>
<th>Always</th>
<th>Most times</th>
<th>Sometimes</th>
<th>Never</th>
<th>Had no contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>were polite</td>
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<tr>
<td>were knowledgeable</td>
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<tr>
<td>were interested</td>
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<tr>
<td>were patient</td>
<td></td>
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<tr>
<td>were easy to understand</td>
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<tr>
<td>were impartial</td>
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<tr>
<td>responded to messages left</td>
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<td>responded to requests made of them</td>
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<tr>
<td>were available by phone when I called</td>
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<td></td>
</tr>
</tbody>
</table>

4. Please circle a number on the scale for each of the statements below indicating...

<table>
<thead>
<tr>
<th>How the Garda Ombudsman treated me in the handling of the complaint</th>
<th>Fairly 1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>Unfairly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your impression of the amount of time spent dealing with the complaint</td>
<td>Too little 1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>Too much</td>
</tr>
</tbody>
</table>

5. Tick one response for the statement below

The Garda Ombudsman viewed the complaint

- more seriously than I did
- less seriously than I did
- about the same as I did

6. Please select a single response for each statement below

The complaint made to GSOC was investigated by a Garda Síochána investigator. I believe...

- having a garda rather than GSOC investigate the complaint was... acceptable unacceptable

- the conduct of the garda investigating the complaint was... acceptable unacceptable
7. What do you feel was achieved by this complaint being made?


8. Please indicate for each statement by marking an ‘X’ along the line...

<table>
<thead>
<tr>
<th>Statement</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>How much the complaint has altered how you conduct your work as a garda</td>
<td>(not at all) 0% 20% 40% 50% 60% 80% 100% (very)</td>
</tr>
<tr>
<td>How far the type of investigation conducted was proportionate to the</td>
<td>(not at all) 0% 20% 40% 50% 60% 80% 100% (very)</td>
</tr>
<tr>
<td>allegation(s) made</td>
<td></td>
</tr>
<tr>
<td>How satisfied you were overall with GSOC’s service</td>
<td>(not at all) 0% 20% 40% 50% 60% 80% 100% (very)</td>
</tr>
</tbody>
</table>

9. Please tick one response to the statement below.

The way in which the complaint was dealt with...

- exceeded my expectations [ ]
- met my expectations [ ]
- fell short of my expectations [ ]

10. Is there anything else that you would like to add about the way the Garda Ombudsman dealt with the complaint (e.g. staff, investigation, letters, website)?


THANK YOU FOR YOUR ASSISTANCE
Appendix E:  
Map of Dublin Metropolitan Northern Region

Map of Dublin Metropolitan Region showing six Garda Divisions

DMR North Divisional Headquarters: Ballymun Garda Station

‘H’ District: Ballymun  
Santry  
Dublin Airport

‘J’ District: Clontarf  
Raheny  
Howth

‘R’ District: Coolock  
Swords  
Malahide

‘Y’ District: Balbriggan  
Skerries  
Lusk  
Garristown
Appendix F:
Additional Figures from Findings

Figure 1: People more or less likely to question legitimacy of Garda actions/decisions

Figure 2: People more or less likely to obey Garda actions/decisions
Figure 3: People have more or less respect for An Garda Síochána

Figure 4: Do participants think that the current complaints procedure is open to abuse and vindictive complaints made by criminals or members of the public?
Figure 5: Do participants think that the current complaints procedure was open to abuse by criminals or members of the public to frustrate Garda investigations?
APPENDIX G:
Sample Additional Quotes re: Question 8(a)

Why did you feel this way about the establishment of the Garda Síochána Ombudsman Commission?

A naïve view that it would not affect the majority of Gardaí who conduct and carry out their duties to the best of their abilities

If I got a complaint I would like to be cleared by an independent body so the public could not say it was a biased decision

Need for transparency, impartiality and to improve public perception

It has been an option for many to express their negative attitudes towards Gardaí and it has been there as a scare tactic to try and prevent members doing their job effectively

It would provide impartial investigations into allegations of improper conduct by members of AGS

Believed it would lead to a reduction in number of false complaints being made as the GSOC would prosecute more people making false complaints

It was independent body that would investigate complaints in a fair and impartial manner

Less chance of public complaining of Gardaí covering up indiscipline and sweeping incidents under the carpet

There was already a board in place that was familiar with the day to day working of Gardaí

Gardaí may not be aware they are being investigated. Even after traumatic incidents Gardaí are subject to investigation where it is obvious they are not at fault. One law for civilians and another for Gardaí

I have no problem with it. If Guards do something wrong it will be found out. Takes a long time to find out what is actually going on with it

I thought it would be unbiased and impartial

No fairness. Parts of the Garda Síochána Act could be viewed as unconstitutional. No appeal or complaints process

There needed to be an independent group to investigate Gardaí in the interest of fairness

Police investigating police is not publicly perceived as being fair
APPENDIX H:
Sample Additional Quotes re: Question 11(a)

Why do you think the establishment of Garda Síochána Ombudsman Commission has affected Garda legitimacy in this way?

*Provides a platform to question all Garda action. Negatively impacts public opinion of Garda authority to police state*

*Because complaints are being made left, right and centre and the Ombudsman’s office seems to be entertaining them all. Notifying Gardaí of complaints which are completely false but not following up with false allegation charges when it’s found to be false*

*Improved accountability. High profile prosecutions of Gardaí*

*I feel it has made members so cautious to carry out their duties to their full ability as there is a huge fear of complaints being lodged which for many has led to serious consequences, and it shows there is a doubt created. Many complaints are valid but once GSOC is mentioned to be investigating there is a presumption of malpractice*

*I believe Gardaí (majority) conduct themselves in a professional manner and should carry out duties without fear of prosecution once they are seen to have made decisions with due regard for all the circumstances and individuals involved in any particular incident*

*People do not appear to have any fear of Gardaí if they disobey/assault/abuse them because they can then resort to making malicious complaints against Gardaí*

*Simply puts fear into members that if they act unlawfully there is a good chance they will be punished for their actions*

*Their investigations are not fair and impartial*

*The accountability introduced by Ombudsman has diminished the use of common sense such as informal cautions and giving someone a stern talking to*

*Gardaí are more accountable, but are in fear of complaints hence cant carry out their work to the full extent*

*It appears to members that there is a higher level of accountability for serving members than ordinary workers etc. This has affected member’s willingness to perform regular duties as well as extra duties*

*Most Gardaí I come across have no dealings with GSOC and therefore it doesn’t affect us*

*GSOC seem to be doing just about anything to discredit the Gardaí. They try to sensationalise events to gain publicity for themselves. They should not be allowed to appear in papers or media before an investigation is complete*
APPENDIX I:
Sample Additional Quotes re: Question 16(a)

Why do you think the establishment of Garda Síochána Ombudsman Commission has affected Garda accountability in this way?

Since its introduction (GSOC) Garda policy and procedures have been overhauled to increase Garda accountability. Procedures surrounding reporting/investigation of incidents have increased ten fold. These changes in policy and procedures, however positive, have a negative affect on practical policing. Over-accountability for even minor actions/interactions

Because you really have to go lightly on everything because they will make a complaint. Even though you’re in the right it’s just not worth the hassle of a complaint which goes on for months

Public more likely to hold Gardaí accountable/complain (rightly or wrongly)

Any decision taken requires accountability but I find it has gone to an extreme level which is not practicable to carry out duties fully and without fear, e.g. the paper trial involved in using pepper spray means members would sooner not use it then have to be bother accounting so much for why they did use it

The attitude of GSOC seems to be that all Gardaí are corrupt and guilty, and seem to treat Gardaí as such in any dealings they have

Use of force policy has changed. Members can be now held responsible for colleague’s actions if they fail to prevent such members using excessive force

Members are still not held accountable for non-investigation of incidents, neglect of duty, laziness

Gardaí have to stand over the decisions they have made and actions and justify their decisions

Garda members are likely to think ahead to anticipate problems before taking/not taking action. If the minimum procedures are followed then An Garda Síochána management are happy

More accountable, but less likely to carry out their job to full extent

It has made members aware of repercussions for misconduct. It has eliminated or reduced questionable practices

People are more aware of the dos and don’ts in the job

A lot more things being investigated so Garda accountability is now a greater issue

Because Gardaí are more diligent doing the job right because if GSOC investigate something they will probably blow it up out of proportion
APPENDIX J:
Sample Additional Quotes re: Question 17(A)

Why do you think the establishment of Garda Síochána Ombudsman Commission has affected Garda accountability in this/these way(s)?

Gardaí fearful of using force however lawful for fear of prosecution. Less likely to make arrests when offences committed. Far too much time spent report writing and ticking boxes for the appearance of accountability, rather that for practical reasons

Because Guards are reluctant to do as much as before it’s just not worth the hassle. Every prisoner shouts and roars about the ‘Omnibusman’

It has become more about covering yourself rather than the investigation itself. The fact every complaint of a frivolous nature is investigated with no repercussions for the person making the false complaints

It has definitely reduced a lot of malpractice. It has also been at the opposite end of the spectrum where there is a huge fear created because of GSOC, which stops members from carrying out their work fully, but without abusing power

There is a deep mistrust of Gardaí and members of the public when rumours of misconduct are leaked to the media by GSOC which are unfounded and without basis. There is no trust between GSOC and Gardaí

Goal posts have moved. Members threatened by public about complaints being made. It is the duty of the nation’s citizens to uphold the law. It is the duty of the police force to enforce the law. Gardaí no longer in a position to provide robust police service in areas where it is required

It appears they are ineffective and incompetent to investigate Gardaí

It is highlighting minor issues and dramatizing them publicly and the level of negative publicity has turned the people against the Gardaí

Gardaí can spend more time accounting for their actions than actually tackling crime. Too much time spent on investigating false claims of Garda misconduct

Reduced powers of discretion and removed the opportunities to use cautions or stern talking to

Gardaí can’t carry out their duties fully

There are certain situations where a Garda’s opinion or common sense approach may provide a more beneficial outcome than adhering to the standard directions or guidelines

People will always have more confidence in a system that is policed by such an organisation as the GSOC
APPENDIX K:
Sample Additional Quotes re: Question 19(a)

Why do you think the Garda Síochána Ombudsman Commission should be more or less accountable?

They (GSOC) should be more accountable to an independent group. Their investigations need to show more transparency. If Gardaí are accountable for actions/inaction to GSOC, then who are GSOC accountable to for their actions/inactions, or abuse of power?

Where does the circle stop? – They police the police – who police GSOC?

After all they have the same power to investigate Gardaí that Gardaí have with regard to the public. Are Gardaí not entitled to the same safeguards?

They need to be accountable also as like all departments there are bad eggs there too. Referring to the GSOC bugging scandal is a clear example of how more monitoring would be necessary

In my opinion GSOC are not impartial. They started out with the wrong impression of Gardaí and they are not accountable for their own actions. It seems that they are a law unto themselves. In my opinion they are able to feed information to the media before facts have been established and they continually act outside their remit by trying to get involved in matters i.e. access to PULSE, Whistleblowers, etc.

Ombudsman investigations have used dirty tactics when investigating complaints. Not explained rights of Gardaí to them. Have not introduced themselves as investigators on occasions

The farce of the bugging allegations at their offices and the way they by-passed Alan Shatter and did not keep him informed of what was happening

They are not accountable and do not act when people make false claims of Gardaí abuse/malpractice

Their job is open to abuse and misconduct just as much as An Garda Síochána. Their decisions can and do have a major impact on the Gardaí and its personnel

Ombudsman should provide details of complainant and advise members on why action/no action is being taken

In relation to false claims

No accountability to Gardaí who also have rights

As far as I know they don’t have a high level of accountability similar to us

More accountability because of their responsibility to investigate complaints thoroughly
APPENDIX L:
Sample Additional Quotes re: Question 38(a)

Do you think the Garda Síochána Ombudsman Commission conduct the investigation of complaints in a fair manner? - Why do you think this?

Having experienced the process at first hand I felt that my character rather than my actions were challenged. Overwhelming feeling that I was being treated like an animal having done nothing wrong

Cork case taken by GSOC against Gardaí for using pepper spray

Apparent witch hunt in majority of cases. GSOC appear to seek out the prosecution of a Garda rather than conclude an investigation whatever the conclusion may be

As I have mentioned earlier, the GSOC came in with the notion that all Gardaí were corrupt and guilty and that has affected their ability to do their job. Also they seem to be under staffed and are unable to carry their investigations properly and promptly

Have been dishonest in the past not upfront with AGS member

They appear to have an agenda which is to discredit Gardaí

I believe they investigate a complaint in a manner that they try to prove the complaint made did take place instead of letting the facts speak for themselves

Not enough prosecution of false complaints. Not enough feedback/updates given to Gardaí

GSOC get great satisfaction of prosecuting members

Never been at the end of an investigation with GSOC that I know of

Gardaí guilty until proven innocent

Some GSOC members like to prosecute Gardaí and obtain satisfaction from it

Personal experience. Had a prisoner that GSOC tried to get to make a complaint whilst in holding cell in Bridewell

Feel that Gardaí are immediately treated as guilty rather than vice versa. Gardaí must prove their innocence rather that be proved guilty

No notice of complaint being made until GSOC say ‘no further investigation’ or called for enquiry

1. Gardaí do not know if they are being investigated, 2. Takes too long for complaints to be investigated, 3. Repeat complainants are always listened to, 4. Gardaí are guilty until proven innocent
APPENDIX M:
Sample Additional Quotes re: Question 39(a)

Do you think the prosecution of criminal cases against Garda members by the Garda Síochána Ombudsman Commission is conducted in a fair manner? Why do you think this?

Biased media coverage. Gardaí not afforded the same principles of rights given to criminals under investigation

Cork case taken by GSOC against Gardaí for using pepper spray

As stated above. Also I feel that when an investigation is completed and a file is sent to the DPP regarding Gardaí that the matter is immediately sent to the courts regardless of guilt. I find it hard to comprehend and I have to believe that this is as a result of GSOC

They should be held in camera until a person is convicted

I believe they investigate a complaint in a manner that they try to prove the complaint made did take place instead of letting the facts speak for themselves

It appears that members are subject to a higher level of discipline and scrutiny than members of the public

GSOC appear to be against Gardaí almost all of the time

I fell we are automatically guilty

In a number of cases were the accused not members of the Gardaí, I don’t feel that prosecutions would have been initiated

I believe they are only interested in a conviction so they can stand in front of the tv camera and say how great they are

More accountable than citizens in a private capacity

Most cases they have taken (criminally) against members have fallen due to their rush and urgency to convict Gardaí
APPENDIX N:
Sample Additional Quotes re: Question 40(a)

Why do you think An Garda Síochána is or is not over-policed?

I neither agree nor disagree that An Garda Síochána is over policed. Rather the structures put in place at operational level. Far too much accountability at some levels in the force

It has become more about covering yourself rather than the investigation itself. The fact every complaint of a frivolous nature is investigated with no repercussions for the person making the false complaints

Accountability has been taken to the extreme where it now interferes too much with carrying out our duties effectively

I have no issues with being accountable but I feel that if I am being investigated by GSOC I will not be treated fairly. We are not being over policed. We are not being policed correctly

Too accountable

Because of what goes on at grass roots on a daily basis – neglect duty, laziness, avoidance of work

It’s not over policed. Such an organisation with a huge number of employees has to be under the watchdog cameras

Every decision scrutinised and Gardaí afraid to make decisions

I think they are not over-policed but need some backbone from higher ranks

No matter what a member does it is possible for members of the public to make complaint to GSOC in order to frustrate process and they do not have to worry about prosecution for false complaint

It is over policed due to the volume of paperwork which applies to the complaints investigated by the Ombudsman. Example: Complaint made by a prisoner that her shoes were removed when she was placed in the cell. Full investigation by Ombudsman. Statements provided, interviews commenced. All this for a complaint that was going nowhere
APPENDIX O:
Sample Additional Quotes re: Question 41

Is there any suggestions/recommendations you can make to improve the operation of Garda Síochána Ombudsman Commission?

Gardaí should know the identity of the person making complaint. More accountability of management ranks, senior ranks

1. GSOC handle all complaints, 2. GSOC appear to have an over-reliance on the media and the persecution of Garda members through it, 3. Investigate the complaint and prosecute if appropriate. It seems to get a Garda to court id the main priority to boost figures for the end of year report

Make GSOC more accountable and transparent and open to scrutiny. Deal swiftly and promptly with complaints instead of matters dragging on for months/years. Be more active in seeking out evidence of wrongdoing. Stop leaking info to the media
Prosecute persons who make vexatious complaints

Should investigate matters themselves instead of AGS inspectors etc.

More investigation into false complaints. Punishment for complainants who suddenly withdraw complaints or refuse to cooperate. The knock on effects on Gardaí who are recipients of false complaints can be drastic

Can’t really say they investigate complaints, but there media coverage could be handled better

Need to be better communication between GSOC and AGS in relation to complaints. Too easy for people to make GSOC complaints whether true or false and if false there are no consequences for them

They need to be disbanded and an independent authority set up also

Be more impartial

1. Fairness, or be seen to be fair
2. Prosecution for vexatious complaints
3. Accountability for there actions/complaints system
4. Less media announcements

Get rid of the sense of entitlement that is portrayed by them
More transparency. Tell Guards what they are being investigated for
Prosecute false complaints